

WITNESS STATEMENT			
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9			
URN			
Statement of [REDACTED]			
Age if under 18: Over 18 (if over 18 insert 'over 18')			
Occupation: Immigration Officer			
This statement (consisting of one page 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]		(witness)	
Date: 19 th June 2023			

I am an Immigration Officer employed by the South East Immigration, Compliance and Enforcement Team based at Frontier House, Folkestone, Kent, CT20 2SG.

On 16/03/2023, at approximately 17:40 I attended a briefing by [REDACTED], along with immigration officers [REDACTED], and [REDACTED] where I was given information that [REDACTED] and [REDACTED] are owners of **The Swan, 35 Swan Street, West Malling, Kent, ME196JU** (visit address) - they are employing people who do not have leave to remain in the UK and are not allowed to work in the UK. This visit was to be conducted under a Paragraph 17(2) Schedule 2 Immigration Act 1971 (as amended) WARRANT.

Upon entry to the premise at approximately 17:53 (on pronto says 15:53 – personal error), I swept the premise with [REDACTED] where we encountered multiple people working in the kitchen. [REDACTED] found a suitable screening area around the back of the premise in the outdoor area where the employees were asked to talk to immigration officers.

Once [REDACTED] deemed it safe and appropriate to do so, I encountered [REDACTED] – ALBANIAN at approximately 18:10.

My justification for encountering this individual was that intel suggests there are illegal workers being employed at this premise. On arrival, this individual was working in the kitchen. Individual seemed very nervous to see immigration officers and asked to go to the bathroom when told all staff needed to be spoken to. Individual was then pacing around the screening area and kept looking at open doorways (possible exits). Wanted to encounter him to clear from our enquiries. When asked what his immigration status in the UK was, individual declared that he had an Outstanding Asylum claim. Home office checks were conducted which showed that the individual had an outstanding asylum claim and was bailed with the conditions no right to work

Signature: [REDACTED]

Signature witnessed by:

Continuation Sheet of: [REDACTED]

in the UK. The individual was located working in the kitchen area preparing food, therefore the individual was arrested by myself at approximately 18:10 as a S10 WIB under *Paragraph 17(1) Schedule 2 Immigration Act 1971*. Individual asked for an interpreter at this point as his English was very limited. Individual was given the administrative caution and the grounds for his arrest were explained to him by Big word interpreter [REDACTED]. I then explained to the individual that because he was caught illegally working in this premise and under immigration arrest that I would have to ask him some more questions surrounding his illegal working. The following questions were asked:

Illegal Working Questions - Employee

Details

Type of work: Visit

Visit reference: [REDACTED]

Created by: [REDACTED]

ProntoID: [REDACTED] - ALB Albania

Subject CIDPID/CEPR: 1 [REDACTED]

Subject name: [REDACTED]

Subject DOB: [REDACTED]

Subject nationality: ALB Albania

Subject gender: Male

Time: 18:14

Creation date 16-03-2023 18:14:45

Language of Interview

What language is the interview carried out in? Albanian

Interpreter used? Yes

Details of interpreter: [REDACTED]

Does the individual understand the interpreter? Yes

Obligation

Q. How long have you been working here?

A. 2 weeks

Q. What is your job role/ what are your duties?

A. KP / wash dishes

Q. What days/ hours do you work each week?

A. 3 days, Thursday, Saturday Sunday, roughly 8 hours

Q. Do you work the same hours/ days every week?

A. Yes

Signature: [REDACTED]

Signature witnessed by:

Continuation Sheet of: E Bateman

Control

Q. Who gave you this job (name and role in business)?

A. I Came to the restaurant and said I don't have a job or any papers and then they helped me

Q. Who tells you what days/ hours to work?

A. There is a staff rota in the kitchen

Remuneration

Q. How are you paid (money, accommodation, food)?

A. I haven't been paid yet as I have only been here two weeks but I will be paid cash in hand

Q. If money, how much and how do you receive it?

A. I don't know, only a little as I am just cleaning dishes

Q. Who pays you?

A. I don't know yet

Q. Do you pay income tax or have a National Insurance number?

A. No

Pre-employment Checks

Q. What name does the employer know you as?

A. [REDACTED]

Q. Did you show documents before being offered the job? If so, what?

A. I showed them my Albanian passport and asked if they could give me a part time job

Q. Does your employer know you're not allowed to work in the UK?

A. No I didn't say anything to them

Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Subject has refused to provide a signature.

My Observations

Intel suggests there are illegal workers being employed at this premise. on arrival, individual was working in the kitchen. individual seemed very nervous to see immigration officers and asked to go to the bathroom when told all staff needed to be spoken to. wanted to encounter to clear from our enquiries.

Signature: [REDACTED]

Signature witnessed by:

Continuation Sheet of: [REDACTED]

Home office checks show that individual has outstanding asylum but is not allowed to work

Do you suspect this person of illegal working? Yes

Once I had finished asking the individual illegal working questions, I asked for contact details – he provided a new mobile number and gave the same address that was already on Home Office systems.

After the individual was asked the above questions regarding his illegally working in the UK and contact details, I explained to individual that his bail conditions stated that he was not allowed to work in the UK which included cleaning dishes at THE SWAN, and that because he was illegally working at this premise the owner was liable to a fine of up to £20,000. I told the individual that he had to collect his property and leave the premise immediately. I then de-arrested the individual as he had an outstanding asylum claim and I reiterated to him that he was not permitted to work in the UK. The individual gathered his belongings and left the premise.

[REDACTED] deemed that there were no other employees to screen and that all necessary illegal working questions had been asked in order to serve a Civil Penalty Referral Notice. I departed from the premise shortly after at approximately 18:43.

Signature: [REDACTED]

Signature witnessed by: