

# Policing and Crime Bill

## Police power to seize invalid foreign travel documents

### Background

1. Schedule 8 to the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”) contains two powers to seize invalid travel documents. Paragraph 2 allows a police, immigration or customs officer **at a port** to require a passenger to hand over travel documents, and to retain them if the officer believes them to be invalid. This applies to **both British passports and foreign** travel documents.
2. Paragraph 3 of the same Schedule allows a police officer to search for and seize a **British** passport, **away from a port**, if that passport has been cancelled under the Royal Prerogative on public interest grounds (for example, to disrupt individuals who seek to travel on a British passport to engage in fighting, extremist activity or terrorist training overseas and then return to the UK with enhanced capabilities). The Home Secretary currently needs to issue a written authorisation before this power can be used.
3. There is, however, no power to seize an invalid **foreign** travel document **away from a port**.
4. The cancellation of travel documents is an important tool in the fight against terrorism, and in particular in disrupting travel to conflict zones to fight or receive terrorist training (“foreign fighters”).
5. In 2014 the EU agreed to allow alerts to be placed on the second generation Schengen Information System (“SIS II”), in which we participate, providing information about travel documents which have been invalidated because of suspicions that the holder was involved in terrorist activity. This was done so other EU Member States could seize the documents if they encountered them. We could also learn from other channels, for example Interpol, that a travel document has been cancelled for these reasons. However we learned about the decision to cancel the document, we would want law enforcement agencies to be able to seize it if they came across it in the UK, whether or not they did so at a port.

### Issues addressed by the Bill

6. The amendments to Schedule 8 to the 2014 Act would allow a police or immigration officer to search for and seize, away from a port, a foreign travel document that they believe to be invalid. It would also allow a police officer (but not an immigration officer) to enter premises for the purpose of searching for a cancelled foreign travel document or British passport cancelled using the Royal Prerogative public interest criteria, in relation to national security.
7. The amendments are largely modelled on the existing provisions in paragraph 3 to Schedule 8 to the 2014 Act. So intentionally seeking to frustrate or

obstruct the search for a document would be a criminal offence (as it is in respect of British passports). The document would need to be returned to the holder if it turned out to be either valid, or invalid solely because it had expired.

8. The amendments would also make some changes to the existing power to search for and seize a British passport cancelled using the Royal Prerogative public interest criteria, away from a port. They would remove the requirement for the Home Secretary's authorisation so that the police may act urgently in some cases, as required. This would allow a police officer to enter premises to search for, and seize, a cancelled document, bringing the power into line with our proposed position for foreign travel documents.

**Home Office**  
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