

# **ILPA** information sheet

---

Information sheets provide general information only, accurate as at the date of the information sheet. Law, policy and practice may change over time.

ILPA members listed in the directory at [www.ilpa.org.uk](http://www.ilpa.org.uk) provide legal advice on individual cases. ILPA does not do so.

The ILPA information service is funded by the Joseph Rowntree Charitable Trust.

An archive of information sheets is available at [www.ilpa.org.uk/infoservice.html](http://www.ilpa.org.uk/infoservice.html)

**Shauna Gillan** ILPA Legal Officer 020-7490 1553 [shauna.gillan@ilpa.org.uk](mailto:shauna.gillan@ilpa.org.uk)

**Immigration Law Practitioners' Association** [www.ilpa.org.uk](http://www.ilpa.org.uk) 020-7251 8383 (t) 020-7251 8384 (f)

---

## **Immigration Act: Enforcement Powers**

*September 2014*

The Immigration Act 2014 makes four changes which increase the scope of existing enforcement powers, that is, the powers of immigration officers to enforce immigration controls. These changes are outlined below; all are already in force.

For Information on other changes brought in via the Immigration Act 2014 see ILPA's series of Information Sheets on this topic: <http://www.ilpa.org.uk/pages/info-service.html>

### **(1) New powers to use force**

The Act extends immigration officer's powers to use reasonable force to make it a general power to use such force in exercising any power under any of the Immigration Acts. Of course, there are many situations in which it would not be "reasonable" to use force at all and many powers where it would never be reasonable to use force at all.

When discussing this new power in the House of Commons, the Minister gave assurances that only trained officers will be permitted to use force. However a report by Her Majesty's Inspectorate of Prisons in June this year<sup>1</sup> found that the escorts (in that case not immigration officers but private contractors) who are employed to assist with the removal of persons from the UK had still not been trained in the correct restraint techniques, four years after the death of Mr Mubenga on a deportation flight to Angola.

### **(2) Redefinition of 'escorts'**

The Act provides that every immigration officer may now act as an escort for immigration detainees. An escort is empowered to accompany detainees being moved under immigration powers.

### **(3) Power to search people**

---

<sup>1</sup> <http://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2014/05/2013-Pakistan-escort-web.pdf>

The Act increases the search powers of immigration officers who may now search a person and seize anything that might cause injury (to the person him or herself, or to others) or that might assist in the person's escape from custody. The power extends to removing an outer layer of clothing such as a coat or jacket, and requiring the person to open their mouth, but does not include intimate searches.

#### **(4) Power to search premises**

The Act widens the existing search power for premises. Currently, only premises occupied by an arrested person or in which s/he is found may be searched for documents to establish the person's identity, nationality or citizenship. Now any premises may be searched to find such paperwork, as long as certain conditions are met and a justice of the peace has issued a warrant. Third parties with limited connection to the person under investigation could see their properties searched, for example former flatmates, former employers or ex-partners. It is unclear whether this power could extend to searches of migrant and community organisations who may hold paperwork on irregular migrants. However a warrant is required in all cases.