



Essex Police submission regarding review of the premises
Licence for:

Mirra Restaurant, 98 High Street, Colchester, CO1 1TH

Premises Licence holder.

Mr Ismet CAM,

[REDACTED]

Designated Premises Supervisor

Mr Harun KARALI,

[REDACTED]

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1.0 Introduction

- 1.1 At approximately 17.25 hours on Friday 14th June 2019 Immigration Officers executed a search warrant under Schedule 2, Paragraph 17(2) of the Immigration Act 1971 at Mirra Restaurant, 98 High Street, Colchester.
- 1.2 Companies House shows the company listed as Mirra Dine & Drink Ltd, with Mr Ismet CAM listed as the sole director. The company was incorporated on 28 September 2017 under company number 10986992.
- 1.3 A number of staff were encountered on the premises and Immigration Officers commenced their investigations.
- 1.4 One male questioned, SUBJECT 1, A Turkish national who claimed that he had entered the County illegally in the back of a lorry. In a subsequent interview he stated he had started work that Monday and was paid £6 per hour (cash in hand) He stated he had had not shown any documents to get a job. When initially detained the subject was wearing a brown "Mirra" embossed chef style uniform. SUBJECT 1 was found in the restaurant kitchen. He further stated that he was hired by a male called [REDACTED] (thought to be the manager) **(See appendix G for photo of subject 1)**
- 1.5 Another male questioned, SUBJECT 2, a national of Uzbekistan was located in the main customer area and was wearing a "Mirra" embossed grey apron, white shirt and black trousers. He stated he had no permission to work in the United Kingdom and checks revealed that he originally arrived in the United Kingdom on 13 December 2013 in possession of a visa, valid for six months. When subsequently interviewed further he stated he had worked for a few days "helping to serve" and was to be paid £7.50 per hour. SUBJECT 2 was encountered in the restaurant serving area.
- 1.6 A further person questioned was SUBJECT 3. He was located in the kitchen area and was wearing what was described as chef's clothes (A photo taken indicates he was wearing a black Mirra branded polo type top with red and white checked trousers.) He stated that he had entered the county illegally in the back of a lorry about six months ago. A subsequent interview he stated he had been working 2 or 3 days as a baker for some 7 or 8 hours per day. He claimed he had not received any money as he was on trial and had shown no documents to work. Again he claimed it was the Manager that had given him work. SUBJECT 3 was encountered in the restaurant kitchen. **(see appendix B for details of all those spoken to by Immigration Officers and appendix H for photo)**
- 1.7 Both Subjects 2 and 3 were subsequently arrested and SUBJECT 1 was released while further checks were made regarding his status in the Country 4

- 1.8 Inquiries with the Home Office have further confirmed that neither SUBJECT 1, SUBJECT 2 nor SUBJECT 3 have the right to work in the UK.
- 1.9 A notice regarding the possibility of a civil penalty was issued
- 1.10 About 12.00hrs on Friday 21st June 2019 The Police Licensing Officer BECKETT attended the venue and by phone had a conversation with a male who identified himself as the Manager, as well as being aware of the Immigration visit. He was asked about what right to work checks were carried out and he stated that he sent details off to his accountant but that could take a week to process. He was advised that the system was clearly not working. He then stated that he had been shown an online link from one of the Officers (who was taken to be one of the Immigration Officers). Mr BECKETT left a copy of latest Home Office guidance together with his business card for the managers information and attention. **(see appendix A)**
- 1.11 Since April this year the national minimum wage for 25s and above (pertinent to all 3 subjects) is £8.21 per hour
- 1.12 As well as referring to Essex Police, the Immigration Service also made a referral to Essex County Fire and Rescue Service as fire escapes were found to be blocked, making the premises unsafe.

2.0 Reason for review

- 2.1 Whether by negligence or wilful blindness one or more illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person is allowed to work. It is an offence to work when a person is disqualified to do so and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.
- 2.2 The case of *East Lindsey District Council v Hanif* (see 8.12) determined that in such circumstances, even without a prosecution, the crime prevention objective is engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity (in particular employing illegal workers) should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.
- 2.3 Essex Police submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; this is why Essex Police has proceeded straight to review.

3.0 Outcome sought

- 3.1 Essex Police asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.
- 3.2 This submission and appended documents provide the licensing sub-committee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.
- 3.3 It is in such circumstances as this review application that a respondent may suggest that conditions are imposed which would prevent a reoccurrence of the employment of illegal workers in the future; an argument that the sub-committee should take remedial and not punitive action.
- 3.4 However since 2006 (with the introduction of the Immigration, Asylum and Nationality Act 2006) employers have had a duty to conduct checks to ensure employees and potential employees are not disqualified from working. Only by completing the required checks and maintaining records of such checks can an employer demonstrate a 'statutory excuse' and evade liability for a civil penalty issued by Immigration Enforcement. In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.
- 3.5 The Guidance is clear that "Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation" (paragraph 1.16). The 2006 Act imposes duties and responsibilities already.
- 3.6 Essex Police contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks which have been a requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already. Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).
- 3.7 Respondents who fail to convince a sub-committee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence;

pointing out that this may be a suitable punitive response instead which will deter others.

- 3.8 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in selling alcohol before continuing with their activity. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.9 Essex Police would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11.26 – 11.28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place – not remedying the situation once discovered.
- 3.10 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.
- 3.11 A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

4.0 Immigration Offences

- 4.1 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.
- 4.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 4.3 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that "*these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker*".
- 4.4 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as **wilful ignorance**, where either no documents are requested or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 4.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.
- 4.6 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 4.7 Thus an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a non-monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

5.0 Steps to Avoid the Employment of an Illegal Worker

- 5.1 It is a straightforward process for any employer, no matter how small, to prevent themselves employing an illegal worker. If an employer has failed to take even the most basic steps then Essex Police contends they have chosen to remain ignorant of the immigration status of their workforce and no amount of potential imposed conditions is sufficient, in our opinion, to avoid the legitimacy of revocation in proving a deterrent to others to the employment of illegal workers.
- 5.2 The Home Office has made checklists widely available which set out what a responsible employer should ask for ahead of employing any person in order to demonstrate 'due diligence' and avoid liability for inadvertently employing an illegal worker.
- 5.3 Since April 2017 these checklists have been embedded in the statutory applications for personal licences and premises licences, the transfer of premises licences and designated premises supervisor variations.
- 5.4 The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.
- 5.5 The first link (<https://www.gov.uk/check-job-applicant-right-to-work>) details general advice, checking the documents, taking a copy of the documents, what if the job applicant can't show their documents and provides details of an employers' telephone helpline. This page has a direct link to what documents are acceptable proofs of a right to work in the UK and also allows an employer to fill out an online enquiry about a named individual they are considering offering employment to.
- 5.6 **Appendix A sets the above out in some detail.**

6.0 Relevance/Irrelevance of a Civil Penalty or Prosecution

- 6.1 An employer found to have 'employed' an illegal worker may, dependent on culpability and the evidence available, be issued with a civil penalty or prosecuted or indeed neither.
- 6.2 Where an illegal worker is detected a civil penalty may be issued against the employer in accordance with the Home Office Code of Practice on Preventing Illegal Working (May 2014). In the case of a civil penalty the balance of probabilities test applies whereas a prosecution requires a higher burden of proof.
- 6.3 However, to issue a civil penalty under section 15 Immigration, Asylum and Nationality Act 2006 the Home Office Code of Practice requires some proof that not only was an illegal worker working at the premises but they were 'employed'. Usually this is taken as meaning the illegal worker was under a contract of service or apprenticeship, whether express or implied and whether oral or written.
- 6.4 But where an employer has not bothered with the basics of return to work checks, placed an employee on 'the books', paid the minimum wage or paid employer national insurance contributions – it becomes difficult to 'prove' the employment statement where the only evidence may be the word of an illegal worker who has since been detained or who has 'moved on'.
- 6.5 In such cases where paid employment cannot be demonstrated, a civil penalty may not be issued even where the premises licence holder or his agent has facilitated a disqualified person committing an offence under section 24B Immigration Act 1971 (as amended by Immigration Act 2016) of working illegally.
- 6.6 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has nonetheless facilitated a criminal offence taking place and the lack of checks suggests that in the past (and is likely in the future) has employed illegal workers. In drawing its conclusion the sub-committee is entitled to exercise common sense and its own judgment based on the life experiences of its members. The *East Lindsey* case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

7.0 Statutory Guidance (s182 LA 2003) and the Authority's Licensing Policy

- 7.1 In order to avoid punitive action, respondents to review hearings sometimes refer to both the statutory guidance issued under section 182 Licensing Act 2003 and those parts of the Authority's own policy which replicate paragraph 11.10 of that Guidance, viz:

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.

- 7.2 Essex Police submits that in the particular circumstances of cases where Immigration Compliance and Enforcement receive intelligence concerning the employment of illegal workers and act upon it; such warnings are inappropriate.
- 7.3 Not only would advance warning of enforcement activity prevent the detention of persons committing crimes and the securing of evidence; a warning after the event to comply with immigration legislation serves as no deterrent.
- 7.4 In particular; Essex Police submits that paragraph 11.10 of the Guidance must be read in conjunction with the more specific paragraphs relating to reviews arising in connection with crime (paras. 11.24 – 11.29).
- 7.5 *Paragraph 11.26*

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. (...). The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

- 7.6 Thus the financial hardship occasioned by the suspension or revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given *"illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages"* (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

- 7.7 In particular; the sub-committee are asked to consider (below) the cases of *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350 and *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 1265 (Admin) where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime.

- 7.8 Paragraph 11.27 of the Guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises (...) for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Essex Police would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

- 7.9 Paragraph 11.28 of the Guidance states:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Essex Police considers this paragraph self-explanatory; where an enterprise employs illegal workers it is the duty of Essex Police to work with Immigration Enforcement to bring forward reviews and for the authority to consider revocation in the first instance.

- 7.10 In support of this statement; Essex Police would draw the sub-committee's attention to the "*Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales*" (Home Office)[April 2017] where at section 4.1 it states;

"It is envisaged that licensing authorities, the police, Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter illegal working".

- 7.11 Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal

enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.

- 7.12 Deterrence is a key element of the UK government's strategy to reduce illegal working and is supported by both the Guidance and Case Law.

8.0 Case Law

- 8.1 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.

- 8.2 *R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350.*

This was a case where a premises had sold alcohol to under age persons and subsequently the licensing authority suspended the licence. This was overturned on appeal to the Magistrates' Court and subsequently appealed to the High Court by the authority. The premises licence holder argued that they had a policy in place for checking the age of customers but this was not a perfect policy and had not been adhered to and that rather than revoke the licence, instead stringent conditions on proof of age should instead be imposed on the licence.

- 8.3 Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and the precedence of wider considerations than those relating to an individual holder of a premises licence when certain criminal activities (as specified in the Guidance) took place.

- 8.4 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises.

- 8.5 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

“Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.(...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable.”

- 8.6 Having confirmed the legitimacy of punitive measures (suspension/revocation) for offences listed in what is now contained within paragraph 11.27 of the Guidance, Mrs Justice Slade concerned herself with another aspect of the appeal – namely the imposition of conditions which were already present but not properly implemented (paragraph 34.1). In this case the appellant was suggesting that proof of age conditions (rather than revocation) could be imposed to ensure that the legal requirement not to sell alcohol to those under 18 years of age was met by him and his staff.
- 8.7 This has some similarity with any argument that may be put forward in the case before the sub-committee today that the imposition of conditions to check immigration status either directly or through an agency (*essentially a requirement since 2006 under the Immigration, Asylum and Immigration Act 2006*) would serve as sufficient remedy for the employment of illegal workers and negate a deterrent (suspension/revocation) being imposed by the sub-committee despite the wording of the Guidance at paragraph 11.28.
- 8.8 Mrs Justice Slade stated: *“The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14 year old girls”.*
- 8.9 Essex Police contends that in the case before the sub-committee the facts are similar. In the cited case straightforward sensible enquiries could have been made as to the age of the children and the imposition of additional conditions as a form of remedy was considered inappropriate by Mrs Justice Slade for ‘those serious cases’ set out in the Guidance.
- 8.10 In the case before the sub-committee, simple steps (set out at Appendix A) were available to prevent the employment of illegal workers – none were taken; the imposition of conditions to remedy this situation is inconsistent with

the section 182 Guidance and this case citation. A negligent employer should expect revocation in the first instance.

8.11 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin)*

This is a recent High Court decision (published April 2016) which has similarities with the one before the sub-committee in that it related to the employment of an illegal worker and where a prosecution for such had not been instigated.

Amongst other matters it had been argued for the premises licence holder that the crime prevention objective was not engaged where a prosecution or conviction for the employment of an illegal worker was not in place. Whilst the initial hearing may have suggested several illegal workers being employed, the High Court appeal and decision related to the employment of one individual and is therefore, Essex Police would argue, indistinguishable from the matter before the sub-committee today.

8.12 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee.

Mr Justice Jay stated: *"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required."* (Paragraph 18)

Mr Justice Jay added: *"Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked."* (Paragraph 23)

Appendix A

The first 4 ‘hits’ on a Google search for “right to work” are links to employer checklists and information on the GOV.UK website.

The second link is to the Home Office document; “An Employer’s Guide to Right to Work Checks” (published 16 May 2014 last updated 28th January 2019).

Another link provides a site (<https://www.gov.uk/employee-immigration-employment-status>) which guides an employer through the process **AND** allows an employer to make an online submission to the Home Office to check if the proposed employee is prohibited from working as well as providing a telephone helpline.

Specifically, the first link (<https://www.gov.uk/check-job-applicant-right-to-work>) provides as follows:

General Advice

- You must see the applicant’s original documents;
- You must check that the documents are valid with the applicant present; and
- You must make and keep copies of the documents and record the date you made the check.

Checking the Documents

In relation to checking the documents it also adds that an employer needs to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you;
- the dates for the applicant’s right to work in the UK haven’t expired;
- photos are the same across all documents and look like the applicant;
- dates of birth are the same across all documents;
- the applicant has permission to do the type of work you’re offering (including any limit on the number of hours they can work);
- for students you see evidence of their study and vacation times; and
- if 2 documents give different names, the applicant has supporting documents showing why they’re different, e.g. a marriage certificate or divorce decree

Taking a copy of the documents

When you copy the documents:

- make a copy that can’t be changed, e.g. a photocopy

- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

If the job applicant can't show their documents

You must ask the Home Office to check your employee or potential employee's immigration employment status if one of the following applies:

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office;
- they have an Application Registration Card; or
- they have a Certificate of Application that is less than 6 months old

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

ACCEPTABLE DOCUMENTS

A list of acceptable documents can be found via the link to

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

Statement of: **DAVIS**.....Age if under 18: **OVER 18**. (If over 18 insert "over 18")Occupation: **CHIEF IMMIGRATION OFFICER**

This statement (consisting of 3 pages 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 which I know to be false or do not believe to be true.

Signature ..  Date: 20 June 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Chief Immigration Officer of the Home Office Immigration Enforcement Immigration Compliance & Engagement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since April 1991 and have worked at a number of ports of entry to the UK, although my main work has been in the areas of enforcement and crime investigation. My current role is as the senior officer of the Immigration Enforcement arrest team, operating in the counties of Suffolk and Essex, responding to intelligence relating to alleged immigration offences in this area, liaising with local police and other law enforcement agencies and supporting other government departments, local authorities and relevant other organisations in enquiries or investigations relating to non-British nationals. As part of my duties I have responsibility for the compilation and custody of Home Office records in both written and electronic form. These records are compiled by officers and members of staff during their duties, from information which they have particular and specific knowledge of at the time of compiling, in light of the volume of records compiled and the length of time that has elapsed, they cannot reasonably be expected to have any recollection of the matters dealt with in relation to a specific record.

At the request of Essex Police Licensing Team, I have examined Home Office records relating to immigration offenders encountered during an enforcement visit conducted to the premises of "Mirra" located at 98 High Street, Colchester, CO1 1TH.

Signature  Signature Witnessed by:

RESTRICTED (when complete)Continuation of Statement of: **DAVIS**

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Home Office records show that on 14 June 2019 Immigration Officers from this team conducted an enforcement visit to these premises to execute a search warrant issued on 29 May 2019 to locate a Turkish male by the name of [REDACTED] who was suspected of working illegally in the United Kingdom. Home Office records show among the staff present, three immigration offenders were arrested. They are recorded as:

[REDACTED] a Turkish national born [REDACTED] who was encountered in the kitchen, wearing "Mirra" branded uniform. He admitted that he had arrived in the United Kingdom illegally concealed in the rear of a lorry. He was arrested as a person liable to be detained under the Immigration Act and on subsequent interview stated that he had been working since Monday as a chef, being paid £6 an hour cash in hand and had not showed any identity documents to get the job. He identified [REDACTED] as the man who had employed him. [REDACTED] has never been granted any permission to remain or to work in the United Kingdom.

[REDACTED] a national of Uzbekistan born [REDACTED] was encountered in the main customer dining area wearing a branded "Mirra" grey apron, white shirt and black trousers. He immediately admitted that he had no permission to work in the United Kingdom and a check of Home Office records showed that he originally arrived in the United Kingdom on 13 December 2013 in possession of a visa valid for six months. Following his arrest as a person liable to detention under the Immigration Act he gave an account of his employment, stating that he had worked for a few days "helping to serve", was to be paid £7.50 per hour and had not shown any identity documents when he was given the job, he pointed out the manager / leaseholder in the grey waistcoat as the man who had given him work. [REDACTED] has never been granted any permission to work in the United Kingdom.



[REDACTED] a Turkish national born [REDACTED] was encountered in the kitchen area wearing chef's clothes. He stated that he'd arrived in the United Kingdom illegally in the back of a lorry six months ago and was arrested as a person liable to detention under the Immigration Act. Following this, he admitted that he'd been working for 2 or 3 days on trial as a baker for 7 to 8 hours a day. He wasn't receiving any money as he was on trial and had shown no

Signature:
2004/05(1)

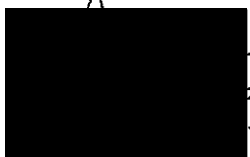
Signature Witnessed by:

RESTRICTED (when complete)Continuation of Statement of:  DAVIS

Page 3

identity documents when he had gained the work. He identified " as the man who had given him work.  has never been granted any permission to remain or to work in the United Kingdom.

I make this statement of my own free will from records that I have seen and accessed today, 20 June 2019. I am willing to attend court or any other judicial or review hearing if necessary.

Signature:
2004/05(1)

Signature Witnessed by:

APPENDIX C

OFFICIAL

MG11 (Interactive)

Page 1 of 1

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: [REDACTED] BECKETT

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer 75984

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] (witness) Date: 21/06/2019

About 12.00hours on Friday 21st June 2019 I attended Mirra Restaurant situated at 98 High Street, Colchester CO1 1TH.

I introduced myself and showed my Police identification badge. A female member of staff advised me that her manager was not in but she got him on the phone.

I introduced myself again and he identified himself as [REDACTED] and said he was the Manager.

I started off by mentioning the raid by Immigration Officer the previous week and he said he was aware of it.

I asked what right to work checks he currently carries out. He stated that he took a person's details and forwarded them to his accountant who could take up to a week to respond.

I said that system clearly is not working as he had illegal workers in the restaurant.

He did say that a person from the Immigration raid had showed him an online link he could use and that would help.

I said that I had printed off the latest government guidance for employers (issued in January 2019) and that I would leave it at the restaurant for him.

I left the guidance together with a card that had my contact details.

Statement completed at Colchester Police Station 12.40 hours 21/06/2019

Signature: [REDACTED]

Signature witnessed by:

16/08/17

OFFICIAL

APPENDIX D

OFFICIAL - SENSITIVE

Status Verification, Enquiries
and Checking

Subject 1 filled : To be completed by the Police
(Justification and legislation must be completed or your request will be rejected)

Home Office ref (if known)	
Police Officer	BECKETT
Police email address	
Subject's name	
Subject's nationality	Uzbekistan
Subject's date of birth	
Male / female	Male
Subject's address	Not Known
Additional information	Particularly request right to work status please.

Justification / legislation : This information is requested under the provision of the Licensing Act 2003 and The Crime and Disorder Act 1998. This information will be used in a Licensing hearing following a raid by Immigration Officers at Mirra restaurant, Colchester where illegal workers were found. Required in 2 weeks please.

Below: Home Office official use only

Cid/Personal ID/HO		
Check(s) requested	Response	
Confirmation of details	Nationality	Turkey
	Name	
Current status	Valid leave to remain in the UK?	Not Applicable
	On 18-Jun-2019 an EEA (BIO) - Residence Card - Non EEA National – (Unknown Relationship) application was submitted which remains under consideration	
Right to work	Does the individual have the right to work in the UK?	No. See below
Recourse to public funds	Does the individual have recourse to public funds in the UK?	No
Other	The above named subject is currently on immigration bail with employment prohibited. Due to the Non EEA application being submitted this could change as now under EU Law and not immigration rules.	

Standard Disclaimer

The above information is confidential and forwarded on the understanding that it is not disclosed to any third party. Should there be any ensuing criminal legal proceedings, any of the above information may only be submitted in the form of an official Home Office witness statement, which you can obtain through this office. If a witness statement is required, please send this form by email to: ICESSVEStatements@homeoffice.gsi.gov.uk.

OFFICIAL - SENSITIVE



Home Office

Status Verification, Enquiries and Checking

Standard Disclaimer

Version 5.0

OFFICIAL - SENSITIVE

APPENDIX F

OFFICIAL - SENSITIVE

Status Verification, Enquiries
and Checking

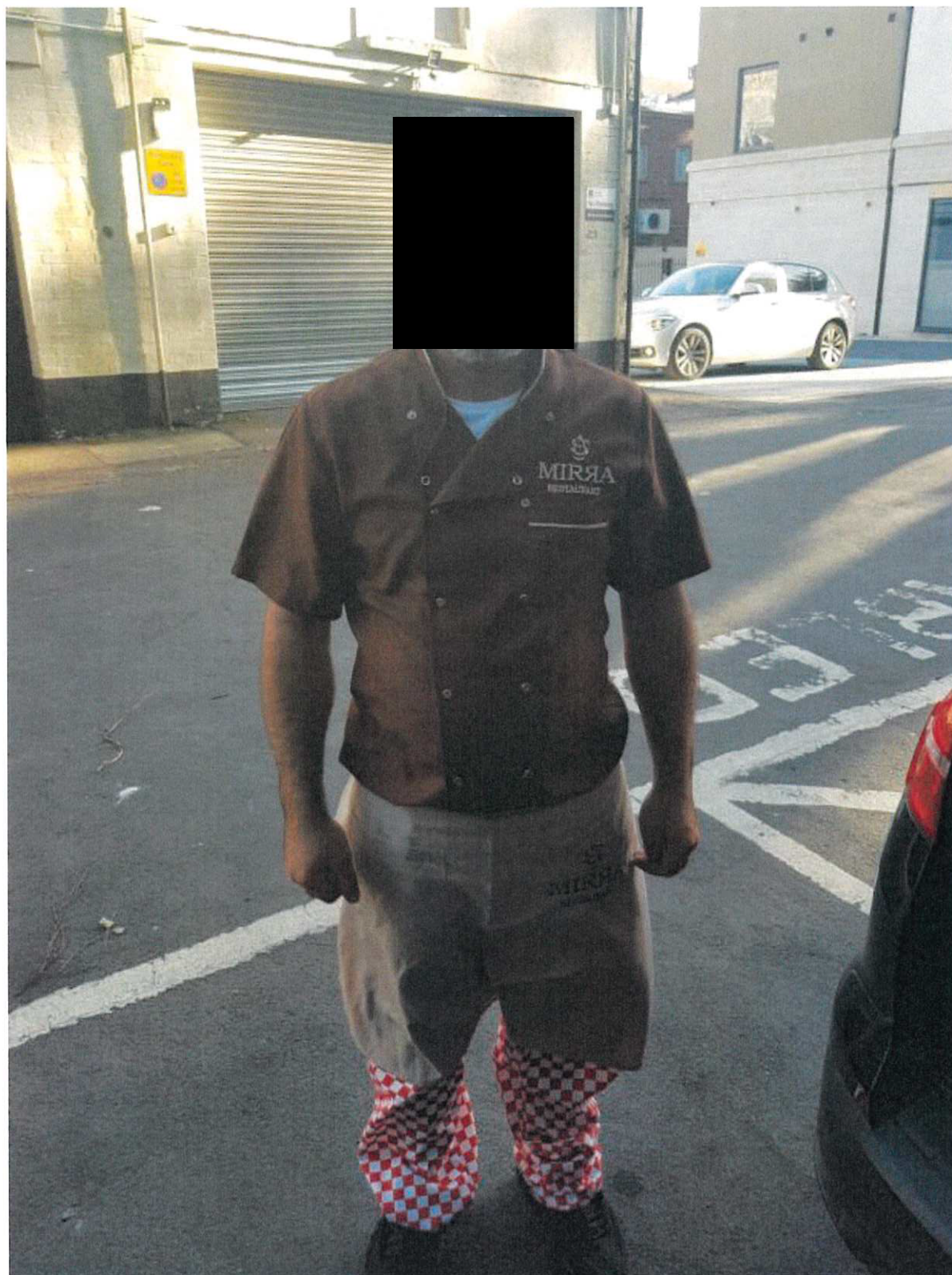
Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)		
Home Office ref (if known)		
Police Officer	[REDACTED] BECKETT	
Police email address	[REDACTED]	
Subject's name	[REDACTED]	
Subject's nationality	Turkey	
Subject's date of birth	[REDACTED]	
Male / female	Male	
Subject's address	Not Known	
Additional information	Particularly request right to work status please.	
Justification / legislation : This information is requested under the provision of the Licensing Act 2003 and The Crime and Disorder Act 1998. This information will be used in a Licensing hearing following a raid by Immigration Officers at Mirra restaurant, Colchester where illegal workers were found. Required in 1 week please.		
Below: Home Office official use only		
Cid/Personal ID/HO	[REDACTED]	
Check(s) requested	Response	
Confirmation of details	Is there a trace of the subject?	Yes
Current status	Valid leave to remain in the UK?	No
Right to work	Does the individual have the right to work in the UK?	No
Recourse to public funds	Does the individual have recourse to public funds in the UK?	No
Other	On 14-Jun-2019 the above named subject was served with a notice RED.0001 as an Illegal Entry. [REDACTED]	

Standard Disclaimer

The above information is confidential and forwarded on the understanding that it is not disclosed to any third party. Should there be any ensuing criminal legal proceedings, any of the above information may only be submitted in the form of an official Home Office witness statement, which you can obtain through this office. If a witness statement is required, please send this form by email to: ICSSVECStatements@homeoffice.gsi.gov.uk.

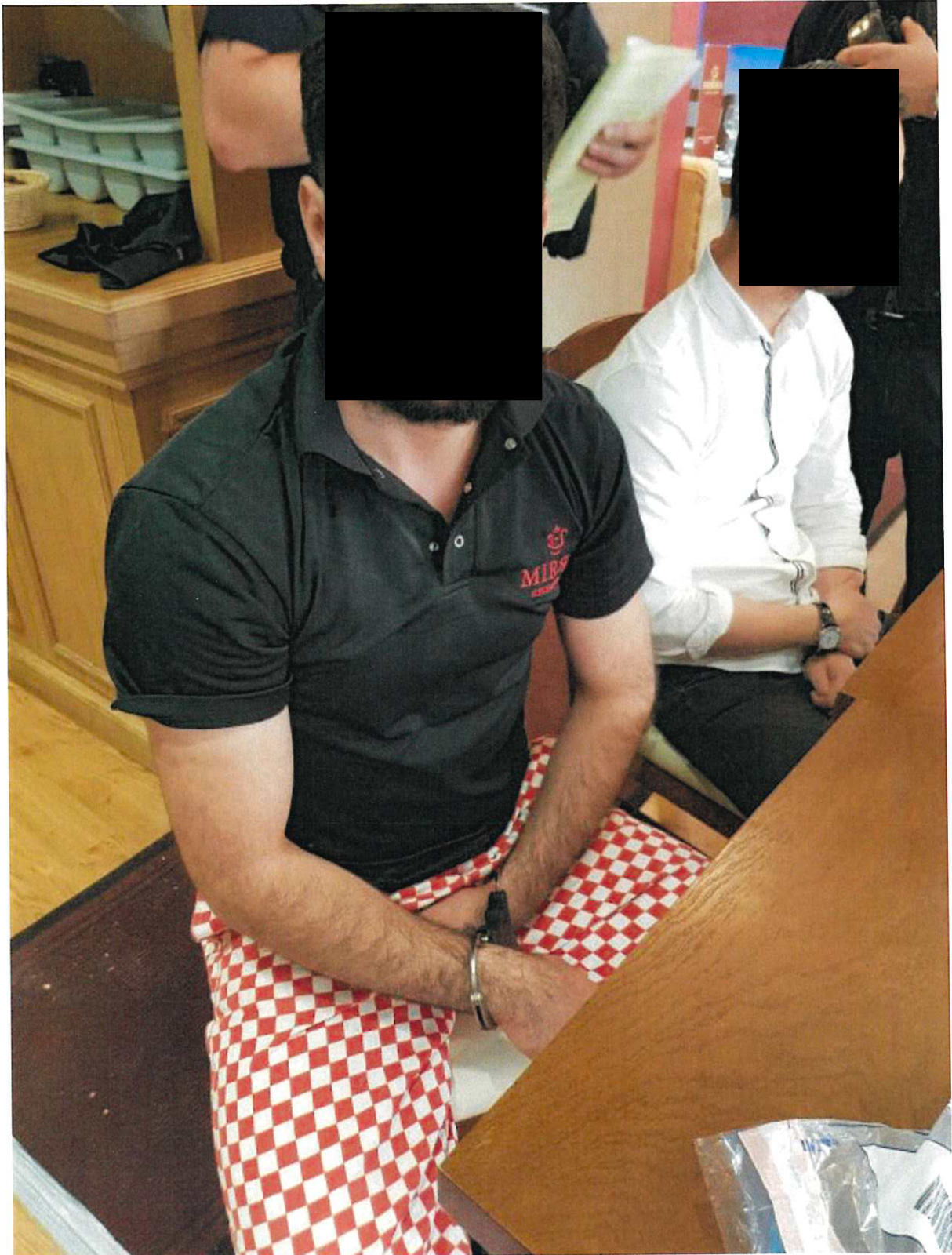
OFFICIAL - SENSITIVE

Photo of SUBJECT 1 taken by
Immigration Officers



APPENDIX H

Photo of SUBJECT 3 Taken by
Immigration Officers



APPENDIX I

Encounter	
Details	
Type of work	Visit
Visit reference	EV7-23,072
Created by	Clouting, [REDACTED]
ProntoID	[REDACTED] TUR Turkey
Time	17:41
Created at geolocation	Easting 599879
	Northing 225225
Creation date	14-06-2019 17:40:12
Chosen Identity	
Identity source/type	Declared
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	TUR Turkey
Languages	
Languages spoken	None specified

OFFICIAL SENSITIVE

Visit Report: EV7-23,072 Enforcement 14/6/2019

Interpreter used?	No
Encounter	
Type of encounter	[REDACTED]
Encountering officer	Clouting, [REDACTED] Officer
Declared immigration status	[REDACTED]
How and when did the subject last enter the UK?	
Is this person the subject of the visit?	[REDACTED]
Justification for questioning someone who is not the subject of the visit	Turkish male who was extremely interested in our presence. Seemed nervous and overly friendly.
Where in the premises was the subject located?	Kitchen COQ/345929
Do you know the subject's CID Person ID?	Yes
CID Person ID	[REDACTED]
Details of vulnerabilities/ safeguarding issues	
Section 55 issues?	No
Referral to social services?	No
Referral to NRM (National Referral Mechanism)?	No
References (Person ID, HO Ref, Port Ref, BRP)	[REDACTED]

APPENDIX J

OFFICIAL SENSITIVE

Visit Report: EV7-23,072 Enforcement 14/6/2019

Visit reference	EV7-23,072		
Created by	Davis, [REDACTED]		
ProntoID	[REDACTED] UZB Uzbekistan		
Time	17:25		
Created at geolocation	Easting	599859	
	Northing	225217	
Creation date	14-06-2019 17:35:11		
Chosen Identity			
Identity source/type	Declared		
Name	[REDACTED]		
DOB	[REDACTED]		
Gender	Male		
Nationality	UZB Uzbekistan		
Languages			
Languages spoken	None specified		
Interpreter used?			
Encounter			
Type of encounter	[REDACTED]		
Encountering officer	Davis, [REDACTED] - Manager		
Declared immigration status	[REDACTED]		
How and when did the subject last enter the UK?	[REDACTED]		
Is this person the subject of the visit?	[REDACTED]		
Where in the premises was the subject located?	Public seating area		
Do you know the subject's CID Person ID?	Yes		
CID Person ID	[REDACTED]		
Details of vulnerabilities/ safeguarding issues			
Section 55 issues?	No		
Referral to social services?	No		

APPENDIX K

Encounter	
Details	
Type of work	Visit
Visit reference	EV7-23,072
Created by	Gear, [REDACTED]
ProntoID	[REDACTED] TUR Turkey
Time	17:28
Created at geolocation	No geolocation available
Creation date	14-06-2019 17:28:11
Chosen Identity	
Identity source/type	Declared
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	TUR Turkey

OFFICIAL SENSITIVE

Visit Report: EV7-23,072 Enforcement 14/6/2019

Languages					
Languages spoken	None specified				
Interpreter used?					
Encounter					
Type of encounter					
Encountering officer	Gear, Officer				
Declared immigration status					
How and when did the subject last enter the UK?					
Is this person the subject of the visit?					
Where in the premises was the subject located?	In the kitchen				
Do you know the subject's CID Person ID?	Yes				
CID Person ID					
Details of vulnerabilities/ safeguarding issues	No known				
Section 55 issues?	No				
Referral to social services?	No				
Referral to NRM (National Referral Mechanism)?	No				
References (Person ID, HO Ref, Port Ref, BRP)					
Biographic search results	<table><tr><td>Systems checked</td><td>CID</td></tr><tr><td>Result of checks</td><td>No trace</td></tr></table>	Systems checked	CID	Result of checks	No trace
Systems checked	CID				
Result of checks	No trace				