



Home Office

# Method of entry policy

Version 1

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# About this guidance

This guidance tells Immigration Compliance and Enforcement (ICE) team officers, including Criminal and Financial Investigation (CFI) officers, trained to level 3 in personal safety, emergency life support and method of entry (MoE) how to effect forced entry into business or residential premises.

You must read this guidance in conjunction with the national generic risk assessment (NGRA) on forced entry (see NGRA 07 - Forced entry) and the safe systems of work (SSoW) for forced entry (see SSoW 07 - Forced entry).

## 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 Operational Health and Safety.

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.

## Publication

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

- version **1.0**
- published for Home Office staff on **08 August 2019**

## Changes from last version of this guidance

This new guidance replaces, and is based on policy previously published within:

- the Arrest and restraint guidance of the Immigration Enforcement: General Instructions
- separate and duplicate guidance for Criminal and Financial Investigations (CFI)
- related forms and processes on the Training and Skills Unit (TASU) webpage

Changes made as part of this review are:

- on-job mentoring, coaching form and final sole deployment authorisation by HMI once training course completed no longer required due to comprehensive training
- amendment to definition of 'Method of Entry'
- MoE officers must make a dynamic on-site risk assessment prior to entering
- officers involved in the breach not to enter and take part in premises search until physically recovered from exertions

- amended and simplified process for dealing with compensation claims new section on entry in error compensation and associated ICE/CFI team entry in error notice
- update recording of MoE data in line with rollout of PRONTO devices
- remove information on MoE personal protective equipment (PPE) and forced entry equipment (FEE) which is also listed in the relevant SSOW document

#### **Related content**

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# Method of entry (MoE): authority, powers and constraints

This page tells Immigration Compliance and Enforcement (ICE) team officers, including Criminal and Financial Investigation officers (CFI), who may authorise and execute a forced entry. It also tells them the powers for, and constraints of, forced entry.

Method of entry (MoE) is a local and generic term used in connection with the employment of suitably trained and qualified officers to effect entry into business or residential premises, without compromising the health and safety (see Enforcement visits: safety and personal protection guidance) of officers.

## MoE: definition

Method of Entry, or forced entry, is the creation of a breach in business or residential premises through which officers can pass without compromise of safety or initiative to carry out a lawful operation or duty.

A MoE forced entry is defined as:

- entering premises without the consent of the occupier
- force is used to gain entry

## MoE: who may authorise and execute a forced entry

Authority to force entry to premises must be given in advance by:

- a Chief Immigration Officer (CIO) (or equivalent grade) or above
- an Immigration Inspector (Her Majesty's Inspector (HMI) or equivalent grade) or above when [using no-knock forced entry](#)

You may only conduct forced entry if you have completed the Training and Skills Unit 2 day approved MoE training.

Training can only be delivered by certified Home Office and police trainers.

MoE refresher training is required to maintain certification for the MoE role and will be in line with coaching and training requirements. If your certification has expired, you must not conduct forced entry until you have completed refresher training.

If you have not passed the health assessment you must not conduct forced entry until you have passed a subsequent health assessment.

If you sustain an injury or illness resulting in a referral to the Occupational Health Service (OHS), you must not conduct MoE duties until specifically signed off to perform this activity by the OHS nurse or doctor.

## MoE: powers

### MoE power: ICE and CFI teams

[Section 146\(1\) of the Immigration and Asylum Act 1999 \(the 1999 act\)](#) states that “an immigration officer exercising any power conferred on him by the Immigration Acts may, if necessary, use reasonable force”.

### ICE and CFI duty of care when exercising MoE powers

Immigration Enforcement and CFI have a duty of care for the safety of all persons present during the operation and could be found negligent under the Fatal Accidents Act 1976 if they conduct MoE outside of policy and training without clear justification.

## MoE: constraints

A risk assessment must be prepared for every operation in compliance with guidance described in Operational planning and briefing. You must always work to the principle of minimum risk and ensure that you do not put yourselves or others in any physical danger.

You must apply the following conditions where MoE is employed or is planned to be employed. You must not attempt a forced entry unless:

- you are using the approved equipment
- you are wearing mandatory personal protective equipment (PPE)
- there is no risk of active high-resistance
- you have a record of the authority and justification for the forced entry, including information to show that it is proportionate, lawful and necessary
- you are an arrest team trained ‘designated’ officer who has completed MoE training

You must consider the quantity and quality of any glass in a door and surrounds before undertaking the forced entry, and must consider whether you have the correct PPE and equipment to carry out the task safely. If you have received ‘standard’ level MoE training, you may break glass in order to clear and reduce the risk posed by the glass in the door. However, you may only put your body, or part of your body, through the broken glass area if you have been trained to the ‘enhanced’ level.

You must comply with both the national safe systems of work (SSoW) (see SSoW 07 - Forced entry) and national generic risk assessment (NGRA) (see NGRA 07 - Forced entry) when conducting any forced entry.

Where it is deemed necessary, you or another MoE trained officer should make a reconnaissance (recce) visit or, at least, a virtual reconnaissance visit of the proposed entry point and surrounds to be able to give an identity, type, construction and hazards (ITCH) briefing. You must conduct a dynamic risk assessment in respect of the forced entry when on site.

A minimum of two MoE trained officers will normally be deployed on operations where it is considered that a forced entry is required. However, you, as an MoE officer are responsible for risk assessing how many officers will be required for the particular operation and, following a recorded, specific risk assessment, a CIO can in exceptional circumstances authorise the deployment of one MoE officer.

Due to the high levels of exertion and adrenalin naturally produced by the body when forcing entry, you should not enter the property and take part in the search until you have properly recovered from the physical exertion. Instead, it is recommended that you remain outside the property fulfilling another role during this period. See also SSoW 07 - Forced entry.

## Using no-knock forced entry

Where enforced no-knock entry is preauthorised it is defined as:

- dynamic entrance to the premises without the consent of the occupier
- occupants are not informed of our presence and intent prior to entry
- force is used to gain entry

You must only consider no-knock forced entry when the visit risk assessment has identified an operational need to enter premises quickly and covertly due to a risk of an occupant harming themselves or another, or destroying or concealing evidence.

## Third-party forced entry

There may be occasions when, for tactical or resource reasons, you need police officers or a locksmith to make the forced entry for you. In these circumstances, as long as their presence and purpose for being on the visit is included in the warrant, as lead agency for the visit, the ICE or CFI team can pre-authorise the forced entry. See [MoE: who may authorise and execute a forced entry](#).

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# Method of entry (MoE): forced entry

This page tells Immigration Compliance and Enforcement (ICE) team officers, including Criminal and Financial Investigation (CFI) officers, what they must do after they have made a forced entry.

## MoE: at property

The Home Office has a duty of care to ensure a property is left secure after forcing entry.

If the property is occupied after the forced entry, irrespective of whether or not you have made an arrest, you are not required to take action to secure the property before leaving as the occupiers can do this.

If, however, the property is empty after the entry, the OIC is responsible for ensuring the security of the property until it is made secure by the ICE or CFI team themselves, or a 'board-up' company, which could involve the deployment of immigration officers or the police, if present, until the 'board-up company' arrives. The number of officers deployed will depend on risk assessment, but there must be no lone working. You must take photographs of all the damage caused to doors and/or windows, as appropriate.

You remain responsible for the property and are deemed to still be executing the warrant or statutory power of entry until the 'board-up' company arrives. If someone attempts to enter the property, you must attempt to establish their reason for doing so, that is whether they live at the address or are an agent of someone who does. If they are neither and still attempt to enter, use your communication and conflict management skills to de-escalate the situation.

In the unlikely event that a person persists and physically moves against you, consider if they are committing or about to commit either of the following offences:

- assault on an immigration officer for which they may be arrested in accordance with [section 23 of the UK Borders Act 2007](#)
- obstruction of an immigration officer – this is only relevant if their behaviour is obstructing you from exercising your powers, if so they may be arrested in accordance with [section 28A \(5\) of the Immigration Act 1971](#)

Additionally in England and Wales, if you suspect that a person is attempting to or is in the act of committing a criminal offence on entering the property, such as causing criminal damage or burglary, you may use such force as is reasonable in the circumstances to prevent that crime or to arrest that person in accordance with [section 3 of the Criminal Law Act 1967](#).

In Northern Ireland, the same applies under [Section 3 of the Criminal Law Act \(Northern Ireland\) 1967](#).



If you make an arrest under any of these rare circumstances, you must contact the local police at the first available opportunity.

ICE and CFI teams keep lists of 'board-up' companies at the local level. ICE and CFI teams will be responsible for settling invoices from 'board-up' companies in respect of work to secure the property, and the OIC must direct the 'board-up' company to the ICE or CFI team office for payment. The team will not settle invoices that are generated as a result of a third party's action (for example police crime scenes, criminal damage, fire, burglary).

The OIC must provide the 'board-up' company with a computer assisted dispatch (CAD), other police reference number for the operation, or police reporting and notebook organiser (PRONTO) reference so that invoices received by the ICE or CFI team can be checked for authenticity.

## 'Boarding-up' by the ICE/CFI team

Following CIO approval, individual ICE or CFI teams can secure the property themselves to the extent of, and in line with, the training they have received. The extent of repair-making covered depends on the Training and Skills Unit (TASU), the police force, or TASU-approved external supplier providing the training, which will dictate the level of repairs that individual ICE or CFI teams can make.

Where the ICE or CFI team decides to make the repair themselves following authorisation from a CIO, it is recommended best practice to record, by photographs or video footage, and pocket notebook (PNB), or PRONTO entries, what the area of the breach looked like:

- immediately after the breach was made
- after the repair was made

If fitting a new lock, you must make a record:

- of the number of keys and the lock in the packaging (including photographs)
- where the keys were left (for example, at the local police station)

You must leave a note on the door to tell the occupier where keys have been left. The notice to occupier (NTO) and copy of the served warrant, if applicable, which are left inside the property, include the contact details for the ICE or CFI team.

Full and detailed photographic/video and written PNB or PRONTO records will serve to counter any future challenge made in respect of the forced entry.

## Forced entry compensation claims

When entry is gained lawfully, either with a warrant or when acting under a statutory power without warrant, the Home Office is not obliged to reinstate property damaged, even if no arrest is made or property seized. You must not make promissory statements to members of the public.

**Unless there is evidence that the officers who forced entry were negligent in their actions, compensation will not be paid.**

Any claims for compensation or repairs will be received from the 'board-up' company or directly from the occupier where the ICE or CFI team completed the repair themselves, and handled by the ICE lead once in possession of all information relating to the incident.

As mentioned above, recommended detailed photographic and/or video, and written records, will allow the ICE or CFI lead to make a fully informed decision about the compensation claim.

## Forced entry in error compensation

When entry to a property is made in error (that is, officers mistakenly force a breach at the wrong address), the ICE or CFI team is responsible for rectifying any damage made at the property to the same state that it was before the breach was made. This means using a 'board-up' company to replace a damaged door with a new one to the same standard at Home Office expense. This should be done as soon as possible, without waiting for a claim for compensation.

If the power of entry was with a warrant, do not leave a copy of the warrant at the address. You must, however, in all cases, whether the entry was with or without warrant, leave a copy of the notice to occupier (NTO), suitably amended to note that entry was made in error, plus the entry made in error notice, detailing for the occupier:

- where the entry was made
- the amount of damage made on entry
- all areas searched and the extent of search until realising the error made
- that any damage at the property will be rectified at Home Office expense
- how to make a complaint
- the full address of the ICE or CFI team responsible

## MoE: recording use of forced entry

Back at the ICE or CFI office, you must:

- contact Computer Assisted Dispatch (CAD) to give updates and note the reference number
- record method of entry section on PRONTO
  - in the event that PRONTO cannot be utilised, complete the MoE Use of Force form and email it to the Operational Health and Safety inbox

To counter any subsequent claims for compensation, it is essential that the OIC ensures that the following is collected or completed and filed locally in the operation visit folder:

- MoE Use of Force form or PRONTO report

- copy of warrant
- copy of the notice to occupier (NTO)
- photographs of the damage caused to doors and windows
- copy of all relevant reports, including any original statements or incident referrals

### **Related content**

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# Method of entry (MoE): carriage and storage of equipment

You must ensure that Safe Systems of Work (SSOW) requirements are fully complied with when either storing equipment at base or transporting in an official vehicle. See SSoW 07 - Forced entry.

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# Method of entry (MoE): forced entry equipment (FEE)

Approved forced entry equipment (FEE) is detailed within Safe Systems of Work (SSoW) SSoW 07 - Forced entry. Method of entry officers must only use approved equipment that is specific to the level they have been trained to.

Officers can use additional specialist equipment when operationally necessary as long as they have been trained on the equipment by a Training and Skills Unit approved supplier.

If you are conducting forced entry you must wear your mandatory arrest activity personal protective equipment (PPE). The PPE must be relevant to the type of breach to be made, which you are trained in, and in line with the SSoW 07 - Forced entry.

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