

### WITNESS STATEMENT

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

Statement of

[Redacted Name]

URN:

[Redacted URN]

Age if under 18

[Redacted Age]

(if over 18 insert 'over 18')

Occupation:

Immigration Officer

[Redacted Occupation]

This statement (consisting of: 2 ... 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 Signature]

Date:

28-10-19

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

I am an immigration Officer (IO) within the Home office and work for the [Redacted] Immigration Compliance and Enforcement team ([Redacted] ICE) based at [Redacted]. I have been employed by the Home Office in the capacity of an arrest trained officer for twelve years. My duties include establishing the immigration status of foreign nationals present in the United Kingdom and investigation of offences under the Immigration Act 1971 (as amended).

On 02 May 2019 I was the officer in charge (OIC) during an intelligence led visit to Akbars Dynasty, Sadberge, Darlington, Cleveland, DL2 1SZ. Information had been received stating that a named [Redacted] male aged [Redacted] tall of [Redacted] build with [Redacted] had overstayed his visa in the United Kingdom (UK) and was working illegally as a chef at Akbar's Dynasty. Based on this information an Immigration Enforcement visit was authorised to Akbars Dynasty using fully informed consent to gain entry to the business.

At approximately 18:20 an immigration enforcement team of 7 officers arrived at Akbars Dynasty with 3 officers taking up positions at the rear and side exits of the premises. Myself and IO [Redacted] entered the main entrance of the business and I identify myself to a female behind the bar and asked to speak to the person in charge the female states she will get [Redacted]. A male then approaches me and identifies himself as the manager. I again identify myself and show my warrant card to this male and explain that an allegation has been made that illegal working is taking place at Akbar's Dynasty and officers from Immigration Enforcement had come to the business to investigate the allegation. The manager immediately asks the name of the person alleged to be working illegally I give the name of the person to the manager and he states he does not work there and he doesn't know him. I explain that I still have to investigate the allegation and attempt to gain fully informed consent to be on the premises to speak to the staff. The manager states he is very busy I look around and count approximately six customer occupied tables the majority of the premises is empty. I tell the manager that we do not want to interfere with his business but as previously stated we must investigate the allegation I suggest to minimise any disruption we can speak to staff at rear kitchen door one by one. The manager asks for the paper to say officers can come into the premises I explain to the manager the notice to occupier form and the manager asks if he has to allow officers to come in I tell the manager he has the right to refuse officers entry to his business.

Signature:

[Redacted Signature]

Signature witnessed by:

[Redacted Signature]

Continuation of Statement of .....

The manager says he does not want officers to speak to his staff and wants officers to leave he does not ask officers to come back at a different time or date.

At the same time I'm speaking to the manager IO [REDACTED] who is standing by the rear kitchen door radios through that since our arrival she has witnessed several kitchen staff taking off their aprons and chef's whites and are leaving the kitchen. IO [REDACTED] identifies a [REDACTED] male seen in the kitchen matching the description of the suspected immigration offender and identifies him as wearing a black and white jumper. IO [REDACTED] who is standing at the side of the business by a glass door radios through that he has witnessed a Bangladeshi male in a black and white jumper come into the customer area and sit down at a table in the conservatory. On seeing IO [REDACTED] by the glass door the manager has closed the blind on the door obscuring IO [REDACTED] view inside.

Myself and IO [REDACTED] leave the business and I go to the rear door and speak to IO [REDACTED] she tells me that when officers arrived she counted 5 males working in the kitchen but upon seeing immigration officers at the rear door 3 males had taken off their aprons and left the kitchen. The kitchen door had now been closed and locked by staff.

Given the adverse reaction shown by the kitchen staff to our presence and the reluctance of the manager to allow officers to enter his premises I now believe immigration offenders are working at Akbars Dynasty. At 18:28 I contact Acting Director (AD) [REDACTED] by phone and explain the circumstances of the visit. I explain staff have shown an adverse reaction to officers presence by taking off their work clothing and leaving the kitchen area and 1 male has moved from the kitchen and is sitting at a table in the conservatory customer area. I ask AD [REDACTED] to authorise entry under Section 28CA of the Immigration Act 1971 (as amended by Section 153 of the Nationality, Immigration and Asylum Act 2002) as I believe suspected immigration offenders are working at the premises in line with the intelligence received. I also believe the manager is aware his staff have no legal basis to work in the UK and has denied fully informed consent for officers to enter the premises.

AD [REDACTED] authorises officers to enter the premises under Section 28CA of the immigration act 1971 (as amended). I make my way back inside and explain to the manager that given the adverse reaction by his staff we had sought and been given permission to enter the premises under Section 28CA of the immigration act 1971. I give the manager a notice to occupier form with the power we are using to enter the premises and also explain that I will deliver the formal letter showing our power of entry tomorrow (exhibit A). I ask the manager if the premises is closed if I can post the letter which he agrees. Officers enter the premises and make their way to the kitchen area and the conservatory where the male previously seen in the kitchen was sitting. I then go to the kitchen area and notice a room to the side with a store room and staff toilet I go into this room and notice the toilet door is ajar. I push the door but it is blocked from the inside I enter the toilet and find a male hiding behind the toilet door I immediately summon IO [REDACTED] who takes the male from the kitchen to a sterile area that had been created in the conservatory area away from other customers where staff are being questioned.

During the questioning the manager is constantly talking to 4 male staff members in a language believed to be [REDACTED] he is told several times not to interfere with officers questioning and not to speak to the men unless in English so officers are aware of what is being said. The manager ignores officers and continues to talk to the men in [REDACTED] leaving me with no choice but to warn the manager to stop obstructing officers while carrying out their lawful duties.

Signature: .....

Signature witnessed by: .....

Continuation of Statement of .....

Checks show that the 4 of the staff encountered including the man hiding in the staff toilet were immigration offenders with no permission to work and had been subsequently arrested. IO [redacted] speaks to the manager about the employment of the 4 arrested males. All 4 males are taken into custody at [redacted] Police Stations.

Before leaving the premises I note that an employee first encountered working as a waiter on arrival is now cooking food in the kitchen also a male seen delivering food to the premises when officers arrived has also started to cut food in the kitchen.

The following day 03 May 2019 I attend Akbar's Dynasty with IO [redacted] The premises is closed and I post the AD Letter in an envelope through the letterbox.

Signature: .....

Signature witnessed by: .....

Continuation of Statement of .....



[Large empty rectangular box for the continuation of the statement]

Signature: .....



Signature witnessed by: .....

**Witness contact details**

URN : / / /

Name of witness: .....  
 Home address: ..... Postcode:.....  
 Email address: ..... Mobile:.....  
 Home telephone number: ..... Work telephone number:.....  
 Preferred means of contact (*specify details for vulnerable/intimidated witnesses only*):.....  
 Gender:..... Date and place of birth:.....  
 Former name: ..... Ethnicity Code (16 + 1): .....

**DATES OF WITNESS NON-AVAILABILITY:** .....

**Witness care**

- a) Is the witness willing to attend court? Yes  No  If 'No', include reason(s) on form **MG6**.
- 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 Victim Personal Statement scheme (victims only) has been explained to me: Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the Home Office...." Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes  No  N/A

I would like the CPS to apply for reporting restrictions on my behalf. Yes  No  N/A

*I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.*

Signature of witness:..... PRINT NAME: .....

Signature of parent/guardian/appropriate adult: ..... PRINT NAME: .....

Address and telephone number if different from above:.....

Statement taken by (*print name*): ..... Station: .....

Time and place statement taken: .....

