



# Home Office

## Immigration Enforcement Equalities and Community Impact Assessment

### Part 1: Background

#### 1. Introduction

Immigration Enforcement (IE) is an operational command under the direct control of the Home Office. IE is responsible for local immigration enforcement activity via Immigration, Compliance and Enforcement (ICE) teams based across the UK. IE works to achieve the overarching Home Office priorities of controlling immigration, reducing and preventing immigration crime. IE conducts enquiries, visits and operations within the community whose purpose is to detect and arrest individuals who have entered the UK illegally or have otherwise committed a breach of immigration law that makes them liable to be administratively removed from the UK.

This is a generic Equalities and Community Impact Assessment (ECIA) for the policy of conducting IE visits to commercial and non-commercial premises. The assessment has been made using the unique template created for Immigration Enforcement teams who are, in line with the [Enforcement planning assessments guidance](#), required to complete specific ECIAAs as part of their pre-visit preparation where significant risks are identified which cannot immediately be mitigated by existing protocols. Such factors include, but are not limited to large, strategic operations and visits with a high political profile or which may attract media interest.

This document should therefore be seen as a starting point to these more targeted ECIAAs which will be completed by IE for specific visits or strategic operations. It assesses the policy of conducting enforcement visits and operations within the community in general and the impact of these activities in relation to the Public Sector Equality Duty (PSED) described in the [Equality Act 2010](#) and in relation to community impact. It also examines related measures to ensure compliance with section 55 of the [Borders Citizenship and Immigration Act 2009](#). It details the mitigating actions that have been identified and which are incorporated into published guidance within [IE General Instructions](#) and other relevant assessments. Where possible, links are provided to relevant current guidance and instructions. In addition to the above, a further 2 policy guidance documents [Record keeping during enforcement visits](#) and [Post enforcement visit actions](#) will be included in this Equalities and Community Impact Assessment. This is due to these policy documents relating primarily to administrative duties enforcement officers carry out during and after enforcement visits. Inclusion of these gives a full picture of the enforcement visit operation.

#### 2. Purpose of this activity

##### Policy aims

The principle aim of visits and operations as conducted by Immigration Enforcement is to detect and arrest individuals who are in breach of immigration law or whose leave may be cancelled with

immediate effect under the Immigration Rules and who may therefore be liable to administrative removal from the UK under [section 10 of the Immigration and Asylum Act 1999](#) (the 1999 Act). This includes people who:

- require leave to enter or remain in the UK but do not have it (such as overstayers, illegal entrants, and those refused leave at a port of entry)
- are found to be breaching a restriction or condition of their visa to enter or remain in the UK; for instance, by working illegally
- seek or obtain leave by deception
- are the children or other family members of a person being removed

Immigration Enforcement also conduct work to tackle rogue employers and landlords and to identify and safeguard victims of trafficking, signposting assistance through the [National referral mechanism](#).

### **Expected outcomes**

Illegal immigration has a corrosive effect on public services and community cohesion. It acts against the wider public interest by undermining the legitimate routes provided for lawful migration. Illegal migrants and those who exploit them ensure that illegal working and sub-standard and dangerous accommodation undermine employment and housing laws. Illegal migration is often associated with organised crime including trafficking and identity fraud.

Access to government services and for employment, housing, education and immigration controls are regulated by various legislation but are all subject to the Equality Act 2010. By conducting intelligence-led visits and operations, Immigration Enforcement seeks to safeguard the legitimate processes by which individuals come to the UK to visit, work, study or take up lawful residence.

Those who do not comply with the regulations governing access to these areas reduce equality of opportunity for those who do comply. Those that circumvent the rules governing those routes damage equality by forcing greater regulation on the wider, resident community, and those temporarily in the UK that have complied with the immigration rules, in terms of travel restrictions, entry to employment, housing and education.

Immigration Enforcement also aims to protect diverse communities by targeting the existence or growth of a shadow economy in their sectors that undermine their legitimate business activities.

By undertaking visible action to combat illegal migration and activities associated with illegal migration, Immigration Enforcement expects to deter new unlawful activity and promote compliance with the law. As well as detecting those in breach of immigration law and seeking to remove them where appropriate, Immigration Enforcement expects that visible and pro-active enforcement operations will encourage those in breach of immigration law to regularise their stay or leave voluntarily.

## **3. Information**

All information contained in this section is public source material. Information is derived from the following sources unless otherwise stated:

- statistical information in relation to crime - the [Police.UK](#) website
- immigration statistics – [Gov.UK Migration statistics](#)
- census data – [Office of National Statistics](#)

For the purposes of this assessment the following key areas of information have been established in relation to the following areas:

## 4. Powers

### Powers and operational protocols

The powers to conduct enforcement enquiries and operations are detailed within Immigration Enforcement General Instructions - [Immigration enforcement powers](#) and [Dealing with potential criminality \(ICE teams\)](#).

Administrative enquiries in relation to breaches of immigration law are conducted in accordance with powers derived from paragraphs 2 or 2A of schedule 2 to the Immigration Act 1971. Detailed guidance on the examination of individuals in relation to these provisions is contained in General Instructions: [Enforcement interviews](#).

Enforcement visits and operations are planned and executed in accordance with Immigration Enforcement (IE) General Instructions: [Enforcement planning assessments](#) but also take account of National Generic Risk Assessments (NGRA) and relevant Equality Impact Assessments (EIA). Relevant existing EIA and NGRA include in this case:

- NGRA 01: Operational arrest activity
- NGRA 07: Forced entry

Entry to premises to conduct enquiries may be secured by warrant or the informed consent of those present. Detailed guidance on the operating protocols in relation to entry to premises, examination of individuals, search and arrest is contained in General Instructions:

- [Warrants: procurement and use](#)
- [Enforcement visits](#)
- [Enforcement interviews](#)
- [Arrest and restraint](#)
- [Search and seizure](#)

### Public Sector Equality Duty

The public-sector equality duty under section 149 of the Equality Act 2010 requires that public bodies have due regard for the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The equality duty covers the following 8 protected characteristics: age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; and sexual orientation. Detailed consideration of the potential equalities impacts on these groups is given in EIA template and guidance.

Schedule 18 to the 2010 Act sets out exceptions to the equality duty. In relation to the exercise of immigration and nationality functions, section 149(1)(b) – advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race or religion or belief.

The demographics in relation to the irregular migrant population in the UK cannot by their nature be determined. Some assumptions can however reasonably be made on the basis of the known national and other characteristics of those who are initially encountered by Immigration Enforcement and those who are removed from the UK.

In the year June 2023-June 2024, the top five nationalities who were served paperwork as illegal entrants were (in order) Albania, Afghanistan, Vietnam, Iraq and Iran.

The total number of those served as illegal entrants was 8,484, made up of:

Country	Number of illegal entrants	Percentage
Albania	2663	31.4%
Afghanistan	423	4.9%
Vietnam	409	4.8%
Iraq	353	4.2%
Iran	345	4.1%
Sudan	345	4.1%
Eritrea	297	3.5%
India	289	3.4%
China	260	3.06%
Syria	258	3.04%
Other	2842	33.5%

The source of this data is internal systems records provided by Performance Reporting Analysis Unit (PRAU) of the Home Office Analysis and Insight Unit (HOAI).

In the year [June 2023-June 2024](#) the top five nationalities in terms of enforced removals were (in order), Albania, Romania, Brazil, Poland and Lithuania.

The total of those leaving detention and returned from the UK in the period was 7,190 made up of:

Country	Number removed	Percentage
Albania	2822	39.2%
Romania	1294	17.9%
Brazil	457	6.3%
Poland	334	4.6%
Lithuania	329	4.5%
India	297	4.1%
Bulgaria	165	2.3%

Country	Number removed	Percentage
Portugal	89	1.2%
China	86	1.1%
USA	84	1.1%
Other	1233	17.1%

The source of these statistics is [Immigration system statistics data tables](#). It should be noted that the Home Office does not capture data relating to ethnicity. The data captured for each nationality is not indicative of ethnicity or cultural / ethnic heritage.

IE operations are directed by intelligence that may be the result of information from the police or other agencies, analysis of geographic areas, known demographics, data matching, denunciatory information, field intelligence, surveillance or other sources. Current intelligence reports remain confidential and cannot be used in evidence for this ECIA but the way in which intelligence is assessed as part of the strategic tasking and authorisation process is described within general instructions. For further information see: [Enforcement planning assessments](#).

### **S55 duty in relation to children**

Although being a child is not a protected characteristic under the public-sector equality duty in section 149 of the Equality Act 2010, we have nevertheless carefully considered the impact on children of policies in relation to immigration enforcement in general and the process by which families are returned in particular.

In setting out how the balance should be struck when considering proportionality under Article 8 of the ECHR, the Immigration Rules have regard to Article 3 of the UN Convention on the Rights of the Child and reflect the duty on the Secretary of State to ensure that immigration decisions are made having regard to the need to safeguard and promote the welfare of children who are in the UK, as set out in section 55 of the Borders, Citizenship and Immigration Act 2009. The assessment of the “best interests of the child” is intrinsic to the proportionality assessment under Article 8.

Detailed guidance is contained within general instructions:

- [Family returns process](#)
- [Family separations guidance](#)

## Part 2: Risks – evidence and mitigating actions

### 5. Operational and deployment: risks and mitigation

#### Safeguarding – general issues

Immigration Enforcement General Instructions, generic risk assessments and training all incorporate information and instructions regarding the identification and safeguarding of vulnerable adults and children. Safeguarding considerations apply potentially in respect of all protected characteristics and in a range of circumstances. Immigration Enforcement [General Instructions](#) provides specific guidance on the most common scenarios that might be encountered during visits and directs officers to overarching guidance that applies to all Home Office staff; for instance, guidance for front line staff on modern slavery.

Immigration Enforcement officers are made aware through guidance and training of the need to make people aware of the voluntary departure process, [identifying people at risk](#) and the steps to be taken when encountering:

- modern slavery and trafficking
- missing children and children who are otherwise at risk because of neglect or abuse
- adults and children who are vulnerable because of domestic servitude or labour market abuses
- adults and children who are subject of sexual exploitation and vice
- adults and children subjected to 'honour based' violence

Additional information is provided in the context of other guidance concerning those who require particular consideration in respect of age, disability or infirmity. In particular, guidance concerning [Adults at risk in immigration detention](#). The guidance provides instructions on assessing whether detention is appropriate in relation to pregnant women, individuals aged 70 or over, health conditions, victims of modern slavery and addresses consideration of gender / transgender issues. In addition, the guidance provides instructions on assessing risk factors and considering whether these outweigh issues of public policy and public harm.

#### Duty of care

For the purposes of this document, 'duty of care' has a broad meaning that includes general requirements to consider and safeguard an individual's wellbeing.

Duty of care may also imply a formal status and a legal responsibility for an individual but may also be taken in a less formal sense to mean a duty or general aim to promote the welfare and safeguard the wellbeing of people with whom you interact. 'Wellbeing' is a broad concept. In the context of immigration enforcement, it relates to the following areas in particular:

- personal dignity (including treatment of the individual with respect)
- physical and mental health and emotional wellbeing
- protection from abuse and neglect

IE's duty of care begins at our first point of contact with a person, including face to face interactions, phone calls and any written correspondence which may be received. During each and every interaction/contact, IE staff are expected to use their professional curiosity to consider the presence of any indicators which may identify a person as being vulnerable. This duty extends to every person that IE comes into contact with regardless of their nationality or immigration status. As soon as a vulnerability has been identified, IE staff will assess and then respond in order to

ensure that the vulnerable person is safeguarded, or the risks identified have been mitigated. IE staff will ensure that a comprehensive record is kept on the decisions and / or the action taken to safeguard the vulnerable person even if the action taken was to refer them to a health professional or other safeguarding partner.

Our duty of care ends only when the individual's matter with IE has concluded, and we are satisfied that the appropriate support is in place or no longer needed. This includes signposting the individual to appropriate services, and confirming which partner organisations (such as local authorities, NHS, police or National Referral Mechanism) will be taking what action, as well as ensuring that this information is properly recorded on our systems.

### **Person-centred approach**

IE's person-centred approach consists of 5 steps to ensure we see the person first, rather than their immigration status. The 5 steps are simple, but provide a robust framework, from when we first suspect or realise that a person is vulnerable to how we decide what actions or options to take.

**Identify and assess:** guidance on identifying vulnerable people is available for IE staff in Identifying People at Risk. Staff should also use their professional curiosity, instincts and experience to identify risks, and when in doubt seek advice from a manager or colleague. Respond: Staff should proactively undertake enabling interventions; every encounter or contact is an opportunity for a timely safeguarding intervention.

**Record:** early identification, continued awareness and consistent assessment and record keeping is key to our commitment to reduce and prevent future harm. Even where no action is taken / needed, a full record of this decision should be made showing that the vulnerability has been acknowledged and giving the rationale for not taking action. Detailed records allow safeguarding measures to be implemented during future encounters, and evidences whether or not further action is required.

**Refer:** making a timely and appropriate intervention, referral or hand-off to safeguard and mitigate vulnerability, such as the police, children's services or health professionals. In some instances, such as when encountering potential victims of modern slavery, there is a statutory duty to notify specific organisations such as the National Referral Mechanism (NRM).

**Assure:** ensuring staff at all levels take the appropriate steps to protect vulnerable adults and children. Robust assurance processes allow us to understand where we are performing well, and identify where we can make improvements.

### **Identifying vulnerability and those at risk**

We are committed to ensuring that safeguarding and protecting the vulnerable is at the heart of our person-centred approach.

Vulnerability encompasses a wide spectrum of people and can influence how we interact and respond when we carry out our functions. Many of the people we deal with require immediate and prompt safeguarding interventions because they have been victims or are subject to exploitation. We adopt a multi-agency approach to improve our understanding and response to the following:

- modern day slavery / human trafficking
- victims of crime
- domestic abuse

- honour based violence
- forced marriage
- vulnerable to radicalisation
- exploitation
- abuse
- mental health
- physical health
- welfare
- gender based violence
- homeless / homelessness

The relevant legislation includes:

- [Council of Europe Convention on action against trafficking in human beings](#)
- [Section 11 of the Children Act 2004](#)
- [Section 55 of the Borders, Citizenship and Immigration Act 2009](#)
- [The statutory guidance “Every child matters”](#)
- [Modern Slavery Act 2015 Section 21 of the Immigration and Asylum Act 1999](#)
- [The Immigration Act 2014](#)
- [The Immigration Act 2016](#)

When considering whether it is right to detain an individual, the practical effect of the [Adults at Risk in Immigration Detention](#) policy is that many people with protected characteristics do not enter detention or are released from detention if there is evidence of factors listed above. However, in some cases, a decision to detain may be necessary, even in respect of someone with protected characteristics; for instance, where there are vulnerability and / or safeguarding concerns and the individual presents a risk to themselves or others.

The key indicators of risk identified within the policy guidance Detention of Adults at Risk are:

- suffering from a mental health condition or impairment (this may include more serious learning difficulties, psychiatric illness or clinical depression; depending on the nature or seriousness of the condition)
- having been a victim of torture
- having been a victim of sexual or gender-based violence, including female genital mutilation
- having been a victim of human trafficking or modern slavery
- suffering from post-traumatic stress disorder, which may or may not be related to one of the above experiences
- being pregnant
- suffering from a serious physical disability
- suffering from other serious physical health conditions or illnesses
- being aged 70 or over and
- being a transgender or intersex person

There is some overlap of these risk indicators with many of the protected characteristics under the Equality Act 2010. These indicators also figure within guidance to Immigration Enforcement officers encountering people during visits and operations which details or links to instructions on identifying and dealing with vulnerable children and adults, see policy guidance in relation to:



- [Identifying people at risk](#)
- [Adults at risk in immigration detention](#)
- [Detention of pregnant women](#)
- [National Referral Mechanism \(NRM\)](#)

## **Victims of crime and / or modern slavery**

In addition to the above indicators of vulnerability, Immigration Enforcement acts as a first responder organisation in relation to the Modern Slavery Act 2015 and has a responsibility to:

- identify potential victims of modern slavery and recognise the indicators of modern slavery
- gather information in order to understand what has happened to them
- refer victims into the National Referral Mechanism

## **Operational planning and implementation**

Tasking, assessment and authorisation

All Immigration Enforcement led operations must be based on intelligence or relevant information such as that contained in one or more of the following:

- incoming intelligence from the public
- analytical profile of offender locations and proximity to locations known to be regularly occupied by immigration offenders
- the results of previous operations conducted at the same location
- surveillance reports from Immigration Enforcement directed activity
- incoming intelligence from partner agencies

National priorities for the types of operations conducted by Immigration Enforcement are set by the Departmental National Tasking and Coordination Board. Proposed enforcement visits are accepted or rejected in principle by regional Tasking and Coordination Groups (TCGs).

Following research and assessment, final authorisation to conduct the visit rests with the local Immigration and Compliance Enforcement Team (ICE Team). Authorisation must be given by an officer of at least Chief Immigration Officer grade who must be satisfied that an Enforcement Planning Assessment (EPA) has been conducted. Visits that, for urgent operational reasons, have not been tasked by a TCG may be tasked and authorised by HM Inspector.

All operational planning is risk-based and are subject to an Enforcement Planning Assessment (EPA) that assesses the risks, issues and impacts detailed within this document and any other relevant factors not included. In addition, the EPA takes into account:

- the statutory duty to consider [section 55 of the Borders, Citizenship and Immigration Act 2009](#) which requires the Home Office to have regard to the need to safeguard and promote the welfare of children in the UK, whilst carrying out Immigration Enforcement functions, including where children are encountered on an operational visit
- whether the visit is justified, proportionate and necessary and complies with the Human Rights Act 1998

National Risk Assessments (NRA) and / or Equality Impact Assessments (EIA) exist for different types of operational activity. The risk assessment for each operation is based on the relevant NRG or EIA but each operation is also assessed on its own merits.

Intelligence collated during preparation for an operation may suggest that unusual circumstances exist that have not been considered within General Instructions, EIA or National Generic Risk Assessments. Where this is the case, a detailed Equalities and Community Impact Assessment (ECIA) of the additional risks and impacts must be made in accordance with [EPA guidance](#).

All operations are subject to a series of mandatory checks against listed data sources to ensure, as far as reasonably possible, that the information concerning the address and the immigration status of those there is accurate. The checks are also intended to identify potential risks to third parties and as far as possible, identify those with known vulnerabilities and eliminate individuals from the enquiry.

Guidance specifically instructs that checks must be made against relevant records to identify instances where addresses have been visited before. Particular consideration is given during EPA and authorisation to avoid any perception of an address being disproportionately targeted for investigation.

Officers are trained to dynamically re-assess the overall position and new emerging information before and during the operation.

The police must be notified prior to every operation. This allows the police to comment on local community concerns. Liaison arrangements may vary across different regions. In some cases, police approval for the operation is required. In others, consent is assumed unless or until the police provide a negative response. When conducting joint operations to tackle breaches of the Licensing Act, Trading Standards and Housing Act ("beds in sheds"), Immigration Enforcement work alongside and seek advice from the police, local authority and / or other relevant government departments and agencies.

Authority to conduct an enforcement operation is dependent upon all mandatory checks having been completed against the address and persons to be visited and, should an ECIA be required, that ECIA being completed in accordance with [Equalities and Community Impact guidance](#).

### **Training and guidance**

All Immigration Officers deployed on enforcement operations must undergo the appropriate training and accreditation (such as Public and Personal Safety Training) and must not conduct operations where that accreditation is no longer valid. All officers undergo a background check against the Disclosure Barring Service during their application for Security Clearance (SC). Officers must demonstrate their understanding of their powers and responsibilities in order to be accredited.

All officers are required to complete a "keeping children safe- general awareness" e-learning course every 2 years. Should officers require any specific advice when dealing with complex cases involving children or vulnerable adults, they can consult the Home Office's [Safeguarding Advice and Children's Champion \(SACC\)](#).

### **Consultation and briefing**

Investigating officers must be fully apprised of the aims of the operation and the intelligence on which it is based as part of pre-briefing procedures. Officers must take careful note of the known information and consider whether there are key indicators that will help identify people related to the enquiry and, conversely, whether there are indicators that help immediately to eliminate a person from the enquiry. Such indicators may include gender, age and appearance but are never to be based on racial stereotypes.

Prior to an enforcement visit, guidance requires that the Officer in Charge (OIC) conducts an 'operational briefing' (for further information see: [Enforcement planning assessments](#)). The operational briefing is based on information contained in the 'operational order' that details the background, aims, planning and assessment associated with the operation.

### **Conduct, deployment and management of visits**

The core activity during an enforcement visit is that of questioning those present with a view to identifying whether there are reasonable grounds to suspect that any or all are in breach of immigration law. Instructions on general conduct during Immigration Enforcement operations are detailed in:

- [Enforcement visits](#)
- [Enforcement interviews](#)
- [Safety during enforcement visits](#)
- [Arrest and restraint](#)
- [Search and seizure](#)

Guidance details the powers and constraints concerning entry to premises and states that, where possible and practical, officers must seek the consent of those they are dealing with - for instance when seeking to eliminate them from an enquiry, when gaining admittance to premises and when conducting a search. Officers are generally expected to explain what they are doing and why they are doing it, but this may be constrained in some instances by the need to conduct the visit safely, preserve intelligence sources and protect personal data. For further information see: [Search and seizure](#).

All officers must carry with them official identification and are required to present it on request and will do so excepting where to do so either is not reasonably practical or it puts them at risk. When a premises is entered by consent, IE actively ensures that the person allowing admittance to the premises understands the nature of the consent they are giving. For further information see: [Enforcement visits](#).

In practice, the number of officers deployed, and when and where they are deployed, depends upon the type and scale of the activity being carried out and is determined by the Officer in Charge (OIC) having regard to the known intelligence, risk assessment, constraints given by the authorising officer and the emerging circumstances during the visit.

Of paramount importance, the safety of officers and the public is an overriding consideration and guidance. The following guidance is relevant:

<a href="#">Arrest and restraint</a>	In relation to whether it is appropriate to pursue a suspect and factors to consider
<a href="#">Safety during enforcement visits</a>	The role of the Officer in Charge Deployment considerations Communications Risk assessment Emergency planning

Where a family is encountered, the OIC may be required to make an initial decision on whether family members should be separated and refer the case to the appropriate person to authorise continuing separation. For further information see: [Family separations](#) guidance. The OIC has also to notify the family returns team of reactive separations and update the Family Welfare form concerning the detection of the family and actions taken.

## **Protocols governing investigation of individuals**

Investigation of individuals during operations is based on the requirements detailed within general instructions. Although every effort is made to assess risks and impacts prior to a visit, the ongoing investigation is dependent on emerging circumstances. These may be summarised to the effect that:

- exploratory questioning is designed to eliminate all those unconnected with the enquiry as quickly as possible
- further questioning must be based on 'reasonable suspicion'

IE General Instructions reinforces wider guidance and training that it is unlawful for an Immigration Officer (IO) carrying out their duties to do any act that constitutes direct discrimination based on a person's perceived ethnic origin.

'Reasonable suspicion' is defined in IE General Instructions: [Arrest and restraint](#) and repeated here for ease of reference.

"Reasonable suspicion can never be based on personal characteristics. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. Reasonable suspicion cannot be based on generalisations or stereotypes of certain groups or categories of people as more likely to be involved in criminal activity".

Specific grounds for reasonable suspicion will be unique to each operation or encounter but must be recorded within the officer's digital pocket notebook (DPNB) that is the Police Reporting and Notebook Organiser- enabled (PRONTO) electronic device.

IE General Instructions includes the overarching principle that "The use of the power of arrest must be fully justified and officers exercising the power must consider whether the necessary objectives can be met by other, less intrusive means".

Those arrested, including those administratively arrested in accordance with paragraph 17 of schedule 2 to the Immigration Act 1971 as a person who may be removed from the UK, must be cautioned and advised why they have been arrested and what will happen to them next. The terms of the caution and any additional information that should be provided is described in General Instructions: [Arrest and restraint](#).

Guidance requires that, where practicable, the arrest team includes both male and female officers in order that questioning and search of the person may be conducted with the least unnecessary distress to the suspect.

Use of force in relation to an arrest "must be reasonable, necessary and proportionate" using no more force than that necessary to exercise the power. For further information see General Instructions: [Arrest and restraint](#).

Officers may only use force to secure entry to premises where the appropriate power to enter exists and they are specifically trained and accredited (designated) to do so in accordance with 'Method of Entry' training.

## **Review and ongoing assurance**

Operational visits are evaluated by the authorising officer and may be subject to a formal debriefing meeting following the visit. A debrief may include discussion of any impacts or risks that were not identified prior to the visit taking place and an evaluation of how these were addressed

and any lessons learned. A formal debrief is mandatory where the OIC has invoked '[critical incident](#)' procedures during the operation.

Records of each visit and key events must be kept in officers' digital pocket notebooks (DPNB), that is PRONTO-enabled electronic devices and uploaded on internal management systems following the conclusion of the operation to allow management assessment. Data is collected and may be analysed to establish whether any particular nationality was disproportionately stopped or questioned.

To ensure compliance with the guidance and to provide an audit of equality issues, a corresponding assurance checklist framework is being developed as an online toolkit which all ICE teams will have access to. They will use this to conduct first line assurance as part of ICE and ROM Operational Assurance's regular inspection programme.

For further information see:

- [Post enforcement visit actions](#)
- [Record keeping during enforcement visits](#)

### **Operations conducted in public areas**

In addition to visiting residential and commercial premises, Immigration Enforcement (IE) operations may also be conducted in public areas. Public operations are those conducted other than at residential or business premises in a public or semi-public place. For instance, an investigation that takes place within a large institution might be considered either a residential or a business premises depending on circumstances but might also include communal areas, or publicly accessible areas.

These operations are based on intelligence that individuals who are in breach of immigration law may be located at these public spaces. They are conducted in accordance with the policy issues and considerations already examined within this document. However, the risks of breaching the equalities duty and / or heightening community concerns are relatively more acute and are therefore subject to additional planning and operational requirements. These are examined here separately.

The circumstances and practicalities of working in a public area make it more likely that the operation might inconvenience people unconnected with the investigation. Recognised risks include:

- that people unconnected with the enquiry will be inconvenienced
- that the process of eliminating unconnected individuals may create a perception that the enquiry is randomly based or relies on racial profiling
- that the higher degree of deployment necessary to examine large numbers of people as quickly as possible may provoke community concern

Constraints and guidance concerning operational requirements in relation to public operations are contained in [Enforcement Visits](#). The guidance provides detail of the following requirements:

- public operations must be evaluated and authorised by an officer of not below the rank of Grade 7 (G7), which is the operational equivalent of Assistant Director (AD):
  - the evaluation must follow the detailed requirements listed in the guidance and be recorded in an 'Operational booklet'

- operations are intelligence based
- enquiries of any individual during the operation is made with that person's consent
- selection of individuals for exploratory questioning must be made on the basis of 'reasonable suspicion'

Reasonable suspicion is defined within the guidance and is based on a combination of factors. These may include the general nature of available intelligence, the environmental factors that exist at the scene and the behaviour of those encountered.

The officer in charge (OIC) must comply with any Community Impact Assessment (CIA) recommendation that has been agreed by the authorising officer as a condition for the visit to proceed

## 6. Public Sector Equality Duty

### Summary of the evidence considered in demonstrating due regard to the PSSED

#### Age:

Home Office policy and guidance contains no formal definition of when an individual might be considered 'elderly'. However, for the purpose of this assessment, the age of 70 or over has been used as an indicator. This is consistent with the [Adults at Risk in Immigration Detention](#) policy. The age is, however, only a guide and those below that age with what might be regarded as an age-related infirmity or disability are, in practice, dealt with according to their individual circumstances.

Of all 7,190 enforced removals between June 2023 - June 2024, 3 were of individuals under 18 years of age and 7 were over 70 years old. Of the remainder, the largest groups of individuals whose removal was enforced were in the age ranges 18-29 (3,393), with 3,115 being male and 30-49 (3,357), with 3,116 being male. Enforced immigration removals are therefore disproportionately weighted towards males between 18-49 years of age, that is 87% of removals in the year ending June 2024 were males in that age group. Enforcement operations do not usually target age groups and, should they do so, this would be subject of a specific Equality and Community Impact Assessment detailing the circumstances and justification. The higher proportion of removals within this age range is in accordance with expected outcomes where enforcement operations are heavily targeted towards illegal employment. For comparison purposes, in the previous year ending March 2023, the largest group whose removal was enforced were in the age ranges 18-29 (1,713), with 1,592 being male and 30-49 (2,157), with 2,025 being male. There were more males aged 30-49 removed in the year ending 2023 than aged 18-29, but as in 2024 enforced immigration removals were disproportionately weighted towards males aged 18-49 (86% of the total enforced removals in that year).

In comparison, the number of individuals who were served with an illegal entrant decision between June 2023 - June 2024 was 8,484. Of that total, 6,636 were male (78.2%) and 1,836 were female (21.6%). There were 12 instances recorded (0.1%) where the gender was unknown. A breakdown by age group for gender is not available.

Enforcement operations do not usually target age groups and, should they do so, this would be subject of a specific EIA detailing the circumstances and justification. The higher proportion of removals within this age range is in accordance with expected outcomes where enforcement operations are heavily targeted towards illegal employment.



## **S55 duty in relation to children**

In enforcing immigration laws, we will have regard to the need to keep children safe from harm and promote their welfare. This will include making contact, on their behalf, with those that have a duty or a role in ensuring their welfare where there are signs that a particular child is suffering harm or likely to suffer harm.

It also means that throughout the immigration system we will treat children with sensitivity and on the basis that every child does matter, regardless of his or her immigration status. It means that we will take account of the views of children where appropriate, and that HO staff will be trained in specific children's issues, including communicating with children, safeguarding children, trafficking, smuggling and exploitation of children.

Although being a child is not a protected characteristic under the public-sector equality duty in section 149 of the Equality Act 2010, we carefully consider the impact on children of policies in accordance with [Section 55 of the Borders, Citizenship and Immigration Act 2009](#) and in relation to immigration enforcement both in policy development and operational planning.

In setting out how the balance should be struck when considering proportionality under Article 8 of the European Convention on Human Rights, the Immigration Rules have regard to Article 3 of the UN Convention on the Rights of the Child and reflect the duty on the Secretary of State to ensure that immigration decisions are made having regard to the need to safeguard and promote the welfare of children who are in the UK, as set out in section 55 of the Borders, Citizenship and Immigration Act 2009. The assessment of the “best interests of the child” is intrinsic to the proportionality assessment under Article 8.

Where children are suspected by IE of being at risk, social services are alerted and, where necessary, they are transported to a place of safety. It is reasonable to attribute positive indirect discrimination in relation to those children or elderly people that are demonstrably placed at risk by being transported against their will or for exploitative purposes.

Concerns raised by stakeholders have often centred on age-disputed cases, where it is alleged that processes sometimes fail where individuals are adjudged to be children having initially been treated as adults. There is a higher risk of mis-identification where individuals arrive clandestinely and/or have no documentary evidence of their age or identity.

Migration statistics for the year ending March 2016, recorded that a total of 954 asylum claimants had their age disputed, of whom 843 were recorded as having a Merton compliant age assessment. Of those who completed an age assessment in the year ending March 2016, 69% were assessed to be over 18, despite claiming to be a child when the age dispute was raised.

General Instructions provides policy guidance in relation to children that are encountered during the visit. See: [Identifying People at Risk](#).

General Instructions: [Family Returns Process](#), provides policy guidance concerning the safeguarding of any child where it is intended to ensure the return of a family.

## **Disability:**

The [Public Sector Equality Duty](#) (PSED) explicitly recognises that disabled people's needs may be different from those of non-disabled people. Most commonly, this might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs. For the purposes of the Equality Act 2010, disability is described as: ‘A physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on an individual’s ability to carry out normal daily activities.’

Several policies and instructions work together to ensure that those meeting this Equality Act definition of disability are not directly or indirectly disadvantaged.

For instance, in respect of physical and mental health or disability, the [Adults at Risk in Immigration Detention](#) policy sets out that those with a serious disability would be regarded as being at risk, and would be detained only if the immigration factors outweigh the risk factors to displace the presumption that individuals at risk should not be detained.

Other policy guidance in relation to Immigration Enforcement (IE) operational activity specifies procedures for [Identifying people at risk](#). The guidance includes general advice on awareness and identification of common areas of concern.

The Home Office does not generally collect quantitative data regarding disability. This is not a characteristic relevant to IE when recording statistical data on enforcement activity. The Home Office does record some data on whether a detained asylum seeker has a disability but does not limit this to disabilities that fall under the Equality Act 2010 definition.

Guidance to IE officers within '[Identifying people at risk](#)' states that:

'If an individual with a physical or mental health condition is not already excluded from detention by detention policy criteria, the imperative for fairness set out in the asylum policies means that if their condition will have a negative impact on their ability to present their asylum claim fairly, there must either be adjustments made (in an environment where they are assured legal representation and where timetable flexibility is provided where necessary), or if a fair decision were to require significantly protracted consideration timescales, the review of detention in accordance with [Detention Guidance](#) would likely result in release.'

Where information suggests that a person with a disability might be present at premises to be visited this is assessed as part of the [Enforcement Planning Assessment](#). It is not possible to identify all such instances in advance of a visit. Separate guidance provides policy guidance on those encountered or who, when encountered, are considered for detention. For further information see: [Identifying People at Risk](#) and [Adults at Risk in Detention](#).

### **Gender reassignment:**

Under the [Equality Act 2010](#), an individual has the protected characteristic of gender reassignment where the person has proposed, started or completed a process to change their gender. This does not only cover situations where the individual has begun hormone treatment and / or gender reassignment surgery. Section 43 of the act notes that the protected characteristic also applies where a person decides to spend the rest of their life in the opposite gender without seeking medical advice or without medical intervention.

Under current policy, provided an individual is suitable for detention in accordance with [Detention guidance](#) (read alongside the [Adults at Risk in Immigration Detention](#) policy) there are no grounds for routinely excluding transgender individuals from detention.

The Home Office does not collect quantitative data regarding those encountered who are undergoing gender reassignment. The Home Office also does not record central statistics relating to claimants who present gender identity claims or who identify as transgender. Although no data is available on those subject to the immigration rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected. Standard protocols contained in Immigration Enforcement General Instructions contains specific guidance where appropriate on the sensitive treatment of such individuals – particularly during arrest, search or detention.



Although no data is available on those subject to the immigration rules, there is no reason at this stage of assessment to suppose people with this protected characteristic are particularly likely to be directly or indirectly affected in relation to the proposed changes.

The Home Office is committed to improving guidance and training on the handling of gender identity in asylum claims to ensure that the specific needs and experiences of transgender asylum seekers are met and clearly referenced. We review policy guidance in light of changing circumstances and experience to improve the management of transgender identification of asylum claimants.

Although the protected characteristic of gender reassignment is distinct from sexual orientation, the provisions and structures set out above will, in many cases, apply in mitigating the impacts of this protected characteristic on the ability of the individual to present an asylum claim or other relevant information on initial detection.

As set out above, transgender people are regarded as an at-risk group by the Adults at Risk in Immigration Detention policy. Under the policy, an individual is detained only if the immigration factors outweigh the risk factors to displace the presumption that individuals at risk should not be detained. Where transgender individuals are detained, Home Office policy is governed by Detention Service Order 11/2012: Care and Management of Transsexual Detainees, which provides extensive guidance to IRC operators and others. The key aim of the DSO is to ensure that transgender and intersex detainees are treated with proper regard for their dignity and are held safely.

The asylum policy relevant to gender reassignment and those who identify as, or are in any other way transgender, is set out in the instruction, '[Gender Identity Issues in the Asylum Claim](#)'.

Standard protocols contained in General Instructions; [Search and seizure](#) and [Detention guidance](#) contains specific guidance where appropriate on the sensitive treatment of such individuals to preserve privacy and dignity – particularly during arrest, search or detention.

### **Marriage and civil partnership:**

In relation to investigations of sham marriages contracted for immigration purposes, [Part 4 of the Immigration Act 2014](#) introduced the Marriage and Civil Partnership Referral and Investigation Scheme for proposed marriages and civil partnerships across the UK involving a non-EEA national who could benefit in immigration terms.

Under this scheme all proposed marriages and civil partnerships in the UK are referred to the Home Office by the registration official if they involve:

- a non-EEA national with limited or no immigration status in the UK
- a non-EEA national who does not provide specified evidence that they are exempt from the scheme

Cases referred for investigation under this scheme must be conducted in accordance with the [statutory guidance](#) and according to the procedures outlined in the [marriage and civil partnership referral and investigations scheme](#). Interviews conducted in relation to suspected deception are in accord with General Instructions guidance [Enforcement Interviews](#).

Published [detention policy](#) contains no criteria directly relevant to detention or exclusion from detention on the grounds of married or civil partnership status. Any such detention may in principle be appropriate, according to the particular facts of the case.

[Detention services order 6/2015 – marriage/civil partnership in detention](#), provides guidance to staff in IRCs about facilitating the marriage or civil partnership of a detainee.

### **Pregnancy and maternity:**

Standard operating protocols are contained within General Instructions: [Identifying People At Risk](#) and [Detention guidance](#) and [Detention of pregnant women](#). For further information, see DSO-05-2016 Care and management of pregnant women in detention.

Pregnant women and women with young children are subject to the enforcement process in the same way as other individuals. However, in order to protect the interests of the mother and child, the strong preference for those with no lawful basis of stay in the UK to give them the option to, and encourage them to leave voluntarily, rather than seek to detain them. Detention of pregnant women is reserved for use only where the immigration control factors outweigh the evidence of vulnerability. There are also more stringent processes in place for the detention of pregnant women, with the normal maximum being 72 hours, although this can be extended to an absolute maximum of one week in exceptional circumstances, subject to Ministerial authorisation for the extension being in place. This means that higher levels of authority are required for their detention. Consequently, pregnant women often receive more favourable treatment than those that do not share this protected characteristic. IE operational protocols contain specific policy guidance on the treatment of pregnant women and dependent children.

Since the commencement of section 60 of the Immigration Act 2016, a central record is now held recording information relating to pregnancies.

In recent years, females have accounted for only a small percentage of clandestine detections in the UK, which in 2019 was 12%. Similarly, in the same year, the majority of individuals served with an illegal entrant decision were male, with females representing 22% and males representing 77%.

### **Race:**

Paragraph 17 of Schedule 3 to the Equality Act 2010 provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions. However, the Home Office does not collect data on ethnicity in relation to immigration enforcement and no operations are mounted that target specific ethnic groups. If an immigration function is designed to directly impact on a national group, it is in relation to regulations made in relation to that national group allowed under immigration law – such as the imposition of a visa requirement on a particular country.

There is an inherent risk in IE operations that, although the activity has an intelligence basis, the practical necessity to eliminate individuals unconnected with the enquiry may give rise to the appearance or perception that the investigating officers are profiling particular ethnic or cultural groups or otherwise targeting individuals without a legitimate basis to do so. It is unlawful for an immigration officer carrying out their duties to do any act that constitutes direct discrimination based on a person's colour or perceived ethnic origin. This can never be the basis of a [‘reasonable suspicion’](#) that someone is an immigration offender. For further information see: [Enforcement interviews](#). For further information see [Immigration enforcement powers](#) for a definition of ‘reasonable suspicion’.

‘Direct discrimination’ includes treating some people less favourably than other people based on a protected characteristic such as race. The protected characteristic of ‘race’ includes a person's colour, nationality and national or ethnic origins and the law governs the extent to which

immigration officers may discriminate on each of these grounds. Under the Equality Act 2010, it is lawful for an immigration officer to discriminate based on a person's nationality where they are acting in accordance with legislation designed to have this effect or under a ministerial authorisation. There is no current ministerial authorisation allowing immigration enforcement to directly discriminate against any nationality.

Although there is no racial basis to whether a premises or wider location is targeted for an enforcement operation it is likely that certain national groups are more represented in some geographic areas or in certain commercial activities. Visits and operations targeting these areas may reasonably be expected to result in the encounter of a greater proportion of those national groups. On a wider level, the existence of a large population with shared heritage makes it more likely that nationals from that group will feature more prominently among detected offenders and the numbers detected must be seen in the context of the proportion of the population that includes that group.

Although not necessarily governed by cultural heritage or nationality, language and communication barriers are a predictable consequence of dealing with diverse groups arriving from overseas. Languages may vary even within national groups and be an indicator of cultural origins rather than citizenship of any nation. If English is not the individual's first language, we recognise and allow for the possibility that he or she may find it difficult to communicate their fears and / or intentions.

Standing policy guidance and long-standing practice provides that interpreting services should be provided as soon as practicable. The nature and extent of the help provided may vary according to circumstances but, in general terms, no formal interview on which a substantive decision will be based is conducted without an interpreter being available, if one is requested.

Immigration Enforcement is a diverse body and, when encountering individuals, is often able to utilise language skills from within its ranks. In other circumstances practical use is made of telephone contact with approved interpreters and digital apps. For further information see: policy guidance [Enforcement interviews](#).

All detained asylum claimants are provided with written advice on what to expect of the asylum process, which has been translated into several languages, and they have access to interpreter services and publicly funded legal aid.

### **Religion and belief:**

Paragraph 18 of Schedule 3 to the Equality Act 2010 provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her religion or belief in relation to the exercise of immigration functions. For instance, it may be necessary to cancel leave to enter or remain in the United Kingdom, on the grounds that the exclusion of the person from the United Kingdom is conducive to the public good. In the context of this policy proposal there are no grounds to believe that the exception is relevant in the exercise of the powers described.

Published policy contains no criteria directly relevant to arrest, detention or exclusion from detention on the grounds of religion or belief (or the lack thereof). Any such arrest and / or detention may in principle be appropriate, according to the particular facts of the case.

Consideration of indirect discrimination for religious groups is closely related to the issues already described for race and national groups. Religion is likely to be closely related to the national demographic of those arriving but neither characteristic suffers an identifiable additional, indirect negative impact as a result of the policy.

Although no data are available on the religious affiliation of those found to be in breach of immigration law, there is no reason to suppose people with this protected characteristic are likely to be disproportionately affected by IE enquiries. No differentiation is made in immigration law on the basis of religious affiliation but specific guidance is provided on factors for consideration where a visit is proposed to a religious or other culturally sensitive premises and during [searches](#) where the gender of the person conducting the search is an issue.

Factors such as [certification under section 94 of the 2002 Act](#) and operational considerations such as returnability may mean that some nationalities are more likely to be detained than others, and whilst nationality may in some instances correlate with religion, there is no evidence that those of a particular religion are more likely to be disadvantaged.

### **Sex:**

Of the 8,484 individuals who were served as illegal entrants between June 2023-June 2024, 1,836 were female (21.6%) and 6,636 were male (78.2%).

Of 7,190 enforced removals between June 2023 and June 2024, 562, (7.8%) were female and 6,611 (91.9%) were male.

Policy guidance in relation to gender, and any necessary mitigation, is contained in various parts of Immigration Enforcement General Instructions. Relevant to the scenarios being assessed here is guidance relating to: [Arrest and restraint](#), [Enforcement interviews](#), [Search and seizure](#). These provide information concerning the use of force, powers and methods of search, conduct of investigative interviews and respect for cultural needs and privacy.

Published [detention policy](#) contains no criteria directly relevant to detention or exclusion from detention on the grounds of gender.

Questioning and searches by a person of the opposite gender may be intimidating or culturally unacceptable. Interviewing officers are trained to recognise the difficulties women may have in disclosing relevant information. It acknowledges that some women may have difficulty responding to questions relating to negative experiences.

This is recognised within policy guidance and training - in particular where there is physical contact during searches; standing instructions state that searches must be conducted by a person of the same gender or, in the case of transgendered people, the gender that they identify with. Regarding verbal questioning, it is likely that instances will arise where individuals prefer to be questioned by a person of the same gender. Although no standing instruction exists specifying that this must be allowed, it is, in practice, likely that the individual's wishes will be accommodated if possible. Where possible, those teams conducting IE investigations are of mixed gender.

Gender training was developed in consultation with Asylum Aid – who advocate for female asylum seekers and UNHCR – the UN Refugee Agency. The Home Office also piloted the course with both organisations and amended the content after considering their feedback. Specific training (as set out earlier in this report) is provided on trafficking and slavery, servitude and forced or compulsory labour, to assist staff in recognising and properly handling the cases of those who may be victims. In 2019, 10,627 potential victims of modern slavery were referred to the [National Referral Mechanism](#) (NRM); a 52% increase from 2018. Of the potential victims referred in 2019, one-third (3,391) were female, and two-thirds (7,224) were male. Compared to 2018, males have slightly increased as a proportion of all NRM referrals.

The Home Office liaises closely with stakeholders on gender related issues, including active involvement in the wider Home Office strategy to tackle violence against women and girls

(VAWG). The Home Office has further developed an asylum gender action plan and has made good progress in improving the asylum process for women. Action taken includes offering asylum claimants the choice of whether they would like a male or female interviewer and interpreter and signposting women to available support services. The flexibility of the policy and access to legally aided lawyers and interpreters also helps to address any disadvantages, women in particular, but also men, may face in presenting their asylum claim.

The [Adults at Risk in Immigration Detention](#) specifically includes sexual or gender-based violence as indicators of risk and may mean that the individual is unsuitable for detention. An 'at risk' individual will be detained only if the immigration factors outweigh the risk factors identified to displace the presumption that individuals at risk should not be detained.

Furthermore, in response to the [Shaw review](#), the Home Office published a new [detention services order on women in detention](#) to provide consistent standards for the treatment of women in immigration detention and under escort.

### **Sexual orientation:**

Although no data is available on the sexual orientation of those found to be in breach of immigration law, there is no reason to suppose people with this protected characteristic are likely to be disproportionately affected by IE enquiries. No differentiation is made in immigration law on the basis of sexual orientation or in relation to transgendered people but specific guidance is provided on factors for consideration during [searches](#) or where [adults at risk in detention](#) is considered.

Published [detention policy](#) contains no criteria directly relevant to detention or exclusion from detention on the grounds of an individual's sexual orientation. Any such detention may in principle be appropriate, according to the particular facts of the case.

There are no provisions in asylum policy favouring or excluding consideration of asylum claims in detention on this ground. In 2023, an estimated 2% of all asylum claims were based on sexual orientation. Of the 1,377 asylum applications where sexual orientation formed part of the claim, the nationalities with the highest number of claims were:

- Pakistan (578- 41.9%)
- Bangladesh (175- 12.7%)
- Nigeria (103- 7.5%)
- India (39- 2.8%)
- Uganda (35- 2.5%)
- Brazil (33- 2.4%)
- Ghana (24- 1.7%)
- Kenya (23- 1.6%)
- Namibia (23- 1.6%)
- Iran (19- 1.4%)

Data in this section refers to asylum claims raised on the basis of sexual orientation, year ending June 2024– see: [Immigration system statistics data tables](#).

None of these nationalities figure in the largest five nationalities encountered entering clandestinely and we assess the numbers of those directly affected by the policy change within this group to be very low.

For further information see: [Asylum claims on the basis of sexual orientation](#).



Several impacts and issues which relate to sexual orientation overlap with those of the protected characteristic of gender reassignment.

The Home Office does not centrally record statistics on the sexual orientation of those detected in breach of immigration law, detainees or asylum claimants. However, statistics are maintained in respect of whether the asylum claim is based (partly or wholly) on sexual orientation via a manual flagging system. This data does not indicate that a claimant identifies as having a particular sexual orientation.

LGBT training (and refresher training), developed in cooperation with corporate partners, is provided to decision-makers, including those dealing with detained asylum casework, which provides guidance on how to effectively and sensitively explore LGBT issues at interview and how to address credibility appropriately in LGBT decision letters. Specific guidance is provided on factors for consideration during [searches](#) or where [detention](#) is considered.

Safeguarding and protection is provided through a robust framework of safeguards which are applicable for all detainees, including a comprehensive set of operating standards which sets out the required auditable minimum level of care and service across all aspects of IRCs. Of importance is the detention services order on the care and management of [Lesbian, Gay and Bisexual Detainees in Immigration Detention](#). This provides guidance for all staff and suppliers operating in the detention estate, including escorting staff, on managing LGBT detainees to ensure equality of treatment.

Mechanisms and safeguards exist to support our policies and to protect all detainees from all forms of harassment and bullying. The Home Office also operates a comprehensive complaints system which may be used if a detainee feels that they have not been treated in accordance with the published standards. Equally, we are committed to ensure that any individual who has their asylum claim processed in detention has been able to fairly present their case.

The Home Office regularly engages in formal and open, discussion with stakeholders, including Stonewall, UNHCR and Rainbow Migration, formerly known as [UK Lesbian & Gay Immigration Group - UKLGIG](#) to review, update and make improvements where appropriate and possible to our guidance products. These partners have played important roles in working collaboratively with the Home Office, particularly in developing guidance and training, notably with the training piloted with a smaller group of external partners before being rolled out to case working staff.

Cooperation continues through the Stakeholder Engagement Group, in particular the sub-group on equality, on a variety of issues.

No evidence has been identified at this stage of assessment that sexual orientation is a characteristic that will be relatively disadvantaged by visits and operations conducted by Immigration Enforcement. No differentiation is made in immigration law on the basis of sexual orientation.

## **7a. Consideration of limb 1 of the duty: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.**

### **Age**

Direct discrimination:

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of age. Therefore, there is no direct discrimination on the basis of age. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the age of those encountered during an enforcement visit.

Indirect discrimination:

Yes, there may be indirect discrimination with regard to age for adults between the ages of 18-49.

In the year ending June 2024, 8,484 people were served paperwork as illegal entrants and there were 7,190 enforced removals.

Of the 7,190 enforced removals, 3,393 were aged 18-29, 3,357 were aged 30-49, 413 were aged 50-69 and 7 were 70+. There were 3 persons under 18 who were removed. Based on this data, the vast majority (93.8%) of those removed were aged between 18 and 49. Data on the age breakdown of those served as illegal entrants is not available.

Based on these figures, there may be a variable impact between different age groups. We consider the make-up of these groups to be self-selecting and dependent on numerous factors such as wars, conflict, famines, natural disasters and economic migration which influence migration trends and behaviour. Adults between the ages of 18-49 are more likely to migrate as they are generally in better health as compared to those in other age groups.

Indirect discrimination can be lawful if there is an objective justification. The Equality Act 2010 says discrimination can be justified if it can be demonstrated that the action or policy is a proportionate means of achieving a legitimate aim. In this case, the intended action can be objectively justified. The operation seeks to achieve a legitimate aim, namely, the enforcement of immigration laws. The action to be taken is proportionate, namely, to effect the arrest of and commence removal of those found to be in breach of immigration laws. Care will be taken to ensure that all people encountered will be dealt with respectfully by trained officers. We are satisfied, therefore, that the anticipated indirect discrimination is lawful.

In the case of record keeping during enforcement visits and post enforcement visit actions, we do not anticipate any indirect discrimination. This is because both documents will be followed by officers regardless of the age of those encountered during an enforcement visit.

## **Disability**

**Reasonable adjustments** – There is an additional duty under the Equality Act to make reasonable adjustments for a person who is placed a substantial disadvantage because of their disability when compared to a person who does not share their disability.

**Discrimination arising from disability** - Section 15 of the Equality Act 2010 provides that a person A discriminates against a disabled person B if, A treats B unfavourably because of something arising in consequence of B's disability, and A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

However, this does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

Direct discrimination:

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of disability. Therefore, there is no direct discrimination on the basis of disability. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of any disability those encountered during an enforcement visit may have.

Indirect discrimination:

Yes, there may be indirect discrimination with regard to disability.

Data on disability within the cohorts of 8,484 individuals who were served as illegal entrants and the 7,190 individuals whose removal was enforced in the year ending June 2024 is not available.

A person who has a disability is more likely to be adversely affected than someone who does not share that disability due to their condition and potential vulnerability.

Insofar as the policy may be argued to indirectly discriminate against those with a disability, including those with a mental health condition, we consider that the policy is justified on the basis that it is proportionate and in pursuit of the legitimate aims of maintaining immigration control.

Indirect discrimination can be lawful if there is an objective justification. The Equality Act 2010 says discrimination can be justified if it can be demonstrated that the action or policy is a proportionate means of achieving a legitimate aim. In this case, the intended action can be objectively justified. The operation seeks to achieve a legitimate aim, namely, the enforcement of immigration laws. The action to be taken is proportionate, namely, to effect the arrest of and commence removal of those found to be in breach of immigration laws. Care will be taken to ensure that all people encountered who have a disability will be dealt with respectfully by trained officers. We are satisfied, therefore, that the anticipated indirect discrimination is lawful.

In the case of record keeping during enforcement visits and post enforcement visit actions, we do not anticipate any indirect discrimination. This is because both documents will be followed by officers regardless of any disability those encountered during an enforcement visit may have.

## **Gender reassignment**

Direct discrimination:

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of gender reassignment. Therefore, we do not consider there to be any direct discrimination against people who have undergone gender reassignment. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the gender reassignment status of those encountered during an enforcement visit.

Indirect discrimination:

Data on gender reassignment within the cohort of 8,484 individuals served as illegal entrants and the 7,190 individuals whose removal was enforced in the year ending June 2024 is not available.

We have not identified any indirect discrimination against those who have undergone gender reassignment. This also applies to both the Record keeping during enforcement visits and Post enforcement visit actions guidance products that officers will follow regardless of the gender reassignment status of those encountered during an enforcement visit.



## **Marriage and civil partnership**

### **Direct discrimination:**

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of marriage and civil partnership. Therefore, we do not consider there to be any direct discrimination against is no direct discrimination based on marriage or civil partnership. This also applies to both the Record keeping during enforcement visits and Post enforcement visit actions guidance products that officers will follow regardless of the marriage or civil partnership status of those encountered during an enforcement visit.

### **Indirect discrimination:**

Data on marriage within the cohort of 7,190 individuals whose removal was enforced in the year ending June 2024 is not available.

We have not identified any indirect discrimination based on marriage or civil partnership. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the marriage or civil partnership status of those encountered during an enforcement visit.

## **Pregnancy and maternity**

### **Direct discrimination:**

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of whether they have any of the 8 protected characteristics, therefore we do not consider there to be any direct discrimination against pregnant women. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the pregnancy or maternity status of those encountered during an enforcement visit.

Paragraph 17 of Schedule 3 to the 2010 Act provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions.

### **Indirect discrimination:**

Data on pregnancy and maternity within the cohorts of 8,484 individuals served as illegal entrants and the 7,190 individuals whose removal was enforced in the year ending June 2024 is not available.

However, the data shows that of the 8,484 individuals who were served as illegal entrants, 1,836 were females and of the 7,190 individuals who were removed, 562 were females. The percentages are 21.6% and 7.8% respectively. This suggests that the likelihood of any adverse impact on individuals with this protected characteristic is low.

We have not identified any indirect discrimination on account of pregnancy or maternity. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the pregnancy or maternity status of those encountered during an enforcement visit.

## **Race**

### **Direct discrimination:**

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of whether they have any of the 8 protected characteristics, therefore we do not consider there to be any direct discrimination on race, beyond that permitted by Schedule 3 of the Equality Act 2010. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the race of those encountered during an enforcement visit.

Paragraph 17 of Schedule 3 to the 2010 Act provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions.

### **Indirect discrimination:**

Yes, there may be indirect discrimination with regard to race.

In the year ending June 2024, there were 7,190 enforced removals. Of these, 2,822 were Albanian nationals and 1,294 were Romanian nationals. Albanian and Romanian nationals made up 39.2% and 17.9% of that cohort. As a comparison, 8,484 individuals were served as illegal entrants in the year ending June 2024. Of these, 2,663 were Albanian nationals and 423 were nationals of Afghanistan. Albanian and Afghani nationals made up 31.4% and 4.9% of that cohort.

Immigration Enforcement visits may affect some nationalities more than others. We consider the make-up of these cohorts to be self-selecting and dependent on numerous factors such as wars, conflict, famines, natural disasters and economic migration which influence migration trends and behaviour.

Whilst the data suggests that Immigration Enforcement activity which may at present disproportionately affect Albanian, Romanian and Afghani nationals, we consider that any indirect differential impact of the policy on individuals of these nationalities is justified on the basis that it is proportionate and in pursuit of the legitimate aims of maintaining immigration control.

In the case of record keeping during enforcement visits and post enforcement visit actions, we do not anticipate any indirect discrimination. This is because both documents will be followed by officers regardless of the race of those encountered during an enforcement visit.

## **Religion and belief**

### **Direct discrimination:**

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of whether they have any of the 8 protected characteristics, therefore we do not consider there to be any direct discrimination based on religion or belief. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the religion or belief of those encountered during an enforcement visit.

Paragraph 17 of Schedule 3 to the 2010 Act provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function

because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions.

Indirect discrimination:

Data on religion or belief within this cohort is not available. However, given that of the 8,484 initially encountered as illegal entrants in the year ending June 2024, 31.3% were Albanian and 4.9% were Afghani, this policy may impact certain religions. This is reinforced by the fact that of the 7,190 people whose removal was enforced in the year ending June 2024, 39.2% were Albanian and 17.9% were Romanian nationals.

As approximately 97% of Afghans and 58% of Albanians are Muslim and over 90% of Romanians are Christian, Muslims and Christians are therefore more likely to be affected by Immigration Enforcement visits. However, as this cohort is a self-selecting group which is dependent on numerous global factors, any indirect impact on individuals of any particular faith is nevertheless justified on the basis that it is proportionate and in pursuit of the legitimate aims of maintaining immigration control.

In the case of record keeping during enforcement visits and post enforcement visit actions, we do not anticipate any indirect discrimination. This is because both documents will be followed by officers regardless of the religion or belief of those encountered during an enforcement visit.

## **Sex**

Direct discrimination:

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of sex. Therefore, there is no direct discrimination on the basis of sex. This also applies to both the Record keeping during enforcement visits and Post enforcement visit actions guidance products that officers will follow regardless of the sex of those encountered during an enforcement visit.

Indirect discrimination:

Yes, there may be indirect discrimination with regard to sex.

In the year ending June 2024, 8,484 individuals were served as illegal entrants. Of these, 6,636 (78.2%) were male and 1,836 (21.6%) were female.

In the year ending June 2024, there were 7,190 enforced removals. Of these, 6,611 (91.9%) were male and 562 (7.8%) were female.

The data suggests that Immigration Enforcement activity is likely to disproportionately affect males. We consider the make-up of this cohort to be self-selecting based on the fact that men are generally more physically capable and disposed to travel or migrate, whereas women are highly likely to be endangered if travelling alone.

Any differential impact is justified on the basis that it is proportionate and in pursuit of the legitimate aims of maintaining immigration control.

In the case of record keeping during enforcement visits and post enforcement visit actions, we do not anticipate any indirect discrimination. This is because both documents will be followed by officers regardless of the sex of those encountered during an enforcement visit.

## Sexual orientation

Direct discrimination:

The policy objective applies to all those for whom there are reasonable grounds to suspect that they are in breach of immigration law regardless of whether they have any of the 8 protected characteristics, therefore we do not consider there to be any direct discrimination in respect of sexual orientation. This also applies to both the record keeping during enforcement visits and post enforcement visit actions guidance products that officers will follow regardless of the sexual orientation of those encountered during an enforcement visit.

Paragraph 17 of Schedule 3 to the 2010 Act provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions.

Indirect discrimination:

Data on sexual orientation within this cohort is not available.

Any indirect impact on individuals on the grounds of sexual orientation is nevertheless justified on the basis that it is proportionate and in pursuit of the legitimate aims of maintaining immigration control.

In the case of record keeping during enforcement visits and post enforcement visit actions, we do not anticipate any indirect discrimination. This is because both documents will be followed by officers regardless of the sexual orientation of those encountered during an enforcement visit.

**7b. Consideration of limb 2: Advance equality of opportunity** between people who share a protected characteristic and people who do not share it.

**Age** – Immigration Enforcement visits apply equally to all and do not usually target specific age groups and, if a specific operation were planned, a separate and specific ECIA would be completed. The potential encounter of unaccompanied under 18s previously unknown to the authorities during an enforcement visit would lead to those persons being referred to the Local Authority children's services for safeguarding purposes.

**Disability** – Immigration Enforcement visits apply equally to all. Where information suggests that a person with a physical or mental disability might be present at premises to be visited this would be assessed as part of the pre-visit planning and any adjustments made to address the needs of that person, keeping in mind their safety and that of the ICE team attending. The guidance [Identifying people at risk](#) includes general advice on awareness and identification of common areas of concern. The "Search and seizure" chapter also includes allowances for the searching of those in a wheelchair.

**Gender reassignment** – Immigration Enforcement visits apply equally to all. Immigration Enforcement General Instructions contains specific guidance where appropriate on the sensitive treatment of individuals who appear to be or voluntarily identify as transgender, particularly during arrest and any subsequent search, where officers will search trans people in line with their affirmed gender as far as is possible.

**Maternity and pregnancy** – Immigration Enforcement visits apply equally to all. Standard operating protocols are contained within General Instructions: [Identifying People At Risk](#) and

[Detention guidance](#) and [Detention of pregnant women](#) which raise awareness of the needs of pregnant women. In order to protect the interests of the mother and child, the strong preference for those with no lawful basis of stay in the UK is to give them the option to, and encourage them to leave voluntarily, rather than seek to detain them. Consideration of detention of pregnant women is reserved for use only where the immigration control factors outweigh the evidence of vulnerability.

**Race** – Immigration Enforcement visits apply equally to all. No operations are mounted that target specific ethnic groups and a person's colour or perceived ethnic origin can never be the basis of a 'reasonable suspicion' that someone is an immigration offender, as detailed in [Enforcement interviews](#). Although there is no racial basis to whether a premises or wider location is targeted for an enforcement operation it is likely that certain national groups are more represented in some geographic areas or in certain commercial activities, which in turn are known to be frequented by immigration offenders. Visits and operations targeting these areas may reasonably be expected to result in the encounter of a greater proportion of those national groups. The Enforcement planning Assessments guidance followed by Immigration Enforcement officers prior to conducting an enforcement visit or operation includes the requirement to consider, on a case-by-case basis, whether a full Equality and Community Impact Assessment needs to be completed, which in itself requires the authorising officer to make a final assessment as to whether the visit should proceed. Adapting the standard EIA consideration and template to simultaneously consider and take steps to mitigate community tensions during an enforcement visit is unique within the Migration and Borders Group. In addition, Immigration Enforcement is a diverse body and, when encountering individuals, is often able to utilise cultural awareness and language skills from within its ranks. In other circumstances practical use is made of telephone contact with approved interpreters and digital apps. See: [Enforcement interviews](#) guidance.

**Religion or belief** – Immigration Enforcement visits apply equally to all. Consideration of indirect discrimination for religious groups is closely related to the issues already described for race and national groups. Religion is likely to be closely related to the national demographic of those arriving but neither characteristic suffers an identifiable additional, indirect negative impact as a result of the policy. No differentiation is made in immigration law on the basis of religious affiliation but specific guidance is provided on factors for consideration where a visit is proposed to a religious or other culturally sensitive premises and during [searches](#) where the gender of the person conducting the search is an issue. The development of this visit assessment process was largely driven by IE's "lessons from the past", including at least considering, or at most avoiding, visits to areas which are largely populated by specific religious communities during religious festivals or holidays, such as Eid, Diwali or Vaisakhi. The "Search and seizure" chapter also includes awareness of other cultural and religious sensitivities and practices such as the wearing or carrying of the "5Ks" by Sikh males.

**Sex** – Immigration Enforcement visits apply equally to all. Questioning and searches by a person of the opposite gender may be intimidating or culturally unacceptable. Interviewing officers are trained to recognise the difficulties women may have in disclosing relevant information. It acknowledges that some women may have difficulty responding to questions relating to negative experiences.

This is recognised within policy guidance and training - in particular where there is physical contact during searches; standing instructions state that searches are to be conducted by a person of the same gender where this is possible or, in the case of trans people, the gender that they identify with. Regarding verbal questioning, it is likely that instances will arise where individuals prefer to be questioned by a person of the same gender. Although no standing instruction exists specifying that this must be allowed, it is, in practice, likely that the individual's wishes will be accommodated

if possible. Where possible, those teams conducting Immigration Enforcement visits are of mixed gender.

**Sexual orientation** – Immigration Enforcement visits apply equally to all. No differentiation is made in immigration law on the basis of sexual orientation but specific guidance is provided on factors for consideration during encounter, questioning and [searches](#), as mentioned above, as the issues and impact factors related to sexual orientation overlap with those of the protected characteristic of gender reassignment.

**7c. Consideration of limb 3: Foster good relations** between people who share a protected characteristic and persons who do not share it.

**Age** – Immigration Enforcement visits apply equally to all. Home Office policy and guidance contain no formal definition of when an individual might be considered 'elderly'. However, for the purpose of this assessment, the age of 70 or over has been used as an indicator. The age is, however, only a guide and those below that age with what might be regarded as an age-related infirmity or disability are, in practice, dealt with sensitively and according to their individual circumstances.

In enforcing immigration laws, we will have regard to the need to keep children safe from harm and promote their welfare in the community. This will include making contact, on their behalf, with those that have a duty or a role in ensuring their welfare where there are signs that a particular child is suffering harm or likely to suffer harm. It also means that throughout the immigration system we will treat children with sensitivity and on the basis that every child does matter, regardless of his or her immigration status. It means that we will take account of the views of children where appropriate, and that HO staff will be trained in specific children's issues, including communicating with children, safeguarding children, trafficking, smuggling and exploitation of children. Although being a child is not a protected characteristic under the public-sector equality duty in section 149 of the Equality Act 2010, we carefully consider the impact on children of policies in accordance with [Section 55 of the Borders, Citizenship and Immigration Act 2009](#) and in relation to immigration enforcement both in policy development and operational planning. When carrying out an immigration function in respect of a child, the actions of the immigration officer will always be in the best interests of that child.

**Disability** – Immigration Enforcement visits apply equally to all. The [Public Sector Equality Duty](#) (PSED) explicitly recognises that disabled people's needs may be different from those of non-disabled people. Most commonly, this might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs. For the purposes of the Equality Act 2010, disability is described as: 'A physical or mental impairment that has a 'substantial' and 'long-term' negative effect on an individual's ability to carry out normal daily activities.' Several policies and instructions work together to ensure that those meeting this Equality Act definition of disability are not directly or indirectly disadvantaged. Policy guidance in relation to Immigration Enforcement operational activity specifies procedures for [Identifying people at risk](#). The guidance includes general advice on awareness and identification of common areas of concern. Where information suggests that a person with a disability might be present at premises to be visited this is assessed as part of the [Enforcement Planning Assessment](#). It is not possible to identify all such instances in advance of a visit.

**Gender reassignment** – Immigration Enforcement visits apply equally to all. Immigration Enforcement General Instructions contains specific guidance where appropriate on the sensitive treatment of those undergoing gender reassignment– particularly during arrest, search or detention. The Home Office is committed to improving guidance and training on the handling of gender identity in asylum claims to ensure that the specific needs and experiences of trans asylum



seekers are met and clearly referenced. We review policy guidance in light of changing circumstances and experience to improve the management of trans identification of asylum claimants. Standard protocols contained in General Instructions; [Search and seizure](#) and [Detention guidance](#) contains specific guidance where appropriate on the sensitive treatment of such individuals to preserve privacy and dignity – particularly during arrest, search or detention.

**Maternity and pregnancy** – Immigration Enforcement visits apply equally to all. Standard operating protocols are contained within General Instructions: [Identifying People At Risk](#) and [Detention guidance](#) and [Detention of pregnant women](#). For further information, see the Detention Services Order (DSO) DSO-05-2016 Care and management of pregnant women in detention

Pregnant women and women with young children are subject to the enforcement process in the same way as other individuals. However, in order to protect the interests of the mother and child, the strong preference for those with no lawful basis of stay in the UK to give them the option to, and encourage them to leave voluntarily, rather than seek to detain them. Detention of pregnant women is reserved for use only where the immigration control factors outweigh the evidence of vulnerability. Higher levels of authority are required for their detention. Consequently, pregnant women often receive more favourable treatment than those that do not share this protected characteristic. IE operational protocols contain specific policy guidance on the treatment of pregnant women and dependent children.

**Race** – Immigration Enforcement visits apply equally to all. Paragraph 17 of Schedule 3 to the Equality Act 2010 provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions. However, The Home Office does not collect data on ethnicity in relation to immigration enforcement and no operations are mounted that target specific ethnic groups. If an immigration function is designed to directly impact on a national group, it is in relation to regulations made in relation to that national group allowed under immigration law – such as the imposition of a visa requirement on a particular country.

There is an inherent risk in IE operations that, although the activity has an intelligence basis, the practical necessity to eliminate individuals unconnected with the enquiry may give rise to the appearance or perception that the investigating officers are profiling particular ethnic or cultural groups or otherwise targeting individuals without a legitimate basis to do so. It is unlawful for an immigration officer carrying out their duties to do any act that constitutes direct discrimination based on a person's colour or perceived ethnic origin. This can never be the basis of a [‘reasonable suspicion’](#) that someone is an immigration offender. See: [Enforcement interviews](#). For further information see [Immigration enforcement powers](#) for a definition of ‘reasonable suspicion’.

Although there is no racial basis to whether a premises or wider location is targeted for an enforcement operation it is likely that certain national groups are more represented in some geographic areas or in certain commercial activities. Visits and operations targeting these areas may reasonably be expected to result in the encounter of a greater proportion of those national groups. On a wider level, the existence of a large population with shared heritage makes it more likely that nationals from that group will feature more prominently among detected offenders and the numbers detected must be seen in the context of the proportion of the population that includes that group.

Although not necessarily governed by cultural heritage or nationality, language and communication barriers are a predictable consequence of dealing with diverse groups arriving from overseas. Languages may vary even within national groups and be an indicator of cultural origins rather than citizenship of any nation. If English is not the individual's first language, we

recognise and allow for the possibility that he or she may find it difficult to communicate their fears and/or intentions. In addition, Immigration Enforcement is a diverse cultural body and, when encountering individuals, is often able to utilise shared culture, experience and language skills from within its ranks. In other circumstances practical use is made of telephone contact with approved interpreters and digital apps. For further information see: policy guidance [Enforcement interviews](#).

**Religion or belief** – Immigration Enforcement visits apply equally to all. Paragraph 18 of Schedule 3 to the Equality Act 2010 provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her religion or belief in relation to the exercise of immigration functions. For instance, it may be necessary to cancel leave to enter or remain in the United Kingdom, on the grounds that the exclusion of the person from the United Kingdom is conducive to the public good. In the context of this policy proposal there are no grounds to believe that the exception is relevant in the exercise of the powers described.

Published policy contains no criteria directly relevant to arrest, detention or exclusion from detention on the grounds of religion or belief (or the lack thereof). Any such arrest and / or detention may in principle be appropriate, according to the particular facts of the case.

Consideration of indirect discrimination for religious groups is closely related to the issues already described for race and national groups. Although no data are available on the religious affiliation of those found to be in breach of immigration law, there is no reason to suppose people with this protected characteristic are likely to be disproportionately affected by IE enquiries. No differentiation is made in immigration law on the basis of religious affiliation but specific guidance is provided on factors for consideration where a visit is proposed to a religious or other culturally sensitive premises and during [searches](#) where the gender of the person conducting the search is an issue.

Guidance on the planning of enforcement visits, detailed in [Enforcement planning assessments](#), includes consideration of the demographics of the locality to be visited, including the nationality and predominant religion of local residents and whether a specific Equalities and Community Impact Assessment (ECIA) needs to be completed for the visit and local community and business interest groups informed prior to deployment. The development of this visit assessment process was largely driven by IE's "lessons from the past", including at least considering, or at most avoiding, visits to areas which are largely populated by specific religious communities during religious festivals or holidays.

**Sex** – Immigration Enforcement visits apply equally to all. Policy guidance in relation to gender, and any necessary mitigation, is contained in various parts of Immigration Enforcement General Instructions. Relevant to the scenarios being assessed here are guidance relating to [Arrest and restraint](#), [Enforcement interviews](#), [Search and seizure](#). These provide information concerning the use of force, powers and methods of search, conduct of investigative interviews and respect for cultural needs and privacy.

Interviewing officers are trained to recognise the difficulties women may have in disclosing relevant information. It acknowledges that some women may have difficulty responding to questions relating to negative experiences.

Where there is physical contact during searches; standing instructions state that searches are to be conducted by a person of the same gender where this is possible or, in the case of transgendered people, the gender that they identify with. Regarding verbal questioning, it is likely that instances will arise where individuals prefer to be questioned by a person of the same gender.



Although no standing instruction exists specifying that this must be allowed, it is, in practice, likely that the individual's wishes will be accommodated if possible. Where possible, those teams conducting IE investigations are of mixed gender.

The Home Office liaises closely with stakeholders on gender related issues, including active involvement in the wider Home Office strategy to tackle violence against women and girls (VAWG). The Home Office has further developed an asylum gender action plan and has made good progress in improving the asylum process for women. Action taken includes offering asylum claimants the choice of whether they would like a male or female interviewer and interpreter and signposting women to available support services. The flexibility of the policy and access to legally aided lawyers and interpreters also helps to address any disadvantages, women in particular, but also men, may face in presenting their asylum claim.

**Sexual orientation** – Immigration Enforcement visits apply equally to all. Although no data is available on the sexual orientation of those found to be in breach of immigration law, there is no reason to suppose people with this protected characteristic are likely to be disproportionately affected by IE enquiries. No differentiation is made in immigration law on the basis of sexual orientation or in relation to transgendered people but specific guidance is provided on factors for consideration during [searches](#) or where [adults at risk in detention](#) is considered. In line with the [Gender Identity Issues in the Asylum Claim](#) guidance, both [Arrest and restraint](#) and [Search and seizure](#) guidance include considerations of recording of a person's biological sex and affirmed gender, including the gender they wish to be treated as and consideration as to whether the ICE team is able to search an arrested person according to their affirmed gender, and if not, to record this and inform the custody officer at the police station.

## 7d. Fostering good relations in the community in general

The government recognises that it has a fundamental responsibility to ensure community safety and public confidence whilst fairly and equitably enforcing immigration law. Policy guidance and training recognise the need to promote and preserve confidence in communities by ensuring that the law is applied equitably and for the good of the whole community. Conducting enquiries in the community is a highly sensitive area of work and IE addresses the impact of its work on the community by use of systemic checks and assessments during operational planning and by direct and indirect community engagement carried out by various means.

We seek the cooperation and support of all community groups to maintain the integrity and fair application of laws and regulations designed to protect and help the wider community.

IE has a dedicated National Community Engagement Team (NCET) whose officers are, where possible, selected because of their specialist knowledge and skills in relation to cultural groups that figure most strongly in current IE work.

There is a risk that any Immigration Enforcement operation might cause alarm or confusion within the local community because it is disruptive in some way or perceived to be disproportionate and / or discriminatory. The perception that the operation is disproportionate may be based on the level of disruption caused; for instance, by the need to control free movement within a premises or in the immediate area, or by over-deploying resources to an extent that is considered intimidating or is unnecessary to achieve the aim of the operation. The perception of discrimination or disproportionate action may be based on the timing and location of the operation or genuine concern that the operation appears to be profiling particular groups or otherwise targeting individuals without a legitimate basis to do so. To this end, officers working on the NCET actively engage with community groups across the UK and hold regular workshops and conferences to work with and educate those groups as to the role of Immigration Enforcement which is to target

immigration offenders within their communities who undermine their lawful presence and business activities.

Immigration Enforcement seeks to identify any actual risk of direct or indirect discrimination but also recognises the need to minimise the perception of discrimination and any resulting harm to community confidence. IE [General Instructions](#) contains for instance general information on the timing and conduct of visits but also contains specific instructions relating to planning and implementation whose underlying intent is to promote peaceful and consensual investigations that are seen to be legitimately based and proportionate in relation to the objective.

Before being authorised, all enforcement visits are subject to an Enforcement Planning Assessment (EPA) that considers all risks and the impact of the planned operational deployment on the immediate geographic area and community. In some circumstances, for instance where there are particular sensitivities that may have a wider consequence, these are also assessed. The EPA also encompasses all issues identified in relation to Equality Act 2010 protected characteristics and consideration of child welfare issues in relation to s55 Borders, Citizenship and Immigration Act 2009. The authorising officer will consider whether the operational plan is in accordance with General Instructions and takes account of any constraints and considerations contained therein. Where General Instructions, current National Generic Risk Assessments and/or relevant Equality Impact Assessments do not address any identified risk or impact, the authorising officer must detail these with proposed mitigating actions to a senior officer. Any particular constraints on the operational plan are notified to the Officer in Charge (OIC) of the operation who, in turn, briefs those conducting the operation.

The time at which visits are made to a residential premises or public area, and the level of deployment, is dependent upon the circumstances of the case but, as a general rule, guidance provides that the authorising officer must consider the grounds given to justify visits outside of what are deemed 'reasonable' hours, (for further information, see: [Enforcement planning assessments](#)).

In the case of visits to residential premises in pursuance of 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.

Visits to commercial premises may be conducted at any time depending on the nature of the business and intelligence. The authorising officer must however take full account of potential community disruption when considering whether the timing of the visit is necessary and appropriate.

Issues in relation to operations conducted in public areas are examined in the section [Operational planning and implementation](#).

We seek to advance equality and promote community confidence by applying immigration law fairly, consistently and in a way that addresses potential harm to communities and services as described above. We are mindful of the serious damage that can be done to community relations because one social grouping or section of the community perceives, rightly or wrongly, that it is being targeted disproportionately or without legitimate and proportionate justification. We consider that these risks are best managed by:

- being transparent in the way that our policy and guidance is published and implemented
- regularly assessing and reviewing equality risks as they apply to our work
- engaging directly with the community where possible and appropriate to gauge concerns and issues

- engaging with other agencies, charities, interest groups and other bodies to better understand equality issues and factor these into our ongoing risk assessments

Immigration Enforcement seeks to identify and, where possible, eliminate any actual risk of direct or indirect discrimination but also recognises that even where no discrimination is identified, there is the need to minimise the perception of discrimination and any resulting harm to community confidence. Overarching considerations of when and how IE may seek to engage with community groups and other bodies is detailed in the Immigration Enforcement Community Engagement Strategy.

### **Advancing equality**

Immigration Enforcement seeks to act in a way that advances equality by applying immigration law according to the harm to communities and services as described above. IE is mindful of the damage that can be done to community relations because one section of the community perceives that it is being targeted disproportionately or without justification. IE considers that these risks are best managed by:

- being transparent in the way that its policy and guidance is published
- regularly assessing and reviewing equality risks as they apply to the work of IE
- engaging directly with the community where possible and appropriate to gauge concerns and issues
- engaging with other agencies, charities, interest groups and other bodies to better understand equality issues and factor these into risk assessments

At an operational level, IE trains its officers in equality and diversity awareness and provides practical guidance and training relating to cultural sensitivities and the sensitivities and needs of all those protected groups listed above. IE is itself an organisation with an ethnically diverse workforce where cultural knowledge, language abilities and personal awareness of the needs of the protected groups is valued and fully utilised to the benefit of both the organisation and the public.

## 8. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected characteristic group	Potential for positive or negative Impact?	Explanation	Action to address negative impact
<b>Age</b>	Negative	Data shows a potential indirect impact on those aged 18-49.	No action required
<b>Disability</b>	Negative	A potential indirect impact on those encountered on IE visits who suffer from mental health problems, if subsequently detained as imminently removable.	No action required
<b>Gender reassignment</b>	Neutral	IE visits and operations do not provide a differential impact on those with this protected characteristic.	N/A
<b>Marriage and civil partnership</b>	Neutral	IE visits and operations do not provide a differential impact on those with this protected characteristic.	N/A
<b>Pregnancy and maternity</b>	Neutral	IE visits and operations do not provide a differential impact on those with this protected characteristic.	N/A
<b>Race</b>	Negative	Data suggests potential impact on Albanian and Romanian nationals.	No action required
<b>Religion or belief</b>	Negative	Data suggests potential impact on individuals of the Islamic and Christian faiths	No action required
<b>Sex</b>	Negative	Data suggests potential impact on males.	No action required

Protected characteristic group	Potential for positive or negative Impact?	Explanation	Action to address negative impact
<b>Sexual orientation</b>	Neutral	IE visits and operations do not provide a differential impact on those with this protected characteristic	N/A

## 9. Options and conclusion - In light of the overall objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

As above in section 8, there is no action required to address any potential negative impacts in respect of age, disability, race, religion / belief or sex over and above the considerations, allowances and protocols which are already in place, as detailed throughout this assessment.

## 10. Review and authorisation

This ECIA will be reviewed and updated as new information becomes available.

Version	Updated	Updated by
1 (final published)	August 2025	Official - sensitive

### G7 / SCS verification

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with [section 149 of the Equality Act 2010](#) and that due regard has been made to the need to eliminate unlawful discrimination; advance equality of opportunity; and foster good community relations.

### G7 / SCS authorisation

Following completion of the foregoing assessment, this activity may continue subject to the mitigation plans detailed above (and the following conditions **Not applicable**).

G7/SCS approval	Official - sensitive	Title	SCS, Head of Unit
Directorate/Unit	Enforcement & Criminality Policy Unit	Date	06/08/2025

The following will be advised in advance of the visit: **Not applicable**

- ☐ G6
- ☐ Deputy Director (G5 SCS PB1)
- ☐ Immigration Minister
- ☐ Press Office

Retain the completed ECIA for your records and send copies to: **Not applicable**

**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**