



Home Office

Criminal investigation search of person

Version 4.0

This guidance is based on: Police and Criminal Evidence Act 1984, Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013, Immigration Act 1971, Immigration and Asylum Act 1999, UK Borders Act 2007, Criminal Justice and Police Act 2001, the Police and Criminal Evidence (Northern Ireland) Order 1989 and the Police and Criminal Evidence (Northern Ireland) Order 1989 (Application to Immigration Officers and Designated Customs Officials in Northern Ireland) and Consequential Amendments Regulations 2026.

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About this guidance

This guidance tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about the powers to search people and to seize items that are found.

It tells you about powers to:

- search people
- seize items of evidence
- restrictions on searching
- conduct and standards you must meet when searching
- recording details of the search
- a brief overview of how to conduct a search

It does not tell you about search techniques in detail. This is given in personal safety training and refreshers.

For information about searching premises, see [search and seizure: premises](#).

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

Criminal investigators in IE must be aware of their obligations under the UK General Data Protection Regulations (UK GDPR) and Part 3 of the Data Protection Act 2018 see: [Data protection changes \(GDPR and Data Protection Act 2018\)](#).

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 [CFI Operational Guidance, Risk and Compliance](#).

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](#).

Publication

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

- version **4.0**
- published for Home Office staff on **24 March 2026**

Changes from last version of this guidance

Changes include:

- housekeeping changes
- integration of retired guidance 'Offensive weapons - safe handling procedures
- Updates regarding the Police and Criminal Evidence (Northern Ireland) Order 1989 (Application to Immigration Officers and Designated Customs Officials in Northern Ireland) and Consequential Amendments Regulations 2026
- minor name alteration for consistency – previously named 'search of person'

Related content

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Powers to search people and seize property or evidence

This section tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about which legislation gives you the power to search people and about the standards you must meet.

You must only use those powers you are trained for, and which apply to the role you are currently in.

There are powers for Immigration Officers in England and Wales under the Police and Criminal Evidence (Application to Immigration Officers and designated customs officials in England and Wales) Order 2013 and powers for officers in Northern Ireland under the Police and Criminal Evidence (Northern Ireland) Order 1989 (Application to Immigration Officers and Designated Customs Officials in Northern Ireland) and Consequential Amendments Regulations 2026. If you are authorised to use these powers, they are the main ones you will use. For more information, see:

- [PACE Order 2013](#)
- Criminal investigation guidance to the PACE (1984) Order 2013
- Powers of an Immigration Officer
- [The Police and Criminal Evidence \(Northern Ireland\) Order 1989](#)
- Criminal investigation guidance to the PACE (Northern Ireland) Order 1989 Regulations 2026

There are powers for Immigration Officers in Scotland under the Criminal Justice (Scotland) Act 2016. For more information, see: [Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018](#).

All officers in England, Northern Ireland, Scotland and Wales have powers under the Immigration Acts. You can continue to use these powers if appropriate and if you do not have authority to use PACE or Scottish powers. In Scotland officers using the arrest power under the Criminal Justice (Scotland) Act 2016 will still use Part III Immigration Act 1971 statutory search powers where appropriate.

Legislation providing powers to search people and seize property

Section and act	Who or what you can search or seize
Section 32 PACE 1984 (England & Wales)	You can search a person upon arrest when the arrest has taken place anywhere except at a police station.
Section 28G Immigration Act 1971	You can search people arrested for offences under part III of the Immigration Act 1971.

Section and act	Who or what you can search or seize
Section 28H Immigration Act 1971	You can search people arrested for offences under part III of the Immigration Act 1971 and who are in custody at a police station. CFI officers do not have a power under PACE to search an arrested person in police custody.
Paragraph 25B of schedule 2, Immigration Act 1971	You can search people arrested by an Immigration Officer under schedule 2 of the Immigration Act 1971.
Paragraph 25C of schedule 2, Immigration Act 1971	You can search people arrested under schedule 2 of the Immigration Act 1971 and who are in custody at a police station. PACE trained officers do not have the power to search in custody under PACE.
Section 51 Criminal Justice and Police Act 2001	Additional power of seizure of items from a person. This power allows you to seize items from a person and sift through them elsewhere. Particularly when it would be impractical to sift through the items at the time and place of seizure.
Article 34 - The Police and Criminal Evidence (Northern Ireland) Order 1989	You can search a person upon arrest when the arrest has taken place anywhere except at a police station.

To read exactly what each of these sections allows you to do and full list of your powers under PACE and immigration legislation see:

- Powers of arrest entry and search under PACE
- Powers of arrest entry and search under immigration legislation
- Criminal Investigation guidance on arrest
- Criminal investigation guidance to the PACE (Northern Ireland) Regulations 2026

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Searching persons

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about the standards you must meet when searching people, how to carry out a person search and how to correctly record the search

Standards you must meet when searching people

Search and seizure guidance on the Migration & Borders guidance platform provides information about factors you need to consider when you wish to search a person who has been arrested. These include:

- Extent of the search
- Standards to meet while searching
- Maintaining control during a search
- Quadrant searching
- Safeguarding
- Recording a search

Officers should ensure that all searches are **fair, legal, professional and transparent**.

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
- not ask a person to remove any clothing in public other than an outer coat, jacket or gloves (PACE Code A, paragraph 3.5) - where a more thorough search is required (removal of more than jacket, outer coat and gloves but not revealing intimate parts of the body (for example, trainers, cap) this must be conducted inside a property out of public view (PACE Code A, paragraph 3.6)
- if the arrested person appears to be transgender, ask which gender they consider themselves to be and treat them accordingly

Further information:

- [Police and Criminal Evidence \(PACE\) 1984 code of practice B 2013 \(England and Wales\)](#)
- [PACE Code B: searches of premises by police officers and seizure of property found by police officers on persons or premises \(Northern Ireland\)](#)

You must comply with PACE code B if you are seizing anything you have found when you are searching a person. PACE 1984 code of practice B also provides guidance on:

- seizing and retaining property found on persons
- the need to assign an officer in charge of a search

Equality Act 2010

[Equality Act 2010](#) places a duty to eliminate unlawful discrimination, harassment and victimisation.

It advances equality of opportunity for people who align with one of the 9 protected characteristics as given in the act;

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Carrying out a person search

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Risks when searching people: legal and non-physical risks

This section tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about some risks you must consider when searching people and how to reduce them.

Identify risks in advance

It is best practice to identify risks in advance if you can and try to minimise them.

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Risks when searching people: physical risks

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about some physical risks you must consider when searching people and how to reduce them.

These are examples of physical risks you must consider. You may also identify others.

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Using force when searching people

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about using force when searching people.

You may need to use force when searching somebody, for example, if they become violent. You must only use force if you can justify it and in line with the following legislation.

You must only use force if you can justify it (for example it is reasonable / proportionate in the circumstances) and in line with the following legislation.

Act or law	What it allows
Common law (case law).	You can use force to: <ul style="list-style-type: none"> • protect yourself from attack • defend somebody else to prevent a crime • arrest an offender
Section 3(1) Criminal Law Act 1967	You can use reasonable force to: <ul style="list-style-type: none"> • prevent crime • make or help to make a lawful arrest
Article 6, Police and Criminal Evidence Act 1984 (application to immigration officers and designated customs officials in England and Wales) Order 2013. Regulation 6 The Police and Criminal Evidence (Northern Ireland) Order 1989 (Application to Immigration Officers and Designated Customs Officials in Northern Ireland) and Consequential Amendments Regulations 2026	Refers to powers accredited to Immigration Officers on Criminal and Financial Investigation teams. Article 6 allows officers to use reasonable force when exercising a power applied by Article 3 of the order. This relates to your power to search. If you are not authorised to use PACE powers designated under the ‘PACE Order 2013’ or the ‘PACE NI Order Regulations 2026’ you must still work in the spirit of PACE, which means you must still follow PACE guidelines. Regulation 6 allows officers to use reasonable force when exercising a power applied by Regulation 3 of the order. This relates to your power to search.
Section 45 Criminal Justice (Scotland) Act 2016	Applies to immigration officers on the Criminal and Financial Investigation team in Scotland who have a subset of

Act or law	What it allows
	<p>Criminal Justice (Scotland) Act 2016 powers through the Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018.</p> <p>Section 45 says that reasonable force may be used to effect an arrest and when taking a person who is in immigration custody to any place.</p>
<p>Section 146 Immigration and Asylum Act 1999</p>	<p>Section 146 says that an immigration officer exercising any power conferred on them by the immigration acts may, if necessary, use reasonable force.</p>
<p>Human Rights Act 1998</p>	<p>You can only interfere with human rights if it:</p> <ul style="list-style-type: none"> • is within the law • is necessary in a 'democratic' society • serves a legitimate purpose <p>The articles you are most likely to breach are:</p> <ul style="list-style-type: none"> • article 2 - the right to life • article 3 - prohibition from torture inhuman or degrading treatment • article 8 - the right to respect for private and family life, which includes physical integrity (a person's right to have control over their own body)

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