



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 3

#### ENFORCEMENT

##### *Powers of immigration officers etc*

#### **55 Supply of information to Secretary of State**

- (1) Section 20 of the Immigration and Asylum Act 1999 (supply of information to Secretary of State) is amended in accordance with subsections (2) to (10).
- (2) For the heading substitute “ Power to supply information etc to Secretary of State ”.
- (3) In subsection (1) for paragraphs (a) to (f) substitute—
  - “(a) a public authority, or
  - (b) any specified person, for purposes specified in relation to that person.”
- (4) In subsection (1A) in each of paragraphs (a) and (b) for “a person listed in subsection (1) or someone acting on his behalf” substitute “ a public authority or someone acting on behalf of a public authority ”.
- (5) After subsection (1A) insert—

“(1B) This section does not apply to—

  - (a) information which is held by the Crown Prosecution Service, or
  - (b) a document or article which comes into the possession of, or is discovered by, the Crown Prosecution Service, or someone acting on behalf of the Crown Prosecution Service,

if section 40 of the UK Borders Act 2007 applies to the information, document or article.”
- (6) After subsection (2A) insert—

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“(2B) Subsection (2A)(a) does not affect any other power of the Secretary of State to retain a document or article.”

(7) In subsection (3) after paragraph (d) insert—

“(da) anything else that is done in connection with the exercise of a function under any of the Immigration Acts;”.

(8) After subsection (3) insert—

“(3A) Public authority” means a person with functions of a public nature but does not include—

- (a) Her Majesty's Revenue and Customs,
- (b) either House of Parliament or a person exercising functions in connection with proceedings in Parliament,
- (c) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
- (d) the National Assembly for Wales or a person exercising functions in connection with proceedings in that Assembly, or
- (e) the Northern Ireland Assembly or a person exercising functions in connection with proceedings in that Assembly.”

(9) Omit subsection (4).

(10) After subsection (6) insert—

“(7) Nothing in this section authorises information, a document or an article to be supplied if to do so would contravene a restriction on the disclosure of information (however imposed).”

(11) After section 20 of the Immigration and Asylum Act 1999 insert—

**“20A Duty to supply nationality documents to Secretary of State**

- (1) This section applies to a nationality document which the Secretary of State has reasonable grounds for believing is lawfully in the possession of a person listed in Schedule A1.
- (2) The Secretary of State may direct the person to supply the document to the Secretary of State if the Secretary of State suspects that—
  - (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
  - (b) the document may facilitate the removal.
- (3) A person to whom a direction is given must, as soon as is practicable, supply the document to the Secretary of State.
- (4) If the document was originally created in hard copy form and the person possesses the original document, it must be supplied to the Secretary of State unless it is required by the person for the performance of any of the person's functions.
- (5) If the original document is required by the person for the performance of any of the person's functions—

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- (a) the person must, as soon as is practicable, supply a copy of the document to the Secretary of State, and
  - (b) if subsequently the person no longer requires the original document, the person must supply it to the Secretary of State as soon as is practicable after it is no longer required.
- (6) Subsection (5)(b) does not apply if the Secretary of State notifies the person that the original document is no longer required.
- (7) If subsection (5) applies the person may make a copy of the original document before supplying it to the Secretary of State.
- (8) The Secretary of State may retain a nationality document supplied under this section while the Secretary of State suspects that—
  - (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
  - (b) retention of the document may facilitate the removal.
- (9) Subsection (8) does not affect any other power of the Secretary of State to retain a document.
- (10) The Secretary of State may dispose of a nationality document supplied under this section in such manner as the Secretary of State thinks appropriate.
- (11) Nothing in this section authorises or requires a document to be supplied if to do so would contravene a restriction on the disclosure of information (however imposed).
- (12) The Secretary of State may by regulations amend Schedule A1 so as to add, modify or remove a reference to a person or description of person.
- (13) Regulations under subsection (12) may not amend Schedule A1 so as to apply this section to—
  - (a) either House of Parliament or a person exercising functions in connection with proceedings in Parliament,
  - (b) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
  - (c) the National Assembly for Wales or a person exercising functions in connection with proceedings in that Assembly, or
  - (d) the Northern Ireland Assembly or a person exercising functions in connection with proceedings in that Assembly.
- (14) In this section “nationality document” means a document which might—
  - (a) establish a person's identity, nationality or citizenship, or
  - (b) indicate the place from which a person has travelled to the United Kingdom or to which a person is proposing to go.”
- (12) In section 166 of the Immigration and Asylum Act 1999 (regulations and orders)—
  - (a) after subsection (5) insert—

“(5A) No regulations under section 20A(12) which amend Schedule A1 so as to—

    - (a) add a reference to a person or description of person, or

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- (b) modify a reference to a person or description of person otherwise than in consequence of a change of name or transfer of functions,
- are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”, and
- (b) in subsection (6), before the “or” at the end of paragraph (a) insert—
- “(ab) under section 20A(12) and which falls within subsection (5A),”.
- (13) Before Schedule 1 to the Immigration and Asylum Act 1999 insert the Schedule A1 set out in Schedule 9.

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**Commencement Information**

**II** [S. 55](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(h\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)