



Home Office

# Border Security, Asylum and Immigration Act 2025: Seizure of Electronic Devices policy guidance

Version 1.0

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# About this guidance

This guidance informs authorised officers from Immigration Enforcement, Border Force, Police (Scotland, Northern Ireland, England and Wales) and the National Crime Agency (NCA) about statutory powers to search for, seize, retain and use information from electronic devices in the Border Security, Asylum and Immigration Act 2025 (BSAI Act 2025).

This policy guidance will enable operational teams to further develop organisation-specific operational guidance, standard operating procedures, and training packages to ensure that the powers are used correctly and effectively.

## 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, please email OIC Operational Powers Team.

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.

The Home Office has a duty to safeguard vulnerable people and promote the welfare of children for more information see: [Vulnerable adults and children](#)

All other agencies must refer to their own policy and guidance in regard to vulnerable people and children.

Users of the powers must be aware of their obligations under data protection (the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018). Home Office staff see: [Data protection for guidance and contact your local Data Protection Practitioner for support](#).

## Publication

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

- **version 1.0**
- published for Home Office staff on **18 December 2025**

## Changes from last version of this guidance

This is new guidance.

### Related content

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# Background

The Border Security, Asylum and Immigration (BSAI) Act 2025 received royal assent on 2 December 2025. The BSAI Act 2025 is a key part of the government's approach to strengthening border security and creates new powers to enable law enforcement to obtain information about facilitation offences, often carried out by organised crime groups (OCGs). The BSAI Act 2025 enables authorised officers to gain more information in relation to facilitation offences contained in sections 25 and 25A of the [Immigration Act 1971](#), without suspecting the person with the information of being involved in the criminal conduct, or a suspect being arrested.

The new powers allow authorised officers to search for, seize, retain, and use information from electronic devices belonging to illegal entrants and arrivals. Crucially, the individual could be a non-suspect. The electronic device powers in the BSAI Act 2025 allow authorised officers to act based on reasonable grounds to suspect that a person has a device which contains information that relates, or may relate to the commission of an offence under section 25 or 25A of the Immigration Act 1971, enabling the powers to be used at a lower threshold than other search and seizure powers.

The powers are primarily intended for use in high-risk operational settings such as small boat arrivals and other clandestine entry points, including concealment in lorries or other vehicles. They support rapid evidence collection and intelligence development in fast-moving border security scenarios.

These measures form part of the government's broader strategy to strengthen border controls, enhance data-driven enforcement, and improve inter-agency collaboration across immigration, policing and national security domains.

## Relevant legislation

This section sets out all related and relevant legislation.

### Border Security, Asylum and Immigration Act 2025

This act contains the powers for electronic devices at sections 22 to 29: [Border Security, Asylum and Immigration Act 2025](#).

### Immigration Act 1971

This act contains section 24 (illegal entry) and section 25 and 25A (assisting unlawful immigration): [Immigration Act 1971](#).

### Police and Criminal Evidence Act 1984

This act contains powers that may come into effect when utilising the powers in the Border Security, Asylum and Immigration Act: [Police and Criminal Evidence Act 1984](#).

## Human Rights Act 1998

This act is a key piece of UK legislation that incorporates the rights from the European Convention on Human Rights (ECHR) into domestic law: [Human Rights Act 1998](#).

## Data Protection Act 2018

This act is a UK law that governs how personal data is used, stored, and protected, ensuring individuals' privacy rights are upheld and aligning with the UK GDPR: [Data Protection Act 2018](#).

## Criminal Justice and Police Act 2001

This act empowers law enforcement to seize items from premises (Section 50) or individuals (Section 51) when it's not reasonably practicable to determine their relevance on-site, allowing examination to occur elsewhere: [Criminal Justice and Police Act 2001](#).

### Related content

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# Powers to search for, seize, retain and use information from electronic devices

This section outlines how the powers in the Border Security, Asylum and Immigration (BSAI) Act 2025 enable authorised officers to search for, seize, retain, and use electronic devices and information extracted from them. It also sets out the legal obligations and safeguards that govern the use of these powers.

## Who are authorised officers

The powers in the BSAI Act 2025 can only be used by an authorised officer.

Authorised officers are:

- Immigration Officers (Border Force and Immigration Enforcement)
- a constable of local policing body in England and Wales
- a constable of the Police Service of Scotland
- a constable of the Police Service of Northern Ireland
- a National Crime Agency (NCA) officer

All police constable and NCA officers must follow the authorisation process, set out in section 24(2) of the act requiring an inspector or equivalent grade to authorise the use of the powers at each stage to search for, seize, retain and use the information. This authorisation process does not apply to Immigration officers.

Officers of specialist police forces such as British Transport Police (BTP) or Ministry of Defence (MOD) are not authorised officers, so cannot use the powers. A specialist police force is a law enforcement body with specific responsibilities or jurisdiction, distinct from general territorial police forces.

Authorised officers must consider the impact that seizing and retaining a device may have on a business, organisation, or individual. When seeking to obtain digital material, whether from a suspect, witness, or victim, any intrusion into an individual's private and personal life must be justified as necessary and proportionate.

All authorised officers should receive training ([Training requirements](#)) to ensure the powers are used effectively and appropriately.

## Who is a 'relevant person'

The powers under the BSAI Act 2025 can only be exercised against a 'relevant person', as defined in section 22(2). A relevant person is someone who has entered or arrived in the UK as set out below and has not subsequently been given leave to enter or remain in the UK.

A relevant person:

- requires leave to enter the United Kingdom but has entered the United Kingdom without such leave (whether before or after the relevant section comes into force)
- has entered the United Kingdom in breach of a deportation order
- requires entry clearance under the immigration rules but has arrived in the United Kingdom without a valid entry clearance
- is required under the immigration rules not to travel to the United Kingdom without an electronic travel authorisation that is valid for the person's journey to the United Kingdom but has arrived in the United Kingdom without such an electronic travel authorisation

The phrase “has not subsequently been granted leave to enter or remain” refers to the individual’s immigration status at the time of encounter. Authorised officers must confirm that the person has not been granted leave. If leave has been granted, the powers cannot be exercised.

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Being a ‘relevant person’ establishes is a pre-condition to exercising the powers for exercising the powers, but authorised officers must still form reasonable grounds to suspect that the individual is in possession of a relevant article before any search or seizure takes place, and exercise of the powers needs to be considered necessary and proportionate.

### **What is a ‘relevant article’**

Relevant article refers to anything that appears to an authorised officer to be a thing on which information that relates to or may relate to the commission (past or future) of an offence under section 25 or 25A of the Immigration Act 1971 is or may be stored.

The list is not exhaustive but as a guide a relevant article can include:

- mobile phones
- SIM cards
- smart watches
- USB sticks
- laptops
- electronic tablets

## Approach to electronic device seizure

An authorised officer may search a relevant person for a relevant article if they have reasonable grounds to suspect that the individual is in possession of a relevant article. Use of powers must be on a case-by-case basis with the decision recorded to explain why the search and seizure is necessary and proportionate. The intent of the powers is not to arbitrarily increase electronic device seizures, but to gain important information to help disrupt organised crime gangs (OCGs) and the facilitation of organised immigration crime (OIC).

### What does 'has not previously been searched' mean?

An authorised officer can only search a relevant person under section 23(2) if that person has not previously been searched under that subsection since the person's entry or arrival.

The power to search must only be used once per illegal entry or arrival.

This means if the individual is subsequently removed, deported or voluntarily leaves, and later re-enters the UK in a way that makes them a relevant person under the BSAI Act 2025, the power can be used again. This ensures the powers are not used more than once per entry.

Complete the relevant checks under [Immigration status check requirements](#) to ensure the powers can be applied.

### Immigration status check requirements

Authorised officers must take reasonable and proportionate steps to establish a person's identity and nationality before exercising the powers.

Immigration Officers will conduct Home Office system checks using name, date of birth, and nationality. Where available, fingerprint scanners may be used to determine if the individual has been previously encountered. These checks help officers confirm:

- the individual's current immigration status
- whether the powers have already been used

Police constables and NCA officers must conduct the same checks via the National Command and Control Unit (NCCU).

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## **The powers to search**

Once an authorised officer has established that an individual is a relevant person, formed reasonable grounds to suspect they are in possession of a relevant article, and confirmed that the BSAI Act 2025 search power has not previously been used, they may conduct a search of a relevant person. The NCA and police constables must gain authorisation from inspector or equivalent level.

An authorised officer may search a person's mouth and require the person to remove an outer coat, jacket or glove, but no other clothing.

An authorised officer may search premises, property, a vehicle or a container. There are further requirements in relation to searching for relevant articles in these circumstances, please refer to section 23 (4) to (6) [Border Security, Asylum and Immigration Act 2025](#).

In exercise of the search powers under section 23, authorised officers may use reasonable force, if necessary.

## **The powers to seize**

An authorised officer can seize any relevant article found on a search of a relevant person or that appears to have been in the possession of the relevant person.

An authorised officer will issue a receipt to the relevant person using interpreters where required.

A police constable and NCA officer must gain authorisation from an inspector or equivalent before they can seize and retain.

An authorised officer can use reasonable force to seize relevant articles.

An electronic device seized under the powers by a police constable can be given to an immigration officer or the Secretary of State.

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## The powers to retain

A relevant article may be retained by an authorised officer or the Secretary of State for so long as the authorised officer or the Secretary of State considers the retention necessary for the purposes of accessing, examining or copying information stored, or for use in proceedings for an offence.

Authorised officers should aim to return a relevant article to a relevant person as soon as reasonably practicable, however, retention times may vary due to a number of factors:

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Retention of a relevant article may also be due to finding other non-immigration offences, see [What happens if evidence of a non-immigration offence is found](#) for more information.

See [Repatriation of electronic devices](#) for more information in how to return and dispose of electronic devices.

## Requesting PINs and passwords

Consent should not be relied upon as a legal basis for data processing. Instead, the lawful basis aligns with strict necessity for law enforcement purposes, Part 3 and Schedule 8 of the Data Protection Act (DPA) 2018. The power is necessary for judicial and statutory purposes for reasons of substantial public interest.

Authorised officers can ask a relevant person to voluntarily provide their PINs and passwords to access a seized device, but it is extremely important that there is absolutely no representation or implication:

- that the individual is under a duty legal or otherwise to provide the PINs and / or passwords
- that we have a legal basis for requiring them to provide the PINs and passwords
- or that there will be any sanctions or repercussions to them of not providing the PINs and passwords

Authorised officers may ask for PINs and passwords after seizure, but:

- the individual is not obliged to provide them
- there is no power to compel disclosure of access credentials under BSAI Act 2025
- if refused, officers must rely on technical means to access the device

If an individual voluntarily provides their PIN or password to an authorised officer, this is considered an agreement for the authorised officer to use it to access the device.

## **What if an individual refuses to provide their PINs and passwords**

There is no criminal offence if the individual does not wish to provide their PINs and passwords to an authorised officer.

Where an authorised officer has formed reasonable grounds to suspect and use the power, they must decide if the electronic device being seized and retained should be sent to the forensic laboratory to unlock the device to enable authorised officers to access, copy and use information.

The decision about whether to send the device to a laboratory will be informed by the costs and availability of laboratory processing, time to process and the potential information gained.

## **How does an authorised officer access, copy and use information**

Following the lawful seizure of an electronic device, and once any PINs and passwords have been obtained, an authorised officer or the Secretary of State may access and examine the information stored on it, relevant to the offence under section 25 or 25A of the Immigration Act 1971.

If, upon examination, the officer identifies information that may relate to such an offence, they may then copy and retain that information (whether in the past or future). Any information copied and retained in this way may subsequently be used for a purpose relating to the prevention, detection, investigation, or prosecution of the offence.

A police constable and NCA officer must gain authorisation from an inspector / or equivalent before they can access, copy and use information.

## **What happens if evidence of a non-immigration offence is found**

When utilising the powers under section 24 of the BSAI Act 2025 to seize and retain, if an immigration officer forms a reasonable belief that the device is or contains evidence of a non-immigration offence, the immigration officer has a duty, as set out in section 25, to notify a person who the immigration officer thinks has functions in relation to the investigation of the relevant offence, typically the police. While authorised officers are not actively searching for such material, its discovery may occur incidentally.

Upon referral, the investigative authority must decide whether to take possession of the device for further investigation. If accepted, the transfer should occur as soon as reasonably practicable. If declined, the officer must determine whether to retain the device under section 24(9) or return it if no longer required. Returning a relevant article where an authority has refused to investigate an offence for legitimate reasons will be conducted on a case-by-case basis, as it may not be appropriate. Devices may only be retained for purposes explicitly permitted under the BSAI Act 2025. Retention cannot be justified solely on the basis that the device may contain evidence of an unrelated offence; authorised officers must ensure retention is strictly linked to the statutory grounds provided.

Section 25 applies exclusively to immigration officers; police and NCA authorised officers may instead rely on their existing powers to act on evidence of non-immigration crimes.

## **What happens if there is Legal Professional Privilege material**

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## Repatriation of electronic devices

Once an authorised officer or the Secretary of State no longer considers it necessary to retain the relevant article, it must be returned to the relevant person from whom it was seized or to the relevant person the authorised officer believes was last in possession of it.

If the relevant article cannot be returned to the relevant person from whom it was seized or who last possessed it, and there is no need to transfer it to another authority for investigation of a criminal offence, an authorised officer may dispose of the device in specific circumstances.

- immigration officers must dispose of an electronic device in accordance with section 26 of the UK Borders Act 2007 and any regulations made under that section
- police constables must dispose of an electronic device in accordance with the Police (Property) Act 1897, and any regulations under section 2 of that act, as if it were property that has come into the possession of the constable in connection with the investigation of a suspected offence
- if the relevant article is in the possession of a constable of the Police Service of Scotland, it must be disposed of in accordance with Part 6 of the Civic Government (Scotland) Act 1982 as if— (a) it were property that has been delivered to a constable under section 67 of that Act, and (b) it were delivered to a constable on the date when subsection (6)(a) of this section ceased to apply to it
- in the application of Part 6 of that act in relation to a relevant article by virtue of subsection (11), references in that part to action which may or must be taken in relation to the finder of property are to be disregarded
- if the relevant article is in the possession of a constable of the Police Service of Northern Ireland, it must be disposed of in accordance with section 31 of the Police (Northern Ireland) Act 1998, and any regulations under that section, as if it were property that has come into the possession of the constable in connection with the investigation of a suspected offence

## Exercising powers in respect of vulnerable individuals

When exercising powers such as search and seizure, officers must act with care and proportionality in all cases, with particular caution when dealing with vulnerable individuals, including minors, victims of modern slavery, and victims of torture.

For minors (under 18), powers must only be used when clearly necessary and proportionate. Where possible, an independent adult, such as a social worker, local authority representative, or family member, should be present. This adult must not be a Home Office employee. Where an individual's age is in doubt, officers must follow established age assessment guidance, prioritising safeguarding considerations.

Officers must be mindful that devices may contain sensitive personal data, evidence of exploitation, or confidential communications, whenever the powers are exercised,

but especially due to the possibility of individuals being potential victims of modern slavery or torture. Handling and retention of such material must comply with all relevant legislation.

Devices must only be retained for as long as strictly necessary and returned promptly once no longer required.

All actions must align with the Home Office's statutory duty under Section 55 of the Borders, Citizenship and Immigration Act 2009, or equivalent guidance, to safeguard and promote the welfare of children.

## Training requirements

All authorised officers must receive appropriate training before exercising powers under the BSAI Act 2025. Authorised officer's training will be incorporated into existing training programmes as part of standard legislative and policy updates.

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## Human Rights Act

The seizure of electronic devices measures within the BSAI Act 2025 are likely to engage an individual's human rights under Article 8 (respect for private and family life) and Article 1 and Protocol 1 (protection of property) see: [Human Rights Act 1998](#). Before any such search is carried out those conducting and / or authorising must be satisfied that the search is both necessary and proportionate to the legitimate aim being pursued.

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