



Home Office

# Search and seizure

Version 4.0

Removals, enforcement and detention

General Instructions

# Contents

Contents.....	2
About this guidance.....	4
Contacts .....	4
Clearance and publication .....	4
Changes from last version of this guidance .....	4
Search and seizure: principles and constraints.....	5
Principles of search .....	5
Search: general constraints.....	5
Extent of search .....	6
Search officers: identification.....	6
Search officer: gender.....	6
Documents subject to legal privilege: definition .....	6
Searches out of area.....	7
Searching for relevant documents.....	7
Searching people.....	8
Searching arrested persons: paragraph 25B of schedule 2.....	8
Search of people in a police station: arrest under paragraph 25C, schedule 2 to the Immigration Act 1971.....	8
Carrying out a person search: conducting the search.....	9
Standards you must meet when searching people .....	9
Maintaining control while searching a person .....	11
Quadrant searches.....	12
Safeguarding dignity during personal searches.....	13
Cultural and gender awareness.....	13
Full searches and intimate searches .....	14
Recording a person search .....	15
Carrying out a premises search: conducting the search.....	16
Standards you must meet when searching premises.....	16
Effective searching of premises: key points.....	18
Searching a room.....	19
Searching a vehicle.....	19
Recording a premises search.....	19
Seizing and securing evidence .....	20
Seizure of cash .....	20
Powers and constraints.....	20

Definition of cash.....	21
Seizing and handling cash: under POCA.....	21
Handling after POCA cash seizure.....	23
Seizing and handling cash as relevant evidence of a criminal offence .....	23
Seizure of unattended cash.....	24
Treatment of cash in wallets and purses.....	24
Seizure of foreign currency / bullion .....	24
Seizure of traveller’s cheques third-party cheques and bearer bonds or shares .....	25
Seizure of cash linked to terrorism .....	25
Search and seizure: non-immigration offences .....	25
Constraints .....	25
Criminal Procedures and Investigations Act 1996: compliance .....	26
Search and seizure of electronic media .....	26
Access to seized material .....	27
Preserving a crime scene .....	27
Likely scenarios.....	28
Scene preservation.....	28
Seize on advice .....	28
Seize .....	28
Preserving a crime scene: general considerations .....	28
Preserving a crime scene: necessity to arrest .....	29
Recording and referring evidence .....	29
Retention of documents .....	29
Recording seized evidence.....	30
Handling of seized items.....	30
Non-statutory handling of property and baggage.....	32
Personal effects and belongings .....	32
Handling cash as personal property of the arrested person .....	33
Packing on someone’s behalf .....	33
Searching and packing: powers .....	33
Searching and packing by consent.....	34
Searching and packing without consent.....	34
Animals and pets found on premises .....	34

# About this guidance

This guidance tells Immigration Enforcement officers about the powers they have to search premises and people when dealing with people who may be administratively removed under schedule 2 to the Immigration Act 1971. It also tells them about the powers that exist in the investigation of criminal cases.

## 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 Rules and Forms team.

## Clearance and publication

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

- version **4.0**
- published for Home Office staff on **02 May 2024**

## Changes from last version of this guidance

From 1 April 2024, individuals who were previously described as the IE operational grade of 'Assistant Director' will now be known as Grade 7 in this guidance.

Updated to refresh links to related guidance.

### Related content

Administrative and criminal powers (IE)

[Contents](#)

# Search and seizure: principles and constraints

This page tells Immigration Enforcement officers about the general constraints on 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 \(IE\)](#).

## Principles of search

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](#). 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'.

Officers must familiarise themselves with the appropriate threshold for any search undertaken as detailed in the sections below. Searches must be exercised only when the appropriate threshold is met and must be fully recorded and justifiable.

### **You, the immigration officer, must be lawfully on the premises upon execution of a search power.**

You must have a lawful basis for being on the premises. This can either be through fully informed consent, where the person has consented to you searching the property or entry may be by warrant or AD Letter. See: [Warrants: procurement and use](#).

### **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.**

You must have reasonable grounds to believe that what you are seeking is on the premises, 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.

### **Documents subject to legal privilege are exempt from further search or seizure.**

Documents subject to legal privilege (for example communications between a professional legal adviser and client or in connection with legal proceedings) must not be searched for and cannot be seized. See: [Documents subject to legal privilege: definition](#).

## Search: general constraints

Only arrest trained immigration officers (IOs) can arrest offenders and use associated powers of search.

## 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 item sought is not on the premises. As with all searches, it must be terminated when the item has been found. Officers need to be reasonable and realistic about where they may find the person or item 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.

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 'Definition of terms used' in Immigration enforcement powers) for suspecting that the person whom they are seeking is on the premises.

Where a premises consists 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 to believing that the person whom they are seeking may be.

## Search officers: 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 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](#).

## Documents subject to legal privilege: definition

The definition of items subject to legal privilege is that contained in [section 10 of Police and Criminal Evidence Act 1984 \(PACE\)](#) (or equivalent legislation in Scotland and Northern Ireland) and states that items subject to legal privilege means:

- 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
- communications between a professional legal adviser and their client or any person representing their client or between such an adviser or their client or any such representative and any other person made in connection with or in contemplation of legal proceedings
- items, when in the possession of a person entitled to them, which are enclosed with or referred to in such communications and made in connection with:
  - giving of legal advice
  - contemplation of legal proceedings and for the purpose of such proceedings

## 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.

## Searching for relevant documents

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

You may seize any relevant documents you find and retain them whilst 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 retention of the documents may facilitate the person's removal.

### Related content

[Contents](#)

# Searching people

This page tells Immigration Enforcement officers their powers to search people and how to conduct a person search.

See also: [Search: general constraints](#).

## 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

[Paragraph 25B of schedule 2 to the Immigration Act 1971](#) allows an immigration officer (IO) to search a person who has been arrested under schedule 2 where there are reasonable grounds to believe that they may be a danger to themselves or others.

You may search for and seize:

- anything which they might use to assist their escape from lawful custody
- any document which might establish their identity, nationality or citizenship
- any document that might indicate the place from which they have travelled to the UK or to which they are proposing to go

Where you have reasonable grounds for believing that a person has a copy of a document mentioned above, in any electronic form on a device or medium on their person, you are also empowered to require that the document 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.

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

No clothing may be removed in public other than an outer coat, jacket or glove, but a search may be made of the person's mouth, see [Intimate searches](#). Nothing seized under this paragraph for protective purposes can be retained for longer than the offender is in custody or after they are granted bail.

## Search of people in a police station: 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 that schedule and is in custody at a police station. It allows an immigration officer (IO) (who must be of the same sex as the arrested person) to search the arrested person in order to see 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

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:

- 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, take all reasonable steps 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 appears to be transgender, ask which gender they consider themselves to be and treat them accordingly

### Before the search

Make sure you know what:

- your justification is for conducting the search, which you must record in your pocket notebook (PNB)
- 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 one 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 handcuffing them if necessary
- always wear suitable gloves
- seize any evidence you find correctly, for more information, see:
  - [Evidence](#)
  - Tamper evident bags
- be aware of potential risks 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

### **Searching the groin area**

Do not be afraid to search the groin area. Offenders 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

## Maintaining control while searching a person

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

### Positioning and balance

It is important you:

- maintain your balance
- position yourself to your advantage
- 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:

- lets you 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: Arrest and restraint: 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
  - because 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 appears to be 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 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 pocket notebook 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 pocket notebook, 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 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 will therefore include 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 transsexual requirements.

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](#).

Immigration officers (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 pocket notebook as soon as practically possible.

You must record details of:

- the name, date of birth and nationality of the person searched
- the 'reasonable grounds to believe' on which the search was conducted
- the power of search used
- the time, date and place where you did the search
- anything you found, for example:
  - weapons, particularly if the person had tried to hide them
  - large amounts of cash, which you may need to seize, see cash seizure
  - medication, which may relate to your duty of care to the person
- evidence you have seized

### Related content

[Contents](#)

# Carrying out a premises search: conducting the search

This page tells Immigration Enforcement officers how to conduct a premises search.

## On this page:

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

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

[Recording a premises search](#)

## Standards you must meet when searching 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, show your warrant card and state the purpose and grounds for the search
- 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 (for example [paragraph 25A of schedule 2](#) or [section 28CA](#) of the Immigration Act 1971 (AD letter), [authorised by a Grade 7, being the operational equivalent of AD])
- informed consent

you must, unless it is impractical, give the occupier a copy of the notice of rights and entitlements (referred to as 'the notice'). You can order packs of the 'Notice to Occupier' form on Adelphi.

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



- completes the left hand box of the Notice of Powers and Rights, except for the search start and end times, before arrival at the premises, with the following details:
  - address and type of premises and
  - power under which search is made or
  - statutory power under which search is made or
  - informed consent fully completed and signed by the person giving consent
  - OIC name, office, address and date
- detach and serve 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 notice 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 notice on entry, both by non-compliance with code B of PACE and under section 28K of the Immigration Act 1971.

You can, if it is practical, give a copy of the notice 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 notice
- 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) the time that a copy of the warrant and the notice 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.

## 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

[Section 23 of the Police and Criminal Evidence Act \(PACE\) 1984](#) defines premises as any place and, in particular, includes any:

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

This effectively means that the premises extends to any vehicle or outbuilding owned or controlled by the occupier.

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 at Search and seizure premises (CFI) 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 at Search and seizure premises (CFI) guidance for details.

## Recording a premises search

If resources allow an officer to assume the role of ‘loggist’ during a search, officers will refer any finds to that officer who will be responsible for recording full details of the find in their PNB. If the role of ‘loggist’ is not assigned, the officer making the find makes gives full details in their own PNB.

### Related content

[Contents](#)

# Seizing and securing evidence

This page tells Immigration Enforcement officers 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](#)

[Seizing and handling cash: under POCA](#)

[Seizure of unattended cash](#)

[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, officers may come into possession of cash in the following ways:

- seized under [section 294 of the Proceeds of Crime Act 2002 \(POCA\)](#) on suspicion of being recoverable property 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 and constraints

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

The power to seize cash under POCA 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
- Immigration Enforcement arrest team officers who have attended a mandatory NPIA one day cash seizure course - these officers may seize cash under

POCA and serve Form A (the first part of the process), but only after referral to a CFI immigration officer who will give authority for the seizure

## Definition of cash

When cash is seized under section 294 of POCA, a detained cash investigation is initiated at the time of the seizure and cash is defined under POCA as:

- notes and coins in any currency
- postal orders
- cheques of any kind, including travellers' cheques
- bankers' drafts
- bearer bonds and bearer shares

found at any place in the UK.

## Seizing and handling cash: under POCA

Cash requires particular care in handling due to its intrinsic value. Officers must adhere to the following guidelines when handling cash seized under POCA.

Only appropriately trained, accredited financial investigators (AFIs) may seize cash under POCA. If the cash is discovered by an arrest team officer, referral must be made immediately, or as soon as practicably possible, to the CFI Immigration team for authority to seize the cash. If the seizure is adopted by CFI Immigration, the cash seizure IO must note the name and contact details of the authorising CFI officer.

The officer must suspect that the cash is recoverable property or is intended for use in unlawful conduct connected to immigration and nationality offences.

In addition:

- the cash amount must be over the minimum amount (£1000)
- the officer must be lawfully on the premises
- officers must wear 'powder free nitrile' examination gloves when handling cash to avoid the risk of the cash becoming contaminated

Following the discovery of cash on the suspected offender or at the premises, there must be 2 officers present throughout the seizure of the cash. One officer will act as a witness.

Both the time of discovery and time of seizure of the cash must be recorded. The time of seizure is generally the start of the 'POCA clock' (the start of the time limit by which cash must be detained at magistrate's court - within 48 hours of seizure, excluding weekends and bank holidays). It should be noted that the POCA clock may be deemed to run from the point the person is not free to deal with the cash, which may be at the point of arrest and before seizure is authorised by CFI

Note also:

- it is best practice for the cash to be photographed or video recorded where it is found
- the forensic integrity of the cash must be preserved

The person from whom the cash is to be seized must be given a fair opportunity to explain the origin of the cash at the earliest possible opportunity. Unless criminal proceedings are contemplated, the PACE caution must not be used – if they fail to comment this must be noted. All questions and answers surrounding the discovery and provenance of the cash must be detailed in the seizing officer's pocket notebook (PNB), witnessed, and also noted in the premises search book. The person in possession of the cash (if applicable) must be asked to state the amount, and any figure provided must be recorded on the exhibit label and in the premises search book as an estimated amount, as stated by the owner. If an amount is not provided, the officer must **estimate the amount** and record it on the exhibit label and the premises search book as an estimated amount. (The wording which may be used is 'an amount estimated to be over £1,000'.)

Cash must be sealed in exhibit bag or bags and then sealed into a second exhibit bag (double bagged). This action must be carried out in the presence of the person from whom the cash has been seized (if applicable and practical) and the witnessing officer. The person from whom the cash is seized must be invited to sign across both seals (if applicable and practical). An entry to confirm these actions must be made in the seizing officer's PNB, and signed by the subject and the witnessing officer, as well as being detailed in the premises search book. Circumstances may dictate that it is not practicable for the person from whom the cash has been seized to be present. In this scenario, the witnessing officer will be present to corroborate events in the seizing officer's PNB and in the premises search book.

After seizure do not touch anything else. Remove your gloves, place them into an evidence bag and seal, and then seal again inside a second bag. Ensure the bag is labelled as an exhibit. (This action is appropriate when the cash is going to be forensically examined.)

Each find must be dealt with individually and the procedures above must be followed.

CFI Immigration will obtain a Home Office POCA reference number for inclusion by the Immigration Enforcement arrest team officer on Form A. If this reference number is not supplied by the time the Immigration Enforcement arrest team officer leaves the premises, include the local national operations database (NOD) reference number on Form A.

Form A must be completed at the earliest opportunity and served on the person claiming to be the owner of the cash or, if the premises are unoccupied, left in a prominent position within the premises (a carbonated copy must be kept). Form HO 1387 Receipt for seized cash must also be completed and served on the person who claims ownership of the cash, if applicable. A carbonated copy must be kept.

The IO should try to ascertain from the person from whom the cash was seized, (known as the respondent), if they are going to make any representation at the first hearing. The HO 1410-1418 forms may be used. If there is an indication that the respondent is going to be represented, then the seizing officer should contact the

CFI Immigration officer who authorised the seizure, so that arrangements can be made for Home Office legal representation at the hearing (if required).

## Handling after POCA cash seizure

The cash is not to be counted or removed from the tamper proof evidence bags and must be weighed (if possible) and placed into a Home Office safe in the arrest team office, the CFI Immigration office, or police station safe. An entry must be made in the property record book, The weight of the bag must be recorded in the property record book, the officer's PNB, and witnessed by another officer (if applicable).

If the cash is to be stored in the police station as opposed to a Home Office safe the arrested person and the cash must be transported to the relevant police custody suite. The cash must not be counted, the custody sergeant must be told that it has been seized under POCA, and it must be placed in the safe at the police station. It should also be noted on the custody record.

Upon their return to the office, the seizing Immigration Enforcement arrest team officer must complete an MG11 statement from the information obtained at the scene and recorded in their PNB. See also Cash seizure, seizure of listed assets and account freezing orders.

The following evidence must be passed by the seizing arrest team officer to the CFI immigration officer within 24 hours of the seizure in order to investigate the detained cash. The completed Form A (this should be faxed or passed to CFI Immigration immediately upon return to the office to enable a detention hearing to be booked) together with **copies** of:

- the warrant used to gain entry to the premises (or if entry to the premises was gained by consent a copy of the written consent)
- the judicial authority (or noted in statute at section 290 of POCA as being at or above the operational equivalent of Senior Executive Officer ([HMI or Grade 7 authority] to conduct a search specifically for cash under [section 289 of POCA](#) (if appropriate)
- the premises search book
- a photograph or video recording of the cash where it was found
  - this must be listed as an exhibit in the officer's witness statement
- a witness statement from the IO who seized the cash detailing the discovery of the cash and any explanation given by the claimed owner of the cash
- the seizing IO's PNB (which must include any comments or responses made during questions and answers by the claimed owner of the cash)
- the witnessing officer's PNB

## Seizing and handling cash as relevant evidence of a criminal offence

If the officer thinks that there is evidence that the offender has committed a criminal offence, the cash must be seized, either under [section 294 of POCA](#) or [section 48 of the Immigration Act 2016](#), and the crime team must be contacted before any action

is taken. If they agree to take on the criminal investigation, they may ask the officer to seize any cash discovered as evidence of a criminal offence.

Cash which is seized as relevant evidence of a criminal offence will be taken with the suspect to custody. Responsibility for safeguarding cash seized as evidence passes to the custody officer at the police station when detention of the prisoner is authorised. CFI Immigration may obtain possession of the seized cash for use as evidence in the same manner as all other evidence, that is, by signing for it in the 105 Police Property Log and transporting the evidence to secure Home Office property storage.

## Seizure of unattended cash

In the event that an IO finds unattended cash, for example during a house search, which cannot be linked to an owner, or the persons present claim that the cash is not their property, they may seize it where they have reasonable grounds to suspect the cash relates to unlawful conduct of an immigration or nationality offence. Unless the IO is an accredited financial investigator (AFI) they must refer the existence and location of the cash to the police. AFIs are not subject to the immigration and nationality offence restriction when seizing cash under POCA. If the criteria for seizure are not met, details of the find must be reported to the local police for advice as to disposal of the cash. In making such a report, the IO must emphasise that the Home Office has no power to keep the cash. See also [likely scenarios](#).

See [seizing and handling cash: under POCA](#).

## Treatment of cash in wallets and purses

If the IO is 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 as above, the person must be allowed to keep the cash that is not crime related.

Whenever cash is seized under POCA, 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 24 of the UK Borders Act 2007](#). If the cash is suspected to relate to non-immigration crime the immigration officer must refer to the police or other relevant investigative agency.

If an IO intends to seize cash found at a person's premises or concealed on their person, the IO 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](#).

## Seizure of foreign currency / bullion

If foreign currency, sovereigns or krugerrands are identified at the scene, consideration must be given as to whether it is cost effective to seize small amounts of foreign currency as part of a larger seizure. The Home Office will have accounts in which to pay euro and US dollars, but other currency must be converted to sterling



before it is banked (this service will be provided by the bank at no cost to the Home Office). If foreign currency cheques valued at less than the equivalent of £50 sterling are seized, they cannot be banked as it is uneconomical to process.

If sovereigns or krugerrands are seized, they are unable to be banked and must be stored in a Queen's Warehouse (QW), a police station, or a Home Office safe as appropriate. They must be double bagged at the scene as detailed in [Seizing and handling cash: under POCA](#).

## Seizure of traveller's cheques third-party cheques and bearer bonds or shares

If travellers' cheques are seized, the issuing company must be contacted by CFI Immigration and advised that the cheques have been seized under [section 294 of POCA](#) and are to be paid into a Home Office bank account. They must be requested not to re-issue the cheques if contacted by the owner. This is to prevent the owner applying for them to be re-issued. If third-party cheques are seized, CFI Immigration will pay them into the appropriate bank account (sterling, euro or US dollar) at the branch. CFI Immigration will contact cash services management (SSC CM) team for advice if bearer bonds or bearer shares are seized.

## Seizure of cash linked to terrorism

[Schedule 1 to the Anti-terrorism, Crime and Security Act](#) provides for immigration officers to seize any amount of cash, where there are reasonable grounds for suspecting that it is linked to terrorism. Cash which is encountered in these circumstances must be referred to the police immediately.

## 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 police in - 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

## 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](#), they must ensure that its contents are respected and rules of investigation are followed when encountering evidence of other criminal activity.

In particular areas such as:

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

## Search and seizure of electronic media

Paragraphs 15A, 25A and 25B of [schedule 2 to the Immigration Act 1971](#), and [section 47 of the Immigration Act 2016](#) provide that where there are reasonable grounds to believe that relevant documents are at the premises, electronic devices (such as mobile phones, laptops or tablet computers), that may contain such documents for which the search is being conducted, may be searched and seized in certain circumstances.

If an officer believes that an electronic device contains that evidence (accessible from the premises), the officer may search this as part of the power to search the premises.

The owner may be required to produce the electronic document in a legible form to be taken away by the officer. This could be print, copy, photograph or electronic files emailed. Where this requirement is not or cannot be complied with, the officer may seize the device or electronic media.

---

**Official – sensitive: start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

## **Official – sensitive: end of section**

---

### **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, officers 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'.

Things immigration officers (IOs) should 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

IOs 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 through 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 the types of material or situations an IO may encounter and what action to take.

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

**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 officer in charge (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 placing the evidence in an evidence bag and filling in appropriate details on the bag, premises search book and pocket notebook (PNB) 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
- premises search books must be used to detail the discovery and describe the scene, this will provide detailed information if there is a responder to the scene
- 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 officers are 'seizing in situ' when they are securing the scene, they 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 officers must preserve and await investigators to arrive. If you uncover a serious indictable offence, police will respond no matter how busy. Immigration officers (IOs) being present and securing the scene will allow the police to better consider their priorities in responding. IOs need to be aware of the response time.

In other areas 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 officers to seize on their behalf and bring the evidence to them. This is the time when officers need to record everything in their pocket notebook (PNB), place objects in evidence bags and fully complete the evidence bag. You are expected to provide a statement when you pass over the evidence.

Items such as nationality documents, particularly false documents, require being removed if doing so will prevent the items being concealed, lost, damaged, altered or destroyed. There may be a chance that CFI and/or professionalising investigations programme (PIP) level 1 officers are unable to deal with this offence, but following the process of seizure will assist with any investigation that may commence.

## Retention of documents

Where an officer suspects that an individual is liable to removal, there is a power to retain documents which may facilitate removal under [section 17 of the Asylum and](#)

[Immigration \(Treatment of Claimants, etc.\) Act 2004](#) where these come into the officer's possession during the course of the exercise of an immigration function.

Under [paragraph 25D\(3\) of schedule 2 to the Immigration Act 1971](#) an immigration officer may photograph or copy, or have photographed or copied, retained material.

A specific safeguard placed into [section 47 of the Immigration Act 2016](#) (search in connection with civil penalties) as well as other powers of seizure, is consideration of the necessity to seize. Subsection (10) of section 47 states:

(10) But a document or item may not be retained for a purpose mentioned in subsection (9) if a photograph or copy would be sufficient for that purpose.

It is therefore important to consider whether it's necessary to take the material with you, copy or photograph it.

[Section 47, subsection \(9\) Immigration Act 2016](#) outlines retention of seized material under that power. Retention of the material is for as long as there is an ongoing case. The material may be retained during any appeals relating to the imposition of the civil penalty or future legal proceedings, taking copies makes this an easier process, particularly when it comes to destruction or return.

Businesses often change ownership or close during drawn out periods of civil proceedings. Taking copies assists the department by allowing quick destruction of material rather than finding an owner to return it to.

## Recording seized evidence

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

- all seized property must be recorded in your PNB
- any property seized is put into 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 on the advice of CFI in connection with criminal immigration offences must be transferred to CFI as soon as possible, logged, and stored under their procedures.

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 store registers are available to order on Adelphi.

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.

## **Related content**

[Contents](#)

# Non-statutory handling of property and baggage

This page tells Immigration Enforcement officers the procedures to follow in situations where they need to assist a person to pack their belongings, or there are animals or pets on the premises.

## 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 subject 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 individuals 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 make arrangements with someone to take responsibility for any remaining belongings, and that they will have access to a telephone before departure.

Where the individual 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.



## Handling cash as personal property of the arrested person

If the offender 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 under [seizing and handling cash as relevant evidence of a criminal offence](#) must be followed. Following this process will ensure that officers are better able to avoid allegations being 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

There may, however, be occasions where a family or individual are unable or unwilling to pack belongings on behalf or themselves, their children, or any vulnerable family members prior to removal. Also, where any children or vulnerable adults are unable (possibly through age or special needs) to pack for themselves.

## Searching and packing: powers

In terms of immigration officer (IOs) powers, there is no relevant search power to find and pack personal belongings on behalf of a child, or other individual. IOs' search powers are not general, instead they all relate broadly to finding:

- a person to arrest
- identity documents
- evidence of an offence
- items people could use to cause harm

The [section 55 of the Borders, Citizenship and Immigration Act 2009](#) safeguarding duty does not give immigration officers 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 European Convention on Human Rights (ECHR), specifically:

- [article 2 - right to life](#)
- [article 3 - no torture, inhumane, or degrading treatment](#)

### [Section 3 of the Human Rights Act 1998](#)

requires courts to interpret legislation in a manner compatible with the ECHR. Accordingly, depending on the nature of the items sought and the circumstances, it is possible to imply a power of search, 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 or clothing.

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 by consent

The best result would be to try to get the individual or family to pack for themselves.

If that cannot be achieved, you must attempt to obtain the consent from an occupier of the property or lead family member.

If you secure consent, and pack items on behalf of the individual or family, you must update your pocket notebook 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

## 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 pocket notebook. 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

[Contents](#)