

WITNESS STATEMENT

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

URN [ ] [ ] [ ] [ ]

Statement of: [REDACTED]

Age if under 18: OVER 18 (if over 18 insert 'over 18')

Occupation: IMMIGRATION OFFICER

This statement (consisting of 1 page(s) 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 in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date 21/11/2019

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

My Name is [REDACTED] and I am Immigration Officer [REDACTED]. I am part of the [REDACTED] ENFORCEMENT TEAM and have held this position for approximately 18 months. My office location is [REDACTED]

On FRIDAY 11<sup>TH</sup> OCTOBER 2019, I was part of an immigration enforcement visit to JAFFLONG RESTAURANT, 51 MARKET SQUARE, OXFORD, OX26 6AJ. The officer in charge of this visit was IO [REDACTED]. The purpose of this visit was to respond to allegations that illegal working was taking place on this commercial premises. It was alleged that multiple members of staff were foreign nationals, who did not hold the correct work permissions. My role was as an arrest officer.

At 18:36 hours, I arrived at the premises in an Immigration Enforcement branded van alongside other team members. As the van slowed, I observed a male walk out the premises and approach the van. He then quickly turned, went back into the premises and moments later ran back out and down the road. I pursued on foot as I considered this to be an adverse reaction to Immigration Enforcement presence and apprehended this male, effecting an arrest under Section 17(1) of the Immigration Act 1979, as amended. I believed him to be a person who may be subject to immigration control, based on his reaction. I escorted this person back to the premises and spoke with him further.

I now know this person to be [REDACTED] a [REDACTED] national born [REDACTED] [REDACTED] was wearing a pale blue shirt with no tie, black trousers and black shoes. He wore attire that was in keeping with other members of waiting staff.

Checks conducted on our systems showed that [REDACTED] was known to the Home Office and had an open application under consideration. Whilst his case was ongoing, he was compliant with his reporting restrictions however [REDACTED] was not permitted to undertake work at that time. [REDACTED] stated to me that he was not working and was only there for one night to help out his friend. [REDACTED] took me upstairs to the living accommodation to show me a Home Office letter, which confirmed the above checks. I reminded [REDACTED] that he was not permitted to undertake work whilst awaiting a decision on his case and escorted him from the premises.

I then moved to the kitchen area at the back of the premises, to assist officers as a number of individuals had been encountered.

Signature: [REDACTED] Signature witnessed by: .....

In this kitchen, I spoke with a person who I now know to be [REDACTED] a [REDACTED] national born [REDACTED]. [REDACTED] was wearing dirty chef whites and black trousers. [REDACTED] admitted to me that he had last entered the United Kingdom in 2007, concealed in the rear of a lorry. Checks conducted showed there was no previous record of [REDACTED] and no indication that he had applied for, nor been granted, any permissions to be residing and working in the United Kingdom. I arrested [REDACTED] under Section 17(1) of the Immigration Act 1971, as amended.

I asked [REDACTED] questions regarding his employment. He stated that he worked as a kitchen porter, being paid £10 a day alongside accommodation and meals. [REDACTED] further stated that his employer was aware that he was unlawfully present in the United Kingdom.

I referred this arrest to the Chief Immigration Officer on duty, CIO [REDACTED] who authorised the service of a RED.0001 Removal Notice to [REDACTED]. I escorted [REDACTED] to an Immigration Enforcement vehicle and transported to a custody suite.



Not Disclosable

**Witness contact details**

Home address:..... Postcode:.....

Home telephone No:..... Work telephone No:.....

Mobile/Pager No:..... E-mail address:.....

Preferred means of contact (specify details): .....

Best time of contact (specify details):.....

Male / Female Date and place of birth:.....

Former name:..... Ethnicity Code (16 + 1)..... Religion / Belief (Specify.....)

**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 UKBA – what happens next? Yes  No
- d) I consent to UKBA having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No
- 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

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.

**Giving a witness statement to UKBA– what happens next?**

**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

### The Witness Charter

UKBA is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- UKBA, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

#### Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and UKBA have told you that you are likely to be called to give evidence in court, UKBA will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

#### Being kept updated on progress after charge:

If you are a prosecution witness to any offence, UKBA will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court, or held in custody until the first court appearance
- what relevant bail conditions apply.

**Further information** about being a witness can be downloaded from the Crown Prosecution Service website at [www.cps.gov.uk/victims\\_witnesses](http://www.cps.gov.uk/victims_witnesses)