



Home Office

Search and seizure

Version 5.0

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About this guidance

This guidance tells Immigration Officers (IOs) about the powers they have to search premises, people and seize material.

IOs have a number of different powers available to them, however this guidance focuses predominantly on using administrative powers under schedule 2 to the Immigration Act 1971. This guidance will also set out other powers that may be used in criminal investigations.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Enforcement Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **5.0**
- published for Home Office staff on **25 April 2025**

Changes from last version of this guidance

- restructured for improved flow
- clarification of 'fully informed consent' in respect of premises searches
- clarification of the reasonable grounds test for search of person under paragraph 25B and extra detail in respect of search of person under paragraph 25C of schedule 2 IA71
- addition of details in respect of entry and search of premises under paragraphs 25A, 25A(6A) and 15A of schedule 2 IA71 and section 47 IA16
- new guidance on [examination and seizure of electronic media](#)
- updated in line with introduction of PRONTO-enabled mobile phones
- detail on seizure and handling of cash replaced with link to main CFI guidance
- general housekeeping amendments

Related content

[Contents](#)

General overview

This page tells IOs about the general scope of their powers to search people and premises, and to seize material.

For an overview of coercive administrative and criminal powers, including search powers, see [Administrative and criminal powers \(IE\)](#).

Who can use the powers?

Only arrest trained IOs can arrest suspected offenders and use associated powers of search.

What are the powers?

Search and search and seizure powers enable IOs to:

- search a person and seize items found on that person
- search a property and seize items found in that property

There are 2 types of power that IOs can use:

Administrative powers

These enable IOs to arrest, detain, search and seize material from suspected immigration offenders for the purpose of removing them from the UK. These powers are exercised under Schedule 2 of the 1971 Immigration Act.

Criminal powers

These enable IOs to arrest, detain, search and seize material from suspected immigration offenders for the purpose of investigating that person for a criminal immigration offence. IOs must only use criminal powers when there is an intention to prosecute an individual. These are generally exercised under Part III Immigration Act 197 or Part II PACE 1984.

When investigating a potential offence of illegal entry to the UK, and general breaches of immigration conditions of stay, IOs will use administrative powers of detention, arrest and search, except where otherwise described.

General principles

The power to search people or their property is an interference with a person's right to respect for their private and family life, their home and their correspondence under [article 8 of the European Convention on Human Rights](#). It is also an interference with a person's peaceful enjoyment of their possessions under [Article 1 of Protocol 1](#).

Article 8 permits the interference by a public authority with the exercise of this right:

‘..such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.’

Article 1 of Protocol 1 permits deprivation of possessions where it is:

‘...in the public interest and subject to the conditions provided for by law and the general principles of international law.’

Consequently, inappropriate use of such powers can result in judicial review. You must therefore familiarise yourself with the appropriate threshold for using the powers of arrest, detention, search, seizure or use of force proposed to be undertaken as detailed in the sections below.

Powers must be exercised **only** when the appropriate threshold is met and must be fully recorded and justifiable in the specific circumstances at hand. IOs must not take a blanket approach to using powers. Each suspected offender and their unique circumstances must be properly considered before any powers are used.

Premises

A premises is defined as any property or building, whether residential or business, which an IO seeks to enter or search under the immigration acts. Section 28L of the Immigration Act 1971 notes that ‘Premises’ has the same meaning as in the Police and Criminal Evidence Act 1981.

In England and Wales, [section 23 of Police and Criminal Evidence Act 1984 \(PACE\)](#) defines premises as any place within the natural meaning of the word and, in particular, includes any:

- vehicle, vessel, aircraft or hovercraft
- offshore installation
- renewable energy installation
- tent or movable structure

Premises **does not** include a beach or public street.

You, the IO, must be lawfully on the premises upon execution of a search power.

This can either be through:

- following a lawful arrest, an officer may enter and search any premises occupied or controlled by the arrested person, or property in which the person was arrested, or property they were in immediately before they were arrested
- executing a warrant or using a statutory power of entry, see: Warrants: procurement and use
- [fully informed consent](#) of the suspected offender, where the person has consented to you searching the property

Reasonable grounds

In the case of searches for evidence and documents, you must have reasonable grounds for believing that the item or information you are seeking is on the premises or concealed on the person, whether this is through intelligence, something said to an officer or a belief that the item would reasonably be held at the property. This cannot just be suspicion; it must be capable of being justified on reasonable (objective) grounds. In the case of a search of person for a relevant document, you must have reasonable grounds for believing that the person has the item concealed on them.

Legal Professional Privilege

Documents subject to legal professional privilege (LPP), for example communications between a professional legal adviser and client, are exempt from search powers and **cannot be seized**. There are strict rules around the protection of LPP, and any breaches of those rules may result in serious consequences.

Items capable of being subject to legal professional privilege are contained in [section 10 of Police and Criminal Evidence Act 1984 \(PACE\)](#) (or equivalent legislation in Scotland and Northern Ireland) and includes:

- confidential communications between a professional legal adviser and their client, or any person representing their client, made in connection with the giving of legal advice to the client (this includes instructions from the client) - this is often referred to as 'Legal Advice Privilege'
- confidential communications between a professional legal adviser and their client, or any person representing their client, made in connection with or in contemplation of legal proceedings - this is often referred to as 'Litigation Privilege' and can also include confidential communications with third parties where the dominant purpose of the communication is in the context of litigation.
- items, which are enclosed with, or referred to, in the communications set out above

It should be noted however, that officers should not attempt to make a determination of whether or not an item is subject to LPP. If an item appears to be privileged (in that it looks like a solicitor's letter), or an individual asserts that an item is subject to privilege, officers should not attempt to read or seize the document.

Where evidence is seized and material has been identified as potentially containing LPP, it must be isolated and reviewed by a lawyer independent of the investigating or prosecuting authority. No member of the investigative or prosecution team involved in either the current investigation or, if the LPP material relates to other criminal proceedings, in those proceedings, should have sight of or access to the LPP material. Strict rules apply to the search and sift of digital material which may contain LPP material and are set out in the [Attorney General's Guidelines on Disclosure](#), Annex A, paras 26 – 60.

Consent

Fully informed consent

Where you are **not executing a statutory power** of entry or search, or search of the person, you will need to obtain consent from the person you are intending to search, or the person who owns or is responsible for the premises in question before searching. You must fully explain:

- why you want to conduct the search
- what or who you are searching for
- the extent of the proposed search
- what you will do if the item or person is found
- that the person does not have to give their consent
- that the person can withdraw their consent at any time after it has been given
- that officers will immediately cease their search and leave the premises if consent is subsequently withdrawn

You must ask the person if they understand what has been said and that they agree to you entering.

You must note the entry by fully informed consent on the Notice to Occupier (NTO) and request them to sign it to that effect. Give them the NTO once complete and explain they should keep it as their record of your visit. The Notice to occupier (NTO with compliant) template is available on the MBG platform.

If the person gives verbal consent but is unwilling to sign, this should be witnessed by a second IO in the 'police reporting and notebook organiser' (PRONTO) application on your digital pocket notebook (DPNB) and tick the relevant boxes on the 'power of entry' screen on PRONTO.

Record the entry by fully informed by ticking the 'informed consent' on the 'power of entry' screen on PRONTO. You can also ask the person to sign PRONTO, but the NTO is the key item to be signed.

For more detail, see also Enforcement visits 'Definition of informed consent'.

Extent of search

Any search of people (for evidence or specific items) or premises (for people, evidence or specific items) must be restricted to the extent necessary to achieve the objective of the search. Searches must be conducted with due consideration for the property and privacy of the detained person or occupier and with no more disturbance than is necessary. A search must not continue once the objective of the search is achieved, or you are satisfied that the person, evidence or items sought are not on the premises. As with all searches, it must be terminated when the item(s) have been found. Officers need to be reasonable and realistic about where they may find the person or items they are seeking. For instance, it is not reasonable to damage or dismantle objects when a document you may be searching for is more

likely to be simply contained within a bag or drawer, or to search within drawers when you are looking for a person.

If the occupier wishes to ask a friend, neighbour or other person to witness the search of premises, then you must allow them to do so, with the understanding that they must not interfere with or obstruct the search.

The Immigration Act 1971 (as amended) stipulates that the power may be exercised only to the extent that it is reasonably required for that purpose, and only if the officer has reasonable grounds (see Definitions in Immigration enforcement powers) for suspecting that the person whom they are seeking is on the premises.

Where premises consist of 2 or more separate dwellings, the power is limited to entering and searching those parts of the premises which the occupiers use in common and any such dwelling in which the officer has reasonable grounds for believing that the person whom they are seeking may be.

Seizure and retention

Each search power will also have relevant connected power of seizure and retention. These 2 powers are entirely separate.

‘Seizure’ allows you to take an item into your possession that you have found either on the person or the premises you are searching. What you are legally allowed to seize will usually correlate with the power that allows you to search. You must be sure you have the power to seize an item before taking it.

‘Retention’ is the power to keep hold of the item you have taken. A power to retain will usually determine how long you may keep something. Again, you must be sure you have the appropriate power to keep an item you have taken.

Relevant documents

Under paragraph 25A of Schedule 2 to the 1971 Act, ‘Relevant documents’ are defined in [paragraph 25A\(9\) of schedule 2 to the Immigration Act 1971](#) as documents showing:

- the individual’s identity, nationality or citizenship
- the place from which the individual travelled to the UK or a place to which the individual is proposing to go from the UK

Under paragraph 25A(7), you may seize any documents you have reasonable grounds for believing are ‘relevant documents’, provided they are not subject to LPP.

In terms of how long you may legally keep any documents, you may retain any documents seized as long as you have reasonable grounds for believing that the arrested person may be liable to removal from the UK in accordance with a provision of the Immigration Acts and the document may facilitate the persons removal.

See also: Retention of valuable documents

Recording seized evidence

The handling of evidence must be recorded in detail at every stage:

- all seized property must be recorded in your PNB or DPNB
- any property seized is sealed in a tamper evident bag
- when back at the office all seized evidence to be entered onto a property control register

Handling of seized items

Failure to follow correct procedures for handling and storing property may have serious consequences. The Home Office may suffer claims for compensation for lost or damaged property, any criminal proceedings may fail, and you may personally face allegations of theft or mishandling evidence.

Items that have been seized in connection with criminal immigration offences must be transferred to Criminal and Financial Investigations (CFI) as soon as possible, logged, and stored under their procedures.

Immigration Compliance and Enforcement (ICE) teams must record details of seized items in a 'property control register'. The property officer will then record on an electronic 'property tracker' which will provide an audit trail of when the property was seized and released. Hard copies of Immigration Enforcement property control registers are available to order on Metis: Basware catalogue.

In most cases, items seized by ICE teams will be held in a secure 'property store' (PTS) for a short period in order that the evidence can be transferred to a relevant agency to consider prosecution. Each ICE office must:

- designate a property store officer and, where possible, a deputy
- provide for a secure, lockable cupboard or safe whose sole purpose is the storage of seized items and whose access is restricted to the property officer and ICE officers

Keys for this temporary store must be kept in a key safe and access must be recorded in a log which will be controlled by the property officer.

The deposit of any item for the property store must be notified to the property store officer (PO) (or deputy) as soon as possible. Where the PO is unavailable, for instance, following an out of hours visit, you must complete the property tracker at the same time the item is deposited, record and email the PO.

Evidence retained in the ICE team property store may only be retained for a maximum of 24 hours, or 48 hours over the weekend (or until the next working day if a public holiday). You must only use a property store to hold property that is:

- criminal property, for example, items an offender has purchased using money from criminal activity
- evidence to be used as an exhibit in a criminal case
- unused material seized as part of your investigation, for example, correspondence or documents which are not actually evidence

You must not use the property store for items unconnected with a criminal investigation.

Search officer: identification

Unless you have already identified yourself and recorded the fact, you must identify yourself to the person being searched, or the person who controls the premises to be searched, before commencing the search.

Search officer: gender

A search of a person using administrative powers must, where practical, be conducted by an officer of the same sex as the person to be searched. Some search powers, such as searching a person in police custody, stipulate that the search must be conducted by a search officer of the same sex and these instances are noted in this section of guidance as appropriate.

See also [Safeguarding dignity during personal searches](#).

Searches out of area

In some cases, searches may relate to premises located in the jurisdiction of another Immigration Compliance and Enforcement (ICE) team. In these circumstances, the enforcement team leading the search must comply with relevant pre-search checks, procedures and processes that apply in the local area where the premises are situated.

It is possible for one enforcement team to carry out a search in their local area on behalf of another enforcement team. In these circumstances, as a matter of policy, the authorisation for the search must come from within the enforcement team carrying out, rather than requesting, the search.

Related content

[Contents](#)

Searching people using administrative powers

This page tells IOs what their powers are to search people, and how to conduct a person search using administrative powers under Schedule 2 to the Immigration Act 1971.

See also: [Search and seizure: general overview](#).

On this page:

[Searching arrested persons: paragraph 25B of schedule 2](#)

[Search of people in a police station: arrest under paragraph 25C, schedule 2 to the Immigration Act 1971](#)

[Carrying out a person search: conducting the search](#)

[Safeguarding dignity during personal searches](#)

[Recording a person search](#)

Searching arrested persons: paragraph 25B of schedule 2 to the Immigration Act 1971

In respect of a search conducted under any of the three grounds, you must not search for, seize or take away any documents which may be [subject to legal privilege](#).

During the course of a search, no clothing may be removed in public other than an outer coat, jacket or glove. However, a search may be made of the person's mouth, see [Intimate searches](#).

Three grounds for person search

[Paragraph 25B of schedule 2 to the Immigration Act 1971](#) allows an IO to search a person who has been arrested under Schedule 2 where there are [reasonable grounds](#) for believing:

- that the arrested person may present a danger to themselves or others (paragraph 25B(2))
- that the arrested person may have things concealed on them which they might use to assist their escape from lawful custody (paragraph 25B(3)(a))
- that the arrested person has concealed about their person documents which might:
 - establish their identity, nationality or citizenship
 - indicate the place from which they have travelled to the UK or to which they are proposing to go (a 'relevant document') (paragraph 25B(3)(b))

An IO searching an arrested person under paragraph 25B(2) needs to reasonably believe that the arrested person may present a danger to themselves or other

people. The IO may only seize and retain items found if they have [reasonable grounds](#) for believing that the person searched might use the item to cause physical injury to themselves or to another person.

An IO searching an arrested person under paragraph 25B(3)(a) or (b) needs to have [reasonable grounds](#) to believe that such a concealed item exists, and the search may only be carried out to the extent reasonably required to discover that item. The IO conducting the search must record why they reasonably believe such items to be concealed on the person.

An IO searching an arrested person under paragraph 25B(3)(a) may seize anything they find if they have [reasonable grounds](#) for believing that they might use such things to assist their escape from lawful custody.

An IO searching an arrested person under paragraph 25B(3)(b) may seize and retain anything he finds, other than an item [subject to LPP](#), if he has reasonable grounds for believing that it might be a relevant document.

Where an IO has [reasonable grounds](#) for believing a relevant document is stored in any electronic form on a device or medium found on the person, the IO may require the document to be produced in a coherent form in which it can be taken away, or from which it can readily be produced in a visible and legible form.

If such a requirement is not complied with, or the document cannot be produced in such a form, the officer may seize the device or medium on which it is stored.

See also [Searching premises in connection with imposition of a civil penalty: Section 47 Immigration Act 2016](#) for practical options for taking away or transferring a copy to a Home Office email address.

See also [Examination of documents on, and seizure of electronic media](#)

You must not seize items that do not fall into the above three categories. It follows that any item found during a paragraph 25B search that:

- cannot cause harm
- cannot aid escape
- or is not a relevant document

must **not** be retained, even temporarily.

Nothing seized in respect of a search under paragraph 25B(2) and 25B(3)(a) can be retained for longer than the offender is in custody or after they are granted bail.

Search of people in a police station: search following arrest under paragraph 25C, schedule 2 to the Immigration Act 1971

[Paragraph 25C of Schedule 2 to the Immigration Act 1971](#) applies where a person has been arrested under Schedule 2 and is in custody at a police station. It allows an IO, who must be of the same sex as the arrested person, to search the arrested person in order to establish whether they are carrying:

- anything which they might use to cause injury to themselves or others, damage property, interfere with evidence or assist their escape
- any document which might establish their identity, nationality or citizenship or indicate the place from which they travelled to the UK or to which they are proposing to go – a relevant document

This power may be exercised only to the extent that the officer considers it to be necessary for the purpose of discovering anything of a kind mentioned in sub-paragraph (2).

An officer searching a person under this paragraph may seize and retain anything they find, if they have [reasonable grounds](#) for believing that:

- the person might use it to cause physical injury, damage property, interfere with evidence, assist escaper
- it is a document which might establish identity, nationality or citizenship or shows where the person has travelled from or where he is going to (a relevant document)

The officer may not retain anything seized under paragraph 25C(2) for longer than is necessary in view of the purpose for which the search was carried out; or when the person from whom it was seized is no longer in custody or is in the custody of a court but has been released on bail.

The person from whom something is seized must be told the reason for the seizure unless they are violent, appear likely to become violent, or they are incapable of understanding what is said to them.

An intimate search cannot be conducted under this paragraph.

See: [Intimate searches](#).

Carrying out a person search: conducting the search

You must read this in conjunction with guidance on arrest and restraint where you conduct a search using force, for instance where the person is in a prone restraint position.

Standards you must meet when searching people

You must:

- always consider the individual circumstances of each case and determine whether the legal test for allowing you to search the person has been met
- never apply a 'blanket policy' to using search, seizure or retention powers
- identify yourself to the person to be searched
- seek the cooperation of the person to be searched in every case
- if the person to be searched does not appear to understand what is being said, or there is any doubt about their ability to understand English, use a Home Office approved interpreter to explain the reason for the search
- restrict any search carried out in a public place to a superficial examination of outer clothing
- if the arrested person is transgender, ask which gender they would prefer to be treated as

Before the search

Make sure you know what:

- your justification is for conducting the search, which you must record in your pocket notebook (PNB) or PRONTO (police reporting and notebook organiser) application of your digital pocket notebook (DPNB)
- power of search you are using
- you want to achieve from the search, for example whether you are searching:
 - for items that could cause harm
 - evidence of an offence
 - relevant documents

You must only search someone if it is safe to, and you have the person under control.

If this is not possible, for example, if they are aggressive, you can take the person to a short-term holding facility (STHF) or straight to a police station if an STHF is not available. You or a custody officer can then search them there. If you do this, you must make the custody officer aware the detained person has not yet been searched and why.

Starting the search

If you have handcuffed the person, you must always search pockets and areas near their hands before you start the [quadrant search](#). For example, their:

- belt line and back pockets if you have handcuffed to the back
- belt line and pockets if you have handcuffed to the front.

Conduct a visual examination first to see if anything looks out of place and might indicate something may be hidden.

Be aware of body language. An offender may pat, hold or cover a body area where they have hidden something.

During the search

You must:

- explain what you are going to do
- ask the person if they have anything on them, for example, anything dangerous
- make sure the person you are searching is under control at all times, which includes using force or handcuffing them if necessary (see below)
- always wear suitable gloves
- seize any evidence you find correctly, for more information, see:
 - Evidence
 - Tamper evident bags
- be aware of potential risks such as sharp items or risk of infection through broken skin and be prepared for them, for example, by wearing gloves
- continually assess the risks while you are carrying out the search
- think about your positioning, and work with a cover officer watching you
- always search the way you have been taught.

Using reasonable force and handcuffs

Under s.146 Immigration and Asylum Act 1999, IOs may use reasonable force when exercising any power conferred by the Immigration Acts. This includes the use of handcuffs. When exercising the power to use reasonable force, it must be

- proportionate
- reasonable
- necessary

in the specific circumstances to be lawful.

Any use of force must be fully recorded and auditable with reasons why the use of force was necessary, setting out the circumstances of your matter and why you felt all three limbs of the test above were met in the case at hand.

Searching the groin area

Do not be afraid to search the groin area. A person may hide something here because they know it is an area officers may not feel comfortable searching.

Always tell the person where you are putting your hands before you actually put them there, so the person knows what to expect. You may wish to search these sensitive areas using the back of your hand.

Finishing the search

You must tell the person you are searching:

- when you have finished the search
- what you have seized
- why you have seized it

To remove gloves safely you must:

- minimise contact with the outside of the glove by:
 - hooking the thumb of one hand into the glove of the other hand and pulling the glove away from the wrist which turns the glove inside out, and then
 - use the inside out glove to remove the other glove
- dispose of the gloves safely

For further details, including the standard of search gloves that must be worn, see:

- Enforcement visits: safety and personal protection
- SSoW 01 Operational arrest activities

Detailed guidance on deciding whether or not to use handcuffs can be found in Use of Force.

Maintaining control while searching a person

This section gives practical advice for keeping control when you are searching somebody.

Positioning and balance

It is important that you:

- maintain your balance
- position yourself to your advantage, and
- position the person you are searching to their disadvantage.

Position yourself slightly behind the person you are going to search (in the '4 o'clock' or '8 o'clock' position depending on which side you are standing).

Stand in the 'ready' position with your weaker leg forward and your weight evenly distributed. This is a stable position from which you can more easily control the person you are searching or retreat from if necessary.

This:

- allows you to search from an outside position which puts you outside the fighting arc (the distance in which the person you are searching can attack you)
- prevents the person being searched from seeing what you are doing
- helps to prevent them attacking you
- gives you protection to your groin area
- puts your back leg in the 'loaded' position ready for unarmed skills if you need to use them, for example, a knee strike

You can keep the person you are searching off balance by asking them to stand in a way that means that their hip is not in line with their feet (which is a stable position). For example, you could ask them to lean forward slightly and look away from you.

Maintaining control

You can control the person you are searching by:

- positioning yourself to your advantage and working with other officers (psychological dominance)
- using your communication skills
- keeping them off balance
- preventing them from moving, for example:
 - if you have restrained them

You must only use the techniques you have been taught.

Quadrant searches

A quadrant search is so called because it means you can search a person methodically in 4 sections. You can do this for any type of search:

- standing
- kneeling
- seated
- prone (lying down). See section 'Prone restraint (lying down) search' of Use of Force

What type of search you do depends on the person you are searching, how they react and where you are. Most searches you do will be standing searches, but you may have to do another type of search, for example, if:

- you have had to restrain or take steps to control the person
- they are unable to stand for any length of time, for example, because they have a medical condition

To understand what the 4 sections are, imagine:

- a vertical line running from the top of the person's head to in between their feet
- a horizontal line across their waist or belt line

This allows you to search a manageable area at a time. Make sure you remember to search over the imaginary horizontal and vertical lines as well.

You can search the quadrants in any order and you can search the person's mouth.

While in a public area, you can only ask somebody to remove their coat, outer jacket or gloves. Search the person before you search any removed clothing.

See also [Intimate searches](#).

When conducting a quadrant search concentrate on clothing first, for example:

- pockets
- clothing seams
- waist bands and belts
- collars, cuffs and trouser turn ups
- lapels and hoods
- anywhere that small items could be hidden

Then search the rest of the quadrant. If you are interrupted during the search start the quadrant over again in case you miss anything, or the offender has been able to hide something while you were distracted.

Think how you are going to control the person at all times. You may find it inappropriate to search at that stage once you have considered the impact factors (things about the person in relation to you and your ability to control them).

Kneeling search

It is possible to ask (but not require) a person to kneel while they are searched, but if you do this consider:

- they may refuse to kneel, because:
 - they are considering escape
 - the ground is wet or dirty
 - they are wearing expensive clothing
 - they are immobile or inflexible
 - of their gender

Seated search

This is similar to a kneeling search. It may not be possible depending on the type of seat.

People with a disability

You may need to search a person:

- with a disability
- with a prosthetic limb
- in a plaster cast
- who is in a wheelchair

You can still conduct a quadrant search as far as possible. Ask a member of the personal safety training team for your region for extra advice on these types of search. Your line manager can tell you who this is.

Safeguarding dignity during personal searches

Cultural and gender awareness

Be aware that a person's culture may affect how they behave or react to being searched. For example, in some cultures, being asked to kneel is considered demeaning or lowers a person's status. You must pay particular attention to the

cultural sensitivities of those whose religious or cultural practice includes head or facial coverings and, subject to the operational needs described above, you must make every effort to accommodate the need to assign an officer of the same sex to conduct the search or identification and seek to ensure that searches are as private as possible.

Searches of a person who is in police custody must be by an officer of the same sex. In other cases, where a person is searched using powers under schedule 2 to the Immigration Act 1971, a person of the same sex must conduct the search where practicable. In the very rare circumstances where this is not practicable, and the search cannot be delayed for operational reasons (such as that necessary for the preservation of evidence), you must record the reasons.

Any arrested person who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) of gender reassignment is protected from discrimination under the [Equality Act 2010](#). A person holding a full Gender Recognition Certificate must be treated as their acquired gender / sex for all purposes.

If an arrested person identifies as transgender, they must be asked which gender they consider themselves to be and treated as such as far as possible. However, where it is a matter of law that the person carrying out the search must be of the same sex as the subject (for instance, [section 28H of the Immigration Act 1971](#)), the person must be searched by an officer of the same sex. Where the law requires the officer to be of the same sex as the person being searched, and that person holds a full Gender Recognition Certificate, the officer conducting the search must be of the same sex as the acquired gender recognised in the certificate. See [Gender Recognition Act 2004](#).

Where the person expresses a preference to be treated as a particular gender, you must record this in your digital pocket notebook (DPNB) or pocket notebook (PNB) and ask the person to sign the record. You must show this record to the custody officer at a police station or on reception at the immigration removal centre (IRC), short-term holding facility (STHF) or holding room. If the person does not wish to sign the record in your DPNB or PNB, you must still use your discretion whether to treat the individual as they have requested or whether to treat them as their legal gender (that is, the gender shown in official documentation such as a passport, birth certificate or other legal identifying document).

Full searches and intimate searches

A 'full' search, sometimes known as a strip search, is a search conducted in a private place or at a police station, which may involve the removal and inspection of all clothing and footwear. However, the individual will not be fully unclothed at any stage. A full search may not be carried out in the presence of a person of the opposite sex. This includes the person conducting the search. Searches must be conducted in a sensitive way at all times. In addition to gender, the officers conducting the search must also take into account religious and cultural arrangements, injuries, disabilities and trans-gender requirements. This includes, but is not limited to:

- asking those wearing religious head coverings to remove them themselves
- being aware of and respecting that baptised Sikhs wear the '5Ks' at all times (uncut hair, small wooden comb, circular steel or iron bracelet, small dagger, and a special undergarment)
- allowing people with injuries or disabilities to be searched whilst seated or kneeling (but keep in mind that in some cultures, this may be considered demeaning)
- a trans person being searched according to their affirmed gender

Where a search of the person is conducted in public and at a place other than a police station they may not be required to remove any clothing other than their outer coat, jacket or gloves as detailed in [section 28G of the Immigration Act 1971](#) or [paragraph 25B of Schedule 2 to that Act](#). If there are [reasonable grounds](#) to suspect that a further, more intrusive, search is required because the person may have concealed items that may:

- be evidence relating to the offence
- present a risk to themselves or others
- provide a means of escape

then this search must be conducted in a private place or at a police station. Searches at a police station must be authorised by the custody officer and assessed and conducted in accordance with [Police and Criminal Evidence Act 1984 \(PACE\) Code C, Annex A](#).

IOs have no powers to conduct intimate searches (the physical examination of a person's body orifices other than the mouth). If you have [reasonable grounds](#) to believe that an intimate search is required this must be authorised by a police officer not under the rank of inspector and carried out by a police officer under [section 55 of PACE](#).

Recording a person search

You must record details of all person searches in your PNB or on the 'person search form', which is included in the 'arrest form' in the PRONTO application on your DPNB as soon as practically possible.

Whilst you would record the name, date of birth, gender and nationality of the person searched in a PNB, this is not necessary when updating your DPNB, as these details would have been added when the person was arrested. You must update PRONTO in the following order:

- the power of search used
- the [reasonable grounds](#) to believe' on which the search was conducted, that is why you believed you would find the item in question, not just what you were searching for
- who performed the search

- if you have searched a trans person, open a freetext box to record the fact that they have agreed to be searched by yourself and in accordance with their affirmed gender
- anything you found, for example:
 - ID documents, other documents or digital devices
 - cash, which you may need to seize, see cash seizure
 - assets (jewellery)
 - drugs
 - weapons
 - medication, which may relate to your duty of care to the person
 - other items
- for each item listed above:
 - where it was found (using a freetext box)
 - the time of seizure
 - exhibit reference number
 - tamper-proof seal number (using a freetext box).

Related content

Record keeping during enforcement visits

[Contents](#)

Searching premises for relevant documents

This page tells IOs what their powers are to search premises for relevant documents and how to conduct a premises search.

On this page:

[Entry and search of premises following arrest: paragraph 25A Schedule 2](#)

[Entry and search of premises with warrant following arrest: paragraph 25A\(6A\) Schedule 2](#)

[Searching premises in connection with removal: paragraph 15A of Schedule 2](#)

[Searching premises in connection with imposition of a civil penalty: section 47 Immigration Act 2016](#)

[Standards you must meet when searching premises](#)

[Effective searching of premises: key points](#)

[Recording a premises search](#)

Entry and search of premises without warrant following arrest: paragraph 25A schedule 2

Where an IO or constable arrests a person under Schedule 2 to the Immigration Act 1971, or if a person is arrested using another power and subsequently detained by an IO under Schedule 2, paragraph 25A of Schedule 2 allows an IO to search without warrant, and seize 'relevant documents', such as passports, tickets and identity cards, but not items subject to [legal privilege](#), at any [premises](#):

- where the person was arrested
- where the arrested person was immediately before arrest
- occupied by the arrested person
- controlled by the arrested person

The power to search [premises](#) must only be exercised where:

- you have [reasonable grounds](#) to believe that relevant documents may be found there
- the search should only be conducted to the [extent that is reasonably required](#) for purposes of discovering the documents; and
- a chief immigration officer (CIO) has authorised the search in writing

Where you have [reasonable grounds](#) for believing that a relevant document, in any physical or electronic form, or on a device or medium, is at the premises, you may require that the document is produced, or can be produced, in a form that it can be taken away and in a form which it is visible and legible. See also [Searching premises in connection with imposition of a civil penalty: Section 47 Immigration Act 2016](#) for practical options for taking away or transferring a copy to a Home Office email address.

Where this requirement is not or cannot be fulfilled, you may seize the device or medium on which the document is stored.

If the presence of the arrested person at a place, other than one where he is to be detained, is necessary to make an effective search for any relevant documents, then you may conduct the search without prior authorisation of a CIO provided the search is conducted before taking the arrested person to the place where he is to be detained, and you inform a CIO as soon as possible.

The CIO or above must always make a written record of the grounds of the search and the nature of the documents being sought and the fact of authorisation.

Entry and search of premises with warrant following arrest: paragraph 25A(6A) Schedule 2

Under paragraph 25A(6A) of Schedule 2, an IO may make an application for a search warrant in the Magistrates' Court where a person is arrested under Schedule 2, or a person who was arrested other than under Schedule 2 is detained by an immigration officer under Schedule 2. A warrant would be required where the premises intended for search is not:

- where the person was arrested
- where the arrested person was immediately before arrest
- occupied by the arrested person
- controlled by the arrested person

A Justice of the Peace may issue a warrant authorising the IO enter and search premises if the following are satisfied:

- there are [reasonable grounds](#) to believe that relevant documents may be a found in a [premises](#) which is:
 - one or more sets of premises specified in the application; or
 - any premises occupied or controlled by a person specified in the application or all premises controlled by a specified person (see 'all premises warrant' below; and
 - not premises occupied or controlled by an arrested person or premises in which the arrested person was in when arrested or immediately before (in this situation search without a warrant power should be used)
- one of the following conditions has been met:
 - it is not practicable to communicate with any person entitled to grant entry to the premises
 - it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with any person entitled to grant access to the relevant documents
 - entry to the premises will not be granted unless a warrant is produced; or
 - the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry.

'All premises' warrant

Where an application has been made to search all premises controlled by a specified person, the Justice of the Peace must also be satisfied:

- that there are [reasonable grounds](#) for believing that it is necessary to search [premises](#) occupied or controlled by the person in question which are not specified in the application in order to find the relevant documents
- that it is not reasonably practicable to specify in the application all the [premises](#) which the person occupies or controls and which might need to be searched

‘Multiple entry’ warrant

Where an application has been made and the Justice of the Peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose of the warrant, under paragraph 25A(6AC) they may also authorise entry to and search of premises on more than one occasion.

You must not seize, copy, or take away any documents which you believe may be subject to [legal privilege](#).

Note that ‘all premises’ and ‘multiple entry’ warrants are not available in Scotland.

See also Warrants: procurement and use in respect of the warrant application, execution, endorsement and disposal processes. See also [Standards you must meet when searching premises](#).

Searching premises in connection with removal: paragraph 15A of schedule 2

Paragraph 15A of schedule 2 to the Immigration Act 1971 ([inserted by section 46 of the Immigration Act 2016](#)) allows IOs to search for documents that relate to a person who is liable to be detained and that will assist in removing them from the UK.

An IO must be lawfully on any [premises](#) which the person liable to be detained is on also. The IO may then search the premises for documents which:

- relate to that person
- may be evidence for a ground on which that person’s leave to enter or remain in the UK may be curtailed

Search under this power may only be carried out where an IO has [reasonable grounds](#) for believing that such documents are on the [premises](#) and to such an [extent as is required](#) to find them. The grounds for believing this must be recorded.

Where you have [reasonable grounds](#) to believe that such documents are stored in any electronic form and accessible from the premises, this power also allows you to require that it is produced, or can be produced, in a form that it can be taken away and in which it is visible and legible. Where this requirement is not or cannot be fulfilled, you may seize the device or medium on which the document is stored.

Any item seized may be retained while the person is liable to be detained under [paragraph 16\(2\) of schedule 2 to the IA71](#). However, no document may be legally retained where a photograph or copy would be sufficient.

For practical purposes, if a photocopy or copy of a relevant document is suitable then seizure of the original document is not necessary. Seizure is likely to be a secondary option where it is not possible or practical to print or copy a document or provide a photograph. It may also be appropriate to request that the holder emails a copy of the documents.

You must not seize, copy, or take away any documents which you believe may be subject to [legal privilege](#).

See also: [Examination of documents on, and seizure of electronic media](#)

Searching premises in connection with imposition of a civil penalty: section 47 Immigration Act 2016

[Section 47 of the Immigration Act 2016](#) allows an IO, who is lawfully on any [premises](#), to search for and seize documents which they have [reasonable grounds](#) to believe may be of assistance in determining whether a person is liable to the imposition of a penalty under either:

- [section 15 of the Immigration, Asylum and Nationality Act 2006](#) (penalty for employing adults (over 16) subject to immigration control)
- [section 23](#) or [section 25](#) of the Immigration Act 2014 (penalty for leasing premises to adults (over 16) disqualified from occupying premises under a tenancy agreement as a result of their immigration status)

A search under this power may only be carried out where an IO has [reasonable grounds](#) for believing that documents relating to the potential imposition of these civil penalties, such as:

- payslips or timesheets (illegal working)
- tenancy agreements or letting paperwork (illegal renting)

are on the [premises](#) and only to such an [extent](#) as is required to find them. The grounds for believing this must be recorded. It is important to note that this is **not** a power to search a suspected person on the premises for items they have concealed on their person.

Where you have [reasonable grounds](#) to believe that such documents are stored in any electronic form and accessible from the premises, this power also allows you to require that it is produced, or can be produced, in a form that it can be taken away and in which it is visible and legible. This includes the options of having the document sent to and printed from a printer at the premises, for the person to send the document electronically to a Home Office email address, or for the IO to take a photograph of the document with their Home Office-issued mobile phone, once it has

been established that the document is a document as noted above. Where this requirement is not or cannot be fulfilled, you may seize the device or medium on which the document is stored.

For practical purposes, if a photocopy or copy of a relevant document is suitable then you may not retain the document as it is not necessary. You must also consider if the evidence you require for consideration of referral of a civil penalty can be satisfied by other means. If there are alternative routes to obtaining the evidence, then these should be explored in all cases and includes questioning of those encountered and enquiries with the employer or the landlord (letting agent). For example, if a person admits under questioning that they are working illegally and have payslips on their mobile telephone, but refuses or is unable to produce these, and where the immigration officer can provide evidence of the admission in the form of Q&A to attest to the fact – it may therefore not be necessary or proportionate to access their mobile telephone to extract the relevant documents (for example, the payslips).

If the person refuses, or is unable to produce the documents, an immigration officer may seize the electronic device or medium on which they are held. However, it is expected that immigration officers will only do so on an exceptional basis.

You must not seize, copy, or take away any documents which you believe are subject to [legal privilege](#).

See also: [Examination of documents on, and seizure of electronic media](#)

Official – sensitive: start of section

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Official – sensitive: end of section

Standards you must meet when searching premises

The below applies when using any power to search premises

In accordance with the [Immigration \(PACE Codes of Practice\) Direction 2013](#) parts of the [Police and Criminal Evidence Act \(PACE\) 1984 code of practice B](#) apply to searches, so the officer in charge (OIC) of the search must first:

- try to communicate with the occupier or any other person entitled to grant access to the premises
- explain the authority under which entry is sought
- ask the occupier to allow entry, unless
 - the premises are unoccupied
 - the occupier and any other person entitled to grant access are absent
 - there are reasonable grounds for believing that alerting the occupier or any other person entitled to grant access would frustrate the object of the search or endanger officers or other people

Unless you alert the occupier (or other person entitled to grant access) if the premises are occupied before the search begins, you must:

- identify yourself and state the purpose and grounds for the search (you are not required to show your warrant card when executing a warrant and in full uniform)
- introduce any person accompanying you on the search
- briefly describe the accompanying person's role in the process

When you conduct a premises search under:

- a warrant
- statutory power without warrant (for example [paragraph 25A of schedule 2](#) or [section 28CA](#) of the Immigration Act 1971 [assistant director's letter])
- informed consent

you must, unless it is impractical, give the occupier a copy of the Notice to Occupier (NTO). The Notice to occupier (NTO with compliant) template is available on the MBG platform.

In order to facilitate rapid service of the copy of the warrant and the notice on the occupier, it is recommended that the Officer in Charge (OIC):

- completes relevant sections of the NTO, except for the search start and end times, before arrival at the premises, with the following details:
 - address of premises and
 - statutory power under which search is made or
 - informed consent fully completed, if applicable, and signed by the person giving consent
 - OIC name, office, address and date
- detaches and serves the occupier's carbon copy and their copy of the warrant, immediately on arrival

As it will not be possible to enter the start and finish time of the search, this can be added to the occupier's copy of the NTO once those details are known, though failure to do so does not affect the legality of the search.

There may be implications concerning the validity of the entry and search if you do not show and serve the warrant and NTO on entry, both by non-compliance with code B of PACE and under section 28K of the Immigration Act 1971.

You must, if it is practical, give a copy of the NTO and warrant to the occupier, or some other person who appears to be in charge of the premises before the search begins if they are present. This is unless the OIC reasonably believes it would:

- frustrate the object of the search
- endanger officers or other people

You are not required to endorse the copy of the warrant when you give it to the occupier.

If the occupier is not present and no other person appears to you to be in charge of the premises, you must leave in a prominent place on the premises both:

- a copy of the NTO
- a copy of the warrant endorsed with the:
 - name of the OIC
 - date
 - time of the search

On completion of the search, you must also endorse the original warrant to show:

- if any:
 - of the people or articles specified in the warrant were found
 - other articles were seized
- the date and time it was executed
- the name of the occupier (if they are present) or, if the occupier is not present, the name of the person in charge of the premises

- the names of the officers who executed it and any authorised people who accompanied them
- whether a copy of the warrant and a copy of the notice was:
 - handed to the occupier or, if the occupier is not present, the person in charge of the premises
- if the occupier or other person in charge of the premises was not present:
 - the name of the OIC
 - the date and time of the search
 - if it was then left on the premises
 - where it was left

You must record in your pocket notebook (PNB) or digital pocket notebook (DPNB) the time that a copy of the warrant and the NTO were given to the occupier before the search began. You must also record the reasonable grounds if you did not give these documents before the search began because the:

- occupier or some other person who appears to be in charge of the premises was not present
- OIC had reasonable grounds to believe that alerting the occupier or any other person entitled to grant access would:
 - frustrate the object of the search
 - endanger officers or other people

Where reference is made to ‘impractical’ or ‘if practical’ in relation to the service of forms this refers to the situation the officers face or the reaction of the occupants. If the occupants refuse to accept the forms or are violent, the officer is unable to serve the forms to them because of their reaction, and so must record the situation and any justification in their PNB or DPNB.

See also Warrants: procurement and use for detailed guidance on application for entry to business premises under section 28CA (assistant director’s letter).

Effective searching of premises: key points

If you know in advance that you are going to be doing a search of a [premises](#), you must plan it as you would any other operational deployment. This means:

- knowing under what power you are to do the search legally and what your power of entry is
- making all checks you can to identify any risks in advance, the premises you will search as an ICE officer will usually be residential properties and places of work, including restaurants
- completing a risk assessment
- planning and completing an operational briefing

You must be sure you can legally search the premises under the power you are exercising.

In terms of a paragraph 25A of schedule 2 search, the premises extends to any vehicle or outbuilding owned or controlled by the occupier. However, if the search is under a paragraph 17(2) of schedule 2 warrant, you cannot search outbuildings or vehicles on the property unless they are specified on the warrant.

Before you begin your search:

- be clear on what you are actually searching for, for example do not search drawers if you are searching for a person
- be methodical in your approach:
 - get into the habit of having a set order each time you search a room, for example left to right and top to bottom
 - this will result in your being less likely to miss something
- ask the occupier if there is anything in the room that does not belong to them

Where resources allow, it is recommended that you search in pairs. This helps to:

- prevent accusations of damage or theft, particularly in respect of cash or valuable property
- make sure the search is thorough if both officers keep checking with each other
- corroborates any items or evidence you find

Searching a room

See the 'Searching a room' section in the CFI Search and seizure: premises guidance for details.

Searching a vehicle

Divide areas of responsibility into the:

- internal or clean areas (interior and boot)
- external or dirty areas (engine, wheel arches, underside).

See the 'Searching a vehicle' section in the CFI Search and seizure: premises guidance for details.

Recording a premises search

If resources allow an officer to assume the role of 'loggist' during a search, you should refer any finds to that officer who will be responsible for recording full details of the find in their PNB or on the 'premises search form' in the PRONTO application of the DPNB. If the role of 'loggist' is not assigned, you, as the officer making the find should record full details in your own PNB or DPNB.

Related content

[Contents](#)

Seizing and securing evidence

This page tells IOs the procedures to follow in situations where they need to seize and secure evidence.

See also [Administrative and criminal powers \(IE\)](#).

On this page:

[Seizure of cash](#)

[Treatment of cash in wallets and purses](#)

[Examination of documents on, and seizure of electronic media](#)

[Search and seizure: non-immigration offences](#)

[Preserving a crime scene](#)

[Recording and referring evidence](#)

Seizure of cash

During the course of a search of a person or premises, you may come into possession of cash in the following ways:

- seized under [section 294 of the Proceeds of Crime Act 2002 \(POCA 2002\)](#) on suspicion of being recoverable property (property obtained through unlawful conduct) or intended by any person for use in unlawful conduct
- seized under [section 48 of the Immigration Act 2016](#) on reasonable belief of being obtained through committing an offence (such as illegal working, made a criminal offence in the [Immigration Act 2016](#))
- seized as relevant evidence of an offence for which a person has been arrested

Powers to seize

[Section 24 of the UK Borders Act 2007](#) gives IOs powers under [chapter 3, part 5](#) POCA 2002, to search for, seize, detain and forfeit cash, suspected of being 'recoverable property', namely property obtained through unlawful conduct, which is linked to immigration or nationality offences. Criminal and Financial Investigations (CFI) Immigration, and Immigration Enforcement arrest team officers have comprehensive cash seizure guidance. You must ensure that you read this policy in conjunction with these instructions.

The power to seize cash under POCA 2002 is restricted within Home Office policy to:

- arrest and criminal investigation trained IOs who are working within the Home Office's CFI Immigration teams and who have been competent investigators (having completed the mentoring programme) for at least one year - these officers will also have received a cash seizure training course at the College of Policing, which will ensure sound knowledge of the legal issues surrounding the seizure, detention and forfeiture of cash under POCA 2002.
- Immigration Enforcement arrest team officers who have attended a mandatory College of Policing one-day cash seizure course

See also the Cash seizure procedures and financial investigation landing page for detailed procedures for cash seizure, including under [section 294 POCA 2002](#).

Treatment of cash in wallets and purses

If you are satisfied by the person's responses and from visual examination that all, or any part of the cash in the wallet, purse or pocket is not recoverable property (property obtained through unlawful conduct) as above, the person must be allowed to keep the cash that is not crime related.

Whenever cash is seized under POCA 2002, cash in a person's wallet, purse or pocket must not also be seized unless there are reasonable grounds to suspect that this money is also recoverable property as defined in [section 304 POCA 2002](#). If the cash is suspected to relate to non-immigration crime, you must refer to the police or other relevant investigative agency.

If you intend to seize cash found at a person's premises or concealed on their person, you must always ask the person about the origin and intended use of any cash carried in their wallet, purse or pocket.

When cash is seized in relation to a criminal offence see [search and seizure: non-immigration offences](#).

Examination of documents on, and seizure of electronic media

Where an IO is legally on a [premises](#) and has [reasonable grounds](#) to believe that documents of the kind stated in the power used are at the [premises](#), and there are [reasonable grounds](#) for believing that those documents will be found on an electronic device (such a mobile phone, laptop or tablet computer), paragraphs 15A, 25A of Schedule 2 to the Immigration Act 1971 and section 47 of the Immigration Act 2016 [provide powers](#) to require those documents to be produced from an electronic device and, if that requirement is not complied with, a power to seize that device.

Therefore, the owner of the electronic device can be required to produce documents from a device under paragraphs 15A(6), 25A(7B) and section 47(6) so that they are in a visible or legible form and can be taken away. The same principle applies where you have made an arrest, and that person is subject to a person search under paragraph [25B of Schedule 2 to the Immigration Act 1971](#) for relevant documents, and you have reason to believe that said documents will be on an electronic device found during the search.

You may therefore require them to open the device, locate the item and produce it in several optional formats, such as:

- sending it to a printer at the premises so that you can take the copy away with you

- showing you the item on their device so that you can take a photograph of it using your Home Office-issued mobile phone
- downloading it and sending it to a Home Office shared inbox

You **must not** undertake the above actions on the person's behalf. Where the person cannot, or will not, comply with this requirement to produce documents, the device or electronic media on which the electronic document is stored may be temporarily seized and taken away from the premises for the purposes of examining the contents.

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See also [Searching premises in connection with imposition of a civil penalty: Section 47 Immigration Act 2016](#)

Recording details: examination of documentation on electronic media and retention

In all cases, you must consider and record justification for your actions in your DPNB:

- **knowledge:** you must have told the individual what you are doing and why you are doing it
- **power:** you must be exercising a specific power of search, for instance, powers derived from section 47 of the Immigration Act 2016 or paragraphs 15A, 25A and 25B of schedule 2 to the Immigration Act 1971, see also Immigration Enforcement powers
- **reason:** you must have a clear reason to conduct the search, for instance, that there are reasonable grounds to believe that the device would provide evidence of:
 - nationality
 - citizenship
 - identity

- the place from which the individual travelled to the UK
- evidence on which the individual's leave to remain might be curtailed
- documents which might be of assistance in determining whether a person is liable to the imposition of a civil penalty
- **outcome:** details of the document or information retained, the method by which the person transferred the document to you, or the details of the electronic device seized

Search and seizure: non-immigration offences

[Section 48 of the Immigration Act 2016](#) provides officers with power to secure and seize any evidence that may have been obtained in the consequence of the commission of an offence or may be evidence of an offence. The officers must be lawfully on the premises and **find the evidence in the course of exercising a function under the Immigration Acts**. This power does not entitle the officer to look for this evidence alone.

This section of guidance describes how to deal with the discovery of items that may be evidence of a criminal offence and how to pass them on to the relevant agency. [Section 49 of the Immigration Act 2016](#) provides a responsibility to pass the evidence to a relevant agency as soon as is practicable.

If you have any doubt of what to do at the scene, you should seek advice from your Command Structure and responsible authority. When in doubt leave the evidence where it is, secure the scene and call the police to attend; particularly in instances of supply quantities of drugs, offensive weapons, terrorist material and serious organised crime.

Constraints

[Section 48 of the Immigration Act 2016](#) states that an Immigration Officer may seize anything which the officer finds in the course of exercising a function under the Immigration Acts if the officer has reasonable grounds for believing that it both:

- has been obtained in consequence of the commission of an offence
- is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed

Or that it is both:

- evidence in relation to an offence
- necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed

Seizure of identity and nationality documents

Items such as nationality documents which you suspect are false or have otherwise been illegally obtained must be removed if doing so will prevent the items being concealed, lost, damaged, altered or destroyed.

CFI and/or professionalising investigations programme (PIP) level 1 officers may in some circumstances be unable to immediately deal with this offence, but following the process of seizure will consider whether criminal action is appropriate and assist with any investigation that may commence.

Where you have seized documents under [section 48 of the Immigration Act 2016](#) because you suspect they are false or have been illegally obtained, these must be referred to CFI under [section 49 of the Immigration Act 2016](#) for consideration of whether to proceed with prosecution.

Criminal Procedures and Investigations Act 1996: compliance

Although Immigration Compliance and Enforcement (ICE) team officers are not bound by [Criminal Procedures and Investigations Act 1996](#), you must ensure that its contents are respected and rules of investigation are followed when encountering evidence of other criminal activity.

This is important in particular areas such as:

- record keeping
- information gathering
- securing witnesses
- preserving the scene for best evidence

Access to seized material

Under [paragraph 25D of schedule 2 to the Immigration Act 1971](#) and [section 28I of the 1971 Act](#), a relevant person may have access to, or be given, a record of, any material seized and this record must be provided within a reasonable time. A 'relevant' person under this section is defined as a person who had custody or control of seized material immediately before it was seized, or someone acting on behalf of such a person.

You may refuse this access if you have reasonable grounds for believing that to do so would prejudice either:

- the exercise of any functions in connection with which the material was seized
- an ongoing investigation or any criminal proceedings

Preserving a crime scene

Where evidence of serious crimes is detected, you must secure the scene, maintain good records and await assistance.

The College of Policing authorised professional practice states that, 'The purpose of securing a scene is to maintain the integrity and provenance of any material which may be recovered from it. This simple and important action reduces the opportunities for the material to become contaminated or inadvertently cross-contaminated'.

You must secure:

- any victims
- witnesses
- suspects – keeping them away from each other should there be more than one
- weapons – ensuring they are not moved or touched
- entry to property by anyone not part of the crime scene

You have no power to close highways or roads, but depending on the severity of the crime, a cordon may be required around the immediate vicinity of an address. This might be done by using officers to restrict entry to the address or a small area around the address where possible.

When in doubt use the command structure or call in the police.

Likely scenarios

The following table sets out the types of material or situations that you may encounter and what action to take.

Scene preservation	Seize on advice	Seize
<ul style="list-style-type: none">• serious injury• organised crime• drug offences• terrorism related• weapons or explosives• indecent images of children	<ul style="list-style-type: none">• small quantity of drugs (see below)• nationality documents• other government documents• currency (POCA)	<ul style="list-style-type: none">• nationality documents• other government documents• currency (POCA)

Each scene will be different and present its own challenges, but basic process includes:

Preserving a crime scene: general considerations

This is the general process to be followed where there is reasonable belief that a criminal offence has been committed:

- inform the OIC as soon as possible.
- if necessary, secure the area. This could include leaving the room and closing the door, ensuring nobody enters, placing a physical barrier at the scene or having an officer present to ensure nobody touches the evidence:
 - for evidence of interest to immigration this could include sealing the evidence in an evidence bag and filling in appropriate details on the bag and pocket notebook (PNB) or digital pocket notebook (DPNB) to keep a clear audit trail
- it is advisable to have full liaison with the responsible person at the relevant investigating agency:
 - this could be police, HMRC, DWP, CFI or another government organisation

- make clear, concise and detailed notes of where it was found, what you believe it to be, how you came across it and what you did with it after discovery:
 - it is important to detail use of gloves, evidence bag numbers and how the evidence was transported
- if the scene involves injury, death or any other serious crime, officers may consider calling a critical incident and keeping the incident in play until police arrive:
 - police will take over the scene and investigate, but will require full accounts from officers

Although you are 'seizing in situ' when you are securing the scene, you would have to rely on the power of arrest in [section 28A\(8\) of the Immigration Act 1971](#) for obstruction (see [section 26\(1\)\(g\)](#) of that act) to prevent anyone who is obstructing the enquiry.

Preserving a crime scene: necessity to arrest

In certain, very limited, circumstances, it may be necessary to use any person powers to detain a suspect and evidence in one location. This is to preserve the scene until a police constable can attend to assume responsibility and/or prevent the destruction or disruption of evidence or crime scene.

See Arrest and restraint: any person power of arrest.

Recording and referring evidence

There will be obvious crimes that you must preserve and await investigators to arrive. If you uncover a serious indictable offence, police will respond no matter how busy. IOs being present and securing the scene will allow the police to better consider their priorities in responding. You need to be aware of the response time.

In other instances as illustrated in the table above, you must seek advice of CFI and may seize items on behalf of another responsible authority, for instance, following detection of a small quantity of drugs when searching a person under arrest. Police may ask you to seize on their behalf and bring the evidence to them. You must record everything said to you by the police or CFI and all actions taken in your pocket notebook (PNB) or digital pocket notebook (DPNB), seal objects in evidence bags and fully complete the evidence bag. You are expected to provide a statement when you pass over the evidence. The accuracy and detail of this statement will be vital to ensuring proper continuity of evidence. Failure to ensure proper continuity can result in the evidence not being able to be used at trial.

Related content

[Contents](#)

Non-statutory handling of property and baggage

This page tells IOs the procedures to follow in situations where they need to assist a person to pack their belongings prior to a transfer to immigration detention and removal.

On this page:

[Personal effects and belongings](#)

[Handling cash as personal property of the arrested person](#)

[Packing on someone's behalf](#)

[Animals and pets found on premises](#)

Personal effects and belongings

Removals caseworkers, family engagement officers, and Immigration Enforcement and compliance (ICE) team staff routinely advise families and individuals:

- of the need to make arrangements for their property or belongings prior to removal
- of the need to pack essential items for the journey
- that packing their personal belongings themselves (where possible) is in their best interests

See also Family returns process (FRP).

If practicable, arrested persons should be allowed to pack their possessions or have a bag packed on their behalf with their consent. Alternatively, the person should be given an opportunity to have a friend or family member do this for them.

A minimum of 30 minutes should be allowed for an individual to pack their belongings, dependent on a dynamic risk assessment. This timescale can be extended where the risk is considered to be low (with no maximum time limit), or it may be curtailed should the risk of remaining in the property be high.

The Home Office has no responsibility for arranging or paying for excess baggage, therefore people should be encouraged to pack only one bag each to meet the baggage restrictions (Home Office standard weight limit of 20kg).

Officers must ensure that the property is left secure and that individuals are advised that they will need to arrange for someone to take responsibility for any remaining belongings, and that they will have access to a telephone before departure.

Where the person has been privately renting property, or housed within Home Office accommodation, the landlord has a legal obligation to secure and store property for a reasonable period of time.

Packing: search powers

The person should be observed packing the bag and [consent](#) should be obtained from the person to search the bag before items are placed in it. If additional items are placed in the bag that the IO wishes to search, then [consent](#) should be obtained in respect of each item.

Should the individual refuse to consent, the IO may conduct a search using any of the powers that would ordinarily be used to search a premises or person (depending on where the bag is). A person search includes anything the person is carrying, and therefore once they take the bag into their possession it will be 'on' the person, and therefore fall within the scope of a person search.

Handling cash as personal property of the arrested person

If the person wishes to take the cash in their personal possession they may do so. Possessions, including cash, may not be taken from the person without their consent unless there is a rationale to do so, that is, they are items that may cause harm to themselves or others or assist in escaping from custody. The same procedures as detailed in Criminal and Financial Investigations guidance on the Cash seizure procedures and financial investigation landing page must be followed. Following this process will ensure that officers are better able to avoid allegations made later.

Cash, which is retained as the personal property of the arrested person, will be taken with the person to the place of detention, pending their removal from the UK. Responsibility for safeguarding cash retained as personal property passes to the custody officer at the police station, or Home Office detention custody officer (DCO) at the holding room or immigration removal centre, once they accept the detainee.

Packing on someone's behalf by consent

Where a family or individual is:

- unable or unwilling to pack belongings themselves,
- on behalf of their children, or any vulnerable family members prior to removal

and no friend is available to pack, you must attempt to obtain [consent](#) to do this for them yourself and update your pocket notebook (PNB) or digital pocket notebook (DPNB) to record:

- details of the person giving consent
- how the consent was given, for example:
 - a signature of the person giving consent
 - confirmation of oral consent
- which items were packed and where they were retrieved from within the property

This includes vulnerable adults who are unable (through age or special needs) to pack for themselves.

There is no specific search power to find and pack personal belongings on behalf of a child, or other individual.

The [section 55 of the Borders, Citizenship and Immigration Act 2009](#) safeguarding duty does not give IOs any additional powers, it simply means that existing powers and functions have to be exercised with due regard to the welfare of the child.

That said, the removal process must respect the Human Rights Act 1998 and the European Convention on Human Rights (ECHR), in particular:

- [Section 3 of the Human Rights Act 1998](#) - it is unlawful for an IO to act in a way which is incompatible with an ECHR right, for example:
 - [article 2 - right to life](#)
 - [article 3 - no torture, inhumane, or degrading treatment](#)

Accordingly, depending on the nature of the items sought and the circumstances, it is possible to imply a power of search, should an adult refuse to give consent in an attempt to frustrate the removal, provided officers do not search beyond that necessary to obtain an 'essential item' required for article 2 or 3 purposes.

In this context, 'essential' items are limited to those where it is considered that not having the item with the person would risk that person's life or result in inhumane or degrading treatment, for example, where a child needed important medication, extra or warm clothing or a favourite toy.

You must examine each situation on its own merits, considering the particular needs of each individual, to identify circumstances where there is a need to search for and pack items considered as 'essential' in order to comply with ECHR.

Searching and packing without consent

Without consent of the individual, you must not search beyond that necessary to obtain an item required for ECHR article 2 or 3 purposes, these are 'essential items' to prevent life threatening, degrading or inhumane treatment.

You must record full details of why consent could not be gained, the items you packed, and the location from where they were retrieved in the property in your PNB or DPNB. You must take particular care to be able to justify the scope of any search for such essential items, for example, it is unlikely to be appropriate to search an office for medication, but it might be appropriate to search the kitchen or bathroom.

Animals and pets found on premises

For guidance on what to do if you find animals or pets on the premises, see Enforcement visits: Animals and pets found on premises.

Related content

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