



Home Office

**Immigration Returns, Enforcement and Detention
General Instructions**

Enforcement visits

Version 2.0

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About this guidance

This guidance tells Immigration Enforcement officers about the general conduct of enforcement visits, the most common types of enforcement visit and any special considerations that must be taken into account during planning and implementation.

This guidance does not include information:

- about police call outs and working with the police
- on dealing with clandestine entrants and lorry drops

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 **2.0**
- published for Home Office staff on **19 January 2017**

Changes from last version of this guidance

- updated guidance on [Entry to premises](#), including:
 - [General conduct during operations](#)
 - [Identification by officers during operations](#)
 - [Entry by informed consent](#)
 - [Animals and pets found on premises](#).
- guidance on dealing with obstruction moved to [Arrest and restraint](#) guidance
- updated guidance on [Visits to care home or care providers](#)

Related content

[Contents](#)

Entry to premises

This page tells Immigration Enforcement officers about the general conduct of enforcement visits.

General conduct during operations

The nature of an investigative enquiry is that it is likely that you will be required to challenge the persons you are talking to and / or press for clarification or additional information. You are entitled to be persistent but you must not be officious, rude or aggressive.

You must:

- aim to maintain calm during the visit
- seek to establish courteous and professional relationships with anyone you encounter
- maintain awareness, acceptance and appreciation of people's diversity
- never remain alone in a room with any suspected immigration offender, to do so increases the risk of unjustified allegations of improper conduct being made and/or accusations of financial theft (often large sums of cash will be found on premises)

Before attempting to enter premises, whether by consent or by use of powers, you must refresh your recall of the details given to you during the operational briefing and be alert to any apparent changes in circumstances that may have occurred since then. It is essential that you are clear which power if any, you are relying on to secure entry to the premises and whether you are using the power in the correct circumstances (see Coercive powers: overview).

For guidance on entering business premises, see Illegal working operations.

Identification by officers during operations

This instruction constitutes a standing requirement to be followed in all cases unless it is impractical to do so because of safety or other overriding operational constraints, such as the need to preserve evidence or engage in pursuit.

On entering premises, the officer in charge (OIC) or other officer seeking entry must identify themselves to the person allowing entry. If they are entering:

- under a warrant, and are in full Immigration Enforcement uniform with warrant number clearly visible, they do **not** have to show their warrant card unless requested to do so, for more information see 'Warrants: presentation on entry' of Warrants: procurement and use
- with an AD letter, they **must** show their warrant card, unless the premises are unoccupied, for more information see 'Procedure on entry under section 28CA' of Warrants: procurement and use

- with informed consent, they **must** show their warrant card, see [Entry by informed consent](#)

In all cases they must record their actions in their pocket notebook (PNB) as soon as reasonably practicable.

Other officers must similarly identify themselves if requested to do so and record this in their PNB.

For all other visits that don't require a warrant, it remains best practice to explain the role and purpose of all officers present at the outset of any visit.

How to record that you have identified yourself

It is not necessary to write a verbatim account of the wording you use to identify yourself according to this instruction. It is only necessary to acknowledge that these instructions have been complied with at the beginning of your interview notes.

Identification by officers not in uniform

If you are present on a visit but not in uniform you must identify yourself in all cases to any person you attempt to speak with or who requests evidence of your identity and authority. You must produce your warrant card and record that you have done so in your PNB.

Entry by informed consent

Definition of informed consent

Informed consent is where a person agrees something having been informed of the risks associated with giving that consent.

Constraints on entry by informed consent

The following paragraphs are adapted from [Code B of the Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#):

- if officers propose to search premises with the consent of a person entitled to grant entry they must, if practicable, obtain consent in writing on the Notice of Powers and Rights before the search:
 - officers must make any necessary enquiries to be sure the person is able to give this consent
- in a lodging house or similar accommodation, officers must make every reasonable effort to obtain the consent of the tenant, lodger or occupier
- in multi-occupancy premises, consent must be obtained from the occupier of each room on the premises that is entered, this does not apply to communal areas
- a landlord cannot, as a matter of law, grant consent for third parties to enter leased premises, consent must be obtained from the tenant or occupier
- before seeking consent, the officer tasked to do so must state the purpose of the proposed search and its extent:

- this information must be as specific as possible, particularly about the articles or people sought and the parts of the premises officers need to search
- officers must clearly inform the person concerned that they are not obliged to consent and that anything seized may be produced in evidence
- if at the time, the officers do not suspect the person of a criminal offence, they should say this when stating the purpose of the search
- officers cannot enter and search or continue to search premises if consent is given under duress or withdrawn before the search is completed
- it is unnecessary to obtain consent in writing or make enquiries as to whether the person is in a position to give the consent if this would cause disproportionate inconvenience to the person concerned - however, oral consent of the occupier must still be obtained - this is intended to apply when it is reasonable to assume that innocent occupiers would agree to, and expect, officers to take the proposed action, for example if:
 - a suspect has fled the scene to evade arrest and it is necessary quickly to check surrounding gardens and readily accessible places to see if the suspect is hiding
 - officers arrest a suspect who had initially fled and it is necessary to make a brief check of gardens along the pursuit route to see if incriminating items have been thrown away

Dealing with other occupants of premises

If the occupier is not present but some other person is, who appears to be in charge of the premises, you can treat that person as if they were the occupier.

Where you enter private or business premises by informed consent, third party visitors or customers have the legal right to move around freely unless they obstruct you from carrying out your lawful duties. You must be mindful that this may include access to areas where items are kept that could be used to cause injury such as a kitchen or bathroom. You could request the occupants to stay in one room or an area that has been declared safe.

When a third party visitor or customer is using a mobile phone, you can ask that individual not to use their phone by consent but have no legal power to compel them to stop using their phone or to seize it. However, where the use of the phone obstructs officers carrying out their duties, that person may be arrested for obstruction where an attempt to obtain satisfactory information to summons the person has been made and failed.

Where third party visitors or customers request information, the OIC needs to ensure that any information provided is factual but does not prejudice operational security by disclosing the subject or target of the warrant unless it is appropriate to do so. You may explain why the visit is taking place, for example 'this is an Immigration Enforcement visit to locate people suspected of breaching immigration rules', but should avoid getting into a discussion or argument about the facts or merits of the case. Where the OIC believes that a complaint may arise or third party visitors or customers say they wish to complain, the OIC must provide details of how to do this (see [Complaints procedure - UK Visas and Immigration](#)).

For further guidance on recording complaints see Dealing with complaints (UKVI, Immigration Enforcement and Border Force).

You may invite the third party to provide corroborative evidence to help progress consideration of the case but you must not volunteer information about the suspect's status or circumstances. Requests for information from third parties requesting information about the person arrested or detained must be considered on their merits and only divulged with the permission of the suspect. You must attempt to establish the exact relationship to the person.

Where possible and appropriate, you should take the opportunity to note evidence at the address that indicates a dependency or vulnerability that may have a bearing on the person's potential detention. This may take the form of medication, equipment, adapted fixtures and fittings or information established from any other person present.

Animals and pets found on premises

Where pets are found in the property, every attempt should be made to contact a member of the family, a friend, or a neighbour to take care of the animals.

Where this is not possible there are 4 options to consider, depending on the pet and any risk factors posed by the animals:

- leave the animal if it is safe, has access to food and water and arrangements can be made for someone to care for it within a reasonable timescale
- if police are present, they may be able to take a dog to kennels at a local police station where they have arrangements with local authority rescue centres - in those areas where the police no longer take responsibility for lost and found dogs, refer to the RSPCA
- ask the family to sign care of the animal over to the RSPCA and contact the RSPCA on 08705 555 999
- take the animal to a local pet rescue centre

Whichever option is chosen, the individual should be provided with contact details of any individuals or organisation assuming responsibility of the animal

See also:

- Search and seizure
- Coercive powers: overview

Related content

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Visits to residential premises

This page tells Immigration Enforcement officers how to conduct visits to residential premises.

Visits to households in order to arrest

A visit to a residential premise is especially likely to result in unexpected situations. Even if the visit intelligence suggests a single sex household, where possible and practicable, conduct the visit with a mixed sex team.

When questioning occupants who are found to be in breach of immigration law, it must be established whether they are a tenant and, if so, whether checks were conducted by the landlord to establish their right to rent (see Right to Rent: landlords' penalties).

Multi-occupancy residential premises

Particular care must be taken when entering multi-occupancy accommodation such as bed-sits. It must be established whether any or all of the accommodation is owned or otherwise controlled by any person who is suspected of an offence or breach. It must not be assumed that the person who allowed entry to the main part of the premises is also the person who may allow entry to other parts of the accommodation that are usually occupied and controlled by someone else.

Compliance and marriage investigation visits to residential premises

A compliance visit is conducted to check on the residential arrangements of offenders subject to temporary admission and to confirm whether the person still lives at the address. Where the subject is encountered they are advised or reminded of their liability to comply with restrictions or bail and the implications if they continue to refuse to comply.

Where you are invited to enter premises a clear signed record of consent being granted must be made in your pocket notebook as no statutory power of entry exists for this type of activity.

Marriage investigation visits are not usually expected to result in arrest but must still be planned and assessed for risk as for any other operational visit. Although the nature of the visit may not present an obvious likelihood of an arrest being made the possibility must be allowed that third parties may be present who may have cause to wish to evade contact with the authorities or who may be hostile in the face of an investigation taking place. You may therefore go prepared and equipped as you would for a planned arrest visit.

Marriage and compliance visits to residential premises can be conducted by a minimum of 2 Immigration Enforcement officers. The national generic risk assessment (NGRA) and safe systems of work (SSOW) for visits can be viewed on the risk assessment framework webpage.

Marriage and compliance visits must be recorded on the nodMMX system as non-enforcement visits (NEV). When undertaking the visit you must conduct a risk assessment on the day of the visit. If during the visit a risk is identified which cannot be managed you should withdraw from the visit and report the incident.

Where an address is to be revisited following an aborted visit or incident, a new risk assessment must be completed to cover the additional risks and the further visit must be authorised by a Chief Immigration Officer (CIO) or above.

See also: Marriage investigations

Related content

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Public operations

This page tells Immigration Enforcement officers about the planning, authorisation and conduct of public operations.

Public operations are those conducted other than at residential or business premises in a public or semi-public place. For instance, an investigation that takes place within a large institution might be considered either a residential or a business premises depending on circumstances but might also include communal areas, or publicly accessible areas. These require careful consideration with regard to deployment and in minimising intrusion and disruption for those unrelated to the investigation.

Public operations fall into 2 main types:

- [street operations \(STOPS\)](#): Immigration Enforcement led operations
- [crime reduction operations \(CROPS\)](#): police led operations

Public operations: powers and constraints

All public operations require:

- an assistant director (AD) to complete an operational booklet
- full consideration of equality issues
- the authorising officer to be satisfied on the balance of probabilities that there are grounds to conduct the operation

Public operations: consideration and authorisation

Operational booklet: AD booklet: assistant director responsibilities

Public operations require the authorisation of a manager of at least the rank of assistant director (AD) who must consider and record the objective basis for the operation in an operational booklet. The AD will consider and record in the operational booklet:

- the intelligence basis for the operation
- with reference to the Human Rights Act 1998, an explanation of why and how the grant of authority is proportionate, legal, accountable and necessary
- activities associated with planning and conduct of the operation
- how the operation should be constrained to ensure that, as far as possible, the operation is directed within a defined geographic area and within times that are appropriate to the risk identified by intelligence
- whether there is a risk to community relations that may require a detailed community impact assessment (CIA)

A programme of related activity may require a policy equality statement (PES) and ministerial authority depending on the scale of the operation and associated risks that have been identified. These aspects should be considered by the AD who may,

in such circumstances, consider it appropriate to submit to their director with a detailed background briefing, proposed course of action and a PES.

The AD has a specific responsibility for taking an active role in the implementation and monitoring of the operation and ensuring that the following actions take place during its planning and preparation:

- consider whether prior community consultation should take place
- ensure that risk and equality considerations are fully assessed and recorded including a [community impact assessment](#) if necessary
- consult with local and/or borough police where the authority could impact on another event taking place in their area
- prepare a media strategy with regional press officers or record why a strategy is not required
- document the results of checks completed as part of the criteria for authorisation
- specify the grounds and record the rationale for authorising the operation and, in the case of operations led by other agencies, including other agencies', any additional briefing and intelligence supplied by them.
- specify the maximum period that deployment is considered necessary to deal with illegal immigration offending in that location
- specify the extent of the geographical area in which the use of the power is to be authorised, this should not be wider than is believed necessary, the AD must take into account:
 - the nature of the venue
 - the number of people who may be in the immediate area
 - their access to surrounding areas and the potential for media presence, obstruction by third parties and/or confrontation
- inform the director that crime reduction and street operations grant of authority has been given and revise the operational plan following that discussion
- advise the director of any community impact risks that have been identified
- send the completed copy of the operational booklet to the regional press officer and gold group by email
- ensure operational briefing takes place before the operations
- notify other Immigration Compliance and Enforcement (ICE) teams that may be affected by the implementation of an Immigration Enforcement street operations authorisation as soon as possible and supply the nodMMX 'EV number' for reference
- plan a debrief
- In addition, for [Operation Gull](#) activities, the AD must:
 - liaise with airport managers
 - engage with the devolved administrations and relevant local law enforcement agencies to ensure that they are advised of this operational tactic

Before the operation takes place the AD must be satisfied that the grounds relied upon for the original authorisation are still valid.

Community impact assessment (CIA)

Recommendations and advice given as a result of community consultation must be recorded within a CIA and consideration given whether to act on the advice, partially act on it or set it aside. The reasons for not acting on recommendations and advice should be noted together with any actions proposed to mitigate risk.

The CIA should identify and list any potential impact on the wider community and any relevant groups within the community. These may include groups of:

- specific ethnic origin or ancestry
- specific religious affiliation
- students and educational providers
- landlords and tenants
- employers and trade bodies representing an affected area

The officer in charge (OIC) must comply with any CIA recommendation that has been agreed by the authorising officer as a condition for the visit to proceed

See also: Operational planning and briefing.

Public operations: in-country examinations

See also:

- [Public operations: powers and constraints](#)
- Arrest and restraint
- Coercive powers: overview (Definition of terms used)

You **must** read this guidance with Enforcement interviews with particular reference to the explanation of in-country powers of examination and the purpose of exploratory questioning.

You may ask exploratory questions with the cooperation of the person, as described in Enforcement interviews, in order to:

- eliminate the person from enquiries because they do not fall within the general terms of the intelligence basis for the operation detailed in the operational booklet
- avoid unnecessary examination

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 examine that person about their identity and status. See Enforcement interviews: exploratory questioning.

If a person does not consent to stop and answer exploratory questions then you may only examine them under paragraph 2 of schedule 2 to the Immigration Act 1971 or arrest them under paragraph 17(1) of schedule 2 to the Immigration Act 1971 if the reasonable suspicion threshold is met.

If the person tries to leave during an examination, they may also be administratively arrested on paragraph 16(1) grounds.

You must be able to fully justify your reasons for examining or arresting an individual and record the grounds for your reasonable suspicion in your pocket notebook.

Public operations: reasonable suspicion

See also:

- Coercive powers: overview (see: definitions of 'reasonable' and 'suspicion')
- Enforcement interviews: exploratory questioning
- [Reasonable suspicion – equality issues](#)

Reasonable suspicion in the context of public operations can arise as a result of a combination of factors and circumstances. It is not possible to provide a comprehensive list of circumstances or combinations of circumstances that might arise but they can be summarised as:

- the person:
 - fits known facts or intelligence
 - arouses suspicion based on environmental circumstances
 - demonstrates unusual, inexplicable behaviour
- a combination of these

All operations are based on intelligence of various types and the aims and objectives of the operation, together with the intelligence basis for the operation, are notified to you during planning and briefing. You must take careful note of the known information and consider whether there are key indicators that will help you identify people related to the enquiry and, conversely, whether there are indicators that help you immediately eliminate a person from the enquiry. Such indicators may include gender, age and appearance but must never be based on racial stereotypes.

In general, it is likely that reasonable suspicion will be based on a combination of factors and that these may include the general nature of available intelligence, the environmental factors that exist at the scene and the behaviour of those encountered.

Environmental circumstances may help you identify those associated with the enquiry. These may include attire such as uniforms, equipment and accessories associated with particular employment. Physical location and direction of movement to, from or between significant locations may also provide a basis for suspicion.

A person's unusual behaviour in isolation of other factors is particularly difficult to assess quickly. If a person displays evasive behaviour it should always be remembered that there may be a good reason for this. It is reasonable in such circumstances to attempt to speak with the person and seek more information as to why they have acted in this way. Any further information should be taken into account in considering whether to pursue further exploratory questioning. If it

appears that the person's actions have been misinterpreted then be prepared to explain your reasons for delaying them and apologise for any inconvenience caused.

However, such behaviour in combination with other factors may provide grounds for suspicion. For instance, additional factors may include, an apparent attempt to:

- disassociate themselves from people associated with the enquiry
- distance themselves from places associated with the enquiry
- discard or destroy articles or documents that may relate to the enquiry

See also:

- Arrest and restraint: pursuit

Reasonable suspicion: equality and discrimination

The [Public Sector Equality Duty \(PSED\)](#) is set out in [section 149 of the Equality Act 2010](#) and [section 75 of the Northern Ireland Act 1998](#).

The PSED means that public bodies have to consider all individuals when carrying out their day-to-day work in:

- shaping policy
- delivering services
- relation to their own employees

It also requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities

'Direct discrimination' includes treating some people less favourably than others based on a protected characteristic such as race. The protected characteristic of 'race' includes a person's colour, nationality and national or ethnic origins and the law governs the extent to which immigration officers may discriminate on each of these grounds. Under the [Equality Act 2010](#) it is lawful for an immigration officer to discriminate on the basis of a person's nationality where they are acting in accordance with legislation designed to have this effect or under a ministerial authorisation. For instance, some nationalities are required to have visas for certain purposes and some do not.

It is unlawful for an Immigration Officer (IO) carrying out their duties to do any act that constitutes direct discrimination based on a person's colour. A person's colour or perceived ethnic origin can never be the basis of your ['reasonable suspicion'](#) that someone is an immigration offender.

Related content

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Street operations (STOPS)

This page tells Immigration Enforcement officers about the planning, authorisation and conduct of street operations.

Definition of street operation

Street operations are Immigration Enforcement led public operations that target locations where intelligence indicates that people who are in breach of immigration rules gather at specific locations at certain times.

Street operations: intelligence basis

Immigration Enforcement led street operations must be based on intelligence or relevant information such as:

- incoming intelligence from the public
- analytical profile of offender locations and proximity to locations known to be regularly occupied by immigration offenders
- the results of previous operations conducted at the same location
- surveillance reports from Immigration Enforcement directed activity
- incoming intelligence from partner agencies

In every case, Immigration Enforcement will prepare an intelligence profile (see: [operational booklet AD booklet: assistant director responsibilities](#)) justifying their involvement in such an operation and the decision to base themselves at a particular location.

Related content

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Crime reduction operations (CROPS)

This page tells Immigration Enforcement officers about the planning, authorisation and conduct of crime reduction operations.

Crime reduction operations: planning and authorisation

Crime reduction operations are police-led, intelligence-based public operations undertaken at crime 'hotspots' targeting criminals and criminal activity, for example fare evasion, pick pocketing or bag snatching. The police are always the lead agency on a crime reduction operation and immigration enforcement officers are invited to attend where the police expect to encounter, and require advice on, persons who may also be immigration offenders.

Operations in public places being led by other agencies, in which immigration officers (IOs) are to assist, must also be recorded in the operational booklet (see [operational booklet: AD booklet: assistant director responsibilities](#)). In such cases the other agency must provide their intelligence and operational briefing to help the assistant director (AD) in setting out their rationale in authorising the assistance of Immigration Officers. If the information supplied by the police or other agency does not indicate on the balance of probabilities that immigration offenders may be found in a particular public location then the AD will not authorise Immigration Enforcement participation.

Referrals during crime reduction operations

On a crime reduction operation, the referring officer, usually a constable, will stop and question a person based on their own powers and may not necessarily have done so on the basis that the person is an immigration offender, for instance, the person might have been questioned in relation to begging or rough sleeping. In responding to a referral from the constable, you must consider whether there is a [reasonable suspicion](#) sufficient to conduct the examination and be satisfied that there is a basis for in country examination. Therefore, the constable must relay sufficient information to give rise to that suspicion and you must record the basis of the suspicion in your pocket notebook.

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Operation Gull

This page tells Immigration Enforcement officers how to carry out Immigration Enforcement activities under Operation Gull.

Operation Gull are public operations that specifically target domestic travel routes which intelligence has shown are used by immigration offenders.

Enforcement operations in air and sea ports in Northern Ireland only

This following guidance is only relevant to Immigration Enforcement Immigration Compliance and Enforcement (ICE) team activity in air and sea ports in Northern Ireland. All such activity is carried out on the basis of voluntary co-operation from the travelling public under the title Operation Gull. Unless specifically stated, Operation Gull must comply with the substantive guidance on [public operations](#).

Under [section 1\(3\) of the Immigration Act 1971](#) there are no fixed immigration control points in operation between the UK (including Northern Ireland) and the Republic of Ireland.

Authority to conduct enforcement operations in air and sea ports in Northern Ireland

The authority to deploy ICE team staff under Operation Gull must be given at no lower than assistant director (AD) level, they will:

- appoint a critical incident structure
- agree the:
 - operational resources assigned to the operation
 - geographical extent of the operation at the airport or, dock area
 - time and date of each individual operation
- liaise with airport managers
- engage with the devolved legislature and other law enforcement agencies in Northern Ireland to ensure that they are advised of this operational tactic within Northern Ireland

Operation Gull deployments will be led by an arrest trained Immigration Officer (IO) officer in charge (OIC) with oversight from a Chief Immigration Officer (CIO). The authorising officer will decide the level of CIO oversight needed for each deployment and record their decision and reasoning in the operational booklet.

Operation Gull: legal considerations

Home Office IOs do not have all of their normal powers to carry out immigration controls in respect of persons travelling within the common travel area (CTA). Operation Gull relies on the voluntary cooperation of the travelling public. Officers are entitled to carry out intelligence led operations designed to intercept persons who should not be in the country on the basis of cooperation from the general public. However, individuals are under no obligation to comply and a failure to comply does not constitute a reason to ask further questions in line with *Singh v Hammond*.

See also: Enforcement Interviews - 'Immigration Enforcement: in-country examination' for further information concerning the Singh v Hammond judgement.

Where any identification presented on a voluntary and consensual basis and / or the behaviour of the individual concerned gives an you reasonable suspicion that the passenger may be an immigration offender then you may question further in line with the Singh v Hammond judgment.

Operation Gull: equality issues

See: [Reasonable suspicion: equality and discrimination](#)

Operation Gull officers must comply with [section 75 of the Northern Ireland Act 1998](#) and [schedule 9 to the Northern Ireland Act 1998](#) which place a statutory obligation on public authorities in carrying out their various functions relating to Northern Ireland.

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Conduct of 'non-scheme' marriage investigations

This page tells Immigration Enforcement officers how to investigate a sham or forced marriage or civil partnership.

For guidance on conducting marriage investigations under the marriage referral scheme see:

- Marriage investigations
- Enforcement interviews: 'Administrative enforcement interviews: marriage and civil partnership'

Unannounced visits to investigate marriages

Unannounced visits to test the genuineness of a relationship must not be made where the investigation has been referred as part of the 'Marriage and civil partnership referral and investigation scheme'. This does not preclude necessary visits to investigate suspected immigration offences.

In other circumstances, where information suggests that a sham or forced marriage has been planned or has already been contracted it may be appropriate to make enquiries at the residential address in order to assess whether an offence or breach has been committed.

If no one is at the premises when the visit takes place, officers must consider speaking to neighbours about who lives at the residential address. At least 2 attempts must be made to visit the couple at the premises subject to operational resources.

Actions during a marriage visit

You must record interviews in your notebook or on form ISCP4 and ISCP4 continuation as this provides good evidence for an appeal bundle or curtailment decision and immigration judges prefer verbatim interview records. You must also complete an IS126e outlining your conclusions as a cover to the interview record.

If no interview takes place, you must record the outcome and any observations from your visit in your pocket notebook. The record of events must be detailed and care must be taken to comply with note taking standards where the notes may provide the basis for a witness statement at a later date. Criminal and Financial Investigations (CFI) will advise when and if a witness statement is required.

Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Suspect marriages involving European Economic Area (EEA) nationals

You must read this guidance in conjunction with EEA administrative removals.

You may encounter persons who are not themselves EEA nationals but claim to be the spouse or civil partner of one and who therefore claim to be entitled to live and work in the UK. Direct family members have an automatic right to reside under European Union (EU) law and do not have to apply to the Home Office for a residence card (although see below regarding employer checks).

A direct family member is a spouse, a civil partner, a child (including step child or adopted child) who is under 21 or otherwise dependent, or a dependent parent or grandparent. If the EEA national is a student, the requirements are slightly different. Other family members (including unmarried partners) do not have automatic rights unless they have been issued with an EEA family permit, a registration certificate or a residence card. See 'EEA, Swiss nationals, EC association agreements' for full details.

Individuals may seek to abuse these rights.

If you have reasonable grounds to suspect that a claimed marriage or civil partnership is not genuine, you must investigate further. Reasonable grounds could include the context in which you encountered the person, their behaviour or their responses when interviewed. If you have reasonable grounds for suspecting that an immigration criminal offence may have been committed, you must seek advice of CFI and may, if appropriate, conduct a criminal arrest and detain them in accordance with the Police and Criminal Evidence Act 1984 or equivalent processes in Scotland and Northern Ireland pending further investigation (including a visit to their home address, if appropriate).

If the evidence shows that they are not a genuine spouse or civil partner of an EEA national, and have not previously been issued a residence card, then they have no EU rights and are liable to administrative arrest, curtailment and/or removal in the same way as any other non-EEA national without leave.

Examples of grounds for suspicion

During illegal working visits

If during an illegal working operation you encounter a non-EEA national who claims to be a family member but has not provided this evidence (or if you suspect evidence has been forged) this would provide reasonable grounds for investigating further.

If an employer has conducted right to work checks, it would be usual for a non-EEA family member of an EEA national to have provided their employer with either a valid residence card, (or a derivative residence card, or permanent residence card) or a certificate of application, although possession of these documents is not a requirement to exercise the right to work.

Where someone was employed with a certificate of application, but this has since lapsed, you must liaise with colleagues in European casework to confirm that the certificate was validly issued and that the subject still has a right to work.

Visits to domestic premises or other encounters

On a visit to domestic premises you may encounter a person who claims to be the family member of an EEA national and has not obtained a residence card. Their living arrangements may support or cast doubt on their claim.

Where there are reasonable grounds to suspect the claim is false, you must request proof of the relationship (for example, a genuine passport endorsed with an EEA family permit issued by a UK Visas and Immigration visa section and/or a genuine marriage certificate). If there is no evidence that their partner or family member is living with them, you must ask them to explain where they are.

Where someone is stopped in the course of a street operation because their behaviour is suspicious, you must ask relevant questions about their claim to have EU law rights. If you have reasonable grounds for suspecting that an immigration offence or breach has been committed, for example, if their responses suggest that their claim to be an EEA family member is fictitious, you may administratively arrest them and interview them further.

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Visits to care home or care providers

This page tells Immigration Enforcement officers of issues to be taken into account when conducting a visit to a care home or care providers.

When considering operational activity against care providers or agencies, continuity of care for the people using the service is the primary concern. Visits to care providers are, in most circumstances, conducted with the consent of the employers concerned. However, the vulnerability of those being cared for means that the continuity of their care must take precedence where enforcement action may place those being cared for at risk. The officer in charge (OIC) is responsible for the visit and what takes place and must balance the legitimate objective of Immigration Enforcement against the risks to the residents and those who depend on the care home or provider. The OIC must continually assess the impact of any proposed enforcement activity and should be prepared to withdraw if appropriate. The decision of the OIC in this respect is final.

Authority: visit to care home

Authority must be obtained from the Immigration Compliance and Enforcement (ICE) Tasking and Coordinating Group before conducting the visit.

Continuity of care arrangements

Where required, the following groups may be called upon to assist:

- national care organisations
- local authorities
- adult social services
- borough or constabulary police public protection unit

You must discuss plans and any repercussions that may arise due to the arrest and detention of care staff and the immediate, ongoing care of residents or recipients of the agency's service. The OIC must take the lead at any meetings or tele-conferencing with other agencies but also remember that the co-operation of all agencies involved is paramount to ensure the safety of any person in receipt of care. Records of all meetings, those attending and decisions taken must be recorded and retained with the visit records.

Before conducting any operational activity, the OIC must contact the care organisation that is responsible for the location concerned:

- England - [Care Quality Commission](#) (CQC)
- Wales - [Care and Social Services Inspectorate for Wales](#) (CSSIW)
- Scotland - [Care Inspectorate](#)
- Northern Ireland - [Regulation and Quality Improvement Authority](#) (RQIA)

The OIC must make the relevant care organisation aware of care providers, or agencies providing staff to care providers, who are suspected of being in breach of illegal working legislation. Where care provision and illegal working abuses are identified, both organisations must agree to undertake joint enforcement action and

advise local ambulance service, police and local authorities of the planned activity. A joint decision will be reached on the lead roles for different aspects of any planned operational activity.

In cases where the recipient of the agency care service is outside the local authority provision they will still need short notice replacement care. If enforcement visits to home addresses are planned for arrest activity then alternative care arrangements will still need to be agreed with the co-operating care home or agency.

Consideration must be given to arranging alternative care staff and/or arranging placements in other homes for the residents if, as a result of the visit, the premises is likely to be closed. This may also result in a need to book ambulances to transport residents to other locations as mentioned above.

People identified as at risk during operation

You must take the utmost care during operational planning to identify and mitigate any risks to those receiving care. If at any stage of the operation, owing to unforeseeable circumstances, a resident of a care home or someone receiving care from an agency is likely to become left without necessary care, medication or facilities, then you must:

- inform social services
- commence critical incident procedures and contact the command and control unit

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See also: Identifying people at risk for more information about contacting social services

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Visits to prisons

This page tells Immigration Enforcement officers how to conduct a visit to a prison.

Prison interviews

You may be required to attend a prison for an interview with an offender, to conduct an asylum interview or to serve enforcement notices, for example a deportation order (DO).

Most prisons have strict times during which visits may be made and you may only visit during those times. In exceptional circumstances, for example where an extended visit is required for a lengthy interview, you must obtain the agreement of the governor in advance. You will be expected to leave at the end of the allotted time so allow ample time for the interviewee to have any private consultation with their representative (if present) and allow time at the end of the interview for the interviewee to read-through and sign the interview record.

Before you visit a prison, contact the discipline office who will require the name and prison number of the detainee (if known), the nature of the visit, the names of those who will visit (including the detainee's representative), the proposed date and probable length of the visit. They will then advise when the visit may be made and may require a letter of introduction. Visits are not usually permitted at the weekend.

When you attend the prison, you will be subject to search. Mobile telephones are not usually permitted and may be left in lockers provided. Make references to senior Immigration Enforcement officers from the public telephones or, if the prison officers allow it, from their offices.

If you are required to take photographs of a detainee, you must ensure that you have permission prior to your visit. Cameras are not permitted as a matter of course and you must obtain authority in writing from the security unit.

You must comply with the national generic risk assessment for non-arrest operations which can be found on the risk assessment framework webpage.

A prisoner being interviewed by an immigration officer in respect of a criminal offence is entitled to legal representation. Criminal interviews conducted at a prison must be conducted in accordance with the Police and Criminal Evidence Act 1984 (or equivalent in Northern Ireland and Scotland). Where there are not facilities to do this at the prison, you will need to liaise with the prison to arrange transfer to a police station.

You must advise the prisoner of any interview in advance allowing plenty of time for them to contact their representative. Whilst there is no legal entitlement to representation in administrative interviews, it is Home Office policy to allow a representative to be present.

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Visits to register offices

This page tells Immigration Enforcement officers how to conduct a visit to a register office.

Marriage and civil partnership investigations at register offices

It is unlikely that visits to register offices to investigate marriages will be necessary since the introduction of the Immigration Act 2014 requiring registry officials to refer suspicious proposed marriages and civil partnerships for investigation where a spouse is a foreign national.

See:

- [Marriages and Civil Partnerships \(Conduct of Investigations, etc\) Regulations 2015\)](#)

It may however be necessary to visit either a designated or non-designated register office in order to apprehend a suspected offender where no reliable home address is known, or where the likelihood of encountering the person at the home address is low. Before conducting a visit to a register office all pre-visit checks must be carried out and arrangements to conduct the visit made with the superintendent registrar. The agreement of the superintendent registrar, or their deputy in their absence, to enter the premises must also be obtained in advance.

Enforcement activity at a register office must not affect the normal running of the office and any disruption must be kept to a minimum. Sensitivity must be given to other activities taking place in the register office including the registration of births, deaths and other marriages or civil partnerships.

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Officers must be aware that parties who have been arrested and charged with immigration offence or breaches, regardless of the venue, may still be able to arrange for their marriage or civil partnership to take place on another day. Furthermore, officers have no power to prevent a marriage taking place where the couple, or one of the parties to the marriage, are not arrested. Only a registrar may prevent a marriage on the grounds that there is a legal impediment to the marriage. However, proceeding with a marriage or civil partnership will not result in any immigration advantage where the evidence proves that it is a sham.

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Visits to religious premises

This page tells Immigration Enforcement officers how to conduct a visit to religious premises.

Authority: visit to religious premises

Religious premises operations must be authorised at G6, deputy director level and the Immigration Minister must be informed. Such sensitive cases may require the Home Secretary to be informed.

When planning such an operation, you must ensure, and provide evidence, that all other avenues of investigation have been exhausted. Scheduling an operation to enter religious premises must be the last resort.

This sensitive type of operation may involve large numbers of officials and suspects. Consequently this can be expected to generate a substantial amount of local and national media interest.

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Community engagement: visit to religious premises

Some communities, as well as faith communities, may be unwilling to assist police or Immigration Enforcement in carrying out operations. Where appropriate, steps must be taken to seek advice from the communities concerned and include any risks that they raise as part of a [community impact assessment](#) (CIA).

Any steps that have been taken to seek advice and address community concerns must be recorded. Full consideration must also be given on whether to involve:

- local MPs
- local councillors
- local police authorities
- religious community leaders
- community safety officer

This is not an exhaustive list. If engagement with the community is not considered appropriate, the reasons for this should also be recorded.

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Visits to suspected vice premises

This page tells Immigration Enforcement officers how to conduct a visit to suspected vice premises.

Pre visit considerations: vice premises

Officers must have regard to any locally prepared risk assessment and conform to its recommendations.

Officers must also be aware that due to the nature of the establishment and potential for workers to be victims of modern slavery there is often media interest and publicity and such visits may be accompanied by media personnel. If officers do not wish to be identified on camera they can opt not to go on such visits or request that no photographs or camera shots be taken of them.

Conduct during visits to vice premises

See Identifying people at risk: sexual exploitation and vice.

All visits to premises suspected to be used for prostitution are to be conducted sensitively and in a low-key manner. Any suspected sex workers are relatively more likely to be victims of modern slavery. Whether or not this is suspected, all those encountered must be allowed to preserve their dignity and given the same consideration of their privacy as any other person who is being questioned.

Care must be taken to safeguard any suspected victims of modern slavery or human trafficking and it is important that their identities remain hidden. If the media are present they must be requested to obscure the identities of those present.

Where a local regional police vice unit is present, they are to enter the premises first if this is their wish and Immigration Enforcement officers should not enter until given clearance.

You must fully record all conversations (see Enforcement interviews) with any person on the premises during the enforcement operation in your pocket notebook with details of the date, place, location and persons spoken with. Initial questioning of those identified is to be brief and succinct as it is likely the individuals will not feel safe or comfortable being questioned on the premises. You must be aware that overt personal protection equipment (PPE) may have an effect on a victim's willingness to come forward where they have been coerced into vice-working.

Removing potential victims away from the premises and away from anyone who may be an intimidating presence is likely to be the best way of obtaining full and frank answers to any questions and therefore, ideally, interviews should be conducted away from the premises.

Questions that are directed to individuals found on vice type premises must be directly related to the investigation of the person's immigration status and / or whether they are a person who may be considered at risk. See: Identifying people at risk.

Health and safety issues during visits to vice premises

You must be conscious of personal safety at all times and need to be aware of the risk of contamination at vice premises from bodily fluids, drugs, needles and diseases. Therefore you must take adequate precautions when conducting any search of property or premises.

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