



Home Office

**General instructions
Immigration Removals Enforcement and Detention**

Enforcement interviews

Version v1.0

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About this guidance

This guidance tells Immigration Enforcement officers about interviewing suspects and witnesses.

It tells them about:

- the powers to examine someone who has already entered the UK regarding their immigration status.
- the different kinds of enforcement interview and when and how they should be conducted.
- interviewing techniques
- working with interpreters and legal representatives
- special requirements concerning children
- conducting marriage and civil partnership (MCP) interviews
- witness statements

For interviewing requirements associated with the marriage referral scheme see Sham marriages, civil partnerships and marriages of convenience.

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 Enforcement Policy.

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.

Clearance and publication

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

- version **1.0**
- published for Home Office staff on **12 July 2016**

Changes from last version of this guidance

New guidance

Related content

[Contents](#)

Documentation interviews

Immigration Enforcement: in-country examination

This page tells Immigration Enforcement officers about the types of interview they may conduct and the powers they have to conduct an interview.

You must read this page in conjunction with guidance on what constitutes 'reasonable suspicion' (see Definition of terms used).

Types of enforcement interview

Immigration enforcement officers may choose to try and engage any person they encounter in normal conversation but, where the purpose of the conversation is to gather information for a law enforcement purpose it is a formal interview and must be conducted in accordance with this guidance. An enforcement interview is distinct from a normal conversation in that its purpose is to seek out and evaluate information for a specific purpose.

The different types of enquiry or investigation commonly conducted by Immigration Enforcement officers are:

Administrative enquiries - interview(s) that follow 3 distinct stages:

- exploratory questioning
- initial examination under paragraphs 2 or 2A of schedule 2 to the Immigration Act 1971
- further examination - usually away from the scene

Formal criminal enquiries - an interview conducted under PACE where it is intended to actively pursue prosecution - a criminal caution is given and the person is notified that they are entitled to free legal advice. Usually conducted in police station following criminal arrest - recorded via electronic audio recording: see: Investigation of criminal offences and assessing harm

This guidance concerns investigative interviews in connection with administrative enquiries.

Administrative powers to examine a person's immigration status in-country

The type of interview you attempt to conduct depends on:

- the nature of the operation or visit
- whether a warrant has been obtained to arrest a person at the premises or location (see: Warrants: procurement and use)
- the extent and nature of available intelligence

Immigration Officers (IOs) do not have the same powers as the police to stop and search individuals in public places. Immigration officers do have some powers to

examine people in-country, in certain circumstances, as described in [paragraph 2 and 2A of schedule 2 to the Immigration Act 1971](#).

In the case of [Singh v Hammond](#), the Court held that:

‘An examination [under paragraph 2 of Schedule 2 to the Immigration Act 1971] ... can properly be conducted by an immigration officer away from the place of entry and on a later date after the person has already entered ... if the immigration officer has some information in his possession which causes him to enquire whether the person being examined is a British citizen and, if not, ...whether he should be given leave and on what conditions.’

Where you have information (including from observations) that leads you reasonably suspect that the person is in breach of immigration law, the judgement of the court in *Singh v Hammond* supports the exercise of your power to conduct an in-country examination of the person to establish their immigration status.

Section 46 of the Immigration Act 2016 amended paragraph 2(1) of schedule 2 to the Immigration Act 1971 so that you may curtail any outstanding leave if the person no longer qualifies for that leave.

Paragraph 2A permits the further examination of any person who arrives in the UK with leave given to them before their arrival. It also applies to any person whose leave derives from entry clearance.

Establishing whether a person is liable to be examined under schedule 2 of the Immigration Act 1971

Before seeking information from a member of the public at any premises or other location, there must be an intelligence basis for conducting the enquiry that, in itself, provides reasonable grounds to suspect that a person who may be removed from the United Kingdom may be discovered at the premises or location of the operation.

See: Operational planning and briefing

On arrival at any premises or location, you may seek the voluntary cooperation of members of the public to explore provisionally whether they are related to the enquiry you are conducting. As in any other form of official discourse with a member of the public, you should identify yourself and your purpose at the outset.

As a result of this [exploratory questioning](#), you may form a view of whether they are potentially related to the intelligence basis for the operation or that they are people who are subject to immigration control and whose status may warrant examination in accordance with paragraphs 2 and 2A of schedule 2 to the Immigration Act 1971 described above.

The general purpose of inviting people to cooperate with exploratory questioning is to eliminate them from enquiries. In some instances, questioning will be unnecessary where it is obvious they are not a person who falls within the intelligence basis for the visit, for example by their age, appearance or gender.

The following may be instances where it is justifiable to submit someone to an immigration examination who does not obviously meet the intelligence basis for the visit:

- where a person gives reasonable cause for suspicion that they are someone who requires leave but does not have it or that they may be removed from the United Kingdom by their behaviour (for example an attempt to conceal themselves or leave hurriedly)
- from their answers to exploratory questions about the whereabouts of a person named or described in intelligence
- by any documentation which they present to identify themselves and/or their immigration status in the UK that appears to be a forgery or is otherwise reasonably suspected of being used to deceive
- at private addresses, where there is reason to believe that the status of a person, for example a spouse or child, may be dependent on the status of the suspect
- where there is intelligence that communal premises are being used to accommodate offenders

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Exploratory questioning

This page tells Immigration Enforcement officers how to conduct an exploratory interview.

See also: [Establishing whether a person is liable to be further examined under Schedule 2 to the Immigration Act 1971](#)

An Immigration Enforcement investigation will usually entail visiting places or premises where there is an intelligence basis to reasonably suspect that people in breach of immigration law are present or a criminal offence related to immigration law is taking place. During the course of such visits and encounters it is usual to attempt to talk to those present and conduct exploratory questioning. In the context of immigration law enforcement the purpose of the exploratory interview is to:

- identify initially whether those encountered may be related to the intelligence or information that caused the operation to take place
- establish with the cooperation and consent of those present, general facts concerning identity, relationships, ownership or control of property, or potential exploitation
- consider whether on the basis of known information there are reasonable grounds to conduct an examination under the terms of paragraphs 2 and 2A of schedule 2 to the Immigration Act 1971 on the basis that:
 - there are reasonable grounds to suspect the person is someone who may be removed from the UK

In asking exploratory questions, your first priority is to establish whether the person can be linked to the intelligence basis of the operation and/or whether there is other information that gives you a reasonable grounds to suspect that they are liable to examination under paragraph 2 and 2A of Schedule 2 to the Immigration Act 1971. Exploratory questioning would include, for example; Do you live here? Do you work here? How do you know this person?

See:

[Administrative powers to examine a person's immigration status in-country](#)

Record keeping and use of notebooks

Cooperation with exploratory questioning

Officers are entitled to carry out intelligence led operations designed to intercept persons who should not be in the country and seek to make enquiries with cooperation from the general public. However, individuals are under no legal obligation to answer exploratory questions from immigration officers and a refusal to answer questions or provide proof of their status does not, of itself constitute a reasonable suspicion that the person is an immigration offender. There is no compulsion on the person to comply with exploratory questioning and no power to compel them to do so should be implied.

This does not prevent you seeking the cooperation of members of the public in helping you identify individuals who may be in breach of immigration law. Where you

visit a premises or location based on intelligence, it is reasonable to seek to ask those present questions that will help you identify whether they are the person indicated by the information or may otherwise be associated with the enquiry. These questions may be considered 'exploratory' in that they are designed to help direct the enquiry towards those most likely to be its object or eliminate people from the enquiry who you decide do not match known information.

If, as a result of your exploratory questioning, you form reasonable grounds to suspect that the person may be in breach of immigration law you may lawfully question that person about their identity and status by means of an initial examination interview under Paragraph 2 of Schedule 2 to the Immigration Act 1971

You have no power to stop a person if they attempt to leave before being questioned, or during exploratory questioning, unless there is already a sufficient basis to arrest or detain that individual. However, if a person attempts to leave whilst an examination is ongoing (i.e. the suspicion threshold is already satisfied), you may administratively arrest the individual under paragraph 17(1) of Schedule 2 to the Immigration Act 1971 because they are liable to detention (within the meaning of paragraph [16\(1\)](#) of that Schedule).

See also: Arrest and restraint: pursuit

Exploratory questioning: use of Home Office employee interpreters

Where an interpreter or otherwise qualified person assists with translation during an exploratory examination they must sign the notebook record to declare that the answers have been accurately recorded.

In administrative cases, **but not criminal cases**, a linguistically qualified immigration officer conducting an interview can act as interpreter. Any linguistically qualified Home Office employee may also act as an interpreter.

Exploratory questioning: non-approved interpreters

Non-approved interpreters may only be used as absolutely necessary 'in the field' and should not be used in any form of formal interview. You should only use unofficial, unpaid interpreters nominated by the interviewee, such as a friend or relative for exploratory questioning, when there is no access to an official interpreter. This must be limited to their being used only to establish identity and other basic facts. If information appears to suggest that there are grounds to suspect immigration breach or criminal offence a suitably qualified interpreter should be used.

See also:

[Administrative interviews](#)
[PACE interviews](#)

Conducting exploratory interviews in suspected modern slavery and trafficking cases

See also:

Modern slavery and trafficking guidance for front line staff

Competent authority guidance

Identifying people at risk (enforcement)

Where, during any interview, information comes to light that causes you to suspect that the person may be a victim of trafficking, modern slavery or other factor that puts them at risk you must refer to:

- Identifying people at risk (enforcement)
- Modern slavery and trafficking guidance for front line staff
- Victims of modern slavery: competent authority guidance

Details providing evidence of trafficking or exploitation may arise during initial interview and these should be recorded. However, it should be noted that a detailed investigation of these issues is not required at this stage. Where a potential victim is identified they will be allowed to present details of their circumstances in a safe environment. Where it is appropriate to serve illegal entry papers, you must emphasise that the potential victim:

- is being considered within the National Referral Mechanism (NRM) process
- will not be considered for removal until that process is complete

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Initial administrative interviews

This page tells Immigration Enforcement officers how to conduct an initial examination interview.

An initial examination interview takes place where, as a result of exploratory questioning or other information, you have established reasonable grounds to suspect that the person is subject to immigration control, may be in breach of the immigration rules or have committed an offence under immigration law.

An initial examination interview is not appropriate where it is intended to seek to prosecute the individual.

See: Investigation of criminal offences and assessing harm for more information concerning criminal investigations.

Initial administrative interviews: purpose and conduct

The purpose of an initial administrative interview is formally to:

- establish whether a person has committed a breach of immigration law and/or
- gather evidence or supporting information in relation to (1) from a third party (see: [interviewing witnesses in administrative cases](#))
- identify whether a person is liable to be detained and removed under administrative powers

An administrative interview of a person suspected to be removable from the UK will be an examination under paragraphs 2 or 2A of Schedule 2 to the Immigration Act 1971. Interviews with third parties must be on a voluntary basis and rely on the co-operation of the third party.

The following principles must be observed or considered during initial administrative interviews:

- a caution should not be given for an initial administrative interview where questioning is intended to establish basic facts such as identity, relationships or ownership of property - but you must identify yourself and your purpose
- where initial examination leads to reasonable suspicion that an administrative breach or criminal offence may have been committed by the person, they must be arrested and immediately given the administrative explanation or criminal caution as appropriate and as per instructions given within 'Arrest and Restraint' guidance

Conducting an initial examination interview

Administrative interviews may be conducted in the field or may be pre-arranged and conducted in an office. They may include investigations into immigration marriage abuse where no prosecution is foreseen. They must be recorded in your pocket notebook (PNB) or on form ISCP4.

You must be able to fully justify your reasons for questioning an individual and record this in your PNB.

In all cases, upon first encounter with someone whom you wish to question, you must:

- identify yourself both verbally and by producing your identity card
- explain the reason for your enquiry, why you have stopped the person and record it in your PNB
- give the person the opportunity to explain any unusual or apparently evasive behaviour displayed prior to the encounter
- record the date, the time and the location in your PNB
- record the grounds for the examination, the details of the questioning (including the nationality of the person) behaviours displayed
- notify the officer in charge (OIC) of the details of all those stopped and the outcomes
- notify the OIC of any issues or complaints

It is good practice to structure your conversation and approach around the following 4 principles:

- **Identity** - name, nationality and date of birth
- **Place** - of residence, to establish location of documents, evidence of compliance with restrictions, consideration of search powers
- **Status** - visa or non visa national, leave to enter, leave to remain, any work conditions, nature of study
- **Evidence** - evidence of the above

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Further examination

This page tells Immigration Enforcement officers how to conduct a further examination following the initial examination interview.

A further examination under Paragraph 2 and 2A of Schedule 2 to the Immigration Act 1971 is one intended to elicit further information or clarify information given during the initial examination. It is usually conducted at a place other than the original place of arrest; such as a police station or immigration office.

Before a person is interviewed as part of further examination, they and, if they are represented, their legal representative, must be given sufficient information to enable them to understand the nature of any such breach, and why they are suspected of committing it.

The main purpose of obtaining information in an interview is to further the enquiry by establishing facts. You should think about what you want to achieve by interviewing the person, and set objectives which will help to corroborate or disprove information already known.

Accounts obtained from the person who is being interviewed should always be tested against what you already know or what can be reasonably established. You should try to fill the gaps in the investigation by testing and corroborating the information by other means where possible.

Although you may ask a wide range of questions, your interviewing style must not be unfair or oppressive. You are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent. There may be different reasons why you need to be persistent; you may suspect that the interviewee is not telling the truth or that further information could be provided.

See also: [Investigative interviewing: good practice](#)

An investigating officer has the duty to obtain accurate and reliable information. A complete and reliable account from witnesses, victims and suspects may not always be easy to obtain.

For details of the information to be given on arrest see: Arrest and restraint.

Further examination interview record

The interview record must include the nature and basis of your suspicion, usually that information provided by intelligence or discovered during your exploratory interview.

The record must also include:

- the place of the interview
- the time it begins and ends
- the language in which the interview was conducted

- the name of the person being questioned, if known
- a note of the exact words used in any answer or admission
- any 'no comment' answer or refusal to answer

Ordinarily, you must keep a verbatim record of what is said during the interview using question and answer notation. Interview notes will usually be recorded in your pocket notebook (PNB) but, where an administrative interview is being conducted in an office environment it may be more convenient to use forms ISCP4 and continuation sheets.

At the end of the interview, you must invite the person interviewed to read it and sign all the pages of the record as being an accurate account of the interview or to indicate what, if anything, they consider inaccurate. You must record any refusal by a person to do this.

If it is not practically possible to fully record or conclude an administrative interview you should note the reasons why and as accurately as possible summarise what was said as soon as possible after the event. Your account should be witnessed by a second officer together with any reasons for delay in reporting the interview.

Suspected criminal offences discovered during interview

Immigration officers (IOs) in England, Wales and Northern Ireland are required to have regard to any relevant provision of the [PACE codes of practice](#) when investigating a criminal offence.

Only officers that have undertaken the relevant criminal investigation training can interview in relation to a criminal offence.

If, during the course of an administrative interview, information is discovered that gives rise to a reasonable suspicion that a criminal offence has been committed that is likely to be pursued to prosecution you should suspend the interview and take advice from the police (if present) or Criminal and Financial Investigations (CFI). For further information on referrals to CFI see: Investigation of criminal offences and assessing harm.

If, following reference to CFI or the police the person is to be investigated in relation to the suspected criminal offence they must be given the criminal caution and arrested in accordance with PACE. See: Arrest and restraint.

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Admin enforcement interviews: marriage and civil partnership

This page tells Immigration Enforcement officers the purpose of, and how to conduct, a marriage or civil partnership interview.

A marriage or civil partnership (MCP) interview is an administrative enforcement interview intended to establish whether:

- the parties to the marriage or civil partnership are in a genuine relationship or if the marriage or civil partnership is a sham, for example; it has been entered into to evade the operation of immigration control
- a breach of immigration law has taken place

Conducting the MCP interview

The types of questions you ask will differ depending on the type of marriage (such as love match or arranged) and the cultural backgrounds of the couple. Whilst local lists of pre-prepared marriage interview questions may be helpful, you must ensure that your line of questioning is tailored according to the answers provided and that you pursue any inconsistencies in answers given.

Your questioning must be sufficiently probing to gauge, for example, how much the couple know about each other, their families, their wedding guests, their home life and shared commitments, and experiences. You must avoid asking inappropriately intrusive questions, for example, about their sex life.

You must conduct interviews in a properly probing, but balanced way, with the questions directed to establishing whether the relevant parties are in a genuine relationship and whether their proposed marriage or civil partnership is a sham. For example, you might ask the relevant party or parties about:

- the background to, history of and subsistence of the parties' relationship
- their general background and immigration history
- their living arrangements
- the arrangements for the proposed marriage or civil partnership
- the parties' future plans

In the case of 'Marriage and civil partnership referral and investigation scheme' investigations, you may regard a failure to respond to any question asked during an interview, or a refusal to answer any further questions thereby bringing the interview to an end, as a failure to comply with the requirement to be interviewed.

You must make a written record of the interview and provide the party or parties interviewed with a copy of this record if they request it. This record must:

- be completed during the interview
- constitute a verbatim account of what is said or an account of the interview which adequately summarises it

- be signed and dated by the official of the Secretary of State who made the record

Standard of evidence

Record interviews in question and answer format either in your PNB or on ISCP forms which the interviewee should be invited to sign as being an accurate record.

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Marriage and civil partnership interview: no comment responses

If 'no comment' answers are given during the marriage or civil partnership interview, pursue and finish your line of questioning. No comment responses can be deemed non-compliant with the scheme. If the interview is being conducted as part of an MRAU investigation the claimant should be warned that failure to comply with the scheme will mean they will be unable to marry at the end of the notice period.

For further guidance on assessing whether a marriage or civil partnership is genuine, see:

Validity of marriages

Appendix FM Section 2.0 - Genuine and subsisting relationship.

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Administrative interviews: children

This page gives Immigration Enforcement officers guidance on interviewing children in relation to administrative immigration enforcement decisions.

Appropriate adult

Although administrative interviews are not conducted under PACE (see Interviewing juveniles and the vulnerable) an appropriate adult must be present at the interview of any minor. The definition of who may be accepted as appropriate adult is that found under [paragraph 1.7\(a\) of PACE Code C](#).

The 'appropriate adult' must be a parent, legal guardian, or where the child is in local authority care or a voluntary organisation, a representative of that authority or organisation, or a social worker. Only if these cannot be found can another responsible adult be used. This must be a person aged 18 or over who has responsibility for the child at that time, but must **not** be any the following:

- immigration officers
- officials of the Secretary of State
- police officers
- prison officers or persons employed at a removal centre

The responsible adult is an active participant, not an observer, whose role is to:

- advise the individual being interviewed
- observe whether the interview is being conducted properly and fairly
- facilitate communication with the person being interviewed

If an appropriate adult is present during the interview, they should also be given an opportunity to read and sign the interview record or any written statement taken down during the interview.

If you consider that the appropriate adult is **not** fulfilling their role **you must** consider suspending the interview.

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Use of interpreters: administrative interviews

This page gives Immigration Enforcement officers general guidance on using interpreters during an interview.

In asylum cases, **do not** approach the interviewee's High Commission or Embassy for assistance with interpreting.

Identify the first language of the victim and consider whether an interpreter will be required to facilitate communication.

The role of all interpreters employed by the Home Office is to provide an accurate and impartial translation from English into a foreign language and vice versa. You must tell the interpreter not to add to, assist or edit what is said on either side, nor offer information, opinion or comment of their own. You must not permit any conversation that is not translated between the interpreter and the interviewee or any other parties present.

Before the interview starts, you must establish that the interviewee and the interpreter understand each other. If there are problems in communication, halt the interview immediately and try to ascertain the nature of the problem, for example if the person is speaking a different language or dialect. If the person states that they have difficulty in understanding the interpreter, refer to a CIO (or custody sergeant if in a police station).

Most immigration interviews are conducted with the assistance of Home Office approved self-employed interpreters. Where a longer interview is being conducted a Central Interpreters Unit interpreter can be used via telephone, 'spiderphone', video conferencing, dual phone, tablet or through BigWord.

Where practicable, requests by the interviewee that the interpreter be of the same gender should be accommodated.

Any agreement to be interviewed in the absence of an interpreter must be recorded. The interview must not go ahead without an interpreter if the interviewer considers the person struggles to understand English.

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When an interpreter is used where the interview is not audio tape or digitally recorded, and the interpreter is physically present at the interview, in addition to your record of the interview in English, the interpreter must complete a record of the interview on form ISCP4 and continuation in the appropriate language and the person must be invited to sign it. A translation in English must be made in due course and attached and certified:

‘I certify that, to the best of my knowledge and belief, the above is a true and accurate translation of the statement made by (name) on (date) attached hereto.’

The certification must be signed by the interpreter, dated and show the name and position of the person making it. The interview record must show the language used and that the person understood the questions put to them.

At the conclusion of the interview, invite the person to read through the record in their own language and confirm it as correct by signing their initials at the end of each reply and writing their full signature on the line immediately below the last line of writing.

The person acting as interpreter must not interpret privileged communication between a detainee and their legal adviser.

Where the person considers the record to be inaccurate, note any corrections in the margin of the ISCP4. When the interpreter is physically present they should certify that the English version is a true record of the interview at the end of the PNB notes or form ISCP4.

Rare languages or dialects

In the event that an interviewee speaks a rare language or dialect, you must first look to satisfy yourself that they do not speak a more commonly used language. The CIU may be able to offer advice.

If you have reason to believe that the person does speak another language, advise them that failure to make a prompt and full disclosure of material facts may delay a decision in their case and therefore prolong detention (if appropriate), and that a decision will be made on the information available. This relates to the investigation of an administrative breach and **does not** apply in criminal cases where the person has a right to silence.

You must make exhaustive enquiries to locate an interpreter from:

- CIU
- the School of Oriental and African Studies (SOAS), University of London
- the BBC
- a Department of Linguistics at any college or university
- the Police List

If you cannot find an interpreter, consult the duty CIO with a view to deferring the interview until an interpreter can be found (in which case a friend or relative of the person may be required to inform the person of the reason for the delay).

People with a visual impairment or reading difficulties

Where a witness cannot read the written record, you must read it out and ask the witness to sign it as correct. You must then take a note that this has occurred.

Disputes over interpretation

If a dispute over interpretation arises during the interview, try to resolve the difference at the time. If that fails, ask the interpreter to record the disputed words or phrases together with their English translation. If the interviewee also has an interpreter present, such as in an asylum interview, request them to do the same. Note the incident on the interview record and attach both translations and bring the incident to the attention of the duty CIO.

If you believe that the interpreter is not interpreting accurately, or is stepping beyond their role, warn them and then, if necessary, suspend the interview following reference to a chief immigration officer (CIO).

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Investigative interviewing: good practice

This page gives Immigration Enforcement officers general guidance on how to plan and conduct an investigative immigration enforcement interview.

It is based on the assumption that the interview is pre-planned but the general principles described can also be used in an operational setting.

The structure set out in the [Police National Investigative Interviewing](#) course is:

- planning and preparation
- engage and explain
- account (clarify and challenge)
- closure
- evaluation

Planning and preparation

Consider at this stage:

- who needs to be interviewed and in what order?
- should the interviewee be interviewed immediately or would it be more useful to wait until more information has been obtained about the circumstances of the breach or offence from other sources?

Plan the interview by:

- providing an interpreter and/or appropriate adult if necessary - see: [Use of interpreters](#) ; [appropriate adult](#)
- assessing what evidence is held and what needs to be established in the interview
- taking account of the person's individual characteristics such as age, physical/mental health, religion, domestic circumstances, gender (see: [Identifying people at risk \(enforcement\)](#))

Prepare the interview by ensuring:

- you understand the offence or breach that you are investigating and your powers to do so
- you have all the necessary equipment to conduct the interview (such as stationery, exhibits, notebook, pens)
- those present in the interview know their roles (for example where 2 immigration officers are present)
- the person is fit to be interviewed and understands the interpreter

Engage and explain

All those present must be identified. Explain the procedures to be followed and the reasons for the arrest and interview. It should also be explained that notes will be taken during the interview. It may be appropriate to ask the interviewee to consider fully any question they are being asked before they answer.

Allow the interviewee and their legal representative the opportunity to comment or ask questions. Legal representatives sometimes make their own prepared opening statements before the interview explaining their role in looking after the interests of their client.

Account

You must aim to adopt a neutral stance remaining calm, courteous, considerate and non-confrontational throughout the interview.

Open questions (what, why, when, where, who, how) invite explanation and encourage explanation. Closed questions can be useful to confine the information but should be used sparingly. You must avoid leading questions, such as 'was your facilitator a man with a beard?', as they do not always elicit the true answer. However, questions designed to clarify information, such as "now if I understand things correctly, what you're telling me is ...?" can aid comprehension and fluency. Brief interjections, such as 'tell me more' and 'go on' are useful to aid the flow of information.

Clarify and expand the interviewee's account by:

- breaking the account down into manageable topics
- systematically probing those topics by means of open-ended and specific-closed questions until as full a picture as possible of the interviewee's account has been obtained
- examining any information, identified that has not already been covered

Questions

These should be as short and simple as possible. They should not contain jargon or other language that the interviewee may not understand.

Some types of questions are useful, helping the interviewer to extract information from the interviewee, for instance, open-ended. Others are not and may actually confuse the interviewee or prevent them from giving a full and accurate account, for example, multiple questions.

Five key question types are:

- open-ended
- specific-closed
- forced-choice
- multiple
- leading

Open-ended

For example, 'Tell me', 'Describe', 'Explain':

- are useful at the beginning of an interview as they allow for a full, unrestricted account
- produce answers which are less likely to have been influenced by the interviewer

You should avoid interrupting the interviewee when asking open questions.

Specific-closed

For example, 'Who did that?' 'What did he say?' 'Where does he live?' 'When did this happen?' This type of question:

- gives the interviewer with more control
- can be used to elicit information that an interviewee has not yet provided in response to open-ended questions
- may be used to clarify and extend an account that has been elicited through open-ended questions, cover information important to the investigation that an interviewee has not already been mentioned, or to challenge
- may have the potential disadvantage of restricting an interviewee's account

Forced-choice

For example, 'Was the car an estate or a saloon?' In this situation:

- interviewees might guess the answer by selecting one of the options given
- interviewees might simply say 'yes' in response to the question, leaving the interviewer to guess which part of the question the response applies to, or needing to ask a follow-up question to clarify it
- the choice of answer given to the interviewee might not contain the correct information, for example, 'was it dark blue or light blue', when it could have been medium blue

Multiple

For example, 'Where did he come from, what did he look like and where did he go to?' These questions may also refer to multiple concepts, for example, 'What did they look like' and confusion might arise as a result of the:

- interviewee not knowing which part of the question to answer
- the interviewer not knowing which part of the question the answer refers to

Leading

For example, 'You saw the gun, didn't you?' implies the answer or assumes facts that are likely to be disputed. They can also:

- have an adverse influence on interviewee's response
- distort the interviewee's memory

The information obtained as a result of leading questions may be less credible and in extreme cases could be ruled inadmissible. They should, therefore, be used exceptionally.

As a general rule, keep questions aimed specifically at confirming discrepancies and contradictions to the end of the interview. Signs that a person is lying may indicate that a particular line of questioning might be worth pursuing further. Once you have identified a false statement, consider refraining from challenging it immediately as the more details that are elicited, the more difficult it will be to retract. Challenging a false statement provides a suspect with new information about your knowledge. Once you have decided to expose the discrepancy in their account, do it in a clear and confident manner and ask the person for an explanation.

Closure and evaluation

A proper closure is as important as the rest of the interview. You must:

- where there are 2 interviewers, check that the second interviewer has no further questions before closing the interview
- check comprehension: confirm that the interviewee has understood everything
- accurately summarise what the interviewee has said, taking account of any clarification that the interviewee wishes to make
- explain to the interviewee what will happen next

Evaluate whether enough information has been obtained or whether a further interview is necessary. Consider any conflicts with known facts and whether further questioning or investigation is necessary to resolve these.

Do not make any promises about the outcome of the case or prejudge the result.

Breaks in interviews

You must allow breaks in interviews for private consultation with a representative or for toilet breaks. You may also take a break if you need to review progress or to check a statement against country of origin information before the applicant leaves the office. You must clearly record details of the duration and reason for the break and also record if you offer a break which is not accepted.

No comment responses

Failure to answer questions may be a criminal offence under section 26(1)(b) of the Immigration Act 1971. If 'no comment' answers are given during the interview, pursue and finish your line of questioning. The interviewee should be reminded of the consequences this might have and must be given an opportunity to present their case. Any subsequent decision to pursue removal action must be based on the balance of probabilities, including what you deduce from non-compliance.

Legal representatives

This page gives Immigration Enforcement officers guidance on legal representatives and their role during an interview.

Role and constraints

It is Home Office policy to allow persons being administratively interviewed about their status under the Immigration Act 1971 to be legally represented at their own cost. They may also request to be accompanied by a friend or companion. The role of the friend or companion is solely to provide emotional or physical support and they must not intervene during the interview.

Legal representatives should be given the opportunity to privately consult with their client before an interview takes place. During the interview they may quite properly intervene or make challenges in order to ask that questions are clarified or to object if legal procedure is not being followed. Legal representatives should not answer questions on behalf of their clients.

When you introduce evidence for the first time during the course of the interview, allow the legal representative to consult with their client if requested.

If you consider that the legal representative is acting unreasonably by making repeated interruptions that are disrupting the flow of the interview. You must try to resolve the difficulties by agreement if at all possible. If it cannot be resolved, the interview should be suspended and advice sought from a senior officer (and custody officer in the case of criminal interviews in police stations). You must report the most serious misconduct to senior management to consider referral to the relevant professional body where applicable.

Complaints by representatives regarding interviews

If the legal representative makes an oral complaint during the course of the interview, record fully the nature of the complaint/issue and attempt to resolve it at that point. If you are unable to resolve it to the satisfaction of all parties, refer to the CIO (or the custody sergeant if a criminal interview at a police station).

Members of the public and others who have complaints about Immigration Enforcement activities can use the [UK Visas and Immigration complaints procedure](#).

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