

International

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A range of tools and instruments are available to first responders and investigators to support them when conducting inquiries or investigations involving foreign nationals or information held overseas. In particular, there are additional checks that need to be undertaken when dealing with a foreign national, as well as tactical options available to investigators through Immigration Enforcement (IE) to disrupt criminality or support transnational investigations. In all cases when considering IE tactics, these should promote safeguarding and the welfare of victims, witnesses and suspects, as well as furthering the needs of the investigation.

The contents of this APP applies to both [European Union \(EU\), European Economic Area \(EEA\)](#) and non-EU countries. Where differences occur between EU and non-EU processes, these will be highlighted.

- Following the UK's withdrawal from the EU, where EU instruments are no longer relevant these have been highlighted and alternative arrangements included. Contact the ICCC for further information on the changes.

The [International Crime Coordination Centre \(ICCC\)](#) has been established to support and advise UK policing to better use international instruments, especially through the UK's withdrawal from the EU.

Guidance on all matters relating to international policing can be found on the [ICCC page of the Knowledge Hub](#) (you will need to log in).

Introduction

This advice can be divided into three key areas, although there may be overlap in practice.

- Routine policing.

- Transnational investigations.
- Illegal or clandestine entry of foreign nationals

For further information or guidance on any of the topics covered below, see the [ICCC page of the Knowledge Hub](#) (you will need to log in).

Note: Where reference is made to EU instruments, please see relevant section for information on the use of these instruments following the UK's withdrawal from the EU.

The majority of police forces will have an international liaison officer (ILO). The ILO should be the first point of contact for guidance and advice relating to the topics covered in this APP. They can advise on local policies or procedures in your force. Each region also has two international single points of contact (SPOCs) linked to the ICCC, who can provide support to forces. Multi-agency and joint [working with partners](#) is vital for this area of policing. Police should work alongside other agencies to support an effective investigation and to safeguard vulnerable victims, witnesses and suspects.

Where necessary, references are made to relevant partner agencies throughout this APP.

Officers should consider the assistance of regional organised crime units (ROCUs) and the help they can provide relating to serious and organised crime and organised crime groups (OCGs). Those who are trafficked or exploited by OCGs are often the symptom of a wider problem, and policing should always, where possible, focus on the exploiters and abusers rather than those exploited and abused. See also [modern slavery](#).

Routine policing

Police officers and staff will encounter foreign nationals in the street, in custody or otherwise as part of an investigation. In all these circumstances it may be necessary to check the status of a foreign national if they are involved or suspected of being involved in criminality in England and Wales. This section provides advice on the tools and procedures that can be used in or out of custody.

Out of custody encounters not under arrest

For further information see [International criminality checklist v5](#).

Police officers who deal with foreign nationals involved in criminality, in the street, during an investigation or otherwise outside of the custody environment, should still ensure that relevant checks are made to confirm the [identity of the individual](#), confirm their immigration status and obtain any [previous offending history](#).

For fast-time immigration status checks contact [Immigration Enforcement](#).

For slower time requests, for example, foreign nationals of interest to ongoing investigations complete the Immigration Enforcement National Command and Control unit (IE NCCU Proforma) (Managed Learning Environment log in required) and email commandandcontrol@homeoffice.gsi.gov.uk. Requests are answered within 24 hours.

Custody procedures

If you have a foreign national in custody, the following checks and steps should be undertaken to confirm their identity and status. Information may also help to manage the risk from or to the person detained, for example, they may be wanted for crime abroad, have previously committed offences against vulnerable people, or may be a vulnerable missing person themselves.

These are additional actions and do not replace any general policies and procedures in [detention and custody](#).

1. Ensure the subject's fingerprints are checked on Livescan.

This also checks against the immigration database and will return a hit if the subject is of interest to immigration. Positive hits should be followed up.

Note, only subjects who have had interaction with Immigration Enforcement (IE) will have their fingerprints on the system. Migrants who have entered the UK illegally will not be on the system, and should be referred to IE.

Ensure the immigration button is selected before sending fingerprints to make sure they are also checked against immigration records.

2. Once a Livescan check is complete, for real-time immigration status checks on all foreign nationals in custody, contact IE NCCU.

To provide an efficient and accurate check to establish identity, please provide the following information:

- full name
- any alias details
- date of birth
- nationality and
- Livescan results

Note: IE NCCU checks can still be completed if the Livescan results are not available.

3. Obtain and seize any identity documents.

- Passport, ID card, driving licence or birth certificate – the power for seizure of nationality documents is section 46 of the UK Borders Act 2007 (exercisable when conducting a section 44 or 45 search under this Act).

Consider a search under [the UK Borders Act 2007 s 44](#). See [Confirming the identity of a foreign national suspect](#) for further information on identity documents.

4. Ensure that a request for previous foreign convictions is completed via [ACRO](#).

Different countries will have different minimum requirements for each request.

5. [INTERPOL I-24/7 check](#).

This will provide an instant result and may:

- identify if the subject is wanted in another country and the offence for which they are wanted which may inform decisions around bail and the status of the person if part of a wider investigation. An Interpol check may also contain a [green notice](#) (warning). Confirm an I-24/7 positive match with the National Crime Agency (NCA) before action is taken
- help identify adult missing people (for example, at the request of the family), missing children, or help to identify people who are unable to identify themselves

If charged:

6. Serve an IM3 immigration deportation liability notice at the point of charge.

This should be served on foreign national offenders (FNOs) over 17 who have been charged with an imprisonable offence.

Overseas conviction checks

[ACRO Criminal Records office](#) is responsible for exchanging criminal conviction information between the UK and other countries around the world.

Overview of the exchange of information

Information exchange is done using the secure communication channel of INTERPOL's I-24/7 system for non-EU countries and UKCRIS for EU countries.

The exchange of information involves two main processes:

Notifications

Outgoing notifications are sent to other countries by ACRO when their nationals are convicted of criminal offences in the UK.

Incoming notifications are received by ACRO when UK nationals are convicted of criminal offences in other countries.

Requests

Outgoing requests are sent by ACRO on behalf of authorised UK agencies, to countries requesting checks on the previous convictions of persons who are subject to criminal proceedings in the UK or for other public protection purposes.

Incoming requests are received from other countries, and responded to by ACRO, for the previous convictions for persons subject to particular inquiries or proceedings in that country.

For further information see the [ICCC page of the Knowledge Hub](#) (Knowledge Hub log in required).

Making a request for criminal records overseas

A foreign conviction check should be undertaken for all suspects.

Local procedures for submitting requests vary between forces.

ACRO International Criminal Conviction Exchange request forms vary from force to force and therefore you should refer to local intranet for your local form.

Some forces require officers to complete the ACRO International Criminal Conviction Exchange request form and send it directly to ACRO. Other police forces have incorporated the ACRO form into their IT systems or standard forms library and prefer it to be sent to a single point of contact, such as an ILO, FIB or PNC bureau, before submission to ACRO. Other police forces have established an automated process where the form is completed and sent to ACRO automatically.

Make yourself aware of local procedures by searching your force intranet or by contacting your ILO, International SPOCs, force intelligence bureau or PNC bureau.

When making a request, include all standard information as if you were conducting a local search – full name, date of birth, place of birth (including town), nationality, gender and alias details. Some countries will require additional specific personal information in order to search their criminal registers. A list of country requirements is available on the [ACRO International Conviction Check](#) page of the Knowledge Hub (Knowledge Hub log in required).

ACRO will submit the request to the destination country for checking and provide details of any convictions to the requesting force. Where possible, fingerprints will be submitted to assist in establishing identity.

ACRO will endeavour to reply to your request as soon as possible. There are no set response times for foreign conviction requests from non EU countries, although urgent cases can be prioritised and ACRO will chase all cases regularly. A response time of 20 working days has been agreed for EU requests.

Replies will detail positive or negative information regarding conviction data, but may also contain other police intelligence. ACRO will email this information to the requestor with any extracts provided by the country.

Where responses are received in the native language they are translated before being sent to the requesting officer. If insufficient information is provided and the subject cannot be identified, additional data will be requested before a full response is issued.

For more information see the [ACRO International Conviction Check](#) page of the Knowledge Hub (Knowledge Hub log in required).

Use of the response

Under [the Criminal Justice Act 2003 s 103](#), all convictions held overseas have the same relevance, in relation to evidence of bad character, as those committed in England, and Wales. Officers should liaise with the CPS at the earliest opportunity if foreign previous convictions are to be used in criminal proceedings, to ensure that relevant documentation is obtained. It is worth noting that s 103 is only applicable if the overseas offence in question would constitute an offence in law in England and Wales at the time of trial for the current offence.

Confirming the identity of a foreign national suspect

Confirming the identity of a foreign national suspect is important and should be completed during their first encounter with the police. This will ensure the individual is managed appropriately and that successful checks on the person's immigration status and offending history can be made.

For further information see:

- [Section 44 of the UK Borders Act 2007](#)
- [Section 46 of the UK Borders Act 2007](#)
- [PRADO – Public Register of Authentic Travel and Identity Documents Online.](#)

Identity documents

Officers should consider the use of appropriate police powers to establish the identity of an FNO. If a subject has been arrested for any offence, consider a search under UK Borders Act 2007 s 44 to find evidence of nationality. Any identity documents seized during a search or investigation should be scanned, where possible, and original documents should be bagged separately in exhibit bags. Notify Immigration enforcement of any documents seized. See also [s 44 searches](#).

Any documents seized should be checked to make sure they are genuine. Fraudulent or stolen identity documents are common. The following tools can be used to examine and identify possible forged/fraudulent documents.

- Some custody suites may have document scanners which can be used to check if a document is genuine. [Guidance on examining identity documents](#) is available from the [Home Office National Documents Fraud Unit](#). They can be contacted by telephone between 07.00 and 20.00 on 0203 014 8072 or by email at ndfudutyofficer@homeoffice.gsi.gov.uk
- The Edison database and [PRADO](#) can also provide a useful source of information.
- Conduct a #PE check on the PNC to check against the Stolen/Lost Documents database.
- Check INTERPOL Stolen/Lost Travel Documents database (SLTD) using I-24/7.

Fingerprint check

The result of a fingerprint check should be shared with the [Immigration Enforcement National Command and Control Unit \(NCCU\)](#) when making an initial call to them. Refer to [Contact IE](#) for more information on NCCU.

Section 44 searches

If a suspect does not have any identity documents in their possession, and a fingerprint record cannot confirm their identity, where it is suspected that the offender may not be a British citizen, [the Borders Act 2007 s 44](#) can be used to enter and search premises without a warrant for documents to confirm nationality following arrest.

Use of this legislation is only available where:

- an individual has been arrested on suspicion of the commission of an offence
- it is suspected they are not a British citizen
- it is suspected that nationality documents relating to the individual may be found on the premises occupied or controlled by the individual, or on the premises on which they were arrested, or on the premises on which the individual was immediately before arrest; and
- with written authority from an inspector or above (in relation to an immigration officer this must be signed off by a chief immigration officer)

The senior officer who gives authority must arrange for a written record to be made of the grounds relied on for the suspicion on which the power of the search is to be exercised, and the nature of the documents sought.

Section 46 of the Act can be used to seize any documents found. Documents can be retained if it is suspected the suspect may be removable from the UK and retention of the document may facilitate that removal.

Voluntary attenders/out of court disposals

For further information see [voluntary attendance](#).

FNOs can, where appropriate, be dealt with by means of an out of court disposal, for example community resolution, or by voluntary attendance at a police station. Police officers who deal with FNOs in this way should still ensure that relevant checks are made to confirm the identity of the individual, confirm their immigration status and obtain any previous offending history.

See [Out of custody encounters not under arrest](#), [Custody procedures](#) and [Overseas conviction checks](#).

Transnational investigations

For a list of partner agencies and other useful contacts see [useful contacts](#).

In addition to routine policing checks on foreign nationals, where an investigation requires the exchange of information, intelligence or evidence across international borders, or the extradition of foreign nationals into or out of England and Wales, there are specific procedures that must be followed to ensure that material is gathered lawfully. If this material is evidential, applying the appropriate procedures will ensure that it is admissible in a court of law.

Where foreign nationals are involved in criminality in the UK and/or their activities cross international borders, there are a range of tactics that can be deployed with the support of IE to further lines of enquiry or to disrupt criminal activity in England and Wales.

Mutual legal assistance

For further information see:

- [Home Office MLA guidance](#).
- [ICCC page of the Knowledge Hub](#) (you will need to log in)

Where it is necessary to conduct enquiries overseas, mutual legal assistance (MLA) is the formal way to request assistance in another country.

In England, Wales and Northern Ireland, MLA requests are known as letters of request (LOR) or international letters of requests (ILOR). The purpose of an ILOR is to ask the requested state to obtain specific, identifiable evidence.

It outlines the case, the evidence requested and any legislation that should be adhered to in order to ensure that the evidence is gathered in a way that will be admissible in the requesting state's criminal proceedings.

Outgoing MLA requests

Outgoing ILORs are drafted and issued by a court or designated prosecutor (for England and Wales this usually means the CPS) under the Crime (International Cooperation) Act 2003 (CICA). In most cases, the Home Office will transmit an ILOR through diplomatic channels.

Assistance can be requested both before and after a person is charged with an offence, during the investigation phase, or prior to a suspect being arrested.

Assistance that can be requested under an ILOR:

- to take witness statements (where police to police enquiries have failed)
- to search and/or seize property
- to formally interview suspects
- for banking evidence
- for telecommunications data
- to allow UK personnel to travel to the overseas state to conduct inquiries
- to conduct covert deployments

MLA should be used for evidence only, where it is necessary and expected to add value. It should not be used if material can be obtained through other means, for example where material is already in the public domain or where it can be obtained through police cooperation. Some countries may also require an ILOR for non-evidential requests.

Officers must wait until a formal reply has been received granting them authorisation to conduct the necessary inquiries before they travel overseas.

The [**International Crime Coordination Centre \(ICCC\)**](#) will support UK policing to identify opportunities to improve the effectiveness and speed of ILOR process. It has the capability to liaise with key partners and to intervene in high priority cases to request overseas jurisdictions to expedite certain requests. The partners which the ICCC will work with are:

- the Crown Prosecution Service (CPS) and CPS Liaison Magistrates
- Eurojust
- in-country NCA International Liaison Officers
- UK officers working in overseas embassies

For more information on MLA requests, a MLA template and operational guidance, see the [**ICCC page of the Knowledge Hub**](#) (Knowledge Hub log in required), and the [**Home Office website**](#) and [**MLA guidelines**](#).

Incoming MLA requests

All incoming ILORs are received by one of the UK central authorities, which are:

- the Home Office
- Her Majesty's Revenue and Customs
- Crown Office and Procurator Fiscal Service for Scotland

If the ILOR is accepted by the central authority, law enforcement may be asked to execute the investigative measure requested. Requests can vary widely, from an ILOR for financial data to those requesting multiple premises searches. The ICCC have produced operational guidance and 'how to' guides for the most common requests, and can provide direct advice in more complicated cases.

For more information on MLA requests, operational guidance and 'how to' guides, see the [**ICCC page of the Knowledge Hub**](#) (Knowledge Hub log in required). See also the [**Home Office website**](#) and [**MLA guidelines**](#).

European investigation order

A European investigation order (EIO) is an EU legal instrument which intends to speed up the assistance provided by one country to another in criminal investigations.

Following the UK's withdrawal from the EU, the UK no longer has access to the EIO process and is unable to submit EIOs. In order to request assistance from EU member states, the UK will use the [ILOR](#) process based on the European Convention on Mutual Legal Assistance 1959 (MLA 1959 conditions).

The UK is no longer able to receive EIO's. However, under the terms of the [Withdrawal Agreement](#) the UK will continue to execute EIO's received before 23.00 on 31 December 2020 under the terms of the [EIO Regulations 2017](#).

EU member states will continue to receive EIOs from other EU participating member states.

Schengen Information System

The second generation Schengen Information System (SISII) is a pan-European database that circulates real-time information alerts between participating countries in relation to people and property.

As of 23:00, 31 December 2020, the UK can no longer access SISII. All information relating to SISII must now be removed from internal force databases to avoid holding that information unlawfully.

There is no direct replacement for SISII. Similar measures are, however, achievable using existing international tools, such as [Interpol I-24/7](#) and [Interpol notices](#).

International inquiries outside the EU – INTERPOL

[INTERPOL](#) is an international police organisation, with over 190 member countries. It facilitates cross-border police cooperation, and supports and assists all agencies, authorities and services whose mission is to prevent or combat crime.

The NCA has the UK international crime bureau which provides the UK National central bureau for INTERPOL.

Databases

INTERPOL databases can be accessed through their secure global police communications network, the I-24/7 portal. This provides instant, direct access to a wide range of criminal databases, containing millions of records on fingerprints, DNA, stolen motor vehicles, firearms, stolen and lost travel documents and wanted persons.

Foreign nationals brought into custody should be checked against I-24/7 to identify those suspects who may be wanted by a foreign state. The UK International Crime Bureau (UKICB) will add all individuals circulated by other countries onto PNC, although there may be a delay in viewing this information.

Clicking on a match will generate a report to be sent back to the originating country. Do not click on a positive result if the subject is seeking asylum in the UK. Only click on results that can be justified, do not arrest or make the subject aware that they are a positive match. Contact the NCA for further actions.

For more information, see the fact sheet on [INTERPOL databases](#).

Police intelligence

INTERPOL channels can be used to make enquiries with overseas law enforcement in order to obtain police intelligence. This type of enquiry is often referred to as police-to-police enquiries. These requests can be made using the INTERPOL enquiry form via the NCA. A risk assessment, formally referred to as form C, should also be completed.

The NCA also have a network of NCA liaison officers located in key locations around the world who can help support investigations and inquiries.

Forensics

INTERPOL maintains databases of fingerprints, DNA profiles and facial images, allowing police to make connections between international criminals and crime scenes.

The INTERPOL fingerprint database contains fingerprint records and latent fingerprints from across the world. Member countries can view, submit and cross-check fingerprint records using I-24/7, via the automatic fingerprint identification system (AFIS).

The AFIS gateway can be accessed by authorised users of the I-24/7 who have AFIS access on their account. Access to this gateway can be requested via the UKICB. Users can upload fingerprint NIST files for searching and/or loading onto the database.

For more information, refer to [the INTERPOL fact sheet on fingerprints](#).

INTERPOL also maintains a database of DNA profiles, known as the DNA gateway. Member countries can submit a DNA profile from offenders, crime scenes, missing persons and unidentified bodies to this database for cross checking.

For more information refer to [the INTERPOL fact sheet on DNA profiles](#).

The UK has retained access to the Prum Convention, which allows automated comparison of DNA and fingerprints from crime scenes with the EU.

For further information on INTERPOL forensics see the [INTERPOL website](#).

INTERPOL notices

Notices are international requests for cooperation or alerts allowing police in member countries to share critical crime related information. Notices include, for example, red notices for wanted persons and yellow notices for missing persons.

INTERPOL notices are shared on the INTERPOL database and can be accessed via I-24/7. Notices are visible to all INTERPOL member states.

Diffusions are targeted INTERPOL communications that can be sent to specific countries or groups of countries. Diffusions reduce the risk associated with sharing information with all INTERPOL countries. Diffusions to Schengen states do not require the completion of a risk assessment.

Both notices and diffusions are created by the UK ICB.

For [a full list of notices](#) please see the INTERPOL website.

Extraditions

Extradition is the formal process where one country asks another to return a person to stand trial or to serve a prison sentence. The UK has extradition relations with territories around the world under

a number of multilateral conventions and bilateral extradition treaties.

If a person is wanted in the UK and extradition is being sought from a foreign jurisdiction, this is known as an outgoing request.

If a foreign jurisdiction requests extradition of a wanted person who is in the UK, this is known as an incoming request.

Following the UK's withdrawal from the EU, the UK is no longer able to use European Arrest Warrants (EAW). Extradition to and from the EU is now based on the EU UK Surrender Agreement.

For further information and advice contact the National Extradition Unit (NEU) on 0300 790 0000. The NEU operates 24 hours a day, 7 days a week.

For further information see:

- [Extradition Act 2003.](#)
- [Extradition Act 2003 – Codes of Practice.](#)
- [CPS guidance on extradition.](#)
- [INTERPOL Notices.](#)
- [Extradition \(Provisional Arrest\) Act 2020](#)

Extradition from the UK

Extradition to EU member states is now carried out under Part 1 of the [Extradition Act 2003](#). This confers a power of arrest once the designated authority (the NCA) has certified it.

Extraditions to non EU countries are carried out under Part 2 of the Extradition Act. Some countries are designated under this part on the basis of [a bilateral or multilateral arrangement](#). Some countries are also included in the Extradition (Provisional Arrest) Act 2020. Even if the UK does not have an extradition arrangement or treaty with a country, it may still be possible for that country to make an extradition request to the UK by entering into 'special extradition arrangements'.

Requests under Part 2 need a decision by both the secretary of state and the court.

The extradition process is as follows.

- Extradition request is made to the UK Central Authority (UKCA). This is the NCA for requests from the EU and the Home Office for all other countries.
- UKCA decide whether to certify the request.
- If a UK warrant is required (some Part 2 requests only) this will be issued by Westminster Magistrates Court (WMC) which is the only extradition court in England and Wales.
- When the wanted person is arrested they are brought before WMC as soon as practicable.
- Preliminary hearing takes place.
- Extradition hearing(s) take place.
- Secretary of state decides whether to order extradition (Part 2 requests only).

Countries can request an arrest to be made 'provisionally', which means that the arrest takes place before full papers have been sent to the UKCA. This request may be made direct to the UKCA or via INTERPOL channels.

In some circumstances a provisional arrest can be made without a warrant, but in all cases [contact the ICCC](#) for further information. A provisional arrest should not be made without contacting the NEU, unless it is a matter of extreme urgency.

Further advice and guidance can be obtained from the NEU.

Extradition to the UK

Following the UK's withdrawal from the EU some countries have implemented a nationality bar which means they will not extradite their own nationals to the UK.

So far 14 EU countries have imposed a bar on extradition of suspects to the UK.

These countries are:

- Austria, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Latvia, Poland, Portugal, Slovakia, Slovenia and Sweden.

The bar does not prevent these countries from extraditing a national from another EU member states or a UK national to the UK. For example, Germany could extradite a French national to the UK, but they wouldn't extradite a German national. In addition, Denmark and Portugal haven't imposed an absolute bar, it depends on the circumstances of the individual case.

Where it is necessary to extradite a suspect from a country who has imposed a bar, and the suspect is a citizen of that country, the CPS should be notified as soon as possible to discuss alternative options. The CPS should be notified:

- where the investigation is at an early stage, and the suspect comes from a country that has imposed a bar, and early advice (EA) is being requested
- where a pre charge decision (PCD) is required, and the suspect is believed to be located in, and a national of a country that has imposed a bar (or there is a risk they may flee to that country)
- where the suspect is on bail and, and at any stage in the proceedings, they return to their home country, which is a country that has imposed a bar

Failure to notify the CPS as soon as possible may mean that the case can not proceed, a suspect will potentially evade trial, victims will be denied justice and the investigation may be subject to adverse criticism.

For further information on extradition contact the NEU.

Joint investigation teams

For further information see:

- [Article 20 of the Second Additional Protocols to the 1959 Convention](#)
- [Eurojust Website](#)

A joint investigation team (JIT) is an established cooperation tool amongst national investigative agencies when tackling cross-border crime. They facilitate the coordination of investigations and prosecutions conducted in parallel across the parties to the JIT.

A JIT can be made up of representatives from two or more countries, for a specific purpose, and for a limited period of time. The JIT is based on a legal agreement between the parties.

JITs with EU member states are coordinated through Eurojust. Under the [UK EU Agreement](#) the UK is a third country state, the UK can, however, continue to open files at Eurojust and initiate JIT coordination meetings.

The concept of a JIT should be approached from the crime's international and cross-border dimension, rather than the seriousness of the offending.

When considering whether to establish a JIT, investigators, prosecutors and/or judges from the participating countries, should have a 'round table' discussion about the relevant matters at the earliest opportunity, before any formal process or agreement is prepared. Depending on the countries involved and their membership status these may be organised through Europol or Eurojust.

JIT members can be present at house searches, interviews, etc. in all jurisdictions covered, helping to overcome language barriers.

JITs usually involve representatives from judicial bodies (judges, prosecutors) and law enforcement (police) from each country.

For further information and resources see the [Eurojust](#) website. The resources are aimed primarily at EU member states, but may be accessible to the UK LEAs if partnered with an EU member state.

There is also a network of national experts, commonly referred to as the [JITs Network](#), which consists of at least one national expert from each EU member state. The network primarily encourages the use of JITs, facilitates their set up, and contributes to the sharing of experience and best practice.

The [JIT Practical Guide](#) also provides advice, guidance, useful information, and FAQs from practitioners.

A [model agreement](#) for setting up a JIT may also assist.

International inquiries within the EU – Europol

Europol is the law enforcement agency of the European Union and it supports European law enforcement agencies in their fight against serious international crime and terrorism matters.

Every EU member state and operational partner has a liaison bureau which enables direct engagement with over 200 liaison officers drawn from EU member states and third party country operational partners.

The UK has retained its status within Europol as a 'third party country' operational partner. The UKLB within Europol is a multi-agency unit made up of officers resourced from:

- NCA
- IE
- HMRC
- ACRO
- National Counter Terrorism policing (through SO15)
- Regional Operational Command units
- Police Scotland
- Metropolitan Police Service

The UKLB continues to work on programmes that were underway prior to the UK leaving the EU.

The forum is ideal for tracking OCGs and individuals who commit transnational criminality in multiple countries. The co-location of officers speaking a common language enables face-to-face contact between the UK, the EU and some non-EU member states. This is an invaluable tool when investigations or inquiries are time critical.

Travel data

Being able to search and review travel data enhances the UK law enforcement's capability to identify, target, analyse and investigate global and domestic threat, risk and harm.

There are two key forms of travel data available to policing:

- Advance passenger information (API) – which includes travel documents and journey details provided under the Immigration Act 1971 and the Immigration and Police (Passenger, Crew and Service Information) Order 2008 (SI 2008/5)
- Passenger name record (PNR) data – which includes additional collected by carriers for business and/or commercial purposes. It includes information held by the carrier, such as:
 - booking addresses and contact information
 - payment information
 - co-travellers
 - full travel itinerary details

Both API and PNR data are available from the [National Border Targeting Centre](#) (NBTC) and, in some cases, can be accessed by forces who have been granted 'remote access' capability.

For more information on PNR, refer to the operational guidance on the [ICCC page of the Knowledge Hub](#) (Knowledge Hub log in required).

Immigration Enforcement

Immigration Enforcement (IE) is part of the Borders, Immigration and Citizenship System (BICS) within the Home Office.

It consists of several departments that work together accessed through the Immigration Enforcement Command and Control Unit (IE NCCU).

This is a 24/7, year-round SPOC for immigration inquiries for EEA and non-EEA nationals, staffed by immigration officers, who can provide advice on the immigration status of foreign nationals and options for further action.

You can contact IE NCCU 24 hours a day, 365 days of the year.

For contact details see the ICCC Knowledge hub community, [Immigration and enforcement page](#) (this link is available to authorised users who are logged on to the [Knowledge Hub](#)).

Immigration Compliance and Enforcement (ICE)

These are regional teams across the UK responsible for the majority of frontline enforcement activity undertaken by IE. They are geographically spread, with some teams responsible for several police force areas.

Teams carry out intelligence led operations to attempt to detain for removal non-compliant foreign nationals with no leave to remain in the UK.

They respond to potential immigration offenders who are already in custody, including those who have been encountered as clandestine entrants.

They also enforce rules around the compliant environment, for example against landlords and/or employers. The compliant environment is a framework of compliance and deterrence aimed at removing the incentives that draw people to the UK illegally, pushing non-compliant migrants towards leaving voluntarily and fostering further compliance of those migrants whose leave has not yet expired.

ICE teams are tasked through the IE NCCU.

Interventions and Sanctions Directorate (ISD)

This team focuses on maintaining and promoting the 'compliant environment'. (See ICE for a definition of the compliant environment).

Measures in the [2014](#) and [2016](#) Immigration Acts restricted access services in the UK to those without leave to remain in the UK. This includes access to:

- private rented accommodation
- bank accounts
- NHS secondary care (primary care such as access to GPs and emergency care is not restricted)
- driving licences
- working in the UK
- public funds

If you find someone who does not have leave to remain in the UK, and you suspect they may have access to any of the above, please telephone IE NCCU who will provide advice.

Criminal casework and Community Protection Command

This team is responsible for deporting foreign national offenders (FNOs) who commit serious criminal offences. It monitors FNOs while they are in prison or in the community and progresses cases for the deportation of these offenders.

Criminal and Financial Investigation (CFI)

CFI is the criminal investigation arm of IE. Notionally split into two parts, the criminal investigation and the financial investigation, they are crime trained immigration officers.

The team looks at all aspects of immigration crime and can advise on legislation and prosecution. Please contact IE NCCU if you need to speak to a crime trained Immigration Officer about potential offences.

Immigration intelligence

This team, made up of researchers and immigration officers, handles all incoming information relating to abuse of immigration law and immigration crime. They handle intelligence for all IE, including overseas operations. They assess and forward information to law enforcement partners, such as the police.

If you have any intelligence on abuse of immigration law or immigration crime, please visit

<https://www.gov.uk/report-immigration-crime>.

IE support for investigations or for the disruption of criminal activity

There are a wide array of tactical options that can be used to assist an investigation or disrupt criminal activity involving foreign nationals. Not all the options will be available in every case, but early recognition of the type of case and the potential outcomes will mean that the best solution for the public and the individual concerned is considered as early as possible.

In all cases, early contact should be made with the IE NCCU to discuss options and advice on the options available.

Identity and travel documents

These prove the identity of the person in question and are crucial in facilitating removal from the UK.

Deportation and removals

Legislatively the same criteria apply to EEA nationals as non-EEA nationals. Gathering as much information as possible about the length of residency in the UK, employment and familial ties, during the investigation and charge stages, will help decision making.

High harm deportation

The Community Protection Command, part of criminal casework, can issue deportation orders for foreign nationals who are classed as 'high harm', regardless of their immigration status or (lack of) convictions.

As defined in the Home Office (2017) [Operation Nexus high harm](#) guidance, FNOs are considered as 'high harm' cases where their conduct incurs significant adverse impact, whether physical, emotional or financial, upon individuals or the wider community.

The definition has been drafted purposefully to allow forces to concentrate on their own areas of high harm, rather than a prescribed list of offences or behaviour.

The [Operation Nexus – high harm](#) guide provides forces with referral instructions and how to identify whether a subject meets the Operation Nexus criteria.

In all cases, early contact with the IE Command and Control Unit is the first step and they will advise further, potentially referring the case to the local ICE team.

Voluntary returns

Where a foreign national has no lawful basis to remain in the UK, they may be referred to the voluntary returns service (VRS). This is the most cost effective method of removing someone from the UK and allows the person to leave on their own terms, with dignity.

[Find the criterion of who can get help from VRS](#). There is also a link to apply online. The case will then be managed by the VRS. Updates on a case can be obtained from IE NCCU. In most cases the person will be on immigration bail while their case is being managed.

Enforced removal

If voluntary return is not an option, then removal can be enforced. This may involve a period of detention in an immigration removal centre.

Criminal and Financial Investigation prosecution

CFI teams can prosecute individuals for a range of offences, including (but not limited to):

- modern slavery and human trafficking
- documentation offences, including the production of forged and counterfeit documents
- facilitation of migrants into the UK illegally
- assisting unlawful immigration
- persistent employment of illegal workers

Driving licence revocation, NHS debtors and denial of financial services

Interventions and Sanctions Directorate (ISD) can take a range of action against those who are disqualified from accessing certain services in the UK.

Driving licence revocation

A person who requires leave to enter or remain in the UK but does not have it, is not entitled to hold a UK driving licence. Please refer any potential cases to immigration intelligence, or if in custody, to IE NCCU. Do not confiscate licences; the IE NCCU will advise on the correct course of action.

NHS access

A person who requires leave to enter or remain in the UK but does not have it cannot access free secondary care through the NHS. Access to GPs and primary or emergency care is permitted. If you suspect someone has accessed secondary care, refer the case to immigration intelligence. They will pass the information to ISD who will assess the case and if appropriate, look to recover funds to pay for the treatment.

Denial of financial services

Under the Immigration Act 2014, a person who requires leave to enter or remain in the UK but does not have it cannot open or continue to hold/operate a banking current account. If you suspect that a migrant who entered the UK illegally holds a banking current account, please refer the case to immigration intelligence who will pass on the information to ISD to take action, if appropriate.

Illegal working and right to rent civil penalties

Illegal working

A civil penalty can be imposed on an employer who has not completed statutory checks to confirm whether a person has the right to work in the UK. The maximum fine is £20,000 per employee.

Right to rent

A civil penalty can be imposed on a landlord who has not completed statutory checks to confirm whether a person has the right to rent in the UK. The maximum fine is £3000 per tenant.

Closure notices and compliance orders

Under Schedule 6 of the Immigration Act 2016, pending a compliance order from a Magistrates Court, immigration officers of at least the rank of chief immigration officer have the right to temporarily close businesses that continue to employ illegal workers. This is an escalation from civil penalties in trying to create a compliant environment.

Licensing sanctions

Schedule 4 of the Immigration Act 2016 amends the Licensing Act 2003 for England and Wales to prevent migrants who have entered the UK illegally working in premises licensed for the sale of alcohol or late night refreshment.

IE is the responsible authority for enforcement and can support recommendation of a licensing review or provide information for an existing licensing review. Joint working in this area is necessary to gather as much information as possible to support any subsequent licensing review.

Illegal or clandestine entry of foreign nationals

Foreign nationals may try to enter the UK through clandestine means. This may be a desperate choice at great financial cost, to seek asylum, or because they have been compelled, deceived or coerced by criminals for the purposes of servitude, slavery or other exploitation. Irrespective of the reasons, those entering the UK through this method are first and foremost victims, and should be treated as such.

Clandestine entry (also referred to as lorry drops) is likely to be the symptom of wider organised criminal operation to traffic people into this country. While clandestine entry is usually within the jurisdiction of Immigration Enforcement (IE), police forces may be the first responder for the majority of reports, for example roadside incidents or 'walk in's' at a police station. This means they have key responsibilities in the initial response.

Policing priorities should focus on safeguarding vulnerable individuals and then conducting an investigation to identify the criminal exploiters as abusers. Some of those trafficked may also need to be dealt with as migrants who have entered the UK illegally.

- [See NCA – Organised immigration crime](#)

Safeguarding

Appropriate safeguarding should be instigated for all vulnerable adults and children.

In particular unaccompanied children are alone in an unfamiliar country and are surrounded by people unable to speak their first language. While some children are brought into the UK for sexual or physical exploitation, or using the UK as a way point, some may be brought in as part of large scale benefit fraud by private fostering entities or by those masquerading as the child's family with intent to traffic the child. The wellbeing of the child is paramount before any criminal investigation is considered. Police MUST balance the welfare of the child against any potential criminality.

Taking [fingerprints](#) before they leave police protection can only be done if a parent or guardian, or a person who for the time being takes responsibility for the child is present. Children should not be arrested, if there is a risk of further exploitation consider a [Police Protection Order \(PPO\)](#).

Police forces should develop a multi-agency plan to manage migrant children at the scene of a clandestine event. It is important that a robust plan is in place and followed with all children as it will reduce the risk of children going missing within the first 24 hours. This also allows a professional risk assessment to be built, which in turn provides social services with a better understanding of the child's immediate needs.

For further information see:

- [safeguarding vulnerable adults](#)
- [Modern Slavery – Victim and Witness strategy](#)

Scene preservation

When dealing with the initial response to clandestine entry it is important to preserve the scene for subsequent investigation. Consider the arrest of the driver(s) to facilitate securing and reserving relevant evidence.

Vehicles should be treated as a crime scene. Attending officers should preserve and recover relevant material (for example, mobile phones, pocket litter, glued locks, bags or containers used to limit the CO2 emission, false documentation, tachograph records, food and blankets). It is advisable

that a thorough search of the vehicle is conducted to ensure maximum evidence is collected and recorded for future law enforcement activity. This material may provide rich data and/or intelligence.

Detention of migrants entering the UK illegally

The arrest of any migrants entering the UK illegally should be considered at the first available opportunity to facilitate an effective investigation, however welfare and safeguarding of migrants should always be considered, as well as the potential future risk to migrants from the criminals who may have arranged their transport and illegal entry. Consider also the requirements of [PACE Code G](#). In many cases consideration should be given to mobilising extra resources to ensure the scene is contained.

Contact IE

IE should be contacted at the first available opportunity. Their 24/7 NCCU can offer advice on the following.

- Safeguarding vulnerable migrants at the scene via the Home Office Accommodation Team.
- Guidance and support at the scene of an event.
- Direction for dealing with clandestine entrants.
- Completion of urgent FNO checks.
- Assistance with the collection and dissemination of intelligence.
- Notifying the local ICE team (Immigration Compliance and Enforcement teams).
- Request support from CFI (IE Criminal and Financial Investigation).
- Help with disruption techniques.

Tags

Investigation