



Home Office

General Instructions
Immigration returns, enforcement and detention

Partnership working

Version v3.0

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About this guidance

This guidance tells Immigration Enforcement officers about the procedures when working with the police or other agencies.

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 **3.0**
- published for Home Office staff on **13 June 2017**

Changes from last version of this guidance

Addition of the Immigration Act 2016 amendment to give immigration officers expanded guidance, including typical scenarios where the power of entry, without warrant, under section 179 of the Licensing Act, 2003, can be used where illegal working is suspected and where there is reason to believe that a business is engaged in licensable activities.

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Working with the police

This page tells Immigration Enforcement about the procedures for working with the police.

For information on seeking police assistance, or where the police or another agency suggests a joint operation, you must follow the procedures set out in the tier system of operations, see: Operational planning and briefing.

Police call outs: initial contact with Command and Control Unit

Although embedded immigration officers are sometimes approached directly by the police, the normal first contact from the police relating to a foreign national is direct to the Command and Control Unit (CCU) based in Manchester, which is Immigration Enforcement's 24/7 primary point of contact for police forces nationally. CCU can be approached by:

- front line police officers for information or advice on whether an individual encountered may be a suspected immigration offender
- officers from custody suites after an arrested person has been booked in
- officers investigating crimes or missing persons in slower time

The majority of referrals are made from custody suites where police officers are asked to undertake livescan fingerprint checks (for more information see Identity management (enforcement)) to verify whether a foreign national is already known to immigration **before** they are referred. Other information which CCU staff will ask for includes:

- time of arrest (see [PACE clock](#))
- grounds of arrest
- where detained
- claimed identity and nationality (with documentary evidence where available)
- claimed immigration status
- any police information from Police National Computer (PNC) or Police National Database (PND) relating to criminality to support immigration enforcement action, up to and including deportation

This will inform the level of checks undertaken, which might include reference to the following Home Office systems:

- Case Information Database (CID) - including Warehouse and Landing Cards
- Central Reference System (CRS)
- IABS Fingerprint Database
- National Operations Database (NOD)
- Omnibase to access Her Majesty's Passport Office (HMPO) passport records held in the HMPO Passport Application Support System (PASS)

Official – sensitive: Start of section

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

Official – sensitive: End of section

The CCU immigration officer will consider the information identified and assess whether the case justifies referral to the Immigration Compliance and Enforcement (ICE) team (Joint Operation Command (JOC) in London) for further action. In office hours, CCU will highlight the case to the ICE team by phone to ascertain whether they are able to attend and will refer the case using NOD.

When ICE team staff are not present during out of hours, consideration will be given to proactively dealing with the case within CCU, subject to the resource levels available and competing demands. Action could include service of papers, authorising overnight detention for referral to the ICE team the following day, or authorising temporary admission to report in slower time.

CCU will look to identify the best option for the public, police and immigration to prioritise action against suspected immigration offenders believed to be engaged in criminality, including European Economic Area (EEA) nationals, and particularly the most harmful. Enquiries will be made to ascertain whether they:

- might be referred to Criminal Casework to pursue deportation action
- are subject to deportation or administrative removal immediately
- should be subject to a minded to refuse (MTR) interview as suspected of not exercising their EEA treaty rights
- should be referred to Border Force for consideration of refusal on their next entry into the UK

CCU will also ensure that:

- any referral is noted on CID to facilitate action at a subsequent encounter
- instances of police referrals that cannot be investigated are recorded

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Responding to a police call out

This page tells Immigration Enforcement about the procedures when they receive a call from the police.

Police and criminal evidence (PACE) clock

For the purposes of these instructions, the term PACE means the rules that must be applied under the:

- [Police and Criminal Evidence Act 1984](#) – applies in England and Wales
- [Police and Criminal Evidence \(Northern Ireland\) Order 1989](#) – applies in Northern Ireland

PACE does not apply in Scotland, where the [Criminal Procedure \(Scotland\) Act 1995](#) is the relevant legislation.

A person detained under PACE can be kept at the police station for a maximum of 24 hours from the relevant time. This is known as the 'PACE clock'. The 24-hour period can only be extended in exceptional circumstances by a police superintendent, and is very unlikely to be extended where the only issue to be determined is that of the person's immigration status.

In accordance with PACE, a person can ordinarily only be held for a maximum of 24 hours during which time a decision must be made to either:

- charge them with an offence
- release them on bail
- release without charge

In cases where a person is being held pending further investigation relating to a criminal offence, officers are restricted to completing their investigation within the 24-hour period. Whether or not the person is held for the maximum period is a matter for the police. The police may not extend the period to allow for the investigation of an administrative immigration breach.

During this period, the detained person is allowed 8 hours of continuous rest. When a decision is taken to bail the detained person so that further enquiries can be undertaken, the 24-hour clock will start again when the detained person reports in compliance with their bail conditions. If there are only 3 hours left when the detained person is bailed, there will only be 3 hours left when they report off bail to make a decision on a case.

If the police have arrested the person for a criminal offence but do not intend to pursue the case further, the following options apply. The person must be either:

- arrested and detained under [schedule 2 to the Immigration Act 1971](#)
- arrested in connection with an immigration related criminal offence
- released

Attendance at police station

Having conducted the checks and gathered all relevant information, you must decide whether it is appropriate for an officer to attend. You must discuss this with the duty Chief Immigration Officer (CIO) and prioritise the case taking into account:

- case type and probability of removal
- number of police call outs waiting
- staffing levels
- a harm assessment of the case including reasons for arrest

Upon attending the police station, you must read the custody record to gather any additional information available. Take particular note of the property sheet. You may find that if a detained person was not originally arrested for an immigration offence, documents relevant to your enquiries, such as identity or bank cards, or payslips, may have been returned to the detained person and labelled as 'miscellaneous documents' or 'X documents'.

You must make full use of the opportunity that this presents to search for identity documents that confirm nationality and identity. Where no identity document can be located you must complete an emergency travel document application form for all appropriate cases encountered at custody suites.

In all cases take the opportunity to explain the options for voluntary departure. You must record the fact that you have done this, and the result, in your pocket notebook.

Police officers will have recorded the circumstances of the arrest in their notebook and a copy should be attached to the custody record. This details the circumstances of the arrest and will include any significant statements. Always take note of the custody number for reference purposes.

Always ensure you return any custody record as you found it.

See also 57 Bail.

Refusing a request for assistance

On the few occasions that immigration officers are unable to attend to such instances the following procedure must be followed. A Her Majesty's Inspector (HMI) or above must be consulted before the police or other agency is advised that Immigration Enforcement cannot attend. The operational assistant director must be notified along with a written report of the reasons preventing attendance and the advice given to police or other agency on how to proceed. This report must be copied to the deputy director of operations immediately.

Participation in police led operations

Police or another agency may request assistance in an operation where they are investigating criminal or other offences. There may be a need for immigration advice, for example confirming a person's status or the validity of identity documents.

It is imperative that there is no ambiguity as to who is the lead agency for the operation.

The police (or other agency) will:

- provide the officer in charge (OIC)
- produce and give the briefings
- have a critical incident structure in place

If immigration offenders are detected, you must act in an advisory capacity up to the point at which you take action under the [Immigration Act 1971](#).

The participation of Immigration Enforcement staff in police-led operations must be authorised by an officer of assistant director grade through the tasking and coordination group (TCG) process. Such operations will be dealt with under the tier system, see: Operational planning and briefing.

Any situation likely to attract media attention must be brought to the attention of the deputy director and press office.

High risk or high profile operations with police

Seeking police assistance

Immigration Compliance and Enforcement (ICE) teams frequently work with the police to make maximum use of resources, known as 'mixed team operations', where non-arrest trained officers are present for intelligence gathering or forgery expertise. In these circumstances, the team can operate in one of three ways:

- arrest team - this will be either all arrest-trained immigration officers (IOs) or a mixture of arrest-trained IOs and police officers:
 - no non-arrest trained staff will be able to take any active role within such a team
 - non-arrest trained staff may go on the visit as an observer at the discretion of the OIC as is normal practice
- mixed team - a mixture of arrest-trained, non-arrest trained and police officers:
 - an arrest-trained officer cannot act as a cover officer for a non-arrest trained officer
 - non-arrest trained officers must be covered by a police officer at all times
- enforcement team - non-arrest trained officers and police officers only:
 - the operation would be police-led with the police taking primacy on any public order or breach of the peace situations

It is important to remember that you **must** seek assistance from the police where:

- a risk has been identified which makes the visit unsuitable without police assistance (for example, the subject has a history of extreme violence)
- the police indicate that a visit would be inappropriate without them

When an upper tier operation is planned or it involves high profile or media interest cases, the minister and press office must be informed. Authority must be provided by a deputy director and a senior police officer must give their authority before it can proceed.

These are particularly difficult and sensitive operations which require careful planning in the form of a meeting with all those agencies likely to be involved, for example Immigration Enforcement representatives, local police officers, detainee custody officers and perhaps social services and/ or community liaison officers, depending on the circumstances. Where such a meeting is necessary, the Home Office will supply a case summary and complete an operation notification form (ONF), or in the Metropolitan region, a request form.

For further information on the tier system of investigation and operations, see: Operational planning and briefing.

Support role during police operation

In some police operations it may be more appropriate for you to attend the police station instead of participating in the operation, especially with regard to personal safety.

Officers providing support during a police operation must not undertake a role for which they have not been trained.

For further information on operations conducted by police or other agencies in public areas see the 'Public operations' section of Operational enforcement visits.

Related content

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Working with other agencies

This page tells Immigration Enforcement officers about the procedures when working with agencies other than the police.

Multi-agency operations: liaison and tasking

Working in partnership with other agencies allows for an operational plan that targets multiple offences that fall within the remit of other relevant agencies. This enables agencies to use a range of powers and approaches to tackle immigration abuse and crime.

Immigration Enforcement can benefit from being involved in other agency-led visits that are likely to identify suspected immigration offenders. Their presence can create an effective, visible deterrent and facilitate effective information sharing. See: Data sharing in enforcement cases.

Other agencies are similarly likely to benefit when invited to participate in Immigration Enforcement-led visits where intelligence suggests that offences other than immigration offences may have been committed and will be able to offer specialist advice. A multi-agency tasking and planning process can also lead to targeted, efficient enforcement action.

Immigration Compliance and Enforcement (ICE) team stakeholder liaison and engagement is organised at the local level by nominated officers.

Where such liaison results in an invitation for your ICE team to take part in other agency-led operations this request must be submitted to your local tasking and coordination group (TCG) for approval.

Visits to business or residential premises led by other agencies

When a multi-agency operation is proposed, it is important to remember that ICE teams need a legal basis to enter the premises in question. If there is a suspicion that immigration offenders may be present, but there is insufficient intelligence to obtain a search warrant for arrest purposes, your legal basis of entry may be by obtaining the informed consent of the premises' occupier, which has been fully explained and recorded in the pocket notebook (PNB). See: Record keeping during enforcement visits.

You will have a legal basis of entry if named on the warrant of the lead agency but it must be clear how your presence relates to the purpose for which the warrant was issued. For instance, if the lead agency requires immigration advice whilst on the premises, you must be satisfied that this is necessary for the purpose for which the warrant was granted and not relied on as alternative to obtaining an immigration warrant. This will be especially the case when the warrant obtained by the lead agency is to search for evidence only.

See also Operational enforcement visits.

Other considerations on multi-agency visits include:

- your vital role as a conduit for the flow of potential intelligence between agencies involved before, during and after the visit, see: Data sharing in enforcement cases: standards of operational practice
- powers under the [Immigration Act 1971](#) must not be used for the sole purpose of enabling the police to detain persons for the purpose of investigating non-immigration matters
- Immigration Enforcement and the police must have regard to the same guidelines in the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#) when investigating criminal offences, so officers must ensure that other agencies are aware of the limitations on ICE teams when they are leading their own investigations

See also:

- Coercive powers
- Search and seizure

Referrals from other agencies during joint operations

Other agencies present on an operation may stop an individual under their own powers and refer them to an immigration officer (IO). IOs must ensure they follow the guidance on in-country examination in Enforcement interviews.

For further information concerning ‘Singh v Hammond’ see the ‘Administrative powers to examine a person’s immigration status in-country’ section of Enforcement interviews.

Questioning should take place in the same way that it would on a street operation, see the ‘Public operations: in-country examinations’ section of Operational enforcement visits.

Common multi-agency visit types

Licensing Act visits

Relevant legislation

The [Licensing Act 2003](#) sets out the licensing regime for the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment in England and Wales. Late night refreshment is defined in the 2003 act as the provision of hot food or hot drink to members of the public whether for consumption on or off the premises, at any time between 11pm and 5am.

Local authority licensing officers are authorised under the 2003 act to carry out inspection and enforcement roles in respect of premises carrying out a licensable activity. The act also includes some other office holders as ‘authorised persons’, notably fire inspectors and inspectors responsible for health and safety at work and environmental health.

Premises licensed for the sale of alcohol and late night refreshment are at high risk of illegal working. These include pubs, off licences, restaurants, and takeaways. The [Immigration Act 2016](#) therefore introduced immigration safeguards into the licensing regime affecting these 2 licensable activities. This includes inserting a new subsection 1A into [section 179 of the Licensing Act 2003](#) which provides a right of entry to immigration officers in respect of immigration act offences.

In England and Wales, with effect from 6 April 2017, where an Immigration Officer (IO) has reason to believe that any premises are being used for a licensable activity within section 1(1)(a) or (d) only of the Licensing Act 2003, that is the sale of alcohol or provision of late night refreshment, the officer may enter the premises without a warrant with a view to seeing whether an offence under any of the immigration acts is being committed in connection with the carrying out of the licensable activity. The IO has to have reason to believe that a premises are being used for the sale by retail of alcohol or the provision of late night refreshment, and thereafter can enter the premises with a view to seeing if any immigration offences are being committed in connection with those activities.

Purpose of having the power

Aligning IO powers with those of the local authority licensing officials and the police under the 2003 act is intended to facilitate joint enforcement operations with licensing enforcement officers and other bodies that inspect workplaces for compliance. It is expected that these powers will **normally** be exercised during joint visits as this was the intended purpose stated during the passage of the Immigration Bill through Parliament.

The right of entry will however, also enable IOs to visit such premises without another agency, if required. As a matter of policy, the power must only be used where there is intelligence in relation to illegal working and related offences taking place in connection with the licensable activity, irrespective of whether the ICE team is completing a solo or joint visit.

Threshold for belief

IOs need to have 'reason to believe' that the premises are being used for a licensable activity in order to exercise the power of entry. The threshold for belief is explained in the Coercive powers definitions. It should be noted that this power of entry is not limited to licensed premises only, but can include unlicensed premises where licensable activities are believed to be taking place.

Where IOs are accompanying another agency with a power of entry under section 179, they can consider that agency's information or developed intelligence in order to see if it fulfils the 'reason to believe' threshold. However, the officer must not simply rely on that agency's intentions in respect of the premises, and must form their own 'reason to believe'.

In the case of premises providing late night refreshment, this does not mean that the power may only be exercised between 11pm and 5am. However, it is necessary for the illegal working to be taking place **in connection with** the licensable activity, which is the provision of late night refreshment between these hours. It must be considered that there will be sufficient evidence available of this connection available

at the premises outside of the hours of 11pm to 5am in order to demonstrate a lawful and proportionate use of the right of entry outside these hours, unless officers have a reasonable belief that the sale of alcohol is also taking place.

Purpose of visit: examples

The primary purpose of the visit must be to see whether an offence under any of the immigration acts is being committed in connection with the carrying out of the licensable activity. If the intelligence is that immigration offences are being committed separately to the licensable activity, entry must not be gained using section 179.

Section 179:

- only allows entry to premises believed to be used for a licensable activity:
 - if intelligence is that an overstayer is working at a 24-hour takeaway which holds a late night refreshment licence but that person only works the daytime shift, then the immigration offence is not being committed in connection with the carrying out of a licensable activity and section 179 must not be used
 - however, if the intelligence does not state the hours worked by the target at the premises then entry via section 179 is permitted
- must not be used to gain entry solely to arrest and detain a person liable to removal:
 - if officers have previously entered premises using section 179 and seek to return at a later time or date with the purpose of administratively arresting an illegal migrant under schedule 2 powers whom they have been told will be working there later, they should use an alternative power of entry
 - the section 179 right of entry would only be appropriate if the officer has again formed a reason to believe that the premises are being used for a licensable activity and the officer is entering the premises to see whether an offence under any of the immigration acts is being committed in connection with the carrying on of the licensable activity
- must not be used to gain entry solely to arrest a person for a criminal offence under the immigration acts
- must not be used to gain entry solely for the purpose of checking employer compliance with right to work checks in the absence of intelligence to suggest migrants are working illegally in relation to licensable activity there:
 - the purpose is to see whether offences under the immigration acts are being committed, not to undertake compliance visits to see whether an employer has been undertaking right to work checks
- is not to be used as an option to avoid the associated charges which might be attached to an application for a warrant or to alleviate pressure on Home Office Immigration Enforcement and court resources more generally, where a warrant is otherwise appropriate
- is not to be used as an option where Assistant Director (AD) authorisation under [section 28CA of the 1971 act](#) cannot be obtained, for example, because the duty AD has not undertaken the relevant training

Tasking

Entry by IOs under section 179 must be discussed and agreed at the local ICE tasking and coordination group (TCG) meeting in advance and authorised by the

chair of that meeting (normally the ICE lead AD, but in their absence an officer of the rank of at least Her Majesty's Inspector (HMI)), or in urgent tasking outside of the TCG framework, by an HMI, and thereafter prepared and authority recorded as stated in Operational planning and briefing.

Chairs of tasking meetings and HMIs authorising hot tasking must be confident that the premises are being used for a licensable activity. The 'reason to believe' threshold will be based on information received and intelligence, including that obtained by contact with the local authority. As noted above, entry under this power when an IO does not have reason to believe that the premises are being used for a licensable activity is **not** permitted. To do so otherwise will place all arrests, civil penalty referral notices (CPRNs), cash seizures and criminal investigations in jeopardy and leave officers open to legal challenge.

The IO must be able to justify why entry using section 179 is appropriate compared with using other powers of entry (criminal or administrative warrants, AD authorisation or entry by informed consent).

Actions on entry

Once entry has been gained, the owner, manager or other relevant individual responsible for the premises must be provided with the notice to occupier (NTO) as soon as possible. The relevant power of entry and address of the ICE team must be noted on the NTO. The separate section 179 power notice which explains the s.179 power must be handed to the occupier until such time as the NTO can be updated.

Under subsection (2) of section 179, as amended, an officer exercising this power of entry must produce evidence of their authority to do so if requested, that is show their warrant card. It is Home Office policy that officers visiting in plain clothes, or officers who do not have their warrant number clearly on display on their shoulder epaulettes, show their warrant cards on entry as a matter of course to identify themselves.

If entry is denied to IOs under this power, entry by reasonable force is permitted by section 179(3) of the Licensing Act 2003. If this is necessary, you must follow the guidance on forced entry in Arrest and restraint.

The role of IOs will be limited to the immigration aspects of the licence, particularly the inspection of the right to work documents checked by the employer. The detection of immigration offenders, the service of a CPRN, cash seizure and the investigation of criminal immigration offences are all permitted after lawful entry to licensed premises under this power.

If immigration offenders are located in a licensed premises or a CPRN is served on the owner, consideration should be given to informing the licensing authority via IS&D alcohol team and after considering the licence review and threshold guidance with a view of requesting the licensing authority to review the licence.

Recording of visits

Officers entering under this power need to record the power in their pocket notebook and provide copies of entries if required by the licensing authority as part of any

licence review process. CID and the national operational database (NOD) must be updated with the outcome of the visit in line with NOD guidance.

Scotland and Northern Ireland

The Licensing Act 2003, and therefore this power of entry, does not apply in Scotland or Northern Ireland. The Immigration Act 2016 makes provision for similar arrangements to be introduced via regulations in Scotland and Northern Ireland. These provisions are not yet in force.

Beds in sheds

The term 'beds in sheds' relates to property owners using the outbuildings of residential properties as dwellings, in contravention of the Town and Country Planning Act 1990 and the Housing Act 2004. The document ['Improving the private rented sector and tackling bad practice: a guide for local authorities'](#), issued by the Department for Communities and Local Government, sets out the action local authorities can take, including working with the Home Office.

Councils planning such enforcement visits frequently invite Immigration Enforcement officers to attend based on current intelligence of suspected immigration offenders. Immigration Enforcement staff can assist by identifying who the individuals found in outbuildings are and by determining their immigration status. This supporting evidence can be used in subsequent prosecutions brought by the council.

The power of entry in these council-led operations is typically a warrant under [section 196B of the Town and Country Planning Act 1990](#). Under [section 196C\(b\)](#), the person applying for the warrant may take with them such persons as may be necessary. Magistrates may be content to include Immigration Enforcement staff on the council warrant when asked to do so but the warrant is not being issued for an immigration purpose and it must be clear what the grounds for being named on the warrant are and how your presence relates to the purpose for which the warrant is issued. If the magistrate does not agree to the inclusion of the ICE team on the council warrant, you will need an alternative valid power of entry.

See also:

- Coercive powers
- Warrants: procurement and use

Trading Standards visits

Local authority Trading Standards (TS) departments are able to enforce several Trading Standards-based pieces of legislation to prevent the operation of rogue traders and unfair businesses in their local community. ICE teams can be invited to accompany Trading Standards where intelligence leads to a suspicion of illegal working by suspected immigration offenders at targeted premises. ICE teams cannot be named on warrants served under section 30 of the [Consumer Protection Act 1987](#). However, the act allows the authorised officer (the Trading Standards officer) to take with them 'such other persons...as may appear to him as necessary'.

See also:

- Illegal working operations
- Warrants: procurement and use

ICE teams frequently serve referral notices (RNs) on employers during multi-agency visits. ICE team members must ensure they have a valid power of entry when serving RNs.

HM Revenue and Customs (HMRC)

HMRC has a wide remit, enforcing legislation related to:

- individuals and employees (including the minimum wage, income tax, national insurance and tax credits)
- employers (including registering as an employer and PAYE)
- businesses and corporations

As such, they are a major partner in multi-agency operations and frequently take part in licensing, illegal working and police-led visits, amongst others.

In order to take maximum advantage of HMRC's powers, Immigration Enforcement co-operate with HMRC to maximise the impact of ICE team activity, for instance by notifying HMRC of evidence of suspected tax offences.

As in all of the examples of ICE team involvement in multi-agency operations above, you must have a valid power of entry to ensure the integrity and legality of your presence on the premises.

Street homelessness operations

Immigration Enforcement works with local communities, business partners and stakeholders to assist in areas where immigration concerns are raised to resolve issues and improve the lives of those in the communities we serve.

The process for conducting street homelessness operations is the same process as intelligence-based police-led street operations, and can be found in the 'Crime reduction operations (CROPS)' section of Operational enforcement visits.

Related content

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