



# Home Office

Immigration Returns, Enforcement and Detention  
General instructions

## Enforcement planning assessments

Version 5.0

# Contents

Contents.....	2
About this guidance.....	5
Contacts .....	5
Clearance and publication .....	5
Changes from last version of this guidance .....	5
Enforcement planning assessments .....	6
Enforcement planning and implementation.....	6
Operating protocols.....	7
EPA: risk assessment - general principles .....	7
Recording the EPA and showing due regard.....	8
Risk based planning.....	9
Continuous assessment .....	10
Types of risk that must be assessed .....	11
Community impact .....	11
Timing of visits .....	12
Vulnerability and equalities impact.....	12
Deployment risks.....	13
Reputational risk .....	14
Assessing the level of risk .....	14
Green risk .....	14
Amber risk.....	15
Red risk.....	16
Joint working .....	16
Significant risks and issues.....	17
Time-limit for authorisations.....	17
Record of assessment.....	19
Routine assessment .....	19
Non-routine or higher assessment.....	19
Use of 'living ECIA' to mitigate risk .....	19
Authorisation.....	20
Control point:.....	20
Record of authority.....	20
Updating PRONTO .....	20
P – proportionate.....	20
L – legal .....	21

A – accountable .....	21
N – necessary .....	21
Operational planning: people at risk.....	24
People at risk: detention assessment .....	24
Tasking.....	25
Tasking .....	25
I – information .....	25
P – proportionate.....	25
L – legal .....	26
A – accountable .....	26
N – necessary .....	26
Hot tasking.....	26
Authority for visit not given .....	26
Contact with human intelligence sources.....	27
Pre-visit research, checks and surveillance .....	28
Mandatory checks.....	28
Control point: pre-visit checks .....	28
Return visits to addresses .....	29
Right to rent: pre-visit checks.....	29
Logging proposed visits: national operations database or PRONTO.....	29
Surveillance under the Regulation of Investigatory Powers Act.....	29
Requesting police assistance .....	32
Operation notification form (ONF).....	32
Completing the ONF .....	32
ONF not returned by police .....	33
Notification and checks: London Metropolitan Police (MET) area .....	34
Command structure: roles and responsibility .....	35
Gold commander .....	35
Silver commander.....	35
Bronze commander .....	35
Team roles .....	36
Officer in charge (OIC).....	36
Other team roles .....	37
Police support.....	37
Observers and interpreters .....	38
Vehicles .....	38
Operational briefing and operational order .....	39

Conducting an operational briefing .....	39
When to give a briefing .....	39
Timing and location .....	39
Full operational order: IIMARCH procedure.....	40
I – information .....	41
I - intent .....	41
M – method .....	41
A – administration .....	41
R - risk assessment.....	41
C – communications.....	41
H - human rights and equalities duty.....	41
Digitised operational order: PRONTO briefing procedure .....	42
Visit details .....	42
Subjects .....	42
Roles.....	42
Authorisation .....	42
Equality and Community Impact Assessment .....	44
Definition and purpose.....	44
ECIA template: Equalities and Community Impact Assessment, completion guidance .....	45
Completing an ECIA.....	46
Explanation of protected characteristics.....	57
Ministerial Authorisation .....	58
Exemptions under Equality Act 2010 .....	58
The race exemption: (Equality Act schedule 3, part 4, paragraph 17).....	58
The disability exemption (Equality Act schedule 3 paragraph 16) .....	58
The duty to have due regard to the need to advance equality of opportunity (Equality Act s149).....	58
The exemption (Equality Act schedule 18 paragraph 2).....	58
Equality Act Nationality Assessment.....	58

# About this guidance

This guidance tells Immigration Enforcement officers how enforcement operations are planned, assessed, tasked and authorised. It sets out the preparation that is necessary before a visit or operation may proceed, how to conduct an enforcement planning assessment and how an operation is commanded and managed.

Further guidance on the planning of operational visits to places of employment is contained in Illegal working operations.

## Contacts

If you have any questions about the guidance and your line manager 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 **5.0**
- published for Home Office staff on **24 October 2023**

## Changes from last version of this guidance

Changes include:

- extra clarification on completion of Equalities and Community Impact Assessment (ECIA) in line with ECIA v2.0 template
- update link to generic Home Office EIA guidance and template page

### Related content

[Contents](#)

# Enforcement planning assessments

This section sets out the overarching policy relating to the assessment and planning of operations and visits. It describes the processes and principles governing enforcement planning and how to consider risks and all other factors that are part of an enforcement planning assessment (EPA).

## Enforcement planning and implementation

Immigration enforcement work must be researched, assessed and authorised in a systematic and consistent manner. The principle underpinning this guidance is that all available information is assessed as near as practicably possible to implementing the work and that the work is authorised at the appropriate level given the identified risks.

There are many types of potential risk that may arise, and each may have a bearing on any other. For this reason, it is important that all risks are considered 'in the round' and a view is formed of overall risks and whether and how it is right to proceed. See: Types of risk.

Conducting immigration enforcement operations in the community is highly sensitive and presents a range of foreseeable risks to staff, the public, community groups and public confidence. We recognise that staff safety, public reassurance and community safety are fundamental responsibilities. Our operating protocols contain wide ranging instructions and advice concerning various risks and how and when these should be mitigated. However, not all scenarios can be foreseen, and all activities must be assessed on their own merits to identify any additional factors that need to be addressed.

All immigration enforcement activity must be conducted sensitively and with full regard to our duty to assess the impact of the activity on affected individuals and groups. The overriding principles when conducting immigration enforcement visits and operations are that they must:

- be intelligence based and not be speculative
- be risk assessed in accordance with this guidance
- be authorised by the correctly graded officer having evaluated all necessary risks

An initial risk assessment of any proposed visit or operation is made at the Tasking and Coordination Group (TCG) meeting, but the assessment may change as further information becomes available during the planning stage and before final authorisation to proceed is given.

Although this guidance deals mainly with the assessment of operational enforcement activities, the guidance concerning completion of an Equality and Community Impact Assessment (ECIA) is also relevant to those planning projects, pilots or changes to policy. For further information, see: Equalities and Community Impact Assessments.

Enforcement work, by its nature, may initially be tasked for investigation with little available information and any risks attached to conducting the activity may not be apparent until further research has been conducted. All visits and operations must therefore only be authorised once the authorising officer is satisfied that all reasonable steps have been undertaken to identify and assess risks and that all reasonable steps to mitigate those risks have been undertaken. Authorisation must be time limited to minimise the possibility of unknown risks arising between authorisation and implementation. For further information, see: [Time limit for authorisation](#).

## Operating protocols

Most enforcement activities are already governed by published operating protocols. They include:

- Immigration Enforcement general instructions
- Safe Systems of Work Assessments
- National Generic Risk Assessments

## EPA: risk assessment - general principles

The following guidance explains the 3-level risk assessment – red-amber and green - by which activities should be considered, their risks identified and mitigated (as far as reasonably possible) and the level of detail required for each. This is a summary and more comprehensive guidance on how to consider which risk category is appropriate is contained in the section: [Risk based planning](#).

The enforcement planning assessment is, in most instances, an appraisal of the known risk factors when considered against the protocols mentioned above. Where the proposed activity and any associated risks fall within the policy constraints described and do not require additional mitigating actions, the activity is likely to be considered a '**green** – business as usual' activity. The visit record must be noted to record and confirm that all the relevant risk factors have been considered in accordance with standing instructions.

Where the proposed activity sits within business as usual activity but with some additional, but manageable, complexity not already described in standing instructions, this is likely to be classed as an '**amber**' risk. The additional risks and issues must be noted on the record of the visit along with any mitigating actions that have or will be taken.

Where the proposed activity carries what have been identified as 'significant' risks these represent a '**red**' risk and must be fully documented within an [Equalities and Community Impact Assessment](#) (ECIA), including details of the risks and how they are to be managed. An ECIA is a full written assessment based on the Home Office PES template with additional sections to allow a general assessment of all risks and impacts, including the community impacts.

An activity identified and assessed as a red risk **may still be authorised** and implemented where there is a business imperative that outweighs other factors, but a significant risk to officer of public safety that cannot be satisfactorily mitigated and managed is never acceptable.

## Recording the EPA and showing due regard

Officers assessing the visit must correctly record on the police reporting and notebook organiser (PRONTO) Web manager that an EPA has been conducted in accordance with these instructions, who has conducted the EPA, and who has authorised the visit.

'Visit record' in this context is taken to mean the permanent paper or electronic record of the risk factors identified and the authorisation for the visits to proceed.

In all cases, the record must confirm that due regard has been given to general instructions and all related standing instructions and risk assessments as detailed here. See [Updating PRONTO](#) for further details.

### Related content

[Contents](#)

# Risk based planning

Risk assessment is intended to identify hazards that could cause harm, to assess the risks that may arise from those hazards, and to decide on suitable measures to eliminate or control the risks. A record of decisions and their rationale will assist in ensuring risk decisions are defensible. Decision makers must ensure:

- all available information has been collected, recorded and thoroughly evaluated
- policies and procedures have been followed
- reliable assessment methods have been used where available
- all reasonable steps have been taken to investigate the nature and likelihood of all possible risks
- the officer in charge (OICs) and their managers have communicated with each other and, where appropriate, with other agencies and have adopted an objective approach
- decisions have been recorded (and subsequently carried out)
- authorisation is clear and unambiguous – subject to the imposition of conditions on the activity

The seriousness of a risk should be determined by examining both the gravity of the outcome and its likelihood. For example, something may be extremely serious if it happens, but highly unlikely to occur at a particular time.

If it becomes apparent that a decision cannot be justified because the seriousness of the likely harms exceeds the potential value of the possible benefits the assessing officer must not authorise the work to continue. However, the assessing officer may:

- recommend deferral pending further exploration of possible options to reduce the risk
- authorise the work to continue subject to specified caveats that limit the scope of the work in such a way that the risk is reduced to an acceptable level

Understanding and managing risk is a central and underlying theme throughout IE policy guidance, training and management. Operational enforcement officers must understand and apply a range of risk-related knowledge, skills and techniques when dealing with operational incidents. Immigration Enforcement seeks to achieve this by:

- embedding risk into business planning, operational planning, training courses and audit processes
- using a consistent means of evaluating and mitigating various risks including safety, community impact and discrimination
- establishing partnerships, for instance, between the police and others, for example, multi-agency public protection arrangements (MAPPA) and multi-agency liaison groups
- providing appropriate equipment for operational activities and training in its use
- enabling senior officers – through training, assessment and monitoring – to provide effective leadership when commanding operational situations

A written record of the rationale for particular decisions (being explicit about which benefits and harms were identified, and how important and how likely they were considered to be) enables others to judge the decision maker's actions appropriately and will therefore help to resolve complaints and appeals.

## Continuous assessment

Risk assessment of any visit or operation, including the assessment of equalities and community impact, is a continuous process that starts with the initiation of a new policy or activity. During a visit or operation, the officer in charge must continually assess any new hazards or risks and reassess any identified existing risks.

Enforcement activities require careful planning and visits and operations are subject to a risk-based tasking and authorisation process. The information gleaned from intelligence or research must then be continuously re-assessed as new information emerges, not only in relation to equalities and community impact, but also in relation to other risks that have a bearing on the way that the activity is conducted or implemented.

The risks identified during the planning and preparation stage for visits and operations must clearly be flagged or cross-referenced within the material submitted to the appropriate officer grade for approval and authorisation.

Greater consideration and mitigating action should be directed at serious risks where the likelihood of harm is high. For further information see: [Red risks](#).

**Where further risks become apparent following enforcement planning assessment (EPA) and authorisation, that raise the risk above the authorised level, further approval at the appropriate (higher) level of authority must be sought to conduct the activity.**

Immigration enforcement operations are intelligence led. They may only be mounted where relevant, current information and/or intelligence suggests that individuals in breach of immigration law may be found at a particular location.

**Information:** is defined as unevaluated material of every description which, when processed, can be used in the production of intelligence.

**Intelligence:** is information that has been evaluated and identified as being of material value in supporting the objectives of Immigration Enforcement.

It is imperative that all information is fully risk assessed and prioritised to ensure that:

- visits and operations are planned and executed according to national tasking priorities
- visits and operations have been properly assessed against known intelligence, risks and threats
- the information is verified as being true and accurate as far as reasonably practicable

- there is a clear record of how we assessed any issues and risks attached to the activity and what mitigating actions were taken
- obligations for safeguarding staff and public are met with respect to health and safety and community impact
- information relating to the planning, assessment and outcome of all enforcement (or non-enforcement) visits or operations (including police call outs) is fully recorded
- all enforcement activities are authorised at the appropriate level
- visits and operations are carried out only after obtaining the appropriate level of authority

Additional guidance on the planning of operational visits to places of employment is contained in Illegal working operations.

## Types of risk that must be assessed

Enforcement activities, especially arrest visits and operations, carry a wide range of possible risks. Some of these are known, generic risks that are detailed within general instructions. In addition, generic risks for different aspects of enforcement activity are described within:

- Safe systems of work
- National generic risk assessments

Any planned enforcement activity must take account of the generic risk assessments and instructions described above but, in addition, the circumstances of each proposed activity must be individually assessed.

Pre-visit preparation must include an assessment of the strength of the available information and whether there are any issues under the following areas and any mitigating action required to address them:

- community impact:
  - timing and impact of operations
- vulnerability and equalities:
  - possible direct or indirect discrimination under the [Equalities Act 2010](#)
  - child safeguarding issues, (in relation to the need to promote and safeguard the welfare of children as set out in [section 55, Borders Citizenship and Immigration Act 2009](#), see: vulnerable adults and children
- deployment issues:
  - including numbers of staff, use of vehicles and equipment
  - safety risks (both general health and safety risks and potential harm from and/or to the suspect)
- reputational risk

## Community impact

See within this document:

- [Completing an ECIA](#)
- [Community impact- fostering equality and good relations](#)

Maintaining or achieving the safety, security and wellbeing of individuals and communities is a primary consideration in risk decision making.

## Timing of visits

[Section 28K\(3\)\(b\) of the Immigration Act 1971](#) states that entry and search under a warrant must be “at a reasonable hour, unless it appears to the officer executing it that the purpose of a search might be frustrated”. [Paragraph 6.2 of the PACE Codes of Practice B](#) also states that “searches must be made at a reasonable hour unless this might frustrate the purpose of the search”

Acting in line with this, when submitting your visit for authorisation, you must draw attention to any proposal that the visit should take place outside what are usually considered ‘reasonable’ hours. A guide to what may be considered as ‘reasonable’ is between the hours of 6: 00am and 9:30pm. There is no prohibition on visits outside this period, but each case must be decided on its own merits and it is for the officer to consider whether the objective of the visit can be achieved by a different approach and /or if the visit would be frustrated if carried out at a different time.

The timing of visits to business premises may be approached with more flexibility. Visits are likely to coincide with business hours and will be dependent on the nature of the business. An early or late visit may not require special authorisation if that is when an offender is most likely to be located. If the premises are mixed use, or suspected to be mixed use, the timing of the visit is likely to be considered in line with visits to residential premises.

Managers must bear in mind the sensitivity of immigration enquiries when authorising and agreeing times for visits and ensure that the case-specific rationale for the timing of the visit is part of the consideration of proportionality, and recorded, on the Pronto visit record. This consideration must also be included in the operational order for amber and red-risked visits.

In family returns cases, the timing of all enforcement visits is considered by the Independent Family Returns Panel (IFRP) as part of the return plan specific to each family. Any visit which is to take place before 6: 00am or after 9:30pm must be detailed in the return plan presented to the IFRP, it must give specific reasons to explain why a visit time outside these hours is proposed.

## Vulnerability and equalities impact

It is essential to assess fully the impact that our work has on vulnerable individuals and / or groups and individuals protected under the Equality Act 2010. As a public authority, we have a legal responsibility to assess our activities, and to set out how we will monitor any possible negative impact on equality in relation to particular [protected characteristics](#). We are also required to train our staff about relevant law, consult on proposed new policies in some circumstances and have a positive duty to promote good relationships among communities.

For further information, see also:

- Equalities Duty
- [section 55 Borders, Citizenship and Immigration Act 2009 – statutory guidance](#)
- Discrimination guidance

Planning, tasking and authorisation must comply with the equalities duty. An assessment of known risks must be conducted before a decision is made to proceed. In the context of immigration enforcement work, this includes changes to published operational policy and operational activities such as:

- tasked enforcement visits and operations (including ‘hot tasking’)
- programmes of activities intended to target categories of immigration offences
- programmes of activities based on a targeted geographic area

Prior to any enforcement activity, both the equality duty and community impact must be assessed. In addition consideration must be given to the impact of a visit on any children that will be present and a plan made to promote and safeguard their welfare throughout (this is a legal obligation stemming from [section 55 of the Borders, Citizenship and Immigration Act 2009](#)). This places a duty on the Secretary of State to make arrangements for ensuring that immigration, asylum, nationality and customs functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK.

## Deployment risks

The priority in planning any activity must be to ensure the safety of staff and anyone else associated with the activity or affected by it.

Particular reference must be made to the following parts of the general instructions:

- Enforcement visits: safety and personal protection guidance: all sections but, in the context of planning, particularly the section on safe deployment
- Arrest and restraint: particularly with reference to use of restraints, pursuit, method of entry and carriage of offenders
- Search and seizure: particularly in relation to searches of the person
- Critical Incident management

National general risk assessments (NGRA) provide specific considerations and control measures in respect of various common scenarios. They detail the training and equipment needed and any particular training needs that are required for each situation.

Safe systems of work assessments (SSoW) similarly provide guidance on safe working in relation to common enforcement scenarios.

## Reputational risk

All assessing officers must take account of the sensitivities surrounding immigration enforcement work. These may vary according to various factors including geographic areas and according to the media / political profile of certain types of case. We always must seek to act in a way that achieves our legitimate objectives to safeguard the law and deter breaches and criminal activity. However, this must be balanced by our acting in a reasonable and proportionate manner. We must take whatever steps we can to avoid unnecessary controversy, confrontation and perceived or actual discrimination. We must also be mindful of the potential for our work to be wrongly perceived or deliberately misrepresented. Planners and assessors must remain alert to these potential risks and incorporate steps to mitigate the impact during planning.

## Assessing the level of risk

More generally, the level of risk may also be determined by some or all of the following factors:

- number of suspects expected to be present
- potential difficulty in containing the operation, for instance, in public areas
- number of addresses to be visited simultaneously and over what period
- number of officers (both police and Immigration Enforcement) to be used
- overall sensitivity and profile of the proposed visit or operation

The level at which the risk is assessed must be based on all available information and identifiable risks, balanced against [operating protocols](#) and individual ICE teams' local knowledge and experience. For instance, a visit to a single address to detect one suspect may be a [red risk](#) if the suspect has a high political and / or media profile and their arrest is likely to result in community confrontation and disturbance. Conversely, a larger operation where there are clear equalities and discrimination issues might still be classed as [amber risk](#) and authorised as such where there is comprehensive existing guidance and consideration in dealing with that scenario or there is an existing [ministerial authorisation](#) to conduct the activity.

The following definitions are therefore guidelines that provide typical indicators of risk and the appropriate level of assessment and authorisation. Any Immigration Enforcement manager authorising an enforcement visit or operation is responsible for assessing the known information and ensuring that it has been assessed to the appropriate level of detail and that they are the appropriate grade, with the appropriate accreditation, to authorise the activity. The appropriate grade to authorise each level of activity is contained within the definitions of green, amber and red risk in the following sections.

## Green risk

**Green risks:** are business as usual activities where no quantifiable risk has been identified or where any known risks are in accordance with mitigating actions detailed within policy guidance. The risks and issues are within the scope of mitigating actions and procedures contained within existing operational protocols.

These include those mitigating instructions and actions described within general instructions, generic SSoW assessments and generic Risk Assessments.

These risks can include that there are people present whose characteristics are protected under the public-sector equalities duty but, no additional mitigating actions are required over and above those contained in standard operating protocols, it is not necessary to duplicate the details described in general instructions, generic risk assessments or SSoW assessments. The authorising officer must however confirm on the operational planning document that they are satisfied that this is the case.

Green risk activities are likely to include visits or operations comprising a 'one-off' enquiry to residential or business premises where intelligence indicates that the level of deployment is proportionate to a 'business as usual' visit. Proportionate deployment in this respect is a decision made by the authorising officer according to the minimum number of team members required to safely carry out the visit based on the perceived number of suspects likely to be encountered and in line with generic risk assessments and SSoW assessments:

- NGRA 01: where arrest or detention is likely
- SSoW 01: where arrest or detention is likely

The minimum level of authority for visits and operations categorised as green risk is at least (chief immigration officer) CIO grade.

See also: Illegal working operations.

## Amber risk

**Amber risk** visits and operations are those where there are identifiable risks that require specific mitigation over and above that contained in existing operating protocols but are not considered to be '[significant risks and issues](#)'.

Examples may include:

- circumstances where the numbers of officers deployed may attract local media interest or provoke adverse community reaction
- the number of suspects expected to be encountered requires additional deployment or police cooperation, but the numbers remain proportionate and there is a reasonable expectation of safely dealing with the expected numbers
- circumstances where the nature of the premises may require specific liaison and deployment considerations, for instance, visits to vice premises or care providers
- there are identifiable risks to people with [protected characteristics](#) under the Equality Act 2010 that are not already addressed within standard operating protocols, but these can be fully mitigated (see: [record of assessment](#))

Higher numbers of suspects alone are likely to make the operation an amber risk given the need to deploy more officers. Operations in partnership with other agencies may also increase the visibility and community impact attached to the activity but each activity must be assessed according to its unique circumstances.

Amber risk operations must have the prior authority of at least an HM Inspector (HMI). The HMI must ensure that the assistant director is aware in advance that an amber risk operation is taking place and that they are advised as soon as possible of the outcome of the operation, particularly where media interest is likely. The assistant director will decide whether, and to what level, further notification to senior officer and / or ministers may be required.

See also:

- Enforcement interviews
- Operational enforcement visits

## Red risk

**Red risk:** is any enforcement visit, operation or other activity that presents a '[significant](#)' risk as described within this guidance, where that risk cannot be mitigated to a lower, acceptable level that makes it safe to proceed.

Whilst a visit or operation may be initially assessed as a red risk, further consideration and mitigating actions drawn out during the planning stage may re-classify the assessment to amber, or even green.

But, where the assessment remains red, you must complete an [Equalities and Community Impact Assessment](#) (ECIA).

A large or otherwise higher risk operation may require a formal project structure including sponsor, manager, project management tools and documents, formal review, risk assessment and budgeting.

Red risk visits and operations must be authorised by, at least, the relevant ICE team assistant director, who will decide, on a case-by-case basis, whether the deputy director, director (SCS PB1 grade), Immigration Minister, and Press Office are to be advised in advance of the operation. Do not notify the police about a red risk operation until approval in principle has been obtained.

See also:

- Project planning
- [ECIA template guidance](#)

## Joint working

Where the ICE team is the lead agency on a multi-agency visit, they will need to complete their assessment as for a sole visit, but share any mitigations with partner agencies before the visit, including sharing any ECIA that may be necessary in order to proceed.

Where the ICE team is not the lead agency, completion of a visit assessment is still required for the immigration contingent and any risks that may be relevant to the

immigration interest. You must base your assessment on the information provided to you by the lead agency, and you must specifically ask to be supplied with any relevant information and identified risks when invited to attend by the lead agency, so that you have sufficient time to make your own assessment. However, should your own assessment suggest a Red visit, you do not need to complete an ECIA, but you need to review the lead agency's full risk assessment and discuss the mitigation plan with the ICE authorising officer before proceeding.

## Significant risks and issues

In addition to the circumstances described above, any activity, visit or operation that presents a significant risk must be considered a red risk and An ECIA completed. 'Significant' in this context is taken to include, but is not confined to:

- **risk to life and limb** – whether to members of the public or those conducting the operation – that is:
  - the risks are beyond the normal scope of standard procedures detailed in general instructions and SSoW (see risk assessment) guidance or are beyond the intended scope of existing training and or equipment
  - intelligence suggests illegal firearms or edged weapons may be at the location, plant or heavy machinery on site requires special training, and / or the site presents hazards that require exceptional support and / or equipment
- **risk of damaging community confidence or cohesion** – significant damage in this context would include:
  - the operation requires a level of visible resource that is likely to cause the community alarm and genuine concern
  - operations or actions that are very likely to seriously initiate, provoke or exacerbate tension within or between community groups
  - there is a risk of affecting community initiatives conducted by other agencies
  - there is good cause to believe that significant attempts may be made to obstruct the operation, prevent the lawful operation taking place and / or to incite community tension
- **high potential reputational and / or political risk** – there is good reason to believe that the operation will attract unusually high media attention and / or the operation, although necessary and proportionate, may be misrepresented, the operation may be perceived, or represented, as being illegal or departing from published policy
- **risk of failure to meet safeguarding, equalities and discrimination duties** – there is a risk that, despite mitigating action, the operation will breach the [Equality Act 2010](#), result in direct discrimination, fail to have regard to the need to safeguard and promote the welfare of children or act against Home Office policy to protect victims of trafficking and other vulnerable people:
  - the operation requires an Equality Act exemption or [ministerial authorisation](#)

## Time-limit for authorisations

In all cases, whether the visit is assessed as green, amber, or red, the authorisation is time-limited. The authorising officer must give approval no later than 14 days

before the visit, with the authorisation being subject to the caveat that no negative results are subsequently received from the police and that final checks of CID / ATLAS / CRS are made within 24 hours of the visit or operation.

See also [Mandatory checks](#)

**Related content**

[Contents](#)

# Record of assessment

Enforcement planning assessments (EPAs) are not undertaken by tasking groups as part of the tasking process, but they may make an initial assessment based on known information, which may change as the EPA is completed.

## Routine assessment

Where an assessment is rated 'green' the details of any identified risks and mitigating actions need not be subject to a formal written report or assessment but the fact that an assessment has been undertaken, the name of the authorising officer, the date of approval and the risk rating must be recorded. The record may also include details of checks, any identified risks and necessary mitigation, for example, as part of an email chain, intel package or within CID / Atlas notes.

Where the assessment concludes that there are issues and risks to be addressed that sit outside normal operating protocols then it is likely that the assessing officer will conclude that the activity represents an amber risk. Even if this is an interim assessment, a written record must be kept of the identified risks and how, if possible, they can be or have been mitigated. These details may be recorded as part of an email chain, intel package or within CID / Atlas notes.

## Non-routine or higher assessment

Where [significant](#) issues or risks are identified an assessment must be completed on an Equality and Community Impact Assessment (ECIA) template.

Where risks are identified in the ECIA, but it is proposed to continue because they can be justified, or it is proposed to continue action following the grant of a ministerial authorisation, the ECIA must include the grounds on which an authorisation might be given. Proposals to seek an authorisation, or an amendment to an existing ministerial authorisation, must be made in consultation with Enforcement Policy.

See: [Fully documented ECIA completion guidance](#)

## Use of 'living ECIA' to mitigate risk

ICE teams in some geographical locations may have experienced previous disruptive behaviour or community tension in targeted areas or may have decided to suspend activity in that area following police advice. Such historical factors would usually rate an automatic RED risk.

However, completion of a 'living' ECIA which details all previous known issues in that specific area could be used to make an updated, informed assessment of the specific and current tension in that area. The ECIA would record all steps taken to mitigate against identified risks at the time and would be regularly updated in line with information being received from community liaison officers (CLOs), whether immigration officers (IOs), police or from any other agencies. This may allow you to

mitigate against specific risks to the extent that the assessment for a visit in that area could be re-classified to at least amber. A 'living' ECIA must be reviewed and updated authorised no later than two weeks before a planned visit.

See also:

- [Continuous assessment](#)
- [ECIA: completion guidance](#)

## Authorisation

### Control point:

**The authorising officer must be satisfied that the assessment has been conducted in accordance with guidance and to the correct level of detail before authorising the activity or new policy. An auditable record must be kept in all cases of the date of authorisation, the authorising officer and the risk rating given.**

### Record of authority

You must record the results of all checks and received authorisations from all relevant authorities on the [operation notification form](#) (ONF) or authorised equivalent recording system in areas where the ONF is not used. The completed record must be retained for 6 years.

Regardless of which system is used, you must seek the following written authorities:

- police checks on people sought and the address to be visited must be signed and dated as having been conducted, this is to avoid direct or collateral intrusion on the operations of other law enforcement agencies (see also: [Requesting police assistance](#))
- an authorised assessment signed and dated as having been conducted and authorised by the relevant officer grade for the visit within the 14 days prior to the planned date of the visit

## Updating PRONTO

As the EPA is a continuous assessment of known risks which can change constantly at each review period, all PLAN considerations need to be recorded in Pronto before being assigned to the appropriate grade for authorisation (Green – CIO – including TCA to grade, Amber – HMI – including TCA to grade, Red – AD – including TCA to grade). The officer preparing the operation and the officer authorising the operation must ensure all of the below considerations in PLAN are recorded.

### P – proportionate

This explains how the visit is proportionate in relation to:

- known intelligence or information, for example violence markers
- rationale for the timing of the visit, especially if an unreasonable hour or if children are known to be present
- team size, including gender make-up, and why needed (for example search or religious reasons)

## L – legal

An explanation as to why the visit is lawful, such as details of the power of entry, and that officers are acting in line with operating protocols, immigration law and policy. Confirmation that the visit is fully in accordance with published [operational protocols](#).

## A – accountable

An explanation as to how the visit is accountable, having been authorised at the correct level. There should be a note of the recording of the visit on PRONTO, giving the reference number, and that there is a clear audit trail of all decisions made on the visit pack. For Amber and Red visits, the authorising officer needs to write their name, sign and date the operational order and record any caveats and conditions that have been applied. For further information, see: [Authorisation](#)

## N – necessary

This will give:

- an example of how the visit is necessary, such as identifying and apprehending immigration offenders and that all actions will be compliant with operational protocols
- if alleged illegal working is taking place, an explanation that the only way to verify this is to visit the premises
- if the subject's history suggests they will not leave the UK voluntarily, a visit to the premises is the best opportunity to encounter them

You must ensure that the full consideration of known or expected risks and the mitigations against them are recorded in full on Pronto. All PLAN and Human Rights considerations must be specific to the visit. This will ensure full, tailored and specific considerations are made for each visit which will be followed by a confirmation of this from the officer preparing the visit and then ultimate sign off from the officer of the appropriate grade.

As the assessment can constantly change, it will not be appropriate to just record “as per TCG” as a final assessment as even though the outcome or rating of the operation may be the same, the considerations may be different resulting in different mitigations. The full PLAN consideration when completing the PRONTO visit briefing is considered at different stages within Pronto so there is no need to duplicate this at the end of the PRONTO visit briefing or in the PLAN section in Pronto. However, there needs to be a clear audit trail at the end of the operational order to demonstrate that at final sign off, all known risks have been considered and

mitigated as much as possible to decide if the visit is Proportionate, Legal, Accountable and Necessary to proceed or not.

In Pronto, the Legal and Accountable should be self-evident through the record of the power of entry, the fact that this visit is recorded and needs to be signed off by an officer of the appropriate grade.

For Green risk visits in the PLAN section in Pronto you will only need to complete the Proportionality and Necessary section. In the Legal and Accountable section in Pronto you only need to record “as per Pronto record”, as this section needs to be completed before you can continue in Pronto.

For Amber and Red risk visits, you must complete a full IIMARCH briefing and attach this to the Pronto record. Under the PLAN in Pronto you need to include “as per IIMARCH briefing attached” or “as per op order attached”.

The EPA is recorded on the mandatory ‘Authorisation & EPA’ tab on PRONTO, completing the following fields:

- ‘Enforcement Planning Assessment’: pick one of the 3 dropdown options in line with your assessment- Green, Amber or Red
- ‘Date conducted’: ensure the date that the EPA has been decided is recorded either by manually inputting the date or clicking the ‘Now’ button which will default to the current date
- ‘Name of officer conducting the EPA’: select the name of the officer who has conducted the EPA by typing in the name and selecting the name from a menu of PRONTO users (**this officer needs to have a PRONTO account**)
- ‘Final EPA rating’: state the final rating based on the assessment (green, amber, red)
- ‘Name of authorising officer’: type in the name of the officer who has authorised the visit and therefore the EPA (green-CIO, amber-HMI, red-AD, including TCA to that grade) (**the authorising officer needs to have a PRONTO account**)
- ‘Authorised on’: date the CIO / HMI / AD has authorised the visit and the EPA

If the EPA is green, you will only need to complete the ‘EPA’, ‘Date conducted’ and ‘Officer conducting the EPA’ fields. If the EPA is amber or red, you must complete the additional fields:

- ‘Text’: type in the reasons and justifications of why the assessment is amber or red and include the mitigations that have been put in place to address the known risks
- ‘Attachments’: upload relevant attachments, such as a completed ECIA

You must confirm, based on your full consideration of the known facts, that it is Proportionate and Necessary to continue with the operation by ticking the box in the PLAN section in PRONTO:

“I am an arrest trained Immigration Enforcement Officer and having prepared and reviewed this operation I am satisfied that it is Proportionate and Necessary in line with the Enforcement Planning Assessments guidelines which considers all known

risks and mitigations I have put in place. I have reviewed all of the information contained within this visit package and, having regard to the relevant legislation (including the Human Rights Act 1998 and the Equality Act 2010), HOIE policy and guidelines, I am satisfied that it meets the criteria of the stated EPA risk rating.”

If the authorising officer is satisfied that the above assessments under PLAN have been duly considered, then they will need to confirm this at the final sign off stage by ticking the box on the ‘Authorisation & EPA’ tab on PRONTO:

“I am an arrest trained Immigration Enforcement Officer of the appropriate grade. I have reviewed all of the information contained within this visit package and, having regard to the relevant legislation (including the Human Rights Act 1998 and the Equality Act 2010), HOIE policy and guidelines, I am satisfied that it meets the criteria of the stated EPA risk rating and I authorise this visit to proceed as planned.”

Remember that the EPA is a continuous assessment. For example, if at the tasking and co-ordination group (TCG), the initial assessment is recorded as green, but during pre-visit research, you become aware of a risk that is not covered in the NGRAs and SSoW and your assessment changes to amber or red, you must make a record of this change of assessment.

Where this happens, you must select the ‘New’ field, which will bring up the same questions as previously addressed, so that you can reflect that an assessment has changed. The previous assessment will remain viewable. The officer authorising the final assessment will therefore have a clear audit log of the assessment process, the rationale, justifications and mitigations that have been put in place in order to make the final decision.

The full assessment does not necessarily have to be briefed on the day of the operation, however, you must ensure all staff who are part of the operation can read the full briefing before confirming they have read it by accepting the briefing and the OIC must ensure the salient risks are verbally discussed in the briefing.

## **Related content**

[Contents](#)

# Operational planning: people at risk

This page tells Immigration Enforcement officers what additional considerations to make if pre-visit checks indicate that a targeted individual, or other person linked to the address to be visited is a vulnerable adult or child.

## People at risk: detention assessment

See also:

- Identifying people at risk
- Detention guidance
- Detention of pregnant women
- Adults at risk in immigration detention

If, during pre-visit checks, you find that the targeted individual, or any other linked to the address, is shown on CID special conditions as vulnerable owing to mental health issues, contact your local safeguarding coordinator immediately to check whether the individual has been referred to the local health authority. Take appropriate action as detailed in guidance on suicide and self-harm. This applies to any visit you are carrying out, whether arrest, non-arrest or compliance.

The officer in charge (OIC) must take account of the vulnerability of the individual and decide on any actions to take during the operation to protect their wellbeing.

### Related content

[Contents](#)

# Tasking

This page tells Immigration Enforcement officers how visits and operations are tasked.

## Tasking

All visits will be tasked by the local, area or regional tasking and co-ordination group (TCG) which will allocate work according to the priorities outlined in the current priorities matrix.

Tasking is governed by the following structure:

- National tasking Board (NTB): reviews and approves tasking based on priorities and commitments on resources, attended by business area directors (grade 5)
- Operational Working Group (OWG): reviews tasking and performance to help inform decision making at the NTB, provides a gate-keeping function on tasking and is attended by operational leads (grade 6)
- Regional Tasking Board (RTB): reviews and agrees tasking and determines local tasking

The definition of legal, accountable and necessary in this regard is described as in IPLAN:

## I – information

This gives relevant details of:

- intelligence, brief details of the immigration history, and the suspected offence
- mitigating circumstances, such as family in the UK, any known illness, or ongoing medical issues
- risks or warning signals in respect of the person, premises and surrounding area
- deployment of the team, that is where each member will go on arrival and what they will do

## P – proportionate

This explains how the visit is proportionate in relation to:

- known intelligence or information, for example violence markers
- rationale for the timing of the visit, especially if an unreasonable hour or if children are known to be present
- team size, including gender make-up, and why needed (for example search or religious reasons)

## L – legal

An explanation as to why the visit is lawful, such as details of the power of entry, and that officers are acting in line with operating protocols, immigration law and policy. Confirmation that the visit is fully in accordance with published [operational protocols](#).

## A – accountable

An explanation as to how the visit is accountable, having been authorised at the correct level. There should be a note of the recording of the visit on PRONTO, giving the reference number, and that there is a clear audit trail of all decisions made on the visit pack. The authorising officer needs to write their name, sign and date the order and record any caveats and conditions that have been applied. For further information, see: [Authorisation](#)

## N – necessary

This will give:

- an example of how the visit is necessary, such as identifying and apprehending immigration offenders and that all actions will be compliant with operational protocols
- if alleged illegal working is taking place, an explanation that the only way to verify this is to visit the premises
- if the subject's history suggests they will not leave the UK voluntarily, a visit to the premises is the best opportunity to encounter them

## Hot tasking

In certain exceptional circumstances, such as when the justification for a visit is urgent and awaiting authorisation from the next scheduled TCG would be inappropriate, you may seek authority from a manager not below the rank of Her Majesty's Inspector (HMI). The authorising officer may grant authority to proceed where available information suggests that the visit meets the criteria of a green or amber activity. The authorising officer may impose any necessary caveats they see fit. That authority, if granted, must be given in writing and recorded on the visit record before any visit takes place.

**Note that 'hot tasking' is not the same as 'hot pursuit'** (also referred to as a reactive enforcement visit). See Enforcement visits for full details.

## Authority for visit not given

All decisions not to undertake a visit for health and safety or other reasons at any particular time must be documented and the next TCG advised that the recommendation is not to proceed.

## Contact with human intelligence sources

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**Official – sensitive: start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

**Official – sensitive: end of section**

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**Related content**

[Contents](#)

# Pre-visit research, checks and surveillance

This page tells Immigration Enforcement officers about the preparatory gathering of intelligence that must take place before an operational visit or operation.

## Mandatory checks

### Control point: pre-visit checks

**As part of preparing for an arrest visit or operation, you must complete all the checks listed under ‘control point 8’ in the Control points and data checks ‘Table of control points’ and record the results. The list is not exhaustive but is a minimum requirement.**

These checks enable you, while preparing the case, to:

- ensure that officers identify the correct premises and to ensure that the right address is named on the warrant
- check information relating to suspected immigration offenders and people liable to detention to ascertain that no barriers to removal exist and that the person sought does not have any legal basis of stay that would prevent removal if encountered and arrested or detained
- identify any warning signals or potential risks that could impact on an arrest team visit, potentially endangering the officers involved, the subject of the visit and any third parties:
  - this information enables the officer in charge (OIC) to evaluate the potential risk associated with the visit and, as part of the risk assessment process, put into place measures to reduce this risk to an acceptable level
- identify any personal circumstances or special needs the subject may have that may need to be considered as part of the risk assessment process, such as the existence of a previously unknown European Union (EU) or European Economic Area (EEA) partner, children or that the subject is on medication

You must record the findings of your checks on PRONTO and, where applicable, on the special conditions screen on CID. You must bring them to the attention of the OIC to allow them to accurately risk assess and manage the visit.

When a decision has been made to conduct an enforcement visit, you must ensure that you:

- have exhausted all reasonable avenues for determining the immigration status of those people known or believed to be at the premises
  - you must conduct a final status check, to include CID and central reference system (CRS), within 24 hours of the intended visit
- where you are relying on a power of entry, you have reasonable cause to suspect that the person still resides at the target address

## Return visits to addresses

Visits to premises form a sensitive area of immigration work and one cause of complaint is alleged harassment by officers who have conducted repeated visits to the same address. The police and reporting notebook organiser (PRONTO) Web manager will indicate whether an address has been visited before and must be fully completed to record all visits. Especially where more than one visit is made to an address, each visit must be fully justified as being proportionate and necessary.

## Right to rent: pre-visit checks

For further information see also: Right to Rent: landlords' penalties.

## Logging proposed visits: national operations database or PRONTO

Visits recorded on PRONTO Web manager are split into 3 categories:

- enforcement visit (EV) – a visit where the apprehension of an immigration offender is intended, this visit starts with an intelligence package, and must be authorised by the tasking and co-ordinating group (TCG)
- non-enforcement visit (NEV) – a visit where the intention is not to arrest
- police call-out (PCO) – a reactive visit where officers attend an office (police station) to deal with a suspect who is (potentially) already under arrest

## Surveillance under the Regulation of Investigatory Powers Act

The [Regulation of Investigatory Powers Act 2000](#) (RIPA) governs intrusive investigative techniques such as the interception of communications, covert surveillance and covert human intelligence sources.

Part II of RIPA covers covert surveillance and covert human intelligence sources.

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### Official – sensitive: start of section

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**Official – sensitive: end of section**

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**Related content**

[Contents](#)

# Requesting police assistance

This page tells Immigration Enforcement officers how to request police assistance for an operational visit.

## Operation notification form (ONF)

The ONF has been devised to standardise enforcement visit documentation and has been introduced to all Immigration Compliance and Enforcement (ICE) teams outside of the Metropolitan Police (MET) area.

Its purpose is to enable:

- Immigration Enforcement to request local police assistance for an enforcement visit
- Immigration Enforcement to notify the police of a planned enforcement visit where no additional local police assistance is required
- Immigration Enforcement to gather all the intelligence held by the police forces regarding the subjects and the addresses they plan to visit
- the local police commander to carry out an equalities and community impact assessment (ECIA) of the proposed visit
- Immigration Enforcement to notify police of the result of the visit using the intelligence feedback report

## Completing the ONF

The ICE or local intelligence team will be responsible for ensuring the operation notification form is completed, liaising with local police forces to complete the relevant sections highlighted on the form. Arrangements over responsibility will be agreed at a local level. Before conducting a visit or requesting police assistance, you must consult the intelligence unit and obtain authorisation from a chief immigration officer (CIO) or above. For arrest team visits the authorising officer must be arrest trained.

The local ICE or intelligence team complete sections 1 to 5. You must then send the completed ONF to the relevant local police force no less than 3 days before the visit is due to take place, to a:

- seconded police officer for the relevant police force
- locally agreed point of contact at the relevant local police force

Either the seconded police officer, or the nominated officer in the relevant local police force complete sections 6 to 10 (police checks), to show the results of the police checks. If the police officer is aware of any reasons why the visit should not take place, they will indicate this in section 9.

Once the completed ONF is received back from the police force, it is the responsibility of the Immigration Enforcement police regional liaison officer (RLO) to

discuss any concerns and options which are raised with the nominated police officer. RLOs must document any discussions on section 9 of the ONF.

Once the seconded police officer or the nominated officer in the relevant local police force has completed their checks, they need to return the ONF within 72 hours from when they received the form. However, this may vary according to local procedures. It is important to note that the ONF is valid for **one calendar month** from the date when the police intelligence checks have been completed. This is the date that appears at the end of section 10.

Only in exceptional circumstances can the ONF be sent less than 3 days before the proposed date of the visit. If there are exceptional circumstances, these must be discussed and documented by a CIO (arrest trained for arrest team visits) or above, to explain the reasons why. The intelligence unit must then send the ONF to their local police force but must follow this up immediately by telephone to confirm receipt of the form.

If you require police assistance on the visit, the intelligence unit will need to indicate this in section 1 of the ONF. In most cases, where a request is made for police assistance, discussion will take place between the intelligence unit and local police officers to agree resources and tactics for the planned operation. For amber or red risk operations, this will normally be a formal planning meeting.

## ONF not returned by police

Whilst police completion of sections 6-10 is a National Police Chiefs' Council (NPCC) (previously Association of Chief Police Officers (ACPO)) agreed national process, there may be instances where local police forces fail to return the ONF in time. It must be remembered that the police ONF checks do not constitute an authorisation for ICE team visits to proceed, but form part of the ICE team risk assessment for the visit. Therefore, visits can be conducted if police fail to complete and return the ONF, provided the ICE team:

- contacts their local police intelligence unit by telephone for any markers on their data systems, such as Police National Computer (PNC), Police National Database (PND), or other local databases against:
  - named suspects
  - address to be visited
  - any adverse information or community tensions
- where no issues are identified, visit can proceed as planned
- where an issue is raised, for example a warning marker, refer to the duty CIO or silver command to consider whether to proceed considering new information
- updates the comments box on the police and reporting notebook organiser (PRONTO) tasking page, to record all additional checks and decisions made following non-return of ONF

## Notification and checks: London Metropolitan Police (MET) area

In the MET area, checks and notification for operations are conducted by the Central London Research Unit (CLRU).

Those who are outside of London and who require research carried out in the MET area must send an email with the enforcement visit (TS) reference number and the proposed visit date to Central London Intelligence Unit.

### **Related content**

[Contents](#)

# Command structure: roles and responsibility

This page tells Immigration Enforcement officers about the command structure that is required for an operational visit.

All operational visits must be properly tasked and have a clear command structure comprising a single officer in charge (OIC) and qualified named officers providing the same gold, silver and bronze command structure as for a critical incident.

## Gold commander

The gold commander must have received the appropriate gold commander training and has responsibility for:

- handling and the outcome of any critical incident
- setting out the overall strategy for the recapture of a high harm person
- a key role in making sure there are enough resources available

It is essential that one manager takes the role of gold commander from the beginning. In some circumstances there may already be a gold commander, for example if a high harm individual is already known to the Home Office.

## Silver commander

The silver commander is responsible for making a tactical plan to achieve the gold commander's strategy.

## Bronze commander

The bronze commander, usually the officer in charge (OIC), makes the operational decisions necessary for the tactical plan to work for the visit or as the incident is being dealt with. There may be more than one bronze commander, for example:

- bronze investigation commander who runs the investigation in practical terms
- bronze intelligence commander to manage the long-term intelligence needs
- bronze media commander to manage internal and external communications
- bronze enforcement commander to arrange enforcement resources required

**You must not perform any of these roles unless you have received the relevant training.**

### Related content

Section 'The command structure' of Critical incident management

[Contents](#)

# Team roles

This page tells Immigration Enforcement officers about the roles and responsibilities that may be allocated for an operational visit.

## Officer in charge (OIC)

In order to comply with the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#), there must be an OIC for every visit. They must be an arrest-trained officer of at least immigration officer (IO) grade except where a higher grade OIC is stipulated by the authorising officer.

The OIC will usually assume the role of [Bronze commander](#) within the overall command structure of any operational visit and is responsible for ensuring that any caveats or conditions imposed on the operation by the authorising officer are adhered to.

Some sections of [Code B of the PACE codes of practice](#) place certain obligations on the OIC in the searching of premises. It is the responsibility of the OIC to ensure they are familiar with the provisions of Code B and ensure that these obligations are fulfilled.

In addition to any relevant requirements with PACE Code B, and before undertaking any operational visit, the OIC must ensure that they have read the intelligence package and have a competent overview of the visit intention. The OIC must ensure:

- the risk assessment procedures outlined have been completed and the necessary authority has been given
- the risk assessment and authority is still valid
- consideration has been given to obtaining a search warrant
- the information is current and accurate
- the local police are aware of all the planned visits
- the officers on the visit are advised of the time of the briefing
- the following equipment is available and is in working order:
  - police and reporting notebook organiser (PRONTO) enabled mobile phone and / or airwave radio
  - warrant card
  - handcuffs
  - baton
  - first aid equipment
  - pocket notebook (PNB) where PRONTO is not available
  - notices to occupiers and/or arrested persons
  - vehicles, with sufficient fuel
- the premises search officer has sufficient consent forms, evidence bags and notebooks
- a 'gold, silver and bronze' (GSB) structure (see [Command structure: roles and responsibility](#)) is in place for the management of any potential critical incident

- an operational order has been compiled and circulated, in advance, to everyone in the GSB hierarchy
- roles have been allocated to team members
- they have fully briefed and equipped the team and anyone else accompanying the team

See also OIC's duties for further information about:

- [Operational briefing and operational order](#)
- [Vehicles](#)

And guidance relating to:

- Enforcement visits
- Post enforcement visit actions

## Other team roles

**Under no circumstances may an IO undertake an operational activity visit under these procedures unless accompanied by at least one other arrest-trained officer.**

In practice, the number of officers deployed will depend upon the type and scale of the activity being carried out and will be determined by the OIC and authorising officer having regard to the risk assessment.

Once a safe and secure environment is established, then you may be expected to be involved in any of the following:

- dealing with people encountered on the premises - establishing their identity and immigration status
- conducting arrests and subsequent actions (where appropriate)
- conducting person or premises searches

See also:

- Arrest and restraint
- Search and seizure
- Enforcement visits

## Police support

If risk assessment or operational requirements show the need for a police presence on an arrest team operation, the OIC will allocate specific roles to the police officers and must ensure that they, too, receive the [operational briefing and operational order](#).

The OIC must ensure that all officers present are aware of any legal limitations or restrictions affecting police officers on immigration enforcement visits.

Where appropriate the police may take charge to manage or control any incident they believe poses a threat to life or property, or to detect or prevent a (non-immigration) criminal offence. Once this is resolved, they should return control to the OIC.

See also Partnership working.

## Observers and interpreters

If observers are to be present during arrest team operations, the OIC must use national generic risk assessments (NGRA) and safe systems of work (SSoW) to put in place suitable risk management methods to ensure the safety of the observers. See NGRA 08 Interpreters and other officials and SSoW 08 Interpreters.

The observer or interpreter must be assigned to a dedicated arrest trained cover officer and attend the operational briefing so that they are aware of the risk management procedures for the visit.

Observers and interpreters will only enter premises once the OIC believes it is safe for them to do so.

It is mandatory for observers and interpreters to wear personal protective equipment and clothing (PPE) in line with the risk-assessed control measures for the operation.

See also 'Use of interpreters: administrative interviews' of Enforcement interviews.

## Vehicles

The OIC is responsible for ensuring that sufficient and appropriate vehicles are available to undertake the visit, and that drivers hold a current and valid UK driving licence for the category of vehicle being driven.

The OIC is responsible for ensuring that drivers are aware of, and comply with, NGRA 05 Driving fleet vehicles on official business and SSoW 05 Driving fleet vehicles on official business on driving fleet vehicles on official business.

You must park vehicles only where it is legal to do so and make every effort to allow officers and detainees to leave the area swiftly upon completion of the visit.

Drivers must comply with the Fleet and driver policy. See also 'Carriage of detainees' of Arrest and restraint.

Immigration Compliance and Enforcement (ICE) teams must regularly inspect car seats for damage and decommission and replace seats where required.

### Related content

[Contents](#)

# Operational briefing and operational order

This page tells Immigration Enforcement officers about the briefing that must take place before an operational visit.

## Conducting an operational briefing

### When to give a briefing

You must give a briefing to your team before any operational deployment takes place outside of the office or port control area, if possible.

There may be times, however, when you are unable to prepare a written briefing or hold a full briefing, for example on a deployment taking place at short notice. In these circumstances, you must:

- still give a verbal briefing
- record details as soon as you can, in your pocket notebook or on police and reporting notebook organiser (PRONTO) Web manager

### Timing and location

When deciding what time to hold your briefing, consider whether the briefing needs to take place immediately before the deployment. This is best practice because the information will be fresh in everyone's minds, but it is not mandatory, and you should ensure that you maximise the time available for the deployment itself.

Briefings can be conducted either in the office before the visit takes place, or at a secure location along the way, including Home Office official vehicles. After the first visit, the officer in charge will designate a suitable briefing area before each subsequent visit. You must take care to ensure that third parties do not overhear the briefing.

It is normally your responsibility as OIC to prepare and conduct the briefing, but you may decide that someone else contributes to the briefing. For example, you may:

- ask a more senior manager to make an introduction
- ask individual team leaders to give the briefing for their specific deployment when you are conducting a large operation with several teams
- ask someone who is better qualified concerning an important aspect to give part of the briefing
- ask third party teams who are working with you to give their own briefing, for example, a police unit handling a specific part of the deployment

You must invite:

- all officers taking part in the deployment including police officers if they are to provide additional support
- interpreters who will be assisting
- any other experts you may need on the deployment, for example, social workers

Consider:

- how many copies of the operational order you will need
- how you will account for each copy (as they all must be returned at the end of the briefing), for example you can:
  - number copies
  - use a sheet to sign them out and back in
- when you are going to hand them out, for example:
  - at the start of the briefing
  - at the end of the briefing
  - by email before the briefing itself (see bullets below)
- clearly marking the operational order 'official - sensitive' so that officers do not remove or take on deployment

You may decide it is best not to hand them out at the start of the briefing, so everyone will concentrate fully on what you are saying.

If you send the operational order by email you must:

- bear in mind you will have no control over officers printing copies
- make it clear in the email the document is marked 'official - sensitive' as well as marking the document itself

## Full operational order: IIMARCH procedure

For use in [red](#) and [amber](#) risk visits. This briefing document must not under any circumstances be taken into the premises visited.

If possible, you must prepare a separate briefing document for each deployment.

Each arrest team visit requires an operational order as part of the planning phase of the operation. Its format is that of the 'IIMARCH' procedure and it is the responsibility of the officer in charge (OIC) ([bronze commander](#)) to ensure its completion.

It is important you give the briefing in the following sequence because it:

- provides structure and clarity
- makes it easier to understand
- is a uniform format familiar to all law enforcement agencies

## I – information

The information section informs officers who the subject or subjects of the visit are. It gives the address where the visit is to take place and the reason for the operational visit, detailing where appropriate the reasons for seeking arrest.

## I - intent

The intent section states what officers intend to do if they find the subject or subjects and how to deal with any other persons found on the premises. It also states the strategy for the operational activity as set by the [gold commander](#).

## M – method

The method section details the tactics set by the OIC (bronze commander) and [silver commander](#), specifying roles and responsibilities as well as detailing the way in which entry, arrest, search and transportation to custody will be managed.

## A – administration

The administration section details legislative, administrative, procedural and operational factors affecting the operational visit.

## R - risk assessment

This section highlights potential risks associated with an operational visit and details what risk management methods are in place. It details actions to be taken if an incident occurs. See: [Risk based planning](#).

## C – communications

This section details how officers will communicate within a team, and with the police and other agencies that are involved in the visit or may need to be contacted during the operation. It also details contingency plans for communications failure or difficulties.

## H - human rights and equalities duty

See also: [Understanding and assessing discrimination](#)

This section identifies factors supporting whether the visit is justified, proportionate and necessary and complies with the Equality Act 2010 and Human Rights Act 1998.

Most police forces now add on 'E' and 'R' at the end of this mnemonic which stands for 'evaluate' and 'review'. Although the Home Office does not use these at present you need to know about them in case you attend a police briefing. These sections cover a general evaluation and review of the operation.

The briefing documents, operational orders, operation notification form (ONF) and intelligence packs carry a security classification of 'official - sensitive' which must be clearly marked on the header and footer of all documents. Once a briefing has been held, the documents must be left in Home Office or police premises or secured in a locked Home Office official vehicle if multiple dynamic briefings are planned to be held after each subsequent visit.

## Digitised operational order: PRONTO briefing procedure

For use in [green risk](#) visits.

The OIC will complete the following 4 pages on the PRONTO Web manager:

### Visit details

This section details tasking and police references, date and time of visit, subject details, address to be visited, link to map of area, overview of intelligence received, and power of entry.

### Subjects

Additional information related to the subject or subjects of the visit, including immigration offence and photograph.

### Roles

Roles assigned to individual officers, such as OIC, arrest 1, cover 1 and the names of any known third- party agents and observers.

### Authorisation

Record the name of the officer who authorised the visit and confirmation that the visit has been assessed in accordance with this guidance and is fully compliant with published [operating protocols](#).

Record any caveats that the authorising officer has made as condition of authorisation.

Once the briefing notes are complete, the OIC sends the briefing notes to the digital notebooks of the officers that are assigned to the visit (either to the Pronto App for ICE team officers or via e-mail for other enforcement agencies and observers) Upon receipt of the briefing notes from the OIC, the ICE team officer opens, reads and annotates the 'Briefing' section to confirm that they have read, understood and accepted the briefing information.

On the day of the visit, the OIC gives a verbal briefing to all officers due to go out on the visit to test their understanding of the briefing they have received through PRONTO. See also: [Conducting operational briefing](#)

**Related content**

[Contents](#)

# Equality and Community Impact Assessment

## Definition and purpose

An Equality and Community Impact Assessment (ECIA) is the process whereby full consideration is made of issues and risks relating to equalities duties and community impact that may have a bearing on the way that we plan and implement a new enforcement activity or policy.

The general purpose of an ECIA is to ensure that we comply with our public-sector equality duty, but the nature of our work makes it more likely that any equality issues will also apply to and have an impact on the wider community. We must consider all aspects of how our work may affect a community's confidence that Immigration Enforcement (IE) is acting lawfully and proportionately. This helps, in turn, to inform national efforts to build community confidence and learn lessons for the future. It assists to:

- promote all aspects of equality
- identify any direct or indirect discrimination
- assess if there is any adverse (negative) impact on particular groups
- promote good relations between people of different equality groups
- act as a method to better plan enforcement activity

An understanding of factors contributing to possible inadvertent discrimination or vulnerability enables proactive identification of, and improved responsiveness to, threat, risk and harm within communities. An effective ECIA:

- provides additional context to inform the decision of whether it is right to proceed with the operation or activity
- identifies vulnerable individuals and groups
- provides an assessment of risks to community confidence
- develops community intelligence

In most cases, the assessment of the activity is part of business as usual operational planning and requires only that the officer authorising the activity:

- considers any risks and issues that have been identified against published guidance and protocols
- confirms that the assessments have been conducted to the correct level (red, amber, green)
- decides whether a fully documented ECIA is required

See [risk based planning](#) for full details of the relevant factors that must be considered and further information on how to determine the required level of detail and authorisation.

In cases where, during planning for any activity or operation, a 'significant risk' is identified, then the ECIA must be completed in accordance with the guidance within this document. For an explanation of what constitutes a significant risk in this context, see [significant risks and issues](#).

Whilst undertaking the considerations, of which the list is not exhaustive, the decision may be reached that a [Ministerial Authorisation](#) is preferable (see Discrimination guidance).

## **ECIA template: Equalities and Community Impact Assessment, completion guidance**

This guidance concerns the completion of an ECIA, the template for which can be found under Powers and operational procedure.

An ECIA is the means of providing a comprehensive assessment of an enforcement operation or IE project where [significant risks and issues](#) have been identified in relation to our public sector equality duty (PSED), in relation to community impact and/or in relation to child safeguarding issues.

It may become a publicly accessible document and you must not make any reference to specific information disclosed within an intelligence pack. An ECIA can only be completed by an officer who has received the relevant training and authorised by an officer not lower than grade 7 (assistant director), who will decide, on a case-by-case basis, whether the grade 6, director (SCS PB1 grade, Immigration Minister or Press Office are to be advised.

An ECIA must be completed for:

- [Red risk visits and operations](#):
  - the visit, operation or other activity presents a significant equalities risk or community impact that requires detailed assessment above and beyond the scope of existing published protocols contained in IE general instructions and other operating protocols
  - the visit, operation or other activity potentially directly discriminates against a protected group and requires ministerial authorisation (see: Discrimination guidance)
  - a programme of operations or activities is planned that has a disproportionate effect on a community groups or locations
  - an initiative, operation or other activity is predicted to have a high profile – that is, that it presents a foreseeable political and/or reputational risk

Other circumstances in which an ECIA is required:

- a pilot or exercise that has a significant impact on other business areas
- an activity that significantly alters a standing workflow or process
- an activity that requires ministerial authorisation
- a proposed policy change: a major policy change or initiative is planned that presents a material change to published policy and practice

- implementing a policy change
- when conducting a strategic assessment

## Completing an ECIA

The following provides general indicators for what might be included within an Immigration Enforcement ECIA.

The ECIA may be used to describe a new policy, an operational activity or programme of operations. Each of the following sub-sections below corresponds to the numbered section on the form.

To note that the ECIA incorporates the general Public Sector Equality Duty (PSED) assessment and the standards and protocols of the generic Home Office Equality Impact Assessment (EIA) template are therefore included in the ECIA template

### Part 1: Background

#### Introduction

Briefly describe the aims, objectives and purpose of the policy, activity or strategy. Provide a description of the operational activity including:

- name of operation (if any)
- type of operation
- aims and objectives
- intended outcomes:
  - what will the operational activity try to achieve
  - why do you want to conduct this activity
- intelligence basis (without duplicating material that is included in [‘Information’](#))

Attach any relevant documentation - operation notification form (ONF), Operational Order, risk assessment, check list as appropriate.

Cite references to appropriate generic ECIA's, policy equality statement (PES), national generic risk assessments (NGRAs), relevant chapters of general instructions.

The most likely relevant chapters of general instructions are:

- Enforcement visits
- Identifying people at risk
- Critical incident guidance

#### Purpose

Define what sort of assessment you are writing and indicate whether this is the first ECIA in relation to this activity. Similarly, indicate if it an interim or supplementary assessment. Cross-reference to any relevant existing ECIA, PES or national generic risk assessment.

Outline why an ECIA is necessary. State what exactly you have been asked to assess. Summarise:

- what is known about the situation
- what is the potential problem or risk
- what are the likely or potential consequences of undertaking the activity

Do not over elaborate on the above summary. You will provide further information and details of any impact against protected groups later, but you should now specify briefly:

- who particularly, in terms of specific communities or protected groups, might be affected by the proposed action
- why this is a significant risk or impact

## Powers

Specify the legal basis on which the activity is being conducted. You may find it helpful to refer or link to:

- General Instructions: Coercive powers and definitions

Highlight where and why particular consideration is required in relation to:

- [Equality Act 2010](#)
- [Human Rights Act 1998](#)
- [Every child matters: statutory guidance \(section 55 of the Borders, Citizenship and Immigration Act 2009\)](#)

## Information

Use this section to provide an overview of the available information, how it was gathered and evaluated.

Provide an assessment of known intelligence (both open source and closed) and the strength of available information. Highlight and, if possible, explain any contradictory information.

This may also give details of any avenues that have not yet been explored or are planned. Give details of why possible actions have not been undertaken.

This assessment is based on a 'snapshot in time'. Where information is not current, it is worth is less but may still provide useful context. Ensure it is clear where information may require updating. Any significant change in circumstances or events

must necessarily trigger a new or updated assessment to reflect those changed circumstances.

What does our information tell us is happening?

The information given here should be factual and the source of the information indicated. This may refer to:

- statistical data
- reports by other agencies
- the results of a consultation exercise
- surveys
- field intelligence
- assessments into related operations and visits

## **Part 2: Risks and mitigating action**

### **Operational and deployment: risks and mitigation**

This section summarises the proposed operational plan with details of:

- numbers of officers to be deployed
- other people expected to be present (such as police and other government departments (OGDs))

Give details of specific deployment and operational risks and the planned actions to mitigate them by type:

- demographic risks
- obstruction / disruption (including statistics for incident reports in the area and whether steady, rising or falling)
- potential violence
- community tension
- mitigation plan

While detailing each of these sections, and especially when detailing your mitigation plan, give particular regard to:

- safety, both of officers and the general public
- Method of Entry
- timing
- deployment
- communications
- equipment / vehicles

### **Assessment of protected groups and characteristics**

This section provides guidance for immigration enforcement officers on how to consider whether a planned activity may result in unlawful discrimination that is in

breach of the public sector equalities duty (PSED). It is to help you assess whether a visit, operation or other activity poses a risk of discrimination. Guidance in this section is also contained in Equality impact assessment (EIA) template and guidance and the EIA template linked to that guidance has been incorporated into the operational ECIA for Immigration Enforcement use.

See also:

- [Explanation of protected characteristics](#)
- Discrimination and differentiation for detailed guidance on determining whether an action is directly or indirectly discriminatory.

Before completing this section, you must read and understand the guidance: concerning differences between direct and indirect discrimination.

This section requires that you consider whether and to what extent the policy or operation could foreseeably have an impact on people who share [protected characteristics](#) compared with those who do not.

Carry out the exercise for each of the protected characteristics in turn. The relevant protected characteristics for a PSED are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race (includes ethnic or national origins, colour or nationality)
- religion or belief (includes lack of belief)
- sex
- sexual orientation

Tips:

- you must thoroughly analyse, based on evidence, the consideration of each of the impacts of your policy on each of the protected characteristics listed above
- do not make unrealistic assumptions
- any emerging impacts can be observed, recorded and analysed when the ECIA is reviewed
- people may have multiple characteristics: for example, a person may be black and a woman, or disabled and a gay man

## Discrimination: risks and mitigation

Based on your assessment of each of the groups above, provide an assessment of whether there is a risk of direct and / or indirect discrimination. This is referred to as limb 1 of the PSED. Make this assessment in line with the format at section 7a of the ECIA template, referring to pages 8-9 of the “EIA guidance Equality impact assessment guidance” which is embedded on the Equality impact assessment (EIA) template and guidance landing page. Where you identify possible indirect

discrimination, you must provide details of how the discrimination can be reduced or removed. If the discrimination cannot be eliminated, then you must explain how the activity is justifiable and proportionate. See: [Objective justification](#).

Summarise any actions that mitigate the impact on each group. If no mitigating action is possible explain why. State **which** impact each mitigation will address and **how**, and the **extent** to which, it will reduce the negative impact.

Where impacts are identified, you should go through these in turn and explain why we do not consider them to be unlawful.

If impacts are identified and you are uncertain whether they may result in unlawful discrimination you must consult Enforcement Policy who can advise further on these points or obtain legal advice.

## Objective justification

Objective justification requires examining in detail the rationale for carrying out the activity or policy in detail. The following step-by-step approach may assist in breaking down the issues you need to consider:

- what issue or business objective is the activity or policy intended to address (why are you doing it)
- what is the intended outcome of the activity or policy (the aim, what will change)
- how will the policy tackle the issue identified
- what will be done and how will that effect the issue identified
- what discriminatory effect will the policy have (is the impact large or small, widespread or limited)
- compare the effect to the benefits of the intended outcome
- mitigation - how could any identified discrimination be reduced
- can any positive ancillary effects be increased and / or worked into the justification

What has led you to the assessment you have made and is there anything that you want to flag up to the person reading this document? Remember to refer to the previous sections as you explain your reasoning.

Possible inclusions are benefits to:

- public policy including Home Office strategic benefits and benefits to other government departments (OGDs)
- non-enforcement business objectives

What mitigations are being put in place to address the discrimination or other risks identified? Published policies and guidance already exist that may help address equalities issues. You may find it helpful to note these in any assessment or link to published guidance rather than duplicate the information contained.

Other mitigating action might include specialist training for operational officers, decision-makers, policy-formulators and service-deliverers.

You may find it useful or appropriate to cite some or all of the mechanisms that already exist to ensure professional and consistent actions. These include but are not limited to:

- complaints systems
- service agreements with contractors and service providers - who must have all relevant policies and procedures in place:
  - these bodies are required to comply with the law themselves, but the public-sector equality duty (PSED) requires us to take reasonable steps to ensure that this happens, note that you have considered whether contractors and service providers are able to meet their requirements
- previous and ongoing consultations and stakeholder liaison
- in project or policy development, a pilot or trial period should be considered so that data can be gathered, and lessons learnt, thus informing mitigation

## **Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it**

At section 7b of the ECIA template, you need to make an assessment in line with limb 2 of the PSED.

This limb of the duty does not have to be considered in relation to immigration and nationality functions in respect of race (excluding colour), religion or belief and age. The Equality Act specifies that this limb involves having due regard to 3 specific aspects:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of those who do not share it
- encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

Refer to page 10 of the guidance on the Equality impact assessment (EIA) template and guidance page when making your assessment.

## **Consideration of limb 3: Foster good relations between people who share a protected characteristic**

Sections 7c and 7d of the ECIA template are for your consideration of the impact of the proposed activity or policy on protected groups within the community (7c) and on the community in general (7d).

See the EIA template completion guidance on the Equality impact assessment (EIA) template and guidance page.

## Equality impact assessment (EIA) template and guidance

Our equalities duty requires that we have due regard to the need to foster good relations between people with different protected characteristics. The Equality Act specifies that this includes both:

- tackling prejudice
- promoting understanding

This part of the equalities duty does not have to be considered in relation to immigration and nationality functions in respect of race (excluding colour), religion or belief and age.

The equality duty ([section 149\(1\) of the Equality Act 2010](#)) requires public bodies 'to have due regard to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- (b) advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- (c) foster good relations between people who share a relevant protected characteristic and those who do not'

[Section 149\(3\) of the Equality Act 2010](#) explains that having due regard to the need outlined in (b) above means having due regard to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

Fostering equality requires that you address 4 points:

- first: what (if any) disadvantages, needs and under-participation exist:
  - consider whether there is any evidence that different groups have different needs which may be affected by your proposals, for example, if you have previously received more complaints from women or BAME groups about the existing policy or service, do you understand why this is the case
- second: is there anything that can be done to address these:
  - consider whether there any changes to the policy you could make that would positively advance equality of opportunity
- third: are any mitigating measures possible:
  - can any negative impacts be reduced by introducing mitigating measures particularly communication, consultation and targeted efforts

- are there any positive steps which could be taken to better advance equality
- fourth: justification:
  - if there is a negative impact, can it be justified

Positive action measures may be included in any plan to advance equality of opportunity (see second and third points above).

The duty doesn't require a particular outcome: the policy may have a neutral or negative impact on advancing equality of opportunity. What matters is that the impact of the proposal must be identified fully and consideration given to whether a more positive impact could be achieved.

How do communities feel? Include, where appropriate, the views of those consulted and the experience of those making the assessment and provide details of:

- a summary of the known or suspected risk
- any historical basis for considering there to be an unusual impact
- details of any previous, ongoing or planned community consultation or communications designed to examine and evaluate the impact - for instance with health professionals, community leaders, social workers

Harassment and victimisation are issues that are unlikely to arise in the formulation of policy. However, you should always consider whether there is potential for the it to arise and how you will address that possibility. The issues are more likely to be a factor in considering operational visits and it is right to consider the activity in relation to other work that might have already been done, or other planned activity. For instance, the frequency of visits to a particular area may create a risk of community tension and resentment. A series of visits that have resulted in a disproportionate impact on one group may create a perception that the group has been targeted for investigation.

If the implementation of the policy is likely to arouse strong feelings in any part of the community, either among groups of people who share protected characteristics or groups of people who do not, can any negative impacts be reduced by introducing mitigating measures? Consultation and improved and / or tailored communication and delivery of the policy may help to address feelings of distrust or disadvantage. Carefully plan communication with groups with protected characteristics to ensure that the right people are reached, for example, support groups and legal aid services for persons in detention.

Has a similar assessment already been undertaken relating to the geographical area in question? If so, you may wish to update and link to it rather than duplicate your assessment.

Consider:

- whether there any changes to the policy you could make that would positively foster good relations, if there is a negative impact, can it be justified

- what has brought you to the assessment you have made and is there anything that you want to flag up to the person reading this document, you need to make clear the justification for your assessment

## Summary of foreseeable impacts of policy proposal on people who share protected characteristics

Use section 8 to summarise your explanation of any positive or negative impact you have identified on each protected characteristic group and the actions or adjustments proposed to address any negative impacts.

## Options and conclusion

Your concluding paragraph at section 9 should draw together the key points in the body of the assessment and weigh them against each other to form a logical proposal. The conclusion should show that the proposed course of action is proportionate, legal and practical. If more than one approach is possible these should be set out in order of preference and a clear recommendation given.

There are several possible decision outcomes in light of the considerations set out above:

- **no change** to the proposed policy or planned activity, either:
  - it appears to have no adverse or disproportionately negative impact on people who share a relevant protected characteristic
  - although it does not advance equality of opportunity and / or foster good relations the decision maker is content that due regard has been made to the factors described above
- **adjust and mitigate** the proposed policy or activity, either:
  - it has a potentially adverse or disproportionately negative impact on people who share a relevant protected characteristic
  - it does not advance equality of opportunity or foster good relations but there are measures that could potentially be taken to further either or both of these aims, consider whether you can address this through mitigation action either in part (with the remaining disproportionate impact justified) or in full
- **continue** with the proposed policy or activity despite its negative impact, either:
  - there may be times when you (with legal advice) decide to continue despite potential negative impacts where there are good arguments that the impacts are justified
  - the evidence shows that it does not advance equality of opportunity or foster good relations because of other countervailing factors (for example availability of funds or more pressing policy priorities) but the decision maker is content that due regard has been had and the negative impact is justified
- **do not proceed**: the proposed policy or activity will not go ahead unless an alternative approach is found, it has an adverse and disproportionate impact that cannot be justified or displaced through mitigation

Before reaching a conclusion, consider whether further information is needed to complete the assessment. A Court will not accept lack of the right evidence as a valid reason for not complying with the PSED. You must:

- consider whether other data (anything held by other government departments, local authorities, local or national research publications etc) is available to you and could be of use
- consultation – for policy initiatives it may be appropriate to engage with at-risk groups (persons who hold particular [protected characteristics](#)) or their representatives and others to gather their views on how the policy will affect them, may be particularly valuable

Whether obtaining further information is proportionate in the circumstances will depend on the type of activity, quality of information that you have already and the depth of the analysis that you have been able to carry out so far. Gathering further information may not always be costly or resource intensive.

How can the identified impacts and risks be reduced?

- what action has already been taken to do this
- what action can be taken during and after the activity
- what options are you recommending to mitigate the issues you have identified in any of the sections
  - these may be community led, inter agency or simply enforcement options

List all options for mitigation and link these to the protected characteristics described above where appropriate.

Provide a conclusion based on a balance of all factors. For example:

‘The operation and / or activity is based on a legitimate aim to effectively apply immigration law (with expanded justification based on following):

- it is objective because it is based on data that include real indicators of harm or risk
- it is proportionate because it does no more than is necessary to identify abuse or is cost effective or allows you to provide a more effective and efficient service overall’

## Authorisation and validation

The ECIA can be completed throughout the visit preparation and research process but is only signed at the point the visit is authorised for implementation.

Indicate whether the ECIA has been made subject of legal advice and what the advice is.

The authorising officer confirms that they are qualified to make the decision at their level of responsibility that the activity can proceed. Their approval carries with it the assumption that they have fully assessed the content of the ECIA, are conversant

with the associated guidance and have considered the proposed options in accord with current business objectives and policy constraints.

The authorising officer may defer approval pending further information or may authorise the activity to proceed subject to caveats. For instance, they may require the activity to be limited to certain times of day, to be carried out within certain dates or to take place only after another event. Other caveats may include instructions on when and what circumstances approval is limited or cancelled, and if the activity should therefore be stopped or suspended.

The authorising officer is responsible for deciding whether the G6, director (SCS PB1), Immigration Minister or Press Office is to be advised in advance of the visit.

All ECIA forms must be attached to the Pronto visit record and copied to:

- the Home Office Diversity team
- Enforcement policy
- Enforcement secretariat
- Local community liaison lead

#### **Related content**

[Contents](#)

# Explanation of protected characteristics

The [Equality Act 2010](#) protects people from discrimination and harassment based on 'protected characteristics'. The protected characteristics are:

- age: refers to a person belonging to a particular age (such as 32-year olds) or range of ages (such as 18-30 year olds)
- disability: a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities
- gender reassignment: the process of transitioning from one gender to another
- marriage and civil partnership:
  - this does not include a person not in a marriage or civil partnership
- pregnancy and maternity:
  - pregnancy is the condition of being pregnant or expecting a baby
  - maternity refers to the period after the birth, and is linked to maternity leave in the employment context
  - in the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding
- race: refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins
- religion and belief: religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as atheism), generally, a belief should affect your life choices or the way you live for it to be included in the definition
- sex: a man or a woman
- sexual orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

See also: [Equality Act guidance – gov.uk](#)

## Related content

[Contents](#)

# Ministerial Authorisation

## Exemptions under Equality Act 2010

This section tells you about the exemptions that may apply to the Equality Act in certain circumstances and where there may be grounds to apply for a ministerial authority to proceed with an activity.

### The race exemption: (Equality Act schedule 3, part 4, paragraph 17)

This provides that it is not unlawful for a relevant person to discriminate against another on grounds of nationality or ethnic or national origins in carrying out immigration functions, if it is by virtue of the Immigration Acts, or an enactment made under them, which would include the Immigration Rules, or if there has been an authorisation signed by the Minister which permits this.

Discrimination on grounds of colour is always unlawful.

### The disability exemption (Equality Act schedule 3 paragraph 16)

Specific immigration decisions are exempt from the prohibition on discrimination if they are 'necessary for the public good'.

### The duty to have due regard to the need to advance equality of opportunity (Equality Act s149)

The Home Office is subject to the first and the third of the requirements of the general duty, to have due regard to the need to eliminate unlawful discrimination, and to have due regard to the need to foster good relations, but because of the nature of its functions of immigration control, which necessarily involve treating some people differently to others, there are some exceptions to the second duty, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

### The exemption (Equality Act schedule 18 paragraph 2)

For immigration and nationality functions there is an exemption from the duty to have due regard to the need to advance equality of opportunity on the grounds of race (though this exemption does not apply to colour), religion or belief and age. Ministerial authorisations (MAs) may be granted under Schedule 3, part 4, paragraph 17(4)(a) of the Equality Act 2010

## Equality Act Nationality Assessment

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**Official sensitive – start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

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**Official sensitive – end of section**

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[Contents](#)