



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART I

IMMIGRATION: GENERAL

Information

18 Passenger information.

In the 1971 Act, in Schedule 2, after paragraph 27, insert—

Passenger information

- “27B (1) This paragraph applies to ships or aircraft—
- (a) which have arrived, or are expected to arrive, in the United Kingdom; or
 - (b) which have left, or are expected to leave, the United Kingdom.
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information, the carrier must provide that information to the officer.
- (3) The officer may ask for passenger information relating to—
- (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier; or
 - (c) all of the carrier’s ships or aircraft.
- (4) The officer may ask for—
- (a) all passenger information in relation to the ship or aircraft concerned; or
 - (b) particular passenger information in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2)—
- (a) must be in writing;

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- (b) must state the date on which it ceases to have effect; and
 - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided—
- (a) in such form and manner as the Secretary of State may direct; and
 - (b) at such time as may be stated in the request.
- (9) “Passenger information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified.
- (10) “Specified” means specified in an order made by statutory instrument by the Secretary of State.
- (11) Such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Modifications etc. (not altering text)

- C1** S. 18 extended (Guernsey) (with modifications) (12.10.2011) by [The Immigration \(Guernsey\) Order 2011 \(S.I. 2011/2444\)](#), art. 6, **Sch. 3**
- C2** S. 18 modified (coming into force in accordance with art. 1(1) of the modifying S.I.) by [The Immigration \(Jersey\) Order 2012 \(S.I. 2012/1763\)](#), art. 3, **Sch. 2**

Commencement Information

- I1** S. 18 wholly in force; s. 18 not in force at Royal Assent see s. 170(4); s. 18 in force for certain purposes at 1.3.2000 and 3.4.2000 insofar as not already in force by [S.I. 2000/464](#), art. 2, **Sch.**

^{F1}19 Notification of non-EEA arrivals.

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Textual Amendments

- F1** S. 19 omitted (12.2.2015) by virtue of [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(5), **Sch. 5 para. 3**

20 [^{F2}Power to supply information etc to Secretary of State]

(1) This section applies to information held by—

- [^{F3}(a) a public authority, or
- (b) any specified person, for purposes specified in relation to that person.]

[^{F4}(1A) This section also applies to a document or article which—

- (a) comes into the possession of [^{F5}a public authority or someone acting on behalf of a public authority] , or

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- (b) is discovered by [^{F6}a public authority or someone acting on behalf of a public authority] .]

[^{F7}(1B) This section does not apply to—

- (a) information which is held by the Crown Prosecution Service, or
- (b) a document or article which comes into the possession of, or is discovered by, the Crown Prosecution Service, or someone acting on behalf of the Crown Prosecution Service,

if section 40 of the UK Borders Act 2007 applies to the information, document or article.]

- (2) The information [^{F8}, document or article] may be supplied to the Secretary of State for use for immigration purposes.

[^{F9}(2A) The Secretary of State may—

- (a) retain for immigration purposes a document or article supplied to him under subsection (2), and
- (b) dispose of a document or article supplied to him under subsection (2) in such manner as he thinks appropriate (and the reference to use in subsection (2) includes a reference to disposal).]

[^{F10}(2B) Subsection (2A)(a) does not affect any other power of the Secretary of State to retain a document or article.]

(3) “Immigration purposes” means any of the following—

- (a) the administration of immigration control under the Immigration Acts;
- (b) the prevention, detection, investigation or prosecution of criminal offences under those Acts;
- (c) the imposition of penalties or charges under Part II;
- (d) the provision of support for asylum-seekers and their dependants under Part VI;

[^{F11}(da) anything else that is done in connection with the exercise of a function under any of the Immigration Acts;]

- (e) such other purposes as may be specified.

[^{F12}(3A) Public authority” means a person with functions of a public nature but does not include—

- (a) Her Majesty's Revenue and Customs,
- (b) either House of Parliament or a person exercising functions in connection with proceedings in Parliament,
- (c) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
- (d) the National Assembly for Wales or a person exercising functions in connection with proceedings in that Assembly, or
- (e) the Northern Ireland Assembly or a person exercising functions in connection with proceedings in that Assembly.]

^{F13}(4)

(5) “Specified” means specified in an order made by the Secretary of State.

(6) This section does not limit the circumstances in which information [^{F14}, documents or articles] may be supplied apart from this section.

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[^{F15}(7) Nothing in this section authorises information, a document or an article to be supplied if to do so would contravene a restriction on the disclosure of information (however imposed).]

Textual Amendments

- F2** S. 20 heading substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(2)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F3** S. 20(1)(a)(b) substituted for s. 20(1)(a)-(f) (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(3)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F4** S. 20(1A) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 132(2)**, 162(1) (with s. 159); S.I. 2003/1, [art. 2](#), Sch.
- F5** Words in s. 20(1A)(a) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(4)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F6** Words in s. 20(1A)(b) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(4)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F7** S. 20(1B) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(5)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F8** Words in s. 20(2) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 132(3)**, 162(1) (with s. 159); S.I. 2003/1, [art. 2](#), Sch.
- F9** S. 20(2A) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 132(4)**, 162(1) (with s. 159); S.I. 2003/1, [art. 2](#), Sch.
- F10** S. 20(2B) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(6)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F11** S. 20(3)(da) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(7)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F12** S. 20(3A) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(8)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F13** S. 20(4) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), **ss. 55(9)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)
- F14** Words in s. 20(6) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 132(5)**, 162(1) (with s. 159); S.I. 2003/1, [art. 2](#), Sch.
- F15** S. 20(7) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(10)**, 94(1); S.I. 2016/603, [reg. 3\(h\)](#)

Modifications etc. (not altering text)

- C3** S. 20 modified (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 131**, 162(1) (with s. 159); S.I. 2003/1, [art. 2](#), Sch.
- C4** S. 20 restricted (7.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 2 para. 17** (with s. 22); S.I. 2005/1126, [art. 2\(1\)](#)

[^{F16}20A Duty to supply nationality documents to Secretary of State

- (1) This section applies to a nationality document which the Secretary of State has reasonable grounds for believing is lawfully in the possession of a person listed in Schedule A1.
- (2) The Secretary of State may direct the person to supply the document to the Secretary of State if the Secretary of State suspects that—
 - (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and

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- (b) the document may facilitate the removal.
- (3) A person to whom a direction is given must, as soon as is practicable, supply the document to the Secretary of State.
- (4) If the document was originally created in hard copy form and the person possesses the original document, it must be supplied to the Secretary of State unless it is required by the person for the performance of any of the person's functions.
- (5) If the original document is required by the person for the performance of any of the person's functions—
 - (a) the person must, as soon as is practicable, supply a copy of the document to the Secretary of State, and
 - (b) if subsequently the person no longer requires the original document, the person must supply it to the Secretary of State as soon as is practicable after it is no longer required.
- (6) Subsection (5)(b) does not apply if the Secretary of State notifies the person that the original document is no longer required.
- (7) If subsection (5) applies the person may make a copy of the original document before supplying it to the Secretary of State.
- (8) The Secretary of State may retain a nationality document supplied under this section while the Secretary of State suspects that—
 - (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
 - (b) retention of the document may facilitate the removal.
- (9) Subsection (8) does not affect any other power of the Secretary of State to retain a document.
- (10) The Secretary of State may dispose of a nationality document supplied under this section in such manner as the Secretary of State thinks appropriate.
- (11) Nothing in this section authorises or requires a document to be supplied if to do so would contravene a restriction on the disclosure of information (however imposed).
- (12) The Secretary of State may by regulations amend Schedule A1 so as to add, modify or remove a reference to a person or description of person.
- (13) Regulations under subsection (12) may not amend Schedule A1 so as to apply this section to—
 - (a) either House of Parliament or a person exercising functions in connection with proceedings in Parliament,
 - (b) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
 - (c) the National Assembly for Wales or a person exercising functions in connection with proceedings in that Assembly, or
 - (d) the Northern Ireland Assembly or a person exercising functions in connection with proceedings in that Assembly.
- (14) In this section “nationality document” means a document which might—
 - (a) establish a person's identity, nationality or citizenship, or

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- (b) indicate the place from which a person has travelled to the United Kingdom or to which a person is proposing to go.]

Textual Amendments

F16 S. 20A inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), ss. **55(11)**, 94(1); S.I. 2016/603, reg. 3(h)

21 Supply of information by Secretary of State.

- (1) This section applies to information held by the Secretary of State in connection with the exercise of functions under any of the Immigration Acts.
- (2) The information may be supplied to—
- (a) a chief officer of police, for use for police purposes;
 - [^{F17}(b) the National Crime Agency, for use in connection with the discharge of any function of that Agency;]
 - (d) the Commissioners of Customs and Excise, or a person providing services to them, for use for customs purposes; or
 - (e) any specified person, for use for purposes specified in relation to that person.
- (3) “Police purposes” means any of the following—
- (a) the prevention, detection, investigation or prosecution of criminal offences;
 - (b) safeguarding national security;
 - (c) such other purposes as may be specified.
- ^{F18}(4)
- (6) “Customs purposes” means any of the Commissioners’ functions in relation to—
- (a) the prevention, detection, investigation or prosecution of criminal offences;
 - (b) the prevention, detection or investigation of conduct in respect of which penalties which are not criminal penalties are provided for by or under any enactment;
 - (c) the assessment or determination of penalties which are not criminal penalties;
 - (d) checking the accuracy of information relating to, or provided for purposes connected with, any matter under the care and management of the Commissioners or any assigned matter (as defined by section 1(1) of the ^{M1}Customs and Excise Management Act 1979);
 - (e) amending or supplementing any such information (where appropriate);
 - (f) legal or other proceedings relating to anything mentioned in paragraphs (a) to (e);
 - (g) safeguarding national security; and
 - (h) such other purposes as may be specified.
- (7) “Chief officer of police” and “specified” have the same meaning as in section 20.
- (8) This section does not limit the circumstances in which information may be supplied apart from this section.

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Textual Amendments

- F17** S. 21(2)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 66(2)**; [S.I. 2013/1682](#), art. 3(v)
- F18** S. 21(4) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 66(3)**; [S.I. 2013/1682](#), art. 3(v)

Marginal Citations

- M1** 1979 c. 2.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by 2023 c. 37 s. 10(6)
- s. 40(1)-(1C) substituted for s. 40(1) by 2022 c. 36 s. 76(2)
- s. 40(4A)(4B) inserted by 2022 c. 36 s. 76(5)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(3A)(b)(iv) inserted by 2022 c. 36 s. 13(2)(c)(ii)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 98A(5) inserted by 2022 c. 36 s. 13(4)
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)