



Home Office

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

Irregular or unlawful entry and arrival

Version 5.0

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About this guidance

This guidance tells Immigration Enforcement officers about the end-to-end process for handling clandestine entrants and other irregular arrivals detected on or near the border. It describes the actions required on initial encounter and the obligations of responsible partner agencies.

Further information about clandestine illegal entry is contained in Border Force (BF) guidance Clandestine entrants-maritime, juxtaposed and other locations.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email Enforcement Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

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

- version **5.0**
- published for Home Office staff on **24 May 2024**

Changes from last version of this guidance

Link section to age dispute cases and prosecution.

Related content

[Contents](#)

Illegal entry or irregular arrival: definitions and legal basis

Entry with or without leave

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

Entry without leave is a breach of section 3(1)(a) and therefore constitutes illegal entry as defined by [section 33\(1\) of the Immigration Act 1971](#) (as amended by the 1996 Asylum and Immigration Act).

In some circumstances, it is permissible to enter the UK without formal written leave. These include:

- crews of aircraft and vessels granted 'deemed' leave for a short period to leave on another vessel
- Australia, Canada, New Zealand, the United States of America, Japan, Singapore, and South Korea (B5JSSK) nationals in addition to Irish, EU, EEA EFTA and Swiss nationals using e-gates, granted leave to enter verbally by an immigration officer
- deemed leave for eligible arrivals through the Common Travel Area (CTA)

Under section 24 (B1) of the Immigration Act 1971, a person who a) requires leave to enter the United Kingdom and, b) knowingly enters the UK without such leave, commits an offence which is triable both ways.

A person who commits this offence, on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or a fine, or both. On summary conviction in Scotland, that person is liable to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both. In Northern Ireland, the maximum sentence on summary conviction is 6 months imprisonment, or a fine not exceeding the statutory maximum, or both.

For conviction on indictment, that person is liable to imprisonment for a term not exceeding 4 years or a fine, or both.

However, most cases are normally managed using administrative powers to consider whether it is right to remove a person from the UK, except where there are aggravating or egregious factors that mean it is in the public interest that the individual should be prosecuted.

For further information see:

- Dealing with potential criminality- ICE teams
- Administrative removal

Consideration of irregular arrivals

Methods of irregular entry and arrival commonly include persons who:

- enter concealed in a vehicle or other conveyance
- stow away aboard ships and then enter without leave
- arrive at ports of entry but then wittingly evade the control
- arrive at an uncontrolled point aboard a small boat or light aircraft

'Entry' is defined in [section 11\(1\) of the 1971 Act](#) as meaning that they have progressed through a controlled area having disembarked from an aircraft or vessel as a passenger, crew member or supernumerary and, during that process, have been granted leave to enter the UK or have some other right of entry. Where a person is detained and taken from the area, or granted immigration bail, they are not deemed to have entered the UK.

Where an individual has not sought to evade the immigration control, but it is unclear that they qualify for entry, for instance, where they have been rescued and brought to shore, they may be detained pending 'further examination' of their intentions. This may include further enquiries being made to determine their nationality and identity and other factors that may include their circumstances, medical suitability and whether they represent a risk to the public.

In all cases where a person has been intercepted and rescued under [Saving of Life at Sea \(SOLAS\)](#), and subsequently brought to shore by authorities, they technically do not 'enter', but 'arrive', and must be treated as arriving passengers. See: [Examination of arriving passengers](#).

Controlled arrival

'Controlled arrival', for the purposes of this guidance, means:

- arrival under the supervision of a lawful authority - such as Border Force, Coastguard or Royal Navy
- arrival following rescue in UK territorial seas by persons acting under the knowledge and direction of the coastguard – such as the Royal National Lifeboat Institution, referred to throughout as the RNLI

An individual arriving this way must submit to examination as an arriving passenger and assessment of whether they qualify for entry under the Immigration Rules. If they are rescued and brought to shore, and then attempt to abscond before examination takes place such that they evade lawful examination, they enter illegally.

Uncontrolled arrival

'Uncontrolled arrival' for the purpose of this guidance, means an arrival that is unannounced and is designed to evade lawful immigration examination – including arrival at uncontrolled beaches, airfields and concealed within vehicles or containers

(However, see also; Border Force guidance about General maritime and General aviation regulations and processes)

An individual arriving in this way may have entered the UK illegally if they have evaded the immigration control and have no leave where it is required for them to do so. However, an uncontrolled arrival at, for instance, a small airfield or marina must be considered in the context of Border Force regulations governing such areas.

For further information about uncontrolled arrivals see: [Beaches and uncontrolled coastal landings](#)

Interception and controlled arrival

Those intercepted and rescued at sea, whether by Border Force, the Royal Navy, the RNLi or others acting on behalf of Her Majesty's Coast Guard are usually escorted and assisted to the Western Jet Foil (WJF) site at Dover.

The [UN Convention on the Law of the Sea \(UNCLOS\)](#) imposes a general duty on ships to rescue those in distress in international waters. Coastal states have similar responsibility for ships in distress in territorial waters (usually 12 miles).

Individuals intercepted in UK territorial waters where they are in danger or distress and/or there are reasonable grounds to believe they intend to enter the UK illegally must be taken to a place of safety in the UK. This may include individuals using any kind of vessel or device to make their attempted crossing. They may be intercepted and brought to the UK by a variety of means including but not limited to:

- Border Force vessel
- RNLi
- Air sea rescue
- private vessels responding to people in apparent distress

Individuals intercepted at sea by BF are not normally arrested or formally detained. However, Border Force officers may in some circumstances exercise powers to preserve the safety and security of the vessel, crew and passengers.

Individuals who have been rescued at sea and brought to the UK shore are not technically illegal entrants provided that they submit to further examination processes described in Schedule 2 Immigration Act 1971 and must be treated as 'arriving passengers'. See: [Examination of arriving passengers](#).

This applies whether or not the first response immigration officer acts on behalf of Immigration Enforcement (IE), BF or Criminal and Financial Investigation (CFI). The first response officer is responsible for service of the correct notices listed above and the actions described in [Irregular entrants and arrivals: initial identification and actions](#).

Uncontrolled beach and coastal landings

Information on 'uncontrolled' areas is contained in BF guidance Clandestine entrants- maritime, juxtaposed and other locations.

The arrival of any individual at locations not included in that guidance, and where there is reason to suspect they have arrived from outside UK territorial waters, is most likely to be reported to the police in the first instance. The police may seek advice from IE as per any other person arrested on suspicion of breach of immigration law. Responsibility for investigating the status of the individual encountered rests with Immigration Compliance and Enforcement (ICE) teams unless, for reasons of practicality, it is agreed with BF that a local port can assist.

It is not possible to predict all eventualities and it is recognised that resources vary greatly according to location and circumstances. However, where responsibility is unclear, IE and BF must make every effort to work in close conjunction to provide a professional response and support for police and social services and to ensure the identification and safeguarding of those individuals concerned.

Irrespective of whether IE or BF attend a small boat coastal landing, officers need to adapt a flexible response as to how those arriving are treated, that is as arriving passengers, following the BF procedure, or as in-country illegal entrants, in line with standard IE practice.

If the small boats have contacted the authorities before making landfall and have been directed to proceed to a given beach or marina to be met by first responders, they are to be treated as arriving passengers, in line with those rescued and brought ashore.

If the migrants have not contacted the authorities beforehand and are either waiting on the beach to present themselves to the first responders when they arrive or make no attempt to evade officers who have arrived before they make landfall, they are to be treated as compliant arriving passengers.

However, where the migrants have dispersed on landing, or attempt to evade officers, they are considered non-compliant and must be treated as illegal entrants in line with the in-country IE procedure.

To sum up, those who make landfall on beaches, or any other uncontrolled area of coastline may be arrested for having entered illegally if they seek to escape from or evade immigration officers or constables who seek to lawfully question them about their means of arrival and whether they qualify for entry. Those who cooperate with examination on arrival should not be arrested (unless they need to be transported to a location for processing under the 1971 Act) and may be treated as arriving passengers.

Lorry drops

An individual who enters the UK concealed in a commercial vehicle in order to evade examination by an immigration officer on entry is an illegal entrant. Such cases may be encountered or notified to IE where individuals have either escaped from the vehicle or have been deliberately released. These events are often reported to the

police by the vehicle driver or an eyewitness and can take place on the motorway, at service stations, lorry parks, industrial parks, on isolated roads or at the vehicle's destination. It is vital to obtain all possible intelligence regarding the vehicles routing and entry point to the UK so that this can be shared with Border Force and other agencies as appropriate.

Covert entry through General Maritime and General Aviation locations

An individual may seek to evade the immigration control by either:

- arriving in a vessel by a beach, inlet or other uncontrolled area of coastline
- entering on board an aircraft at an unapproved, in-country location, such as a temporary airstrip, and fails to present themselves for immigration clearance by a Border Force officer

Control of those entering the UK is first and foremost a matter for Border Force (BF) and this includes those individuals arriving other than 'designated' ports. This includes air traffic described within BF guidance as General aviation.

Border Force defines General Aviation (GA) as any aircraft not operating to a specific and published schedule and not making a military flight. Such aircraft vary greatly in type from micro-lights and single propeller aeroplanes flown by private pilots for leisure purposes to business aviation jets flown on a commercial basis. They can arrive at a variety of sites from farmers' fields, private airstrips and helipads to large airports where scheduled flights also arrive.

General Maritime (GM) locations, such as small seaports and marinas, are managed according to need and are subject to clear regulations relating to how arrivals are notified and presented. Other locations, such as beaches and coastal inlets are monitored and policed on an intelligence basis. Information on 'uncontrolled' areas is contained in BF guidance: Clandestine entrants- maritime, juxtaposed and other locations.

Arrivals at any airport or airfield listed in the General aviation- list of airfields with Border Force owners must, in the first instance, be referred to the responsible port listed. Responsibility for considering whether and how the individual should be granted entry rests with BF but, in some circumstances, it may be appropriate for BF to seek the assistance of IE and/or police.

The arrival of any individual at locations not on that list is most likely to be reported to the police in the first instance. The police may seek advice from IE as per any other person arrested on suspicion of breach of immigration law. Responsibility for investigating the status of the individual encountered rests with Immigration Compliance and Enforcement (ICE) teams unless, for reasons of practicality, it is agreed with BF that a local port can assist.

It is not possible to predict all eventualities and it is recognised that resources may vary greatly according to location and circumstances. However, where responsibility

is unclear, IE and BF must make every effort to work in close conjunction to provide a professional response and support for police and social services and to ensure the identification and safeguarding of those individuals concerned.

Clandestine entrants in the vicinity of the port control area

Clandestine illegal entrants detected within a port control area are dealt with by BF in accordance with BF guidance Clandestine entrants- maritime, juxtaposed and other locations.

Clandestine illegal entrants detected outside the port control area will be referred to IE through the National Command and Control Unit (NCCU) and should be treated as illegal entrants.

Crew entering the UK without leave who do not qualify under section 8(1) of the Immigration Act 1971

For information on crew entering the UK without leave, see Border Force guidance:

- General aviation
- General maritime

Related content

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Irregular entrants and arrivals: initial encounter

This section tells Immigration Enforcement (IE) officers when and how they may encounter such an entrant and what to do on initial contact.

Initial identification and actions

Irregular entrants and arrivals may routinely be encountered by several agencies.

The police encounter irregular entrants that voluntarily attend police stations to claim asylum and are often the first responders to roadside incidents involving clandestine entrants concealed in vehicles where they are responsible for:

- arresting the clandestine entrants
- preserving the crime scene
- considering the arrest of vehicle drivers for facilitation
- safeguarding the welfare of children and vulnerable adults
- conducting missing person investigations in cases where children abscond from care after initial processing
- For further information see: Identity management (enforcement)

Irregular entrants are unlikely to possess documents that establish their identity and nationality. It is vital to gather and assess any corroborative and/or circumstantial evidence that assists to identify:

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

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Further biometric capture of photographs for all adults and children and fingerprints for anyone aged 5 years or over may also need to be taken later in the process by immigration officials to register each migrant's case on IABS.

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

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

Police may also conduct welfare assessments and take fingerprints in accordance with locally agreed procedures or following agreement with [National Command and Control Unit \(NCCU\)](#).

Any person who has been served with a notice of liability to removal should be photographed. The power to photograph an illegal entrant is under section 2 (7)(d) of the [Immigration \(Collection, Use and Retention of Biometric Information and Related Amendments\) Regulations 2021](#), as a person who requires leave to enter or remain but does not have it. Note that this power to photograph extends from the time that they were served papers until the time they are removed from the UK or granted leave.

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

For further information see also Asylum screening and routing.

Any migrants who claim to be or are thought to be minors, must be referred to the appropriate local authority child services. For further information see: [Clandestine entry: families and children](#) in this guidance and local authority child referrals guidance.

Initial encounter: safety

In all instances of encountering people suspected to have entered the UK by irregular or clandestine means, you must take full account of operational safety guidance and safeguarding responsibilities.

Officers attending any scene that has not yet been searched and secured must be alert to the possibility of dangerous items or substances contained within a vehicle or vessel. There is also a risk that suspects may seek to evade questioning by running away. You must make sure you are fully conversant with Arrest and restraint guidance concerning pursuit of suspects.

The priority with any encounter in a public place with a person suspected of breaching immigration law is the safety and wellbeing of yourself and those involved. This includes, but is not limited to, those encountered, investigating officers and members of the public. Officers arriving at the scene must assess the identifiable risks to the health and safety of those involved and seek emergency medical assistance if necessary.

Road vehicle inspections: safety

The circumstances of a roadside encounter mean that particular care must be taken to contain or remove suspects to a safe environment. It is recommended that the suspect vehicle is moved to a safe location off the highway where the area can be better controlled and the vehicle can be examined.

Vessels and aircraft: safe working

Small boats, such as rigid hull inflatable boats (RHIBs), may have been fuelled beyond safe capacity to undertake a journey to which it is unsuited. Officers must exercise caution in the vicinity of flammable materials and be mindful of the possibility that the clothes of those present may have been contaminated.

For further information on safe working, see:

- Enforcement visits: safety and personal protection
- Partnership working
- Identifying people at risk

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In-country detections – securing evidence

For further information on in-country detections see: Dealing with potential criminality- ICE teams.

Golden hour: principles

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

During this period:

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

Vehicle or vessel: evidence

Passengers concealed in vehicles

Where there are reasonable grounds to suspect that those encountered are in breach of immigration law, they must be examined under the relevant provisions in [schedule 2 to the Immigration Act 1971](#) (see Administrative powers). For further information see Enforcement interviews.

They should ideally be interviewed and, where appropriate, searched at the scene in accordance with the powers following examination and/or arrest. However, for practical reasons, this may have to be deferred until they have been transferred to a place of safety such as a suitable reception centre, police station or place of detention. As well as establishing the individual’s identity, nationality and means of entry to the UK, you must consider their characteristics and circumstances in the context of the wider group they have travelled with.

Any persons identified from lorry drop events should be arrested for suspected entry without leave, an offence under section 24(1)(a) of the Immigration Act 1971.

Migrants that require hospital treatment should, where appropriate, be placed under arrest before being transferred to hospital.

Drivers of vehicles

Drivers of vehicles who knowingly transport illegal entrants into the UK by concealing them in their vehicle or cargo commit the offence of Assisting Illegal Entry by Facilitation, an offence under [section 25\(1\) of the Immigration Act 1971](#).

If the investigating officer is satisfied that there is sufficient evidence, they can criminally arrest the vehicle driver under section 24 of PACE with a view to charging with facilitating illegal entry, as above.

The process steps for arrested drivers are:

- book into police custody
- interview under PACE caution
- refer to the Chief Immigration Officer (CIO) or Criminal and Financial Investigations (CFI) Detective Sergeant (DS) for approval to proceed
- depending on the case, and the evidence available, consider granting bail, if appropriate, to enable further enquiries to take place
- refer to the Crown Prosecution Service (CPS) for authority to prosecute
- charge with facilitation and either remand in custody or release on bail

Vehicle or vessel: characteristics and contents

Officers must undertake a thorough search of the vehicle or vessel. This is to establish whether other migrants remain hidden, where they are hidden and to identify any potential evidence that they have left behind, especially documents used to disguise their nationality and identity.

In considering the characteristics and contents of the vehicle encountered, consider:

- whether the vehicle or vessel is the type preferred by smugglers:
 - intelligence suggests that in the case of road vehicles, this is tankers, refrigerated lorries or lorries containing loads such as tyres which provide hiding places for migrants
- what has been found
- whether there is any evidence of a determined attempt to smuggle the migrants into the UK, such as a constructed hide within the vehicle or migrants found in the driver's cabin
- whether there are any other illicit items in the load:
 - organised crime groups (OCGs) are believed to have started diversifying loads to include drugs, firearms, duty evaded alcohol and tobacco together with clandestine migrants

For further information see Search and seizure.

Vehicle: in-country powers of search

Outside of a port area, where a vehicle has been taken off a ship or aircraft, or a Channel Tunnel train, on which it has been brought to the UK, IOs can, within a reasonable timeframe of it having arrived, search it under [paragraph 1\(5\) of schedule 2 to the Immigration Act 1971](#) to satisfy themselves that there may be migrants on board they may wish to examine under paragraph 2 of that schedule.

In applying this power, the principles of [Singh v. Hammond](#) apply as detailed in Enforcement interviews. This means that officers must have a reasonable suspicion that both:

- the vehicle has recently arrived in the UK from abroad, which should be confirmed through exploratory questioning of the driver (such as the driver verbally stating that the vehicle has arrived in the UK on the same day, or by means of the vehicle tachograph or vessel manifest)
- there may be migrants on board the vehicle

The justification to apply this power of search will be stronger where the circumstances are such that migrants have been witnessed coming out of the vehicle and dispersing, or at truck stops which are known through previous intelligence to be regularly used by HGV drivers who have recently arrived from abroad.

To note, though, that as such encounters are in line with *Singh v. Hammond* and conducted in line with public operations, as detailed in Enforcement visits, conversation with the driver will be started with their consent, and when the purpose of the deployment is initially explained, that is to prevent loss of life or harm to migrants, officers can also seek the fully informed consent of the driver to search the vehicle.

Where the driver of the vehicle has been arrested without warrant under [section 28A \(3\) of the Immigration Act 1971](#) for suspected facilitation under sections 25 or 25A of that Act by crime-trained IOs, they may search the vehicle under [section 28F](#) as the premises controlled by the driver, where they have reasonable grounds for suspecting that relevant evidence will be found which is related to the offence. Under [section 28L](#) of that Act 'premises' has the same meaning as [section 23 of PACE 1984](#), which includes any vehicle.

Vehicle or vessel: cargo

Consider the cargo type and how that may influence the desirability of transporting clandestine migrants. A vehicle cargo will commonly fit one of the following categories:

- high value items
- perishable food
- non-perishable food
- drink
- furniture
- electrical goods
- clothing

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A sum of money in excess of £1000 may constitute proceeds of a crime and may be seized under [the Proceeds of Crime Act 2002 \(POCA\)](#) if it is later concluded that the driver has facilitated illegal entry.

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

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

If the facilitation is being investigated, then consideration must be made to involving a financial investigator at an early stage. The financial investigator will then consider

enforcing the forfeiture of any vehicle and other assets that could have been gained through crime.

For further information see:

- Search and seizure
- Cash seizure

Vehicle: security

Assess the security of the vehicle.

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National Command and Control Unit (NCCU)

NCCU are the first point of contact for police officers at the roadside and for police stations seeking advice. They will record details, provide initial advice and direct the cases to appropriate Immigration Enforcement teams.

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Clandestine notification form (CNF)

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

- local critical or serious incidents
- any events with 10 or more clandestine entrants
- multiple clandestine events in one region likely to have a significant impact on local resources

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

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

For further information see also Enforcement visits: safety and personal protection.

Lorry drop script

Once public safety and the health of the migrants has been assured and the police control room has been informed, the officer dealing must notify NCCU. NCCU will work through the lorry drop script only when a vehicle is present.

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

The lorry drop script is intended to capture:

- location of the event
- date and time of the event
- attending officer's details

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

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Examination of arriving passengers

Reception and welfare consideration (including SOLAS)

In the context of this guidance, which includes arrivals rescued at sea and brought ashore, the priority is always to ensure their welfare and safety. This is in accordance with Saving of Life at Sea (SOLAS).

It is likely that the health and welfare duty and requirements will be more acute for those rescued at sea and brought ashore and will require more logistical resource, with the result that it is not possible to immediately discharge the immigration examination and function.

Once essential welfare and reception arrangements have been completed, it is important to note that, in order to lawfully transport migrants to the place of detention, such as a police station, or immigration short-term holding facility, where the immigration examination will be conducted, they must be administratively arrested by an immigration officer under paragraph 17(1) of schedule 2 to the IA71. The reason for their arrest is that they are persons liable to be detained under paragraph 16(1) of that schedule for the purposes of further examination.

You must formally arrest each person, giving this reason and the administrative caution as detailed in Arrest and restraint.

Following arrest under paragraph 17(1), the paragraph 25B power of search can be used where the arresting officer has reasonable grounds for believing that the person has concealed on their body:

- documents relating to identity, nationality or their recent and onwards travel
- items that could be used to escape from lawful custody
- items that could be used to harm themselves or another person

You have no powers of search and seizure in these circumstances until the person has been arrested under paragraph 17(1).

See also Search and seizure for full details of the search of arrested persons, plus lawful seizure of any items subsequently found.

This applies whether or not the first response immigration officer acts on behalf of Immigration Enforcement (IE), Border Force (BF) or Criminal and Financial Investigation (CFI).

Examination under schedule 2 of the IA71

Note that the following process for consideration of persons as arriving passengers is an established Ports procedure. It **must not** be adapted from the instructions as detailed here without prior clearance approval from Border Force Operational Policy and Removals, Enforcement and Detention Policy teams.

In all cases it is important to consider whether the individual has entered the country illegally, or whether they should be considered a passenger having, for instance, been rescued and brought ashore by Border Force vessel, the RNLI or other rescuers. For further information see: [Lawful and unlawful arrival](#). Officers must also always consider any evidence that an individual has other rights of residence. For further information on other rights of residence see: Safeguarding – establishing lawful residence.

An individual that has arrived in the UK concealed within a vehicle and has evaded the immigration control is an illegal entrant as is someone who makes an unheralded arrival at an uncontrolled area with the intention of evading immigration control. An individual that has been rescued in the UK territorial seas and brought to the UK must first be considered to be an arriving passenger and assessed as to whether they qualify for entry under the immigration rules.

[Paragraph 2 \(1\) of schedule 2 of the Immigration Act 1971](#) sets out how an immigration officer may examine a person who has arrived in the UK in order to determine:

- whether or not they are a British citizen
- whether or not they may enter without leave
- whether, if they may not enter without leave, they:
 - have been given leave to enter, which is still in force
 - should be given leave to enter and for what period and on what conditions (if any)
 - should be refused leave to enter

Once you are satisfied that a passenger is a British citizen, they cannot be required to submit to further examination. However, until their nationality has been established without doubt, a passenger claiming to be British can be served with an IS81 and examined under schedule 2.

A person who has arrived may also, if they are seeking to enter the UK, be examined by a medical inspector (or by a qualified person carrying out a test or examination required by an inspector).

[Paragraph 2\(3\) of schedule 2 to the Immigration Act 1971](#), gives an immigration officer the power to require a person who has been examined in accordance with paragraph 2(1) to submit to further examination by giving notice in writing. The written notice requiring a person to submit to further examination is Home Office form IS81.

A passenger remains liable to further examination until all necessary enquiries have been concluded and a decision is made on their application for leave or admission.

You may also examine a:

- transit passenger
- member of the crew of a ship or aircraft

- person who has arrived for the purpose of joining a ship or aircraft as a member of the crew

You may examine such individuals even if they are not seeking leave.

You must serve an IS81 notifying the individual that they are being detained pending further examination in any of the following circumstances, when:

- it is necessary to refer the passenger for medical examination
- detention or Immigration Bail is necessary before a decision to admit or refuse is reached
- a passenger [requires fingerprinting](#)
- other enquiries need to be made before making a decision on leave to enter
- a further interview is needed

The IS81 advises that the passenger is detained under para 16(1) Sch2 IA71 and may continue to be detained on that basis **for a period appropriate for the location:**

16(1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

The time limit for further investigation is to allow further enquiries to be made of whether the individual qualifies for entry under the Immigration Rules which may include investigation of their nationality and identity, circumstances relevant to considering their status, means of travel, any assistance they have been given to travel to the UK, contacts and/or sponsors in the UK. You must place a passenger who has been required to submit to further examination following the service of Home Office form IS81 into a short-term holding facility (STHF) **as soon as possible.**

Continued detention may only be imposed by service of form IS91 in association with a notice of refusal of entry or liability to removal.

Conduct of further examination as a passenger

Any individual who is initially examined in this way under [paragraph 2A\(6\) of schedule 2 to the Immigration Act 1971](#), but who then seeks leave to enter is usually to be treated as a passenger seeking leave to enter and granted leave or refused leave as appropriate.

The purpose of searching an individual subject to further examination is to:

- satisfactorily establish his identity and nationality or citizenship
- identify and seize weapons or objects that may present a danger to the individual or others while being detained
- determine whether it is right to grant leave to enter or to commence appropriate enforcement action

A person examined in accordance with paragraph 2 Sch2, must declare whether or not he is carrying or conveying (or has carried or conveyed) documents of any relevant description specified by the immigration officer or designated person. He must produce any documents of that description which he is carrying or conveying.

[Section 141 of the Immigration and Asylum Act 1999](#) gives you the power to fingerprint a passenger detained under [paragraph 16 of schedule 2 to the Immigration Act 1971](#). However, the power to detain under paragraph 16 is dependent on the person having been correctly required to submit to further examination. It is important therefore that you serve an IS81 before any fingerprints are taken.

Completion of IS81

An [example of the form IS81](#) is appended below. Officers should note the requirement to indicate using tick boxes whether the individual has existing or continuing leave. It is unlikely that this will be the case in the circumstances described in this guidance.

The passenger must be given the copy or part of the form explaining why they are detained.

The form requires the name and other known personal data for the individual to be inserted. Where identity, age and nationality have yet to be determined, it is appropriate to use any identifying reference assigned to the person on arrival that can be updated with further information as it becomes available.

All arriving passengers must be referred for viral testing /medical examination on arrival or as soon as possible thereafter.

Further information can be found in the Border Force Examination Powers and IS81 guidance.

Search - Paragraph 4(3) of Schedule 2 of the Immigration Act 1971

[Paragraph 4\(3\)](#) of Schedule 2 is an administrative power that allows an immigration officer, or a person acting under the direction of an immigration officer, to search an individual who has been required to declare whether they are carrying documents under sub-paragraph (2) in order to see if they are carrying, or have carried, such documents. An immigration officer, or a person acting under the direction of an immigration officer, may also search their baggage or any ship, aircraft, or vehicle in which such a person arrived in the UK.

A person must be served with form IS81 requiring them to submit to further examination before any search is conducted under paragraph 4(3). A paragraph 4(3) search may be conducted by:

- an immigration officer

- a person acting under the direction of the immigration officer, for example, a police officer or designated customs official

Any paragraph 4(3) search of a person that goes beyond asking a person to remove an outer coat, jacket and gloves and to empty their pockets, must only be carried out by the officers mentioned above who have received specific training to search a person (rather than baggage).

A search conducted under paragraph 4(3) is described as an administrative search to distinguish it from any search conducted following an arrest and in connection with any criminal investigation. The purpose of a search under paragraph 4(3) is restricted to the retrieval of documents that appear to you to be relevant to an examination under schedule 2. This means that a search can only be carried out whilst an examination under paragraph 2 (examination on entry), 2A (examination of the holder of continuing leave) or 3 (examination on exit) is ongoing.

Once the requested documents have been found and the examination has been completed there is no power to justify a continued or subsequent search. In particular, you must note that paragraph 4(3):

- is not a protective search power, which means that you cannot use this power to search an individual because you have reasonable grounds for believing that the person may present a danger to themselves or others
- paragraph 18A of schedule 2 is the relevant protective search power for a person who has been detained under paragraph 16 of schedule 2 (for further information see escorting immigration detainees)
- is not equivalent to a post-arrest search power under section 32 of the Police and Criminal Evidence Act 1984 (PACE), paragraph 25B schedule 2, or section 28G or 28H of the Immigration Act 1971
- cannot be used once an examination has been concluded – that is a decision has been, or can be, made to grant or refuse entry
- cannot be used for any purpose other than to search for documents that have been requested by you as being relevant to a schedule 2 examination
- is not a search power for the detection of evidence - whilst documentary evidence of an offence may be found, and then retained, during a paragraph 4(3) search, the discovery of such evidence must not be the purpose of the search

And that:

- [paragraph 4\(4\)](#) of schedule 2 allows for a passport or documents found during a search properly conducted under paragraph 4(3) to be retained:
 - to examine them, until a decision has been made to grant or refuse entry
 - to treat the person as being exempt
 - in connection with an appeal, administrative review or criminal proceeding

Rubdown search grounds

There may be grounds for conducting a rubdown search of a person under paragraph 4(3) if:

- a request for the individual to voluntarily remove their outer coat, jacket and gloves and submit them for examination has not resulted in the discovery of the requested documents
- you have reasonable grounds to suspect that the person might be in possession of the requested documents where, for example, a person is deliberately attempting to conceal their true identity (to hide an adverse immigration history) and where a person has:
 - failed to provide any document that satisfactorily establishes their nationality or identity
 - presented a forged identity document
 - presented a genuine document belonging to another person (an imposter)
 - presented a fraudulently obtained identity document (a genuine document to which they are not entitled)

You must note that it will not be appropriate to conduct a rubdown search of every passenger who fails to present a valid document. Every case will have to be considered on a case-by-case basis and authorised at the appropriate level.

Retention of property under para 4(3)

The power of retention under paragraph 4(3) of the Immigration Act 1971 or [Section 17 of the Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004](#) relates only to documents. However, there will be occasions when you conduct a search and you will come across other items, which are not documents but should be seized from the passenger.

You must note that paragraph 4(3) is not a protective search power and therefore cannot be used to seize items, which might potentially be a threat in the same way that the post arrest protective search power contained in section 25B of Schedule 2 is used. This power, and the other associated powers at section 17 of the Asylum and Immigration Act 2004 and section 25 of schedule 2 of the Immigration Act 1971 can only be exercised by officers who have received specific training as immigration arrest officers.

If an officer discovers an item that could be used to harm an officer or the passenger, the item may be removed from reach to make the area safe. However, as there is no immigration power to seize or retain such items it must be returned to the individual once immigration enquiries are completed. In cases where the officer has concerns that the item should not be returned to the passenger, the police or a designated customs official must be notified who will consider the appropriate action in the circumstances.

Further information can be found in the BF Searches for Immigration Purposes guidance

Search - Paragraph 18(A) of Schedule 2 of the Immigration Act 1971

[Paragraph 18A](#) of schedule 2 of the Immigration Act 1971 provides an immigration officer or a constable with a protective search power where an individual is detained under paragraph 16 of schedule 2.

An appropriately arrest trained and authorised immigration officer may carry out protective search without the authority of a senior officer but only to the extent that it is necessary. The exception is if the person is 17 years of age or under in England and Wales, or 18 or under in Scotland, where you must have authorisation of a CIO or Higher Officer.

This power of search is similar to the paragraph 25B power used where a person has been arrested in that you may search them for anything on them which they might use:

- to cause physical injury to themselves or others
- to assist their escape from legal custody

When carrying out this search, you can only ask the person to remove an outer garment such as a coat, jacket or glove and to open their mouth.

A more detailed or strip search, may only be carried out where you have specific grounds to believe that the person has on them any item as described above. A strip search may only be carried out by an appropriately trained officer in accommodation that is suitable for that purpose.

You may seize and retain any item subsequently found on the person if you have reasonable grounds to believe that they may use that item for the reasons given above.

Under paragraph 18(A)(7) nothing so seized may be retained once the person is released from detention. As for the return of items under paragraph 4(3) above, any items considered as offensive weapons should be referred to the police who will consider the appropriate action.

Further information can be found in the BF Search of Person guidance.

Further detention

Detaining a passenger solely by service of an IS81 must be for as short a period as possible. Where detention extends beyond 12 hours or where a decision has been made concerning whether it is right to refuse entry or otherwise notify the individual that they are liable to be removed, you must ensure that the following Home Office forms are served at the earliest opportunity:

- IS91 to the Detainee custody officers
- IS91R on the passenger

Failure to issue forms IS91 or IS91R and detain in appropriate accommodation, where it is available, may result in:

- delay in conducting a formal risk assessment and evaluation of the passenger's welfare needs, which may place the passenger at unnecessary risk
- an increased risk of criticism of the exercise of our powers

For further information see: Detention management.

Concluding the further examination: possible outcomes

It should be noted that, under paragraph 6(1) of schedule 2 of the Immigration Act 1971, you must make a decision to grant or refuse permission to enter within 24 hours of the conclusion of the passenger's examination (including further examination). If this does not happen then the passenger is deemed to have been given 6 months limited leave on a Code 3 and you must, as soon as possible, give the passenger written notice of that leave. It is therefore crucial that you serve a notice of refusal as soon as possible after the decision has been reached.

1. Further examination is intended to allow appropriate questioning and searches to be made to establish the passenger's intentions, identity and nationality and whether they qualify for entry under the immigration rules. Those that do not qualify and have no further basis of stay may be refused entry and detained pending removal subject to usual constraints on detention.
2. An arriving passenger who, upon examination, claims asylum, may still be examined to establish whether they otherwise qualify for entry under the immigration rules and, if they do not, may be taken to a short-term holding facility, notified of their liability to be detained and removed and detained pending their being screened and relocated to safe accommodation.
3. In either circumstance described above, evidence detected during examination suggesting the individual has committed a criminal offence may be considered separately to determine whether it meets ICE/CFI adoption criteria for criminal investigation as detailed in that section in Dealing with potential criminality - ICE teams . Where a criminal offence is suspected the passenger must be arrested and cautioned in accordance with that guidance and Arrest and restraint.
4. Where further examination provides evidence that the individual has returned to the UK in breach of an extant deportation order they may be refused entry or arrested on that basis.
5. Where, on further examination, the individual states that they are a national of a country where possession of a valid entry clearance is mandatory for entry, they may be notified that they are liable to enforcement action on that basis.

For further information see: Border Force guidance for further information on general aviation airfields and maritime controls.

Record keeping following encounter

All immigration officers responding to encounters must make contemporaneous records, or records that are made as soon as practicable after the encounter, on PRONTO of all actions.

It will be necessary to complete the 'encounter' form before the 'arrest' form on PRONTO, but officers should note in the record that the individuals were actually arrested first, an example being a migrant who flees from a beach landing, giving the officer reasonable suspicion to arrest under paragraph 17(1) immediately the person is apprehended.

When completing the 'encounter' form for small boat arrivals who have been brought ashore by rescuers, it is important that responding officers record, using freetext, that the person was "detained under paragraph 16(1) of schedule 2 to the IA71 as an arriving passenger". Record the arrest under paragraph 17(1) of schedule 2 in the normal fashion.

It is also expected that, to ease the initial pressure on first responders, the updating of PRONTO for those arriving at WJF will be completed at Manston, but it is crucial that full and accurate records of encounter are made for each individual.

It must be noted that it is important that a record of the detention and arrest of every person is subsequently created on CID and ATLAS.

For further information see:

- Record keeping during enforcement visits
- Pronto user guide

Related content

[Contents](#)

Safeguarding and welfare

For further information on safeguarding and welfare see: Identifying people at risk.

Clandestine entrants: asylum intake

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

Secondary screening of arrivals at Dover Western Jet Foil (WJF) is conducted for some individuals at Manston short-term holding facility (STHF)

In addition to considering asylum claims National Asylum Intake Unit (NAIU) and Kent Intake Unit (KIU) also establish identity and nationality and serve immigration notices.

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

Welfare assessment

For further information on welfare assessment see:

- Enforcement interviews
- Identifying people at risk

A welfare assessment must be conducted on all those encountered.

If the immigration officer, who is dealing with a person rescued mid-Channel and brought ashore as an arriving passenger, identifies any indicators that the person may be a potential victim of modern slavery (PVOM), or if the person makes such a claim, complete the vulnerability/welfare assessment form.

For in-country encounters who are being treated as illegal entrants, in addition to the vulnerability/welfare assessment form, serve the modern slavery variant of the ILLEN or RED form (ILLEN 101MS/ RED.0001MS), as appropriate. These versions of the forms are more appropriate in the circumstances, as, whilst they note the person's immigration status, their main focus is on the support that can be made available to the person concerned. They are designed to reassure both the person and the immigration officer, so that papers are served in a consistent manner, which also then facilitate the recording of fingerprints to lock in identity and the granting of immigration bail.

To note that it is appropriate to serve an ILLEN101 when an illegal entrant claims asylum immediately on encounter or before you have reached your decision to serve papers. If the person does not claim asylum immediately on encounter, or does so

after arrest under paragraph 17(1) and your decision to serve papers, then service of a RED.0001 is appropriate.

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

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

All unaccompanied migrant children who enter the UK are at potential risk of significant harm.

You must take the following steps:

- notify the local Children's Services Team through the [Multi Agency Safeguarding Hub](#) (MASH) and they should take responsibility for the child:
 - if there is no MASH based at the location, whilst appropriate safeguarding arrangements are being arranged the police will ensure that the welfare and safety needs of that child are addressed in accordance with current working practices
 - the child must be supervised at all times
- provide every unaccompanied child with the contact details of the charity [MISSING](#) which is telephone number 116 000

At the first available opportunity following booking in, interview each migrant to identify evidence that they may be a victim of modern slavery or are at high risk of becoming one.

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

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

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

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

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

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

During the conversation

You must:

- address welfare issues first and deal with administrative questioning afterwards
- listen to the child and provide them with every opportunity to express their needs and worries in an open and non-confrontational setting
- start from the premise that the child has not committed a crime
- be clear from the very start about the purpose of the interview and what it seeks to achieve:
 - the interview concerns their welfare and is not intended to explore the basis of any asylum claim
- place the emphasis on conversation rather than questioning, this is all about checking on the child's welfare so **do not ask questions about the asylum claim**, the main reason for this interview is to check:
 - if they have any immediate concerns and their future intentions
 - if they have been a victim of crime
 - how vulnerable they are and what, if any, safeguarding needs to be considered or identified
- describe who you are and your role, you must also describe what agencies will follow once children's services arrive and what their role is
- mitigate the risk of the child absconding by explaining services to which the child is entitled and the steps that will be taken to put them in a place of safety

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

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

Consider the before, now and after issues:

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

After the interview

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

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

For further information see: section 'Age dispute cases' of Identity management (enforcement).

Families and children

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

For further information see section 'Age dispute cases' in Identity management (enforcement).

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

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

Every effort must be made to keep family units together so officers should arrest all family members, including children, as a unit. Care must be taken during initial encounter to ensure that fathers are not separated from mothers and children.

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

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

Transfer of families

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

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

If it is not possible for an ICE team officer to attend in a reasonable timeframe the ICE team or (where it is out of hours) the National Command and Control Unit (NCCU) will need to liaise with the National Asylum Allocation Unit (NAAU) intake team to arrange for the family to be routed to accommodation without attendance.

Children

A child must not be arrested under immigration powers solely on the basis that it is for their own protection, that is, where there is no immigration objective. If a child is suspected of criminality or there are concerns about their welfare, call the local police and notify the relevant children services. See also Identifying people at risk

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

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

For further information see:

- Identifying people at risk
- UASC Transfer Scheme - Guidance
- Information for UASCs

Age dispute cases and consideration of referral for prosecution

Some of those who claim to be children and whose claimed ages are disputed by the Home Office, including those who have been determined to be a different age than

claimed for immigration purposes, may also be subject to criminal investigation and, subsequently, prosecution for immigration related crimes, such as under section 24 or 25 of the Immigration Act 1971 (1971 Act).

For further information see the 'Age dispute and prosecution' sections:

- Identity management (enforcement)
- Dealing with potential criminality (ICE teams)

Related content

[Contents](#)

Carriage of irregular entrants and arrivals following arrest

For further information see:

- section 'Carriage of detainees' of Arrest and restraint
- national generic risk assessments
- safe systems of work

Transportation to a police station

If the police make a criminal arrest and once evidence has been gathered, the migrants will be transported by the police to the police station. Following a criminal arrest, all adult migrants must be booked into police custody in accordance with [code C of PACE codes of practice](#).

On every occasion the Police are to contact National Command and Control Unit (NCCU) by telephone on 03000 134 999. NCCU will record the event, complete mandatory checks and if a vehicle is present complete a Clandestine script.

Transportation to hospital

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

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

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

Related content

[Contents](#)

Considering suspected criminality

See also: [Irregular entrants and arrivals: initial encounter](#).

Prosecution and civil penalties

Information on referring cases for potential prosecution or the issuing of civil penalty referral notices on vehicle drivers or operators can be found in the Dealing with potential criminality- ICE teams guidance.

See also: Search and seizure

Related content

[Contents](#)

Forms and templates

Official - sensitive: start of section

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Official – sensitive: end of section

Other forms and leaflets

Other forms and leaflets that are available include:

- Short term holding facilities at port - what happens next leaflet
- Short term holding facilities at port - detention escort record.docx
- Short term holding facilities at port - A4 search poster.docx

Related content

[Contents](#)