



Home Office

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

Clandestine illegal entrants

Version 1.0

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About this guidance

This guidance tells Immigration Enforcement officers about the end to end process for handling clandestine entrants. It sets out the actions required on initial encounter and the obligations of responsible agencies.

Contact

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 team.

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

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

- version **1.0**
- published for Home Office staff on **11 May 2017**

Changes from last version of this guidance

New guidance

Related content

[Contents](#)

Clandestine illegal entry: background

This page tells Immigration Enforcement officers the legislative definition of 'clandestine entry'.

See also IOI 55/16 clandestine entrants: Maritime, juxtaposed, and other locations.

Definition of clandestine entry

[Section 32 of the Immigration and Asylum Act 1999](#) (as amended) states:

'(1) A person is a clandestine entrant if:

- (a) he arrives in the United Kingdom concealed in a vehicle, ship or aircraft,
- (aa) he arrives in the United Kingdom concealed in a rail freight wagon,
- (b) he passes, or attempts to pass, through immigration control concealed in a vehicle, or
- (c) he arrives in the United Kingdom on a ship or aircraft, having embarked—
 - (i) concealed in a vehicle; and
 - (ii) at a time when the ship or aircraft was outside the United Kingdom, and claims, or indicates that he intends to seek, asylum in the United Kingdom or evades, or attempts to evade, immigration control'

Clandestine means an action that is secret or concealed. For the purposes of immigration control a clandestine entrant is someone who requires leave to enter but has failed to present themselves to an Immigration Officer on arrival in the UK.

Methods of clandestine entry include persons who:

- enter concealed in a road vehicle, this includes lorries, vans, caravans, motor homes or any other road vehicle
- come ashore at an uncontrolled point on the coast in a small boat
- land in a light aircraft on uncontrolled land

See also Border Force guidance for further information on general aviation airfields and maritime controls.

Legal basis: clandestine entry

[Section 3\(1\)\(a\) of the Immigration Act 1971](#) states that, persons who are not British citizens shall not enter the UK unless given leave in accordance with provisions in the Immigration Act 1971 or made under that act.

To enter without leave is to enter in breach of section 3(1)(a) and therefore constitutes illegal entry as defined by [section 33\(1\) of the Immigration Act 1971](#) as amended by the 1996 Asylum and Immigration Act. This constitutes an offence under [section 24\(1\)\(a\) of the Immigration Act 1971](#) and is punishable with a fine or with imprisonment for not more than 6 months or both. However, most cases are normally handled using administrative powers to remove, contained within [schedule 2 to the Immigration Act 1971](#).

Where a police officer or Immigration Officer is satisfied that an illegal entrant has arrived clandestinely by whatever means of transport, then the person's arrival is treated as a clandestine entry.

Police, and Criminal and Financial Investigations, officers have the power to arrest someone for this offence under [section 24 of the Police and Criminal Evidence Act \(PACE\) 1984](#). They also have the power to arrest under [section 28A of the Immigration Act 1971](#) (linked to an offence under [section 24\(1\)\(a\)](#)) or [paragraph 17\(1\) of schedule 2 to the Immigration Act 1971](#) (persons liable to examination or removal). Arrest trained and accredited Immigration Compliance and Enforcement (ICE) Immigration Officers also have the latter 2 powers.

See also:

- Coercive powers
- Liability to administrative removal (non EEA) - consideration and notification

Related content

[Contents](#)

Clandestine entrants and departures: initial encounter

This page tells Immigration Enforcement officers when and how they may encounter a clandestine entrant and what to do on initial contact.

Types of encounter

Clandestine entrants can be encountered in a range of scenarios the most common of which are:

- escaping, or being released, from a lorry or other vehicle (lorry drop):
 - these events are often reported to the police by the vehicle driver or an eyewitness and can take place on the motorway, at services stations, lorry parks, industrial parks, on isolated roads or at the vehicles final destination
- reporting to a police station to claim asylum
- reporting to a Home Office building and claiming asylum

While these are the most common, clandestine entrants have also been known to use other means such as light aircraft and small boats. Whether or not the clandestine entrant claims asylum, all those encountered must be assessed to consider their welfare issues and vulnerability.

Outbound facilitation

In addition to clandestine entrants who are detected soon after arrival in the UK, are those people encountered and reported attempting to leave the UK by covert means. Typically, police may report detecting suspected immigration offenders concealed in outbound vehicles. See [Outbound facilitation process](#).

Clandestine entrants: initial in-country contact

Clandestine illegal entrants may routinely be encountered by several agencies.

The police encounter clandestine entrants that voluntarily attend police stations to claim asylum and are often the first responders to roadside incidents. They are responsible for:

- arresting the clandestine entrants
- preserving the crime scene
- considering the arrest of vehicle drivers for facilitation
- safeguarding the welfare of children and vulnerable adults
- conducting missing person investigations in cases where children abscond from care after initial processing

Police may also conduct welfare assessments and take fingerprints in accordance with locally agreed procedures or following agreement with Command and Control Unit (CCU).

In most cases, the responding officer will have been despatched by their police control room who will have recorded the initial circumstances on their system. If this is not the case the officer should call into the control room at the first available opportunity. All police references should be cross-referenced with CCU in the event that any evidence needs to be assessed or accessed at a later date.

See also Asylum screening and routing.

Clandestine entrants: Command and Control Unit actions

CCU are the first point of contact for police officers at the roadside and for police stations. They will record details, provide initial advice and direct the cases within Immigration Enforcement.

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Clandestine notification form (CNF)

The CNF is used to highlight significant events to senior managers, such as:

- local critical or serious incidents
- any events with 10 or more clandestines
- multiple clandestine events in one region with an impact on local resources

If the event has occurred in Kent, Kent Intake Unit will use the same form to notify CCU of a significant event.

The CNF form can also be used to report a national critical incident which can include 'Longport mass incursions', mass incursions in-country, clandestine deaths or major incidents.

See also Enforcement visits: safety and personal protection.

Lorry drop script

Once public safety and the health of the migrants have been assured and the police control room has been informed, the officer attending can call CCU. CCU will work through the lorry drop script.

For CCU actions in relation to asylum seekers, see asylum screening and routing.

The lorry drop script attempts to capture:

- location of the event

- date and time of the event
- attending officer's details
- details of witnesses
- the Immigration Compliance and Enforcement (ICE) team covering the area of the event
- vehicle driver details
- vehicle details
- vehicle ownership – the haulage company details if it is a lorry
- method of concealment – where on the vehicle the migrants were hiding
- method of entry or intrusion – how the migrants got into the vehicle
- vehicle journey details in full – departure, stop offs, point of discovery, final destination
- what security checks the driver has made and when
- what security checks the driver has been instructed to make – there should be instructions from the haulage company for lorry drivers
- what security features the vehicle has
- migrant details – name, nationality and date of birth of each migrant:
 - migrant possessions – consider collecting and bagging all mobile phones and SIM cards and any pieces of paper containing anything appearing to show names, addresses or phone numbers in the UK
 - the intentions of the migrants in the UK – usually to claim asylum or find work

CCU will:

- input the information onto 'My Calls' enquiries database and the national operations database (NOD)
- refer details of the clandestine event to 'Operation Snowbird' and 'Operation Leaf' for intelligence checks to be conducted which will form part of any referral to Criminal and Financial Investigations (CFI) and assist with completing the CNF
- speak to the local CFI team about the viability of prosecution and their availability to attend the scene
- advise the local ICE team of the known details
- contact the Immigration Enforcement Joint Debrief team (JDT) to inform them of any cases which they may have an interest in and which meet their criteria:
 - if the case meets JDT's adoption criteria and they are available to attend, CCU will establish which police station the migrants will be transported to and confirm the details
- advise the officer in attendance on what to do next:
 - this will usually either be to wait for CFI officers at the scene or to arrange the transfer of the migrants to police custody
 - if the migrant is a minor then a place of safety other than a police station must be considered if this is more appropriate, see [Clandestine entry: families and children](#)
- if the incident occurs outside of the relevant ICE team's office hours, assume responsibility for creating cases on NOD for each migrant encountered:
 - the relevant ICE team will need to ensure all cases are entered onto CID as soon as possible

- if the police make CCU aware of any safeguarding concerns, ensure the relevant ICE and/or CFI team are informed as early as possible so that vulnerability issues can be addressed
- using the CNF, liaise with senior managers as required to appraise them of any large scale events nationally which may require contingency plans to be invoked

See Criminal investigations (Immigration Enforcement).

Clandestine entrants: deployment

Immigration Enforcement CFI teams will (if resources allow) deploy officers to the scene of arrival and take over the investigation of suspected facilitation by vehicle drivers to establish if the case meets their current adoption criteria. If adequate evidence can be gathered they will pursue the prosecution. They will also gather and feedback intelligence from the scene. See Criminal investigations (Immigration Enforcement).

Immigration Enforcement 'Operation Nexus' and ICE teams are responsible for establishing each migrant's nationality and identity and for the service of immigration papers. They will also refer cases on for detention or accommodation and make relevant counter terrorism (CT), modern slavery and safeguarding referrals as the first responders. If Nexus officers, who are based at police stations, are unable to respond then cases will be referred back to the ICE team for them to assist.

UK Visas and Immigration (UKVI) are the body responsible for assessing and determining asylum claims. UKVI are also responsible for providing accommodation for the claimant whilst their claim is being considered in association with National Asylum Allocation Unit (NAAU).

In addition to considering asylum claims Asylum Intake Unit (AIU) and Kent Intake Unit (KIU) also establish identity and nationality and serve immigration papers through their intake units.

The Midlands Intake Unit (MIU) are only able to accept cases where the identity and nationality have already been established and immigration papers have been served by Nexus or ICE staff.

Related content

[Contents](#)

Gathering evidence of clandestine entry: crime scene preservation

This page tells Immigration Enforcement officers when and how to gather evidence about the clandestine entrant.

See also:

- [Prosecutions and civil penalties](#)
- Search and seizure

Assessment of evidence: general considerations

Evidence gathering by either police or Criminal and Financial Investigations (CFI) officers must adhere to the following principles, advice and considerations:

Consider:

- how reasonable and credible are the accounts of the driver and migrants
- how reliable are the witnesses
- if there is adequate, compelling evidence of facilitation:
 - when pursuing a prosecution for facilitation, also pursue the civil penalty
- if there is not adequate evidence to pursue a prosecution for facilitation, is there adequate evidence to pursue a civil penalty:
 - pursue the civil penalty where there is insufficient evidence of a crime but there has been a failure to adequately secure and check the vehicle

Golden hour: principles

Golden hour is the term used to describe the first hour after an incident or event occurs. This period presents the best opportunity to gather high quality and reliable evidence.

During this period:

- identify suspects
- consider intelligence opportunities
- complete scene forensics
- complete witness search
- consider possible motives
- check if the media in attendance:
 - if not, consider if media interest is likely
- complete significant witness interviews
- complete other critical actions
- identify passive data opportunities
- gather evidence

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Related content

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Suspected clandestine entrants: arrest and assessment

This page tells Immigration Enforcement officers when and how to arrest the clandestine entrants and lorry driver.

You must read this section of guidance in conjunction with Arrest and restraint.

Conduct of arrests

At roadside encounters

Clandestine entrants will be arrested by police under [section 24 of the Police and Criminal Evidence Act \(PACE\) 1984](#) at the first available opportunity. This brings the migrant under the control of the police officer and allows them to invoke supplementary powers of search and seizure. Migrants that require hospital treatment should, where appropriate, be placed under arrest before being transferred to hospital.

Making arrests: drivers

If the investigating officer is satisfied that there is sufficient evidence, they can criminally arrest the vehicle driver under section 24 of PACE with a view to charging with facilitating illegal entry, an offence under [section 25 of the Immigration Act 1971](#).

The process steps for arrested drivers are:

- 1) Book into police custody.
- 2) Interview under caution.
- 3) Refer to the Chief Immigration Officer (CIO) or Criminal and Financial Investigations (CFI) Detective Sergeant (DS) for approval to proceed.
- 4) Depending on the case, and the evidence available, consider granting bail, if appropriate, to enable further enquiries to take place.
- 5) Refer to the Crown Prosecution Service (CPS) for authority to prosecute.
- 6) Charge with facilitation and either remand in custody or release on bail.

See also:

- Arrest and restraint
- Criminal investigation (Immigration Enforcement)

Identity management: clandestine entrants

See also:

- Identity management (enforcement)
- 24 hour asylum fingerprinting initiative

Clandestine entrants are unlikely to possess documents that establish their identity and nationality. Make every effort to gather and assess any other corroborative and/or circumstantial evidence that assists in identifying the person's:

- identity
- nationality
- country of origin
- transits through any countries during their journey to the UK

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Further biometric capture of photographs and fingerprints for all adults and children aged 6 to 16 may also need to be taken later in the process by immigration officials in order to register each migrants case on IABS and to facilitate a check of the European fingerprint database (EURODAC) to establish if the migrant has passed through other countries.

Children and dependent family members will have their photograph and fingerprints taken and verified against the IDENT1 police database using the Livescan reader as part of the booking in process at a police station. This is in accordance with [code C of the PACE codes of practice](#).

Photograph and fingerprints and fingerprints will be taken by an Immigration Officer, police officer or other authorised person in accordance with [section 141 of the Immigration and Asylum Act 1999](#) in the presence of an appropriate adult or with the consent of social care in respect of an unaccompanied minor. See Identity management (enforcement).

Transportation of clandestine illegal entrants following arrest

See also section 'Carriage of detainees' of Arrest and restraint.

Transportation to a police station

Once arrests have been made and evidence gathered the migrants will be transported by the police to the police station. All adult migrants must be booked into police custody in accordance with [code C of PACE codes of practice](#).

Transportation to Kent Intake Unit

In Kent the police will make a referral directly to the Kent Intake Unit (KIU) and, where capacity allows, have specific arrangements in place to allow them to transport from the roadside directly to KIU, bypassing the police station. On occasion, the police may choose to place the migrant in custody and in those circumstances the referral will still go directly to KIU to manage. In some

circumstances Sussex and Surrey police forces may also refer directly to KIU who will take the cases on in their entirety if capacity allows, if not the police will be directed to call the Command and Control Unit (CCU) and the usual process will commence.

Transportation to hospital

The first priority is to safeguard the individual by facilitating medical treatment as soon as possible. Where children or vulnerable adults, suspected of being victims of trafficking, are transported to hospital they must be escorted by 2 supervising officers. Officers must be alert to the possibility that some victims are coached to abscond from places of safety after their arrival. See Identifying people at risk.

In other cases, where possible and practicable, the person should be escorted and further information sought if they are well enough to cooperate. Transport for medical examination and treatment must not be delayed where escorts cannot immediately be allocated. In general, as much information as possible must be gathered either immediately at the scene or as soon as possible thereafter and biometrics taken depending upon the seriousness and nature of the illness or injury.

Nexus and Immigration Compliance and Enforcement (ICE) team officers must, if at all possible, ensure that all the personal details have been obtained and the biometric capture has taken place before any decision to bail or release is made.

Welfare assessment interview

See also:

- Enforcement interviews
- Identifying people at risk
- Welfare assessment template

A welfare assessment must be conducted on all those encountered. In all cases of adults with particular vulnerabilities and of unaccompanied children a detailed welfare assessment must be conducted in accordance with the structure outlined on the welfare assessment form.

Children must be dealt with as a priority. In the case of children, their welfare takes precedence and there is no need to wait for the arrival of an appropriate or responsible adult before this welfare check takes place. However, if a child is under 16 an appropriate or responsible adult must be present to take fingerprints.

All unaccompanied migrant children who enter the UK must be defined as children in need who are at potential risk of significant harm.

You must take the following steps:

- notify the local Children's Services Team through the Multi Agency Safeguarding Hub (MASH) and they should take responsibility for the child:
 - if there is no MASH based at the station and whilst appropriate safeguarding arrangements are being arranged, the police will ensure that the welfare and

safety needs of that child are addressed in accordance with current working practices

- the child must be supervised at all times
- provide every unaccompanied child with the contact details of the charity [MISSING](#) which is telephone number 116 000

At the first available opportunity following booking in, interview each migrant to establish whether they are a victim of modern slavery or are of a high risk of becoming one.

Before any interview takes place consider the basic needs of the child, for example the need to deal with injury, provide food and water or allow rest.

An unaccompanied child from a third country is first and foremost a child, regardless of their nationality, migration or residence status. Conduct the interview in an environment that minimises distress and enables the child to open up.

The welfare conversation must take place away from other victims or associated people. Be aware of anyone travelling with the child who may be a trafficker or someone who may potentially cause the child harm. It is vital the child does not feel intimidated or pressured. Separation must take place as soon as practically possible.

Explain your role and those of the other agencies. The main aim is to make the child feel protected and trust us so they do not turn to the traffickers. Where possible, spend 15 minutes building a rapport with the child before any welfare conversation takes place.

The welfare form, and any other written material shared with the child, must be in plain, simple language which the child can understand or the interpreter can easily relay.

If you identify any immediate concerns regarding the child, only an official interpreter may be used. A face-to-face interpreter is not essential and should not be a cause of delaying the assessment. The findings of the NSPCC show that children prefer the use of interpreters by the phone.

During the conversation

You must:

- address welfare issues first and deal with administrative questioning afterwards
- listen to the child and provide them with every opportunity to express their needs and worries in an open and non-confrontational setting
- start from the premise that the child has not committed a crime
- be clear from the very start about the purpose of the interview and what it seeks to achieve:
 - the interview concerns their welfare and is not intended to explore the basis of any asylum claim

- place the emphasis on conversation rather than questioning, this is all about checking on the child's welfare so **do not** ask questions about the asylum claim, the main reason for this interview is to check:
 - if they have any immediate concerns and their future intentions
 - if they have been a victim of crime
 - how vulnerable they are and what, if any, safeguarding needs to be considered or identified
- describe who you are and your role, you must also describe what agencies will follow once children's services arrive and what their role is
- mitigate the risk of the child absconding by explaining services to which the child is entitled and the steps that will be taken to put them in a place of safety

Ask open rather than leading or suggestive questions. This should be a conversation. These may include questions such as tell me:

- about you and your journey
- why you have left your home country
- how do you feel
- what are your plans and do you have any worries now you are in the UK

Consider the before, now and after issues:

- learn about the child and their journey to help identify signs of abuse and/or neglect
- assess how they present themselves during the interview to help further identify signs of risk
- ask about their future plans and people they know in the UK to help identify future risks

After the interview

By the end of the interview, you must be content that the child has not been or will not be a victim of crime and that you fully understand any risk factors to assist social services in a suitable placement.

Although this welfare interview will not be relied upon as evidence to support an asylum claim, it is admissible as evidence if the court feels the information is relevant.

See also section 'Age dispute cases' of Identity management (enforcement).

Related content

[Contents](#)

Clandestine entry: families and children

This page tells Immigration Enforcement officers about the initial processes for dealing with families who have arrived clandestinely.

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) places a duty upon Home Office agencies, and all other first responders, such as the police and social services, to discharge their functions to have regard to the need to safeguard and promote the welfare of children who are in the UK.

See also section 'Age dispute cases' of Identity management (enforcement).

Dependent family members in asylum cases are defined within asylum guidance, see Dependants and former dependants.

A dependent family member means a spouse or an adult dependent in another person's care who wishes to be considered as a dependent of a lead asylum applicant. Dependant adult is limited to a person who has been a spouse or partner for 2 years. A child over 18 or adult family member (such as parent of asylum seeker) must not be accepted as a dependant.

Every effort must be made to keep family units together. Care must be taken during initial encounter to ensure that fathers are not separated from mothers and children.

There may be circumstances when the father of a family needs to be separated from the remainder of the family and placed in a police cell but these will be exceptional.

Only in exceptional circumstances should the father of the family be separated from them and placed in a police cell. Scenarios where this may be appropriate would include where the father has an extant deportation order in place or is wanted for a criminal offence. In the event of this being deemed necessary a family separation authorisation will be required from an Assistant Director (grade 7) in line with the procedures set out in the Family separations guidance.

Transfer of families

It is essential that family units are moved out of the police station as quickly as possible. Although an acceptable initial place of safety, the police station is not a suitable location for children for any prolonged period. Also, police stations usually do not have suitable facilities or resources to accommodate and supervise families.

If an Immigration Compliance and Enforcement (ICE) team officer is available to attend the police station in a reasonable timeframe (nominally within 1 to 2 hours) they must attend and complete the actions required for asylum screening and routing.

If it is not possible for an ICE team officer to attend in a reasonable timeframe the ICE team or CCU will need to liaise with the National Asylum Allocation Unit (NAAU)

intake team to arrange for the family to be routed to accommodation without attendance.

Clandestine entrants: children

Children may be transported to a designated place of safety, which may be a police station, or an intake unit. They may, alternatively, be taken directly into the care of social services. Parts 3, 4 and 5 of the [Children Act 1989](#) place a duty upon local authorities to provide care to all children within their jurisdiction that require it. Unaccompanied children entering the UK clandestinely fall within this remit. A joint risk assessment must be made with the police if there are risks identified, for instance, trafficking or slavery.

The local children's services team must notify the ICE team or NEXUS immediately of the care arrangements and arrange a convenient date for a welfare interview. The welfare interview must take place as soon as possible after arrival. This is to ensure that the child is reassured at the earliest opportunity concerning the steps that will be taken to safeguard them. Children who have been trafficked to the UK are most likely to become missing shortly after arrival and every effort must be made to establish their identity, contact details and capture biometrics during the initial period of contact.

See also:

- Identifying people at risk
- [UASC Transfer Scheme - Guidance](#)
- Information for UASCs

Related content

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Prosecution and civil penalties

This page tells Immigration Enforcement officers how to issue a civil penalty referral notice on a vehicle driver or operator.

Civil penalty referral notices

If a prosecution is pursued against the driver or there is evidence to suggest that the driver failed to put in place and apply adequate security measures, you must issue a civil penalty referral notice.

You must take copies of all the evidence gathered (as set out in [Gathering evidence of clandestine entry: crime scene preservation](#)) and complete Doc Gen forms:

- IS.11D – Notice of Liability to Penalty
- IS.11E – Clandestine Entry Incident - Civil Penalty Pro-Forma

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Clandestine entry: criminal prosecution cases

See Criminal investigations (Immigration Enforcement).

If there is a reasonable suspicion that the driver has facilitated illegal entry and Criminal and Financial Investigations (CFI) officers are able to attend they will take the lead in gathering evidence. If they are unavailable, the attending police officers will attempt to gather as much evidence as is practically possible, taking advice from a CFI officer over the phone as soon as possible after the clandestine event has been encountered.

Early liaison between the police and CFI provides the best opportunity for the evidence to be secured. If CFI officers are unable to attend the scene, Command and Control Unit (CCU) will pass on the mobile phone number of the on call CFI

officer to the police officer on the scene. The CFI officer will be able to provide advice over the phone if required.

Evidence checklist: prosecutions and civil penalty referral notices

The following evidence is critical to support a prosecution and a civil penalty referral notice. It must be secured and where appropriate bagged as evidence before leaving the scene or, if more appropriate, at the first available opportunity afterwards:

- evidence from the vehicle
- photographs of the vehicle
- Police National Computer (PNC) and intelligence reports on the vehicle and driver
- migrant's possessions – if intended to be used as evidence
- driver's possessions – if intended to be used as evidence
- statements from witnesses
- statement from the driver
- statements from migrants
- statement and/or personal notebook entries made by officers at the scene
- security devices (such as locks and seals)
- contact details of all concerned – further contact to obtain or query statements may be required (mobile phone numbers are vital)
- CCTV footage
- tachograph readouts and/or printouts
- refrigerator temperature record readouts and/or printouts

Referral to CFI

CCU will make an initial referral to CFI once they have been informed of a clandestine event. During office hours, the referral will normally be directly to the CFI team with responsibility for the area where the event has taken place. Out of office hours, CCU will make the referral to the on call CFI Her Majesty's Inspector (HMI) for the relevant area who will decide on whether the case can be adopted.

See also Criminal investigations (Immigration Enforcement).

CCU hold copies of the CFI on call rota.

Once the referral has been made by CCU, CFI will be responsible for contacting the police for further information as required

Where a prosecution of the driver for facilitation of illegal entry is being pursued the officer in charge must, if possible:

- gather further witness statements
- commission expert tachograph analysis
- commission expert refrigerator temperature recorder analysis
- commission expert analysis of electronic devices (such as satellite navigation units, mobile phones and laptops)

The officer in charge must liaise with the Crown Prosecution Service (CPS) to coordinate evidence disclosure and provide witness availability. The CPS will take responsibility for dealing with the court in terms of disclosures and court listings.

Seizing vehicles: prosecution evidence

In the event that the vehicle requires further examination or is required as evidence as part of a prosecution the investigating officer will seize the vehicle under [section 19 of Police and Criminal Evidence Act \(PACE\) 1984](#). Arrangements will then be made by the police to take the vehicle to the most appropriate vehicle or evidence storage location. See also search and seizure.

Cash seizures: vehicle drivers

In the event that the vehicle driver is arrested and charged with facilitation any money in excess of £1000 found in their possession may be seized as potential proceeds of crime. This money must be bagged as evidence and placed in secure property store in line with standard operating procedures pending the outcome of the criminal case. For further guidance, see Seizing and securing evidence.

If the prosecution is successful a financial investigator within CFI will issue a forfeiture notice upon conclusion of the case. The purpose of this is to finalise forfeiture of the cash already seized and to pursue forfeiture of any other assets held that could reasonably be deemed to be proceeds of crime.

If the facilitation is being investigated then consideration must be made to involving a financial investigator at an early stage. The financial investigator will then consider enforcing the forfeiture of any vehicle and other assets that could have been gained through crime.

Outbound facilitation process

Police may report encounters with passengers travelling covertly within vehicles who they reasonably suspect are subject to control under the Immigration Act 1971 and who are liable to be detained and removed under schedule 2 to the act (see Administrative powers). The response to such encounters is dependent on the circumstances, and resources available, in individual cases. In general, the police will contact CCU who will provide assistance with the following process that assumes the suspects will be taken into custody. In some circumstances, where appropriate for operational reasons, the police may opt to liaise with relevant agencies at the roadside in order to more quickly eliminate a suspect from their enquiry.

The grounds of arrest and powers to arrest a person 'in-country' are as described in Coercive powers and Arrest and restraint. Additionally, in common with clandestine entrants described elsewhere in this guidance, CCU provide the agreed primary point of contact for the police and are responsible for conducting checks on the identities of those encountered. If the referral is made instead to an Immigration Compliance and Enforcement (ICE) team, the ICE team must follow the instructions here. CCU will follow the same general process as for those encountered as suspected clandestine arrival, see [Command and Control Unit actions](#).

CCU will complete the lorry drop script following the clandestine process but, in addition, will record the details on the script that identify the encounter as an outbound event. This can be an explicit statement that the vehicle is outbound or determined from context. Indicators may include direction of travel, location, the stated intention of the vehicle occupants, evidence of concealment, documentary evidence or combinations of these and other indicators. CCU must ask the police to confirm the driver's intentions, the script offers the opportunity to clearly record the grounds of suspicion.

CCU will:

- refer to 'Operation Snowbird' and CFI
- direct the arrest of passengers on suspicion of an offence under [paragraph 17\(1\) of schedule 2 to the Immigration Act 1971](#), and to arrest under [paragraph 16\(1\) of schedule 2](#) as someone liable to be detained
- create 'Duty Office (PE-)' record on national operations database (NOD) and tick 'Lorry Drop' field:
 - this enables question 'Was this an Outbound Detection?' to be answered, enter 'Yes'
- record names and other personal information of all passengers on NOD record
- check each passenger on Home Office systems and enter details of each on CID

Where checks indicate the person has valid leave, they must be immediately released.

Where there is no evidence of valid leave or lawful entry, refer to ICE team to attend custody.

Where CFI agree to adopt the case they will contact the police or CCU to have the driver arrested for facilitation.

Debrief in these circumstances is conducted in accordance with the general guidance contained in Post enforcement visit actions. If taken to Kent Intake Unit for interim assessment, the Joint Debrief Team may conduct the debrief.

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