

# Powers of an immigration officer

This section is based on section 55 of the Crime and Courts Act 2013

This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### About this guidance

[The powers section 55 gives to immigration officers](#)

This guidance gives information to all Home Office staff working as immigration officers across the UK.

You must only use this guidance if you are an immigration officer:

- in an immigration criminal and financial investigation team
- conducting criminal investigations relating to immigration and nationality matters.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contacts – This page tells you who to contact for help if your senior investigating officer or line manager cannot answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more.

#### Related links

[Changes to this guidance](#)

[Contact](#)

[Information owner](#)

Links to staff intranet removed

#### External links

This section is based on S55 of the Crime and Courts Act, 2013.

**Powers of an immigration officer**

**Changes to this guidance**

<a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a>	<p>This page lists changes to the powers of an immigration officer guidance, with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>01 July 2013</td><td>This is new guidance based on the Crime and Courts Act 2013</td></tr></table>	Date of the change	Details of the change	01 July 2013	This is new guidance based on the Crime and Courts Act 2013	<p><b>See also</b> <a href="#">Contact</a> <a href="#">Information owner</a></p>
Date of the change	Details of the change					
01 July 2013	This is new guidance based on the Crime and Courts Act 2013					

This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### The powers section 55 gives to immigration officers

#### [About this guidance](#)

This section tells you about section 55 of the Crime and Courts Act 2013 and how it affects immigration officers.

The Crime and Courts Act 2013 is a new Act of Parliament which contains provisions relating to the criminal investigation powers used by immigration officers.

Section 55:

- Allows immigration criminal investigators to tackle serious and organised immigration related criminal activity across the UK.
- Gives additional powers to officers working in Scotland to allow them to conduct effective criminal investigations in the Scottish judicial system.

#### **In this section**

[Section 55 \(1 and 2\) – what powers it allows](#)  
[Section 55 \(3, 4 and 5\) – appropriate officers](#)  
[Section 55 \(6\) – seizing cash](#)  
[Section 55 \(7 and 8\) – immigration offences](#)  
[Section 55 \(9, 10 and 11\) – arresting and detaining in Scotland](#)  
[Section 55 \(12\) – definitions of immigration offences](#)  
[Section 55 \(13\) – definition of ‘officer of law’](#)

#### **External links**

[The Crime and Courts Act 2013](#)

This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### Section 55 (1 and 2) – what powers it allows

<p><a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a></p>	<p>This page tells you what powers section 55 of the Crime and Courts Act 2013 allows.</p> <p>These sub sections amend the Police Act 1997 and Regulation of Investigatory Powers Act (RIPA) 2000 to allow immigration officers, designated as senior officials, to act as senior authorising officers and authorise intrusive surveillance.</p> <p>For more information on the above legislation, see related links.</p> <p>For more information on the specific amendments to the Police Act 1997 and RIPA, see schedule 21 (Part 1) of related link: The Crime and Courts Act 2013.</p> <p>For more information on surveillance guidance under the Regulation of Investigatory Powers Act (RIPA) 2000, see related link.</p>	<p><b>In this section</b></p> <p><a href="#">Section 55 (3, 4 and 5) – appropriate officers</a> <a href="#">Section 55 (6) – seizing cash</a> <a href="#">Section 55 (7 and 8) – immigration offences</a> <a href="#">Section 55 (9, 10 and 11) – arresting and detaining in Scotland</a> <a href="#">Section 55 (12) – definitions of immigration offences</a> <a href="#">Section 55 (13) – definition of ‘officer of law’</a></p> <p><b>Related links</b> Links to staff intranet removed</p> <p><b>External links</b> <a href="#">The Police Act 1997</a> <a href="#">Regulation of Investigatory Powers Act (RIPA) 2000</a> <a href="#">The Crime and Courts Act 2013</a> <a href="#">Criminal Justice and</a></p>
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This section is based on S55 of the Crime and Courts Act, 2013.

		<a href="#">Public Order Act 1994</a> <a href="#">Criminal Procedure</a> <a href="#">(Scotland) Act 1995</a>
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This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### Section 55 (3, 4 and 5) – appropriate officers

<a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a>	<p>This page gives you the Crime and Courts Act 2013 definition of what is an ‘appropriate officer’.</p> <p>These sub sections amend the Proceeds of Crime Act (POCA) 2002 to allow an immigration officer:</p> <ul style="list-style-type: none"><li>• to be an ‘appropriate officer’ for:<ul style="list-style-type: none"><li>○ exercising search and seizure powers</li><li>○ confiscation investigations</li><li>○ detained cash investigations, and</li><li>○ money laundering investigations</li></ul></li><li>• ranking superintendant or above (for example, immigration inspector) to be a ‘senior appropriate officer’ for:<ul style="list-style-type: none"><li>○ money laundering investigations, and</li><li>○ confiscation investigations.</li></ul></li></ul> <p>For more information, see related links.</p> <p>For more information on the specific amendments to POCA see Schedule 21 (Part 1) of the Crime and Courts Act 2013 of the related link.</p> <p>For information on POCA and financial investigations, see related link.</p>	<p><b>In this section</b></p> <p><a href="#">Section 55 (1 and 2) – what powers it allows</a> <a href="#">Section 55 (6) – seizing cash</a> <a href="#">Section 55 (7 and 8) – immigration offences</a> <a href="#">Section 55 (9, 10 and 11) – arresting and detaining in Scotland</a> <a href="#">Section 55 (12) – definitions of immigration offences</a> <a href="#">Section 55 (13) – definition of ‘officer of law’</a></p> <p><b>External links</b></p> <p><a href="#">The Crime and Courts Act 2013</a> <a href="#">The Proceeds of Crime Act 2002</a></p>
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This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### Section 55 (6) – seizing cash

[About this guidance](#)  
[The powers section 55 gives to immigration officers](#)

This page tells you about the powers under the Crime and Courts Act 2013 for immigration officers to seize cash under the Proceeds of Crime Act (POCA) 2002 for ‘unlawful conduct’.

This sub section amends section 24 of the UK Borders Act 2007 about immigration officers seizing cash under POCA for ‘unlawful conduct’. It now means conduct which relates to:

- a person’s entitlement (who is not a UK national) to enter, transit across, or be in the UK, including conduct relating to any conditions or controls on this entitlement, or
- a relevant nationality act, such as:
  - the British Nationality Act 1981
  - the Hong Kong Act 1985
  - the Hong Kong (War Wives and Widows) Act 1996
  - the British Nationality (Hong Kong) Act 1997
  - the British Overseas Territories Act 2002, or
  - an instrument made under any of these acts.

For more information on the specific amendments to the UK Borders Act 2007, see the related link.

#### In this section

[Section 55 \(1 and 2\) – what powers it allows](#)  
[Section 55 \(3, 4 and 5\) – appropriate officers](#)  
[Section 55 \(7 and 8\) – immigration offences](#)  
[Section 55 \(9, 10 and 11\) – arresting and detaining in Scotland](#)  
[Section 55 \(12\) – definitions of immigration offences](#)  
[Section 55 \(13\) – definition of ‘officer of law’](#)

#### External links

[UK Borders Act 2007](#)



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## Powers of an immigration officer

### Section 55 (7 and 8) – immigration offences

<a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a>	<p>This page tells you what powers an immigration officer has in relation to immigration offences.</p> <p>Sub sections 7 and 8 give immigration officers powers, under sections 136 to 139 of the Criminal Justice and Public Order Act 1994, relating to:</p> <ul style="list-style-type: none"><li>• the execution (use) of warrants</li><li>• cross border powers of arrest, and</li><li>• related search powers.</li></ul> <p>But, you may only use a power under these sections if you are doing something relating to:</p> <ul style="list-style-type: none"><li>• a person's entitlement (who is not a UK national) to enter, transit across, or be in the UK, including conduct relating to any conditions or controls on this entitlement, or</li><li>• the purposes of:<ul style="list-style-type: none"><li>○ the British Nationality Act 1981</li><li>○ the Hong Kong Act 1985</li><li>○ the Hong Kong (War Wives and Widows) Act 1996</li><li>○ the British Nationality (Hong Kong) Act 1997</li><li>○ the British Overseas Territories Act 2002</li><li>○ an instrument made under any of these acts, or</li></ul></li><li>• the prevention, investigation or prosecution of any of the following offences (to the extent that it does not involve doing anything described above on this page):<ul style="list-style-type: none"><li>○ an offence under section 26(1)(a), (b) or (g) of the Immigration Act 1971 - refusal or failure to submit to examination or to furnish information, or obstruction of an immigration officer, or</li><li>○ an offence under section 22 of the UK Borders Act 2007 - assaulting an immigration officer.</li></ul></li></ul>	<p><b>In this section</b> <a href="#">Sections 136-139 of the Criminal Justice and Public Order Act 1994</a></p> <p><b>External links</b> <a href="#">Criminal Justice and Public Order Act 1994</a></p>
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## Powers of an immigration officer

### Sections 136-139 of the Criminal Justice and Public Order Act 1994

[About this guidance](#)  
[The powers section 55 gives to immigration officers](#)

This page tells you about the powers an immigration officer has relating to warrants, cross border powers of arrest and search powers.

#### Section 136 – execution (use) of warrants

Under this section, as an immigration officer, you:

- can use a warrant of arrest in:
  - Scotland - when it was issued in England, Wales or Northern Ireland
  - England or Wales - when it was issued in Scotland or Northern Ireland
  - Northern Ireland - when it was issued in England, Wales or Scotland
- must, as soon as it is reasonably practical, take a person arrested by the execution (using) of a warrant, to any place that person is committed to or may be conveyed to, by the warrant
- can, if you are using a warrant issued in England, Wales or Northern Ireland use reasonable force, and exercise powers of search given by section 139 of the Criminal Justice and Public Order Act 1994
- can, if you are using a warrant issued in Scotland, have the same powers and duties, and the person arrested the same rights, as if the warrant had been used in Scotland by a constable of a police force in Scotland.

#### Section 137 – cross border power of arrest

Under this section if you have reasonable grounds to suspect an offence has been committed or attempted in:

- England and Wales and the suspected person is in Scotland or Northern Ireland:
  - you may arrest them without a warrant using reasonable force and exercise the powers of search given by section 139 of the Criminal Justice and Public Order Act 1994.
- Scotland and the suspected person is in England, Wales or Northern Ireland:
  - you may exercise the same powers of arrest and detention you would be able to exercise in Scotland

#### External links

[Criminal Justice and Public Order Act 1994](#)  
[Criminal Procedure \(Scotland\) Act 1995](#)  
[The Crime and Courts Act 2013](#)

This section is based on S55 of the Crime and Courts Act, 2013.

- the person arrested or detained has the same rights as if the arrest or detention had been in Scotland
- Northern Ireland and the suspected person is in England, Wales or Scotland:
  - you may arrest them without a warrant, use reasonable force and exercise powers of search conferred by section 139 of the Criminal Justice and Public Order Act 1994.

**Section 138 – Supplementary provisions for section 137**

Under this section, if you detain a person for an offence committed or attempted in Scotland, the Criminal Procedure (Scotland) Act 1995 applies (as modified by the Criminal Justice and Public Order Act 1994).

For more information on this section, see the related links.

**Section 139 – Search powers available to immigration officers**

Under this section search powers are available to you in relation to arrests made under sections 136 and 137 of the Criminal Justice and Public Order Act 1994.

For more information on the legislation, see the related link.

For more information on the specific amendments to the Criminal Justice and Public Order Act 1994 see Schedule 21 (Part 2) of related link: Crime and Courts Act 2013.

This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### Section 55 (9, 10 and 11) – arresting and detaining in Scotland

<a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a>	<p>This page tells you some points on arresting and detaining that are specific to Scotland.</p> <p>These sub sections amend the Criminal Law (Consolidation)(Scotland) Act 1995. It allows immigration officers working in Scotland with reasonable grounds for suspecting a person has committed, or is committing, an immigration or nationality offence punishable by imprisonment, to:</p> <ul style="list-style-type: none"><li>• detain that person and take them as quickly as is reasonably practical to a police station under section 24 of the Criminal Law (Consolidation) (Scotland) Act 1995, or</li><li>• arrest them without warrant if there are reasonable grounds to suspect they are guilty of the offence under section 26A of the Criminal Law (Consolidation) (Scotland) Act 1995.</li></ul> <p>For more information on the amendments to the Criminal Law (Consolidation) (Scotland) Act 1995, see the related link.</p>	<p><b>In this section</b></p> <p><a href="#">Section 55 (1 and 2) – what powers it allows</a> <a href="#">Section 55 (3, 4 and 5) – appropriate officers</a> <a href="#">Section 55 (6) – seizing cash</a> <a href="#">Section 55 (7 and 8) – immigration offences</a> <a href="#">Section 55 (12) – definitions of immigration offences</a> <a href="#">Section 55 (13) – definition of ‘officer of law’</a></p> <p><b>External links</b></p> <p><a href="#">Criminal Law (Consolidation)(Scotland) Act 1995</a></p>
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## Powers of an immigration officer

### Section 55 (12) – definitions of immigration offences

<a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a>	<p>This page gives you the Crime and Courts Act 2013 definition of immigration offences.</p> <p>This sub section amends the Criminal Law (Consolidation)(Scotland) Act 1995 to add the following definitions.</p> <p><b>Immigration offence</b> This is an offence that involves conduct relating to a person's entitlement (who is not a UK national) to enter, transit across, or be in the UK including an offence relating to any conditions or controls on this entitlement.</p> <p><b>Immigration enforcement offence</b> This is either, an offence under:</p> <ul style="list-style-type: none"><li>• section 26(1)(a), (b) or (g) of the Immigration Act 1971 (refusal or failure to submit to examination or to furnish information, or obstruction of immigration officer), or</li><li>• section 22 of the UK Borders Act 2007 (assaulting an immigration officer).</li></ul> <p>For more information on this legislation, see related link.</p> <p><b>Nationality offence</b> This is an offence involving conduct for the purposes of or relating to:</p> <ul style="list-style-type: none"><li>• the British Nationality Act 1981</li><li>• the Hong Kong Act 1985</li><li>• the Hong Kong (War Wives and Widows) Act 1996</li><li>• the British Nationality (Hong Kong) Act 1997</li><li>• the British Overseas Territories Act 2002, or</li><li>• an instrument made under any of these acts.</li></ul>	<p><b>In this section</b> <a href="#">Section 55 (1 and 2) – what powers it allows</a> <a href="#">Section 55 (3, 4 and 5) – appropriate officers</a> <a href="#">Section 55 (6) – seizing cash</a> <a href="#">Section 55 (7 and 8) – immigration offences</a> <a href="#">Section 55 (9, 10 and 11) – arresting and detaining in Scotland</a> <a href="#">Section 55 (13) – definition of 'officer of law'</a></p> <p><b>External links</b> <a href="#">Criminal Law (Consolidation)(Scotland) Act 1995</a> <a href="#">UK Borders Act 2007</a> <a href="#">Immigration Act 1971</a></p>
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## Powers of an immigration officer

### Section 55 (13) – definition of ‘officer of law’

<p><a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a></p>	<p>This page tells you the Crime and Courts Act 2013 definition of ‘officer of law’.</p> <p>An ‘officer of law’ in Scotland is someone who is able to serve and execute (use) any warrant, citation, petition, indictment, complaint, list of witnesses, order, notice, or other proceeding or document.</p> <p>This sub section amends the Criminal Procedure (Scotland) Act 1995 interpretation of ‘officer of law’ to include immigration officers as ‘officers of law’ but only in relation to immigration and nationality offences as described in sub section 12, within the meaning of Part 3 of the Criminal Law (Consolidation) (Scotland) Act 1995.</p> <p>For more information on sub section 12, see related link: Section 55 (12) – definitions of immigration offences.</p> <p>For more information on the specific amendments to the Criminal Law (Consolidation) (Scotland) Act 1995 see Schedule 21 (Part 3) of related link: Crime and Courts Act 2013.</p>	<p><b>In this section</b> <a href="#">Section 55 (1 and 2) – what powers it allows</a> <a href="#">Section 55 (3, 4 and 5) – appropriate officers</a> <a href="#">Section 55 (6) – seizing cash</a> <a href="#">Section 55 (7 and 8) – immigration offences</a> <a href="#">Section 55 (9, 10 and 11) – arresting and detaining in Scotland</a> <a href="#">Section 55 (12) – definitions of immigration offences</a></p> <p><b>External links</b> <a href="#">The Crime and Courts Act 2013</a></p>
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This section is based on S55 of the Crime and Courts Act, 2013.

## Powers of an immigration officer

### Contact

<a href="#">About this guidance</a> <a href="#">The powers section 55 gives to immigration officers</a>	<p>This page explains who to contact for more help with the powers of an immigration officer category.</p> <p>If you have read the relevant legislation and this guidance and still need more help with this category, you must first ask your senior investigating officer or line manager.</p> <p>If the question cannot be answered at that level, you may email Rob Allen for guidance on the legislation, using the related link.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT) in the operational policy and rules unit (OPRU). If you think the content needs amending you must contact the guidance owner, Rob Allen, (assistant director, Immigration Enforcement), using the related link who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: modernised guidance team.</p>	<p><b>Related links</b> <a href="#">Changes to this guidance</a> <a href="#">Information owner</a></p> <p><b>External links</b> Links to staff intranet removed</p>
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## Powers of an immigration officer

### Information owner

[About this guidance](#)  
[The powers section 55 gives to immigration officers](#)

This page tells you about this version of the Powers of an immigration officer guidance and who owns it.

Version	1.0
Valid from date	01 July 2013
Policy owner	Rob Allen
Cleared by director	David Pennant Sonia Dower
Director's role	Director – Immigration Enforcement Director – operational policy and rules
Clearance date	19 June 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the guidance owner, Rob Allen, using the related link who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: modernised guidance team.

**Related links**  
[Changes to this guidance](#)  
[Contact](#)

### External links

Links to staff intranet removed