



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## 2004 CHAPTER 19

### *Enforcement powers*

#### **14 Immigration officer: power of arrest**

- (1) Where an immigration officer in the course of exercising a function under the Immigration Acts forms a reasonable suspicion that a person has committed or attempted to commit an offence listed in subsection (2), he may arrest the person without warrant.
- (2) Those offences are—
  - (a) the offence of conspiracy at common law (in relation to conspiracy to defraud),
  - (b) at common law in Scotland, any of the following offences—
    - (i) fraud,
    - (ii) conspiracy to defraud,
    - (iii) uttering and fraud,
    - <sup>F1</sup>(iv) .....
    - (v) theft, and
    - (vi) reset,
  - <sup>F2</sup>(ba) an offence under section 24(A1) of the Marriage (Scotland) Act 1977 (c.15) (offences) , ]
  - (c) an offence under section 57 of the Offences against the Person Act 1861 (c. 100) (bigamy),
  - (d) an offence under section 3 or 4 of the Perjury Act 1911 (c. 6) (false statements),
  - (e) an offence under section 7 of that Act (aiding, abetting &c.) if it relates to an offence under section 3 or 4 of that Act,
  - (f) an offence under section 53 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) (knowingly giving false information to district registrar, &c.),

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- (g) an offence under any of the following provisions of the Theft Act 1968 (c. 60)—
- (i) section 1 (theft),
  - <sup>F3</sup>(ii) .....
  - <sup>F4</sup>(iii) .....
  - (iv) section 17 (false accounting), and
  - (v) section 22 (handling stolen goods),
- (h) an offence under section 1, <sup>F5</sup>..., 17 or 21 of the Theft Act (Northern Ireland) 1969 (c. 16) (N.I.),
- [<sup>F6</sup>(ha) an offence under either of the following provisions of the Fraud Act 2006—
- (i) section 1 (fraud);
  - (ii) section 11 (obtaining services dishonestly),]

<sup>F7</sup>(i) .....

<sup>F8</sup>(j) .....

(k) an offence under Article 8 or 9 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)),

(l) an offence under Article 12 of that Order if it relates to an offence under Article 8 or 9 of that Order,

(m) an offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—

    - (i) section 1 (forgery),
    - (ii) section 2 (copying false instrument),
    - (iii) section 3 (using false instrument),
    - (iv) section 4 (using copy of false instrument), and
    - (v) section 5(1) and (3) (false documents),

<sup>F9F10F11</sup>(n) .....

<sup>F12</sup>(o) .....

<sup>F9F10F11</sup>(p) .....

[<sup>F13</sup>(q) an offence under any of sections 4 to 6 of the Identity Documents Act 2010.]

[<sup>F14</sup>(r) an offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015]

[<sup>F15</sup>(r) an offence under section 2 of the Modern Slavery Act 2015.]

[<sup>F16</sup>(r) an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).]

(3) The following provisions of the Immigration Act 1971 (c. 77) shall have effect for the purpose of making, or in connection with, an arrest under this section as they have effect for the purpose of making, or in connection with, arrests for offences under that Act—

    - (a) section 28C (entry and search before arrest),
    - (b) sections 28E and 28F (entry and search after arrest),
    - (c) sections 28G and 28H (search of arrested person), and
    - (d) section 28I (seized material).

(4) In section 19D(5)(a) of the Race Relations Act 1976 (c. 74) (permitted discrimination)

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- (a) for “(within the meaning of section 158 of the Nationality, Immigration and Asylum Act 2002)” substitute “ (within the meaning of section 44 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004) ”, and
- (b) at the end add “and excluding section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004”.

#### Textual Amendments

- F1** S. 14(2)(b)(iv) omitted (16.12.2014) by virtue of [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), [Sch. 5 para. 16\(a\)](#)
- F2** S. 14(2)(ba) inserted (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), [Sch. 5 para. 16\(b\)](#)
- F3** S. 14(2)(g)(ii) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 35\(1\)](#), [3](#) (with [Sch. 2 para. 11](#)); [S.I. 2006/3200](#), art. 2
- F4** S. 14(2)(g)(iii) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 35\(1\)](#), [3](#) (with [Sch. 2 para. 11](#)); [S.I. 2006/3200](#), art. 2
- F5** Words in s. 14(2)(h) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 35\(1\)](#), [3](#) (with [Sch. 2 para. 11](#)); [S.I. 2006/3200](#), art. 2
- F6** S. 14(2)(ha) inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 35\(2\)](#) (with [Sch. 2 para. 11](#)); [S.I. 2006/3200](#), art. 2
- F7** S. 14(2)(i) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 35\(1\)](#), [3](#) (with [Sch. 2 para. 11](#)); [S.I. 2006/3200](#), art. 2
- F8** S. 14(2)(j) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 35\(1\)](#), [3](#) (with [Sch. 2 para. 11](#)); [S.I. 2006/3200](#), art. 2
- F9** S. 14(2)(n)(p) repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)
- F10** S. 14(2)(n)(p) omitted (E.W.) (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 6\(4\)\(a\)](#); [S.I. 2015/1476](#), [reg. 2\(j\)](#) (with [reg. 3](#))
- F11** S. 14(2)(n)(p) omitted (S.) (17.12.2016) by virtue of [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1031\)](#), art. 1(1), [Sch. para. 2\(a\)](#) (with [art. 4\(2\)](#))
- F12** S. 14(2)(o) omitted (17.12.2016) by virtue of [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1031\)](#), art. 1(1), [Sch. para. 2\(b\)](#) (with [art. 4\(3\)](#))
- F13** S. 14(2)(q) substituted (21.1.2011) by [Identity Documents Act 2010 \(c. 40\)](#), s. 14(2), [Sch. para. 18](#)
- F14** S. 14(2)(r) inserted (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 4 para. 6](#)
- F15** S. 14(2)(r) inserted (E.W.) (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 6\(4\)\(b\)](#); [S.I. 2015/1476](#), [reg. 2\(j\)](#)
- F16** S. 14(2)(r) inserted (S.) (17.12.2016) by [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1031\)](#), art. 1(1), [Sch. para. 2\(d\)](#) (with [art. 4\(2\)](#))

#### Commencement Information

- I1** S. 14 in force at 1.12.2004 by [S.I. 2004/2999](#), art. 2, [Sch.](#)

**Changes to legislation:**

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**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. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)