



Immigration Act 2016

2016 CHAPTER 19

PART 3

ENFORCEMENT

Powers of immigration officers etc

51 Search for nationality documents by detainee custody officers etc

- (1) The Secretary of State may direct a detainee custody officer, prison officer or prisoner custody officer to exercise any of the powers in subsection (6) in relation to—
 - (a) a detained person who is detained in a removal centre, prison or young offender institution, or
 - (b) a person who is detained in a short-term holding facility.
- (2) The Secretary of State may direct a prison officer or prisoner custody officer to exercise any of the powers in subsection (6) in relation to a person detained in a prison or young offender institution—
 - (a) who has been recommended for deportation by a court under section 3(6) of the Immigration Act 1971,
 - (b) in respect of whom the Secretary of State has made a deportation order under section 5(1) of that Act,
 - (c) to whom a notice has been given in accordance with regulations under section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision) of a decision to make a deportation order against that person, or
 - (d) in respect of whom the Secretary of State must make, or has made, a deportation order under section 32(5) of the UK Borders Act 2007.
- (3) In this section and section 52 “relevant officer” means a detainee custody officer, prison officer or prisoner custody officer.
- (4) The Secretary of State may give a direction in relation to a person detained as mentioned in subsection (1) or (2) only if the Secretary of State has reasonable grounds

Changes to legislation: Immigration Act 2016, Section 51 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- to believe a relevant nationality document will be found if a power in subsection (6) is exercised in relation to the person.
- (5) A relevant officer to whom a direction is given under subsection (1) or (2) must (if able to do so) comply with it.
- (6) The powers referred to in subsections (1), (2) and (4) are—
- (a) to require the person to hand over to the relevant officer all relevant nationality documents in his or her possession,
 - (b) to search for such documents and to take possession of any that the relevant officer finds,
 - (c) to inspect any relevant nationality documents obtained in the course of the exercise of a power in paragraph (a) or (b), and
 - (d) to seize and retain any such documents so obtained.
- (7) The power in subsection (6)(b) is a power to search any of the following—
- (a) the person;
 - (b) anything the person has with him or her;
 - (c) the person's accommodation in the removal centre, short-term holding facility, prison or young offender institution;
 - (d) any item of the person's property in the removal centre, short-term holding facility, prison or young offender institution.
- (8) A full search may be carried out under subsection (7)(a); but such a search may not be carried out in the presence of—
- (a) another person detained as mentioned in subsection (1) or (2), or
 - (b) a person of the opposite sex.
- (9) An intimate search may not be carried out under subsection (7)(a).
- (10) A relevant officer may if necessary use reasonable force for the purposes of exercising a power in subsection (6)(a) or (b).
- (11) A relevant officer must pass a relevant nationality document seized and retained under subsection (6)(d) to the Secretary of State as soon as is reasonably practicable.
- (12) The Secretary of State may retain a relevant nationality document which comes into the Secretary of State's possession under subsection (11) 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.
- (13) If subsection (12) does not apply to a document which comes into the Secretary of State's possession under this section, the Secretary of State may—
- (a) arrange for the document to be returned in accordance with subsection (14), or
 - (b) if the Secretary of State thinks that it would not be appropriate to return the document, dispose of the document in such manner as the Secretary of State thinks appropriate.
- (14) A document which is required to be returned in accordance with this subsection must be returned to—
- (a) the person who was previously in possession of it, or

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- (b) if it was not found in the possession of a person, the location in which it was found.
- (15) In this section and section 52—
- “full search” means a search which involves the removal of an item of clothing which—
 - (a) is being worn wholly or partly on the trunk, and
 - (b) is being so worn either next to the skin or next to an article of underwear;
 - “intimate search” means a search which consists of a physical examination of a person's body orifices other than the mouth;
 - “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.
- (16) For the purposes of this section and section 52 a nationality document is “relevant” if it relates to a person who is liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts.
- (17) In this section the following expressions have the same meaning as in Part 8 of the Immigration and Asylum Act 1999 (see section 147)—
- “detained person”;
 - “detainee custody officer”;
 - “prisoner custody officer”;
 - “removal centre”;
 - “short-term holding facility”.

Commencement Information

II S. 51 in force at 12.7.2016 by S.I. 2016/603, reg. 3(g)

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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\(4\)](#)