

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B

Statement of [REDACTED] URN:

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Age if under 18 (if over 18 insert 'over 18') Occupation: **Immigration Officer**

This statement (consisting of: 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date: **07.11.19**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named officer, I work in the Arrest team based at the [REDACTED], as part of the [REDACTED] Immigration Compliance and Enforcement team.

I was on duty in full uniform on 2nd May 2019 and was tasked to attend **AKBAR DYNASTY RESTAURANT, SADBERGE, DARLINGTON, DL2 1SZ** for the purpose to investigate the allegation of illegally working at the premises.

I arrived at the premises and the [REDACTED] requested informed consent. This was refused by the manager at around 18.20 hours as he stated the restaurant was too busy. However this was not the case and the restaurant was extremely quiet, with only a handful of customers at that time.

I remained outside the front door of the business. [REDACTED] obtained an Area Directors letter at 18.28 hours and I entered the premises. I remained in a cover role during the visit and assisted with transporting each arrestee to the cell vehicle outside.

I was then asked to speak to the manager of the premises and he stated the following:

- Q1) WHAT IS YOUR POSITION HERE?**
- A1) MANAGER. AKBAR DYNASTY LTD OWN THE BUSINESS.**
- Q2) HOW LONG HAVE YOU BEEN WORKING HERE?**

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED]

A2) 8 YEARS AS MANAGER.

Q3) WHAT ARE THE COMPANIES HOUSE AND VAT NUMBERS OF THE BUSINESS?

A3) I DON'T HAVE THAT TO HAND. I CAN PROVIDE THOSE DETAILS. THEY ARE IN THE OFFICE.

Q4) WHAT'S THE LTD COMPANY ADDRESS?

A4) THIS IS THE MAIN PREMISES.

Q5) HOW LONG HAVE THEY BEEN WORKING HERE?

A5) ALL FOUR HAVE BEEN HERE ONE WEEK.

Q6) WHAT ARE THEIR ROLES HERE?

A6) THEY CLEAN, WASH UP DISHES, CLEAN KITCHEN AND FRONT OF HOUSE.

Q7) WHAT HOURS DO THEY WORK?

A7) THEY START AT 17.45 AND WORK UNTIL 21.00-22.00 DEPENDING HOW BUSY WE ARE.

Q8) WHAT DAYS DO THEY WORK?

A8) THEY COME ONCE A WEEK ON A THURSDAY AND PREPARE FOR THE NEXT DAY.

Q9) DID THEY PROVIDE ANY DOCUMENTS TO SHOW THEY COULD WORK IN THE UK?

A9) YES I'VE GOT ALL THE DOCUMENTS TO PROVE THEY CAN WORK. THE DOCUMENTS ARE IN MY OFFICE IN [REDACTED]. THE BOSS HAS ACCESS TO THAT.

Q10) WHAT'S THE BOSSES TELEPHONE NUMBER?

A10) I DON'T HAVE IT. [REDACTED].

Q11) DO THEY GET PAID?

A11) YES. I DON'T DO WAGES. THE BOSS PAYS THEM THROUGH THEIR BANKS ON A SUNDAY ON A WEEKLY BASIS. THEY DON'T LIVE HERE.

Q12) DO THEY GET FOOD / DRINK FOR WORKING HERE?

A12) YES EVERYTHING IS PROVIDED FOR THEM.

This interview was completed at 19.09 hours and the manager signed my notebook to confirm it was a true reflection of our conversation. I left the premises at 19.25 hours.

The ability to work illegally is a key driver of illegal migration; it encourages people to break the UK's immigration

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED]

laws and provides the practical means for migrants to remain unlawfully in the UK.

It encourages people to take risks in trying to enter the UK illegally by putting their lives in the hands of people smugglers and leaves them vulnerable to exploitative employers.

We are committed to tackling the economic motivation behind illegal migration and those people who facilitate it. However, employers also have an important role to play in preventing illegal working by undertaking simple checks on their employees' right to work in the UK.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and repeating the checks if the employee has time-limited permission to live and work in the UK.

Signature: Signature witnessed by:

RESTRICTED – (when completed)

Not Disclosable

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
 Best time of contact:
 Male / Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1) Religion/Belief:

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing and likely to attend court? Yes No If 'No', include reason(s) on MG6. What can be done to ensure
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
 Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name

Signature of parent/guardian/appropriate adult: Print name

Address and telephone number if different from above:

This tear off section to be completed and handed to the witness

UKBA – Contact Details

The officer dealing with your case/taking this statement is:

Officer: Rank & Number:

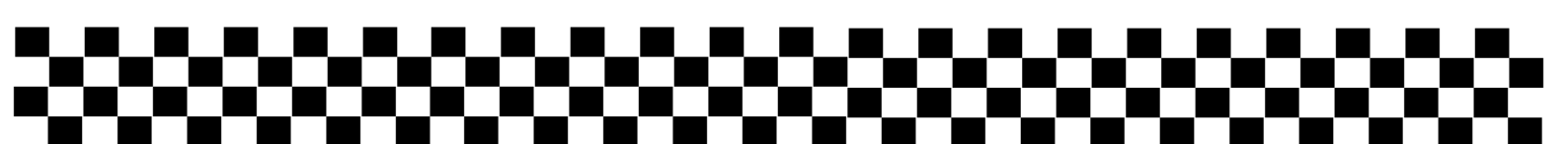
Office:

Telephone:

Contact E-Mail:

Reference No:

The officer dealing with your case can help but may not always be available.



Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell UKBA:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, UKBA, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. UKBA, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the UKBA in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the UKBA officer dealing with your case.

Will I be told what is happening in the case?

UKBA and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact UKBA at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare).
Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or UKBA will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

**Victim Support Helpline
0845 30 30 900**

