



**Premises Licence Review**

**Jalsa Ghar**

**79 Stortford Road, Great Dunmow, CM6 1DL**

**Supplementary documentary information in support of the application.**



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## **1.0 Outline of the Circumstances leading to the Review Application**

### **OCCURRENCE**

- 1.1 At 6.07 p.m. on Friday 6<sup>th</sup> July 2018 an immigration enforcement operation took place at the Jalsa Ghar Indian restaurant (aka the Queen Victoria) situated at 79 Stortford Road, Great Dunmow, CM6 1DL. The premises is run both as a pub and as an Indian restaurant utilising the same staff, with no barrier between the two trading areas.
- 1.2 At the time of the operation the premises was operating under a premises licence issued jointly to Ziaul Islam CHOWDHURY and Omar SHORIF. The Designated Premises Supervisor was Ziaul Islam CHOWDHURY. This had been the case since 2005. Both persons have been active in business together as former directors/secretaries of the now dissolved (in 2015) Jalsa Ghar (UK) Ltd. A longterm partnership confirmed by Ziaul CHOWDHURY to Licensing Manager Gordon Ashford (Document 1).
- 1.3 The operation was conducted by a number of Immigration Compliance & Enforcement (ICE) officers. The team was led by Immigration Officer (IO) DONALDSON in company with IOs McFAUL, TROTTER, GEAR, TUTTLE-PROWSE, KEEN, CLOUTING and VALENTINE.
- 1.4 The operation was undertaken under the authority of a warrant issued by the South East Magistrates' Court under the Immigration Act 1971. (Document 2)
- 1.5 The warrant was issued in response to intelligence that four illegal Bangladesh males work in the kitchen and restaurant usually on Friday, Saturday and Sunday, are paid low wages and cash in hand and that the Designated Premises Supervisor (DPS) and joint Premises Licence Holder (PLH) Ziaul Chowdury (known as Zia) had provided fake identity for these persons. The intelligence that four illegal workers were present was received on the 13<sup>th</sup> May 2018, some 10 weeks prior to the operation.
- 1.6 The premises and its management were already well known to the immigration authorities because of three previous visits where illegal workers were discovered, viz:
  - December 2013 – eight immigration offenders discovered.
  - July 2014 –four illegal immigration offenders discovered.
  - August 2016 –three illegal immigration offenders discovered.
- 1.7 Anticipating that immigration offenders may attempt to escape detention, the uniformed ICE officers deployed to contain the main restaurant building with several, including IO McFAUL covering the rear of the premises. Once these were in place, IO DONALDSON and other officers entered the premises and served the warrant on the joint PLH and DPS Ziaul Islam CHOWDHURY.



Also present and identified as the owner was Fazlul Bari CHOWDHURY; however his lack of English meant that IO DONALDSON dealt only with Ziaul CHOWDHURY.

- 1.8 Three persons ran from the premises (two via the rear, and one via the pub entrance) upon the entry of the ICE team, with two being immediately detained. The third was chased but the pursuit was abandoned on the instructions of IO DONALDSON who realised his team were outnumbered (with 12 members of staff encountered) at the premises
- 1.9 The ICE officers subsequently identified that four persons had been working illegally in the restaurant, these were:
- Saydul ISLAM, a national of Bangladesh with no right to remain in the UK or work here; (Document 3)
  - MD Shohidur Atik RAHMAN, likewise a national of Bangladesh with no right to remain in the UK or work here; (Document 4)
  - MD Rukon MIAH, again a national of Bangladesh with no right to remain in the UK or work here (and who had evaded capture); (Document 5) and
  - Ahmed JEWEL, a national of Bangladesh who had an outstanding asylum claim but with no right to work. (Document 6).

Information on the status and history of these offenders is detailed in the statement of Chief Immigration Officer Jack Davis (Document 7).

- 1.10 The joint PLH and DPS Ziaul CHOWDHURY was served a notice of potential liability (NOPL) in respect of all the illegal workers. It appears that neither were questioned by Immigration Compliance and Enforcement Officers; this is not an unusual occurrence.
- 1.11 The situation regarding each of the illegal workers is described below.

### **RAHMAN**

- 1.12 IO TROTTER entered the premises via the rear kitchen door and made her way to a sterile search area identified by IO DONALDSON and where a number of persons were being held by other IOs. An individual identified himself as Md Shohidur RAHMAN ATIK and stated that his work permit had expired in 2005 (some 13 years' ago). Home Office checks revealed his correct identity as Md Shohidur Atik RAHMAN who was a failed asylum seeker who had failed to report. (Document 8).
- 1.13 RAHMAN spoke fluent English and was interviewed by IO TROTTER. Noticing RAHMAN's left thumb was bandaged she asked "What have you did to your thumb?" to which RAHMAN answered "I cut it in the kitchen". Asked by IO TROTTER, "This kitchen", whilst pointing to the kitchen restaurant, he responded "Yes. Three days' ago". He was then asked how long he had

been working at the premises and he replied “Three days”. Asked who gave him the job he said, “The Bangladeshi job centre. It’s in East London, Whitechapel. Gave them £20, I had no job”. He went on to say that the job centre had given him the address of the restaurant and when asked who he had spoken to when he arrived, he pointed to Ziaul CHOWDHURY.

- 1.14 Asked about his pay, RAHMAN stated he had not been paid yet, the system is end of week. Asked how much he was going to get paid he answered “£350 per week”. He also stated that this included accommodation and food and that he was the second chef.
- 1.15 In further questioning RAHMAN confirmed he had not been asked to show any documents when he commenced employment and clarified he had injured himself Tuesday morning and thus had been at the premises at least four days. He stated his hours of work on the day of the operation was 1130 – 1430 and 1700 – 2300 hours. His last valid visa with a right to work expired on 12.10.2006.
- 1.16 Having been identified by IO McFAUL as having tried to abscond on their arrival, RAHMAN was then handcuffed and eventually taken to Harlow police station and thence to an immigration detention facility to await deportation.

## **ISLAM**

- 1.17 On entering the premises IO GEAR saw ISLAM run from the restaurant and there was a small chase before he was detained. ISLAM was cautioned and handcuffed and brought into the premises where he had no UK status. ISLAM told IO GEAR that he came to the UK in 2011 to work, though this was on a holiday visa, which had now expired. Checks by IO GEAR showed that ISLAM’s asylum claim had been refused on 31<sup>st</sup> May 2016 with no appeals outstanding. He had failed to report to the immigration authorities as required on 27<sup>th</sup> June 2017. (Document 9).
- 1.18 IO GEAR asked ISLAM about his employment and ISLAM replied that he had been working at the premises for five months, working four days a week between 1100 – 1400, and 1700 – 2300 earning £150 a week. Asked who his boss was, he stated ZIA the manager was. Asked who paid him he answered ‘Man behind the bar. The small one’. Asked whether he showed any paperwork when he started to work he responded ‘No’. Similarly when asked if the manager had asked him whether he was allowed to work, he said ‘No’. ISLAM further stated that he lived upstairs and part of his wages was taken to pay for this.
- 1.19 ISLAM was eventually taken to Harlow police station and thence to an immigration detention facility to await deportation. He has subsequently applied for asylum and remains in custody. ISLAM last had permission to

remain and work in the UK on the day of his expiry of his original visa, 20.03.2013.

- 1.20 In terms of the minimum wage ISLAM is entitled (aged over 25) to £7.83 an hour: his wages of only £150 per week are sufficient only if he were working 19 hours a week but instead he was being required to work almost twice that – 36 hours.

## **JEWEL**

- 1.21 JEWEL was one of three persons that attempted to evade the operation but IO McFAUL, deployed at rear of premises, jumped the six foot hire fence and made to rear of premises where he detained a male later identified as Ahmed JEWEL. (Document 10). When detained he was wearing what is described as a 'waiter's uniform' (Document 11).
- 1.22 IO McFAUL interviewed JEWEL, who said he had only worked at the premises for one day and his identification was upstairs. McFAUL accompanied JEWEL to a room upstairs that contained three beds, whereupon JEWEL pointed to one of the beds and stated that was where he was sleeping and produced an Application Registration Card (ARC). An ARC is issued by the Home Office to acknowledge a person who has made a claim for asylum and which is under consideration.
- 1.23 The ARC was clearly embossed that JEWEL had no right to work (the 'remarks' section containing the words 'NO WORK').
- 1.24 IO McFAUL interviewed JEWEL who stated he had started work that day and that Zia CHOUDHURY (to whom JEWEL pointed) had said he could work. He went on to state he was told he would be paid £50 a day to work from 1700 to 2330 hours. When asked, he said he had shown nothing to Mr CHOUDHURY to get employment and he had that day been picked up from Redbridge station by Mr CHOUDHURY in his car.
- 1.25 As JEWEL had a right to remain in the UK (though not allowed to work) he was not liable to detention and was informed he should leave the premises. JEWEL stated he would pack his things and go back to his home in Harpenden. He has not had any form of limited permission to work in any capacity since 29.08.2015.

## **MIAH**

- 1.26 As ICE officers entered the premises MIAH was one of the three suspected offenders that made to escape and he was the only one that succeeded;

running through the pub and into the front car park before making off across the busy road. His last leave to remain expired on 11.11.2013. On 06.01.2016 he was listed as an absconder for his reporting conditions as he had failed to comply with contact with the Home Office. MIAH is unlawfully at large, served with a RED over stayer notice on 08/07/2018 in his absence. Liable for immediate deportation when apprehended.

- 1.27 When ISLAM and JEWEL were in the presence of IOs GEAR, VALENTINE and McFAUL and the bedroom upstairs was being searched, MIAH's Bangladesh passport was found and seized by IO McFAUL. ISLAM identified MIAH as the subject that had managed to escape. MIAH's bed was found to contain a wallet containing £1,000, which was seized under the Proceeds of Crime Act as being suspected of having been obtained in consequence of illegal working.

### **SUMMARY**

- 1.28 For the fourth time in five years, an immigration enforcement operation has discovered multiple persons working at this premises whilst they have no right to do so. All these operations have taken place whilst Ziaul Islam CHOWDHURY and Omar SHORIF have been the Premises Licence Holders and Mr CHOWDHURY the Designated Premises Supervisor.
- 1.29 The illegal workers provided different accounts of how long they had worked at the premises; five months, four days and one day. It is the experience of immigration services and police that often illegal workers seek to minimise their criminality by understating the truth of how long they have worked illegally at a premises and it is of note that in this case four illegal workers were discovered and that was the intelligence received 10 weeks before the operation took place.
- 1.30 On this most recent occasion, Mr CHOWDHURY and the presumed owner of the premises, Fazlul Bari CHOWDHURY, were both present. Those illegal workers detained by immigration officers all pointed (literally) to Ziaul Islam CHOWDHURY as the person that had employed them, one stating he had been picked up at the station by Ziaul Islam CHOWDHURY himself. It is clear no identity documents were asked for or shown. It is the Police's view that there is evidence of total disregard for previous warnings and guidance. Following the December 2013 Immigration Enforcement operation, Ziaul CHOWDHURY was quoted in The Dunmow Broadcast (Document 12), "...a number of students here whose visas were breached because they weren't attending college – but it is not my duty to make sure they are attending. I've got a business to run." A comment that speaks volumes of his attitude toward compliance. Given previous encounters with the immigration service it is impossible to believe that the employment of illegal workers was unintentional

and the failure to adhere to legislation and check documents was anything other than deliberate. In fact, in the same article from 2013 Ziaul CHOWDHURY goes on to speak of advice received and offers reassurance that having been given guidance around what and how to check, there was no chance of falling foul of the law again, “We have now been advised by Immigration Enforcement of other things we can check, so have learned our lesson.” A comment insincerely made ahead of a further 3 incidents of illegal workers being discovered at the premises.

- 1.31 Succeeding parts of this application explore relevant legislation and the statutory guidance and Essex Police ask the sub-committee to revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.
- 1.32 Essex Police are aware that a mere 3 days after this latest incident that the Premises Licence Holders submitted an application to transfer the licence to Hadayouth CHOWDHURY and Anayet Karin CHOWDHURY. Given the speed of this submission (the Monday after an out of hours visit on the Friday) Essex Police suspects this is nothing more than an attempt to ‘pull the wool’ over the authority’s eyes. It is contended that nothing has changed at the premises and the same owner remains the owner of the premises and taking an active interest and that Ziaul Islam CHOWDHURY remains in day to day control of the premises as the DPS. Indeed, police intelligence suggests that one of the transfer applicants (Hadayouth CHOWDHURY) resides in the same address as the owner, Fazlul Bari CHOWDHURY. Three days, quite simply, is too short a time to sort out a change in the ownership and operation of a business.
- 1.33 Copies of all the witness statements or pocket notebook (PNB) entries made by relevant immigration officers are appended; should the sub-committee wish to read these. In particular, the statement of Jack Davis, Chief Immigration Officer details the offending behaviour and lack of a right to work in respect of each of the four illegal workers encountered.
- 1.34 Essex Police ask the sub-committee to consider the flagrant disregard for the legalities of employing responsibly, the failure to heed prior warnings and advice and ask that the sub – committee revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.

## **2.0 Reasons for Review**

- 2.1 Whether by negligence or wilful blindness 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 8.11) 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 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person – whether in the licensed trade or otherwise - to conduct right to work checks.

- 3.6 In seeking revocation, Essex Police has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz:

*“(...) Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer (my emphasis) by other legislation”.*

- 3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.
- 3.8 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).
- 3.9 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.
- 3.10 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 carrying out licensable activity before continuing with it. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.11 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.

- 3.12 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.
- 3.13 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 Brokenshine, 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 16 August 2017).

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

**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: Gordon Ashford

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Licensing manager

This statement (consisting of \_\_\_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make this statement voluntarily. If I have wilfully stated anything to be false, or do not believe to be true, I shall be liable to prosecution if I have wilfully stated anything to be false, or do not believe to be true.

Signature:..... (witness) Date: 17.07.18

Approximately 12.45 p.m. on Tuesday 17<sup>th</sup> July 2018, in company with police licensing officer Vicky Powell I attended the Queen Victoria pub and Jalsa Ghar licensed restaurant situate at 79 Stortford Road, Dunmow. The premises consists of one large building with one part set aside as an Indian restaurant and the other as a traditional public house. Access between the two businesses is via a corridor linking the two halves of the building – with one signed up as the Queen Victoria and the other as the Jalsa Ghar licensed restaurant. We entered a door direct into the restaurant, though I did notice other doors including one that gave direct access to the pub.

The main purpose of the visit was in response to an application to transfer the premises from the existing joint premises' licence holders (Ziaul Islam CHOWDHURY and Omar SHORIF) to new joint licence holder's Hadayouth Ahmed CHOWDHURY and Md Anayet Karin CHOWDHURY.

I was aware that an immigration 'raid' had taken place in the evening of Friday 6<sup>th</sup> July 2018 where a number of illegal workers had been found. I was also aware that this was the fourth such occurrence whilst the existing premises licence holders had been in place. As a transfer application had been made by the morning of Monday 9<sup>th</sup> July I suspected the transfer was not a change of business interests but an attempt to frustrate any licensing consequences of the immigration 'raid'

Signature: ..... Signature witnessed by: .....

Because of my suspicions I carried out a number of enquiries at Companies House regarding the premises and those concerned in its running. I was also made aware that on the evening of the 'raid', immigration officers had been led to believe that the owner of the premises was a Fazlul Bari CHOWDHURY (also known as Md Fazlul Bari CHOWDHURY).

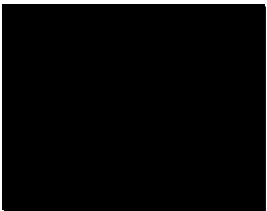
In my research, I discovered that Fazlul CHOWDHURY, Ziaul CHOWDHURY and Omar SHORIF had on the 30<sup>th</sup> July 1999 been appointed directors of Jalsa Ghar (UK) Ltd and remained as such until the company (based at 79 Stortford Road, Dummow and trading as Jalsa Ghar and Queen Victoria) was subject of insolvency proceedings and finally dissolved in 2015. The company was dissolved owing considerable sums of money to HMRC for PAYE and VAT monies not payed to the revenue.

Furthermore I discovered that during the liquidation process the liquidator's received, and accepted, an offer to purchase the company's fixtures, fittings and catering equipment from a company called Aldbrook Limited. Aldbrook Limited subsequently continued trading on the same premises as Jalsa Ghar and Queen Victoria.

Since September 2013 (and to this date), Fazlul Bari CHOWDHURY has been the sole director of Aldbrook; though between December 2011 and February 2012 both Ziaul Islam CHOWDHURY and Omar SHORIF had also been directors. Company house records show that since April 2016 Ziaul CHOWDHURY has a declared 75% share in Aldbrook and Omar SHORIF 25%.

The application to transfer the premises was made in joint names and I discovered that official records suggest one of the joint applicants, Hadayouth Ahmed CHOWDHURY as residing at the same dwelling as Fazlul Bari CHOWDHURY.

On entering the premises, myself and Mrs Powell saw two male persons standing staff side of the restaurant bar. Having identified ourselves and the purposes of the visit, Mr Ziaul Islam CHOWDHURY identified himself and escorted us to the bar area of the Queen Victoria.

Signature:  ..... Signature witnessed by: .....

Having been seated opposite Mr Ziaul CHOWDHURY I again explained the purpose of the premises; I then asked a series of questions about the transfer of the business and the relationship between the various parties.

Having completed an initial question and answer session with Mr Ziaul CHOWDHURY I immediately summarised these in abbreviated form within an interview report book, which I invited Mr CHOWDHURY to read (but he said he has read as I wrote) and invited him to sign (which he did). A few moments later I asked a follow up question about the management of the premises post licence transfer and again invited Mr CHOWDHURY to read (again he said he had read as I wrote) and invited him to sign, which he did.

The questions and answers recorded in this interview book are set out below.

QUESTION: Who owns premises at the moment?

ANSWER: Aldbrook Limited.

QUESTION: Will Aldbrook still own the premises after the transfer of licence takes place?

ANSWER: Aldbrook limited still.

QUESTION: You said you were selling the business. So are you selling Aldmore?

ANSWER: No. My Uncle has 5 shares, Omar 4 shares and I have 3 shares. I won't be selling my shares immediately but long term plan.

QUESTION: I then asked about the relationships of those transferring the licence.

ANSWER: Hadayouth CHOWDHURY (*premises licence transfer co-applicant*) is my uncle's son. Uncle is Fazlul CHOWDHURY. Md Anayet CHOWDHURY is cousin of Ziaul; he is Fazlul's eldest brother's son. Omar's sister married (*his*) uncle; i.e. Fazlul is married to Omar's sister.

The brief follow up exchange concerning the management of the premises post any transfer took place and was recorded. Ziaul stated that Hadayouth (*his cousin*) would manage the premises and already works 2 days a week at the premises – at weekends usually.

Mr Zial CHOWDURY was quite candid in describing the business as a family owned and run business with [REDACTED] HORIF and Fazlul Bari CHOWDHURY owning the company that operated the [REDACTED] and continuing to do so in the immediate future and that those

Signature: ..... Signature witnessed by: .....

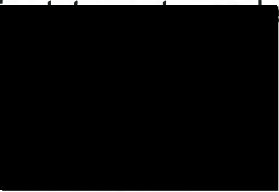


proposing to transfer the premises licence to themselves were close family members who would not have ownership of the premises.

After some discussion about the premises licence, challenge 25 posters and other matters Mrs Powell and myself left the premises.

I produce the signed Interview Report Book as exhibit GA/1.

This statement was dictated at 14.12 hours 17<sup>th</sup> July 2018.



Go

Signature: ..... Signature witnessed by: .....



**WARRANT TO ENTER AND SEARCH PREMISES**

Magistrates' Courts in South East England  
FIm 04.07.18 5 DONALDSON

On this day an application was made by:

Name **████████ DONALDSON Immigration Officer ██████████**

State under which Section warrant to be issued **for the issue of a warrant under Paragraph 17(2) of Schedule 2 of the Immigration Act 1971 (as amended)**

Specify premises to enter and search the premises situated at:

**79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL including any business located at the address and any outbuildings associated with the main building.**

Identify so far as possible, the articles or persons to be sought.

and search for:

**Any persons present who are subject to immigration control and have no permission to reside or work in the United Kingdom.**

Authority is hereby given for any Constable or Immigration Officer, accompanied by such person or persons as are necessary for the purpose of the search, to enter the said premises on one occasion only, within one month from the date of issue of this warrant and to search for the person(s) in respect of which the application is made.

Date: 4 7 18

██████████

*Justice of the Peace / District Judge*

## APPLICATION FOR SEARCH WARRANT

(Criminal Procedure Rules, rule 6.32; sections 15 & 16, Police and Criminal Evidence Act 1984)

Use this form ONLY for an application for a search warrant under a power to which sections 15 & 16 of the Police and Criminal Evidence Act 1984 (PACE) apply, other than section 8 of PACE. There is a different form of application for the court to issue a search warrant under section 8. A magistrates' court cannot authorise a search for excluded or special procedure material. See also the notes for guidance at the end of this form.

### Application to the Magistrates' Court

This is an application by Immigration Officer [REDACTED] DONALDSON [REDACTED]  
Of the Home Office, Immigration Compliance and Enforcement, East of England

Address: I.C.E East of England, Custom House, Viewpoint Road, Felixstowe, Suffolk, IP11 3RF

Email address: [REDACTED]

Phone: [REDACTED]

Mobile: [REDACTED]

Booking Application Code: Flm 04.07.18 5 DONALDSON

I am a constable  or  
another person authorised to apply for a search warrant<sup>1</sup>

I estimate that the court should allow 10 minutes to read this application and 10 minutes for the hearing.<sup>2</sup>

I expect any warrant issued to be executed on Friday 6<sup>th</sup> June 2018

I wish to attend the hearing by live link (if available) Yes  No

**1. Complete the box above and boxes 1 to 8 below.** If you use an electronic version of this form, the boxes will expand<sup>3</sup>. If you use a paper version and need more space, you may attach extra sheets.

**2. Complete the declaration in box 9 and the authorisation in box 10.**

**3. Attach the draft warrant(s) you are asking the court to issue.**

**4. Send or deliver a copy of the completed form and draft warrant(s) to the court.** You may send them by secure email. Make sure the court knows if the application is urgent. Your time estimates will help the court to allow enough time to prepare for the hearing.

**1) The main search power.** Make sure the court has a copy of the legislation which allows it to issue the warrant(s) for which you are applying (the main search power), and any legislation which allows you to make this application if you are not a constable. If necessary, attach a copy of the legislation when you send or deliver this form to the court.

(a) What legislation allows the court to issue the warrant(s) for which you are applying? This is the main search power.

**Paragraph 17(2) schedule 2 of the Immigration Act 1971AA**

(b) If you are not a constable, how does the legislation allow you to make this application?

**The Immigration Act 1971 (as amended) identifies an Immigration Officer by statute.**

<sup>1</sup> E.g. an officer of HM Revenue and Customs or of the National Crime Agency. See guidance note 3 at the end of this form. In box 1, specify the legislation which allows you to apply.

<sup>2</sup> See guidance note 4 at the end of this form.

<sup>3</sup> Forms for use with the Rules are at: [www.justice.gov.uk/courts/procedure-rules/criminal/formspage](http://www.justice.gov.uk/courts/procedure-rules/criminal/formspage).

**2) The investigation.** What you need to explain will depend on the terms of the main search power.

(a) What are you investigating? Explain briefly.

**I am investigating suspected immigration offenders liable to be detained and have removal directions served under Schedule 2 of the Immigration Act 1971 as amended.**

(b) Why do you think the offence or activity under investigation has taken place? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' it has taken place.

**An allegation was received by the Home Office on 13/05/2018 that JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL is employing illegal workers. The allegation further states:**

- There are four illegal workers all from Bangladesh
- They mainly work Friday, Saturday and Sunday afternoons and evenings
- They work in the kitchen and in the main restaurant
- They are paid low wages and cash in hand
- Many of them have fake IDs and paperwork
- The restaurant owner Zia CHOWDHURY has organised fake IDs for his workers

Although the allegation does not name any offender it provides details such as the nationality of the offenders, hours of work, specific days of the week and details of the manager and how he pays his staff.

A search of the Premises Licence Register conducted on 29/06/2018 revealed that 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL holds an entertainment and alcohol licence. The business is named as QUEEN VICTORIA and the designated premises supervisor is listed as ZIAUL ISLAM CHOWDHURY.

During a previous enforcement visit it was noted that both QUEEN VICTORIA and JALSA GHAR operate from 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL. There are no internal boundaries between the two businesses and the same staff work for both businesses at the same time during working hours.

JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL has long been associated with immigration offenders illegally working at the premises:

- On 12/08/2016 Home Office intelligence Officers visited the business and conducted staff record checks. Three immigration offenders from Bangladesh were found to be working illegally.
- In July 2014, an immigration enforcement visit was conducted to the premises and four immigration offenders were arrested, all from Bangladesh.
- In December 2013, an immigration enforcement visit was conducted to the premises and eight immigration offenders were arrested, all from Bangladesh.

During the planned enforcement visit any person found to be illegally present in the UK is liable to be detained under Sch2 Para 16(2) of the Immigration Act 1971 as amended and removed from the United Kingdom.





**4) Premises to be searched which CAN be specified.** Use this box if you are applying for a search warrant in respect of one set of premises which you can specify. If you are applying for the issue of warrants in respect of more than one set of premises which you can specify, tick this box  and complete the table at the end of this form instead. If you want to search premises that you CANNOT specify, see box 5 below.

(a) Address or other description of the premises:

**79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL including any business located at the address and any outbuildings associated with the main building.**

(b) Why do you think the articles or person(s) you are looking for is / are on those premises? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' they are there.

**The allegation has been made to the Home Office detailing illegal working at the premises. The information has been checked and clarified, there is strong information to suggest that immigration offenders are on the premises. The business has a long history of employing illegal workers from Bangladesh.**

(c) How do the circumstances satisfy any access conditions prescribed by the main search power? What you need to explain depends on the terms of the main search power. For example, you may need to satisfy the court that entry will not be granted without a warrant, or that an attempt to search without a warrant would frustrate the investigation.

**Those encountered will know their immigration status' in the UK. It is therefore suspected that should any illegal workers be encountered and the intentions of Officers are made clear consented entry will not be granted. The purpose of the search may be frustrated or seriously prejudiced unless an Immigration Officer arriving at the premises can gain immediate access to them. There is a significant incentive not to cooperate if a warrant cannot be produced.**

**The use of a search warrant to enter premises ensures that the officers involved have sufficient legal powers to conduct their duties whilst in addition ensuring that their legal rights are protected by the impartiality of the Magistrates' Court and that there is independent accountability for the visit to the premises.**

**5) Premises to be searched which CANNOT be specified.** Use this box only if you are applying for a search warrant in respect of premises that you cannot specify, which are occupied or controlled by a person you can identify (an 'all premises warrant'). Whether the court can issue an all premises warrant depends on the terms of the main search power. If you want to search premises that you CAN specify, see box 4 above.

(a) Whose premises do you want to search? Name or describe the person in occupation or control of the premises.

(b) If you have been able to specify some of that person's premises, why is it not reasonably practicable to specify all the premises which you want to search?

(c) Why is it necessary to search more premises than you can specify? There may be nothing to add to the answer to (b) above.

(d) Why do you think the articles or person(s) you are looking for are on those premises? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' they are there.

**6) Search on more than one occasion.** Use this box only if you are applying for the court's authority to search premises on more than one occasion. Whether the court can give that authority depends on the terms of the main search power.

(a) Which premises do you want to search on more than one occasion? List them.

(b) Why do you want to search on more than one occasion?

(c) How many times do you want to be able to search those premises? Specify any maximum number of occasions, or state 'unlimited'.

**7) Search with additional persons.** Use this box only if you are applying for the court's authority to conduct the search with people who are not constables and who are not otherwise authorised by law to conduct or take part in the search.

(a) Which other persons do you want to take part in the search? Identify those people by function or description (e.g. scientists, IT experts, accountants).

(b) Why do you want those people to take part in the search?

**8) Duty of disclosure.<sup>5</sup>** See also the declaration in box 9.

Is there anything of which you are aware that might reasonably be considered capable of undermining any of the grounds of this application, or which for some other reason might affect the court's decision? Include anything that reasonably might call into question the credibility of information you have received, and explain why you have decided that that information still can be relied upon.

**No**

### **9) Declaration**

To the best of my knowledge and belief:

(a) this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application, and

(b) the content of this application is true.

Signed:<sup>6</sup> ■ Donaldson (electronic signature) ■ DONALDSON [applicant]

Date: 29/06/2018 Time: 1258 hrs.

<sup>5</sup> See guidance note 9 at the end of this form.

<sup>6</sup> If an electronic version of this form is used, instead of a signature it may be authenticated electronically (e.g. by sending it from an email address recognisable to the recipient). See Criminal Procedure Rules, rule 5.3.

**10) Authorisation**

I have reviewed this application and I authorise the applicant to make it.

Authorising officer's name: [REDACTED]

Rank or grade: Chief Immigration Officer

Signed:<sup>6</sup> [REDACTED]

Date: 29/06/2018 Time: 1352 hrs

**Decision**

I heard this application today.

The applicant satisfied me about his or her entitlement to make the application.

The applicant confirmed on oath or affirmation the declaration in box 9.

The applicant gave me additional information, the essence of which was:<sup>7</sup>

I [issued] [refused to issue] [a warrant] [warrants] because:<sup>8</sup>

Signed: [REDACTED] .....  
Name: .. [REDACTED] .. [Justice of the Peace]  
[District Judge (Magistrates' Court)]  
Date: ... [REDACTED] .....

<sup>7</sup> Delete if not applicable.

<sup>8</sup> Delete as applicable, and give brief reasons for your decision.

**List of specified premises to be searched.** See box 4. Use the table on this and the next page if you are applying for the issue of warrants in respect of more than one specified set of premises.

**In column (a),** give the address or other description of the premises. **In column (b),** explain briefly why you think the articles or person(s) you are looking for is/are on those premises. (The main search power may require you to show that you 'suspect' or 'believe' they are there.) **In column (c),** explain how the circumstances satisfy any conditions prescribed by the main search power. (What you need to explain depends on the terms of the main search power. For example, you may need to satisfy the court that entry will not be granted without a warrant, or that an attempt to search without a warrant would frustrate the investigation.)

(a) Address or description of premises	(b) Reasons for thinking articles / persons are on those premises	(c) Reasons why access conditions are met

(a) Address or description of premises	(b) Reasons for thinking articles / persons are on those premises	(c) Reasons why access conditions are met



## Notes for Guidance

### 1. Use of this form

This form is for use in connection with an application for a search warrant under legislation (the main search power) to which sections 15 and 16 of the Police and Criminal Evidence Act 1984 (PACE) apply, other than section 8 of PACE (for which there is a different application form).

By section 15(1), "This section and section 16 ... have effect in relation to the issue to constables under any enactment, including an enactment contained in an Act passed after this Act, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless it complies with this section and section 16 ...."

Other search powers include section 26 of the Theft Act 1968, section 23 of the Misuse of Drugs Act 1971 and paragraph 1 of Schedule 5 to the Terrorism Act 2000.

### 2. Applicant's contact details

The court may need to contact the applicant urgently. In choosing the address and telephone number(s) to give, applicants should be aware that details entered in this application form may be disclosed in subsequent legal proceedings, unless the court orders them to be withheld.

### 3. Status of the applicant

The applicant must satisfy the court about his or her entitlement to make the application. Officers of some other investigating authorities can apply for and execute warrants to enter, search and seize as if they were constables, under the legislation which applies to them. Examples include members of the National Crime Agency designated with the powers of a constable; officers of HM Revenue and Customs; and, in the case of an application under section 26 of the Theft Act 1968, or under section 23 of the Misuse of Drugs Act 1971, a person designated as an investigating officer under section 38 of the Police Reform Act 2002, to whom relevant paragraphs of Part 2 of Schedule 4 to that Act apply.

### 4. Making an application: time estimates and live links

The court needs an estimate of how long to allow for reading and hearing the application. If in doubt, consult the justices' legal adviser.

To help assess the urgency of the application compared with others, the court also needs to know when it is expected that the warrant will be executed.

Where a live link is available, it can be used for the applicant to attend before the court, if the court so allows. The application must have been delivered to the court (delivery may be by email), and the applicant will be required to take an oath (or affirm) as required by the Criminal Procedure Rules.

### 5. Special requirements of the main search power under which the warrant is issued

The main search power may require the applicant to demonstrate either suspicion or belief as to the presence of the articles or persons sought on the premises to be searched, and either suspicion or belief as to other grounds or conditions about which the court must be satisfied. One of those other grounds is likely to be that nothing sought consists of or includes items subject to legal professional privilege. When completing box 3, applicants must take care to satisfy the court about these requirements, or it may not be possible for the court to issue the warrant.

The main search power may prescribe criteria that must be met in relation to the premises to be searched, for example that giving the occupant notice would frustrate the purpose of the search, or that access has been refused, or that a person who could and would allow access cannot be found. When completing box 4, or the table at pages 5 & 6, applicants must take care to satisfy the court about these requirements, or again it may not be possible for the court to issue the warrant.

## **6. The articles or persons sought (see also notes 7 & 8)**

The applicant must explain what the search is for in as much detail as practicable. A corresponding description must be entered in the draft warrant for the court (and the applicant must take care that the words used in the warrant can be understood without reference to the rest of the application).

The search may be unlawful if the warrant does not sufficiently identify the material for which it authorises search, or if it leaves the identification of that material to the discretion of those who conduct the search.

Powers to seize additional material beyond the scope of the warrant are given by section 19 of PACE and section 50 of the Criminal Justice and Police Act 2001.

## **7. Legal privilege**

Unless, exceptionally, permitted by the main search power, the court cannot issue a warrant to search for items subject to legal privilege. Unless the items in question are held with the intention of furthering a criminal purpose, section 10 of PACE defines those items as:

(a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;

(b) communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

(c) items enclosed with or referred to in such communications and made—

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when they are in the possession of a person who is entitled to possession of them.

## **8. 'Seize and sift'**

Under section 50 of the Criminal Justice and Police Act 2001, if a person executing a search warrant (a) finds something which he or she has reasonable grounds to believe may be, or may contain, something for which that person has authority to search under the warrant, and (b) it is not reasonably practicable there and then to determine whether that is so; then that person can seize so much of what he or she has found as it is necessary to remove to enable that to be determined.

Under that same section, if such a person (a) finds something which he or she would be entitled to seize under the warrant but for its being comprised in something which he or she is not entitled to seize, and (b) it is not reasonably practicable there and then to separate the seizable property from the other property; then that person can seize both the seizable and the other property.

## **9. Information that might undermine the grounds of the application**

Information that might undermine any of the grounds of the application must be included in the application, or the court's authority for the search may be ineffective. The court will not necessarily refuse to issue a warrant in every case in which there is information that undermines the grounds of the application.

The applicant must explain why information is thought to be credible where it comes from a source that cannot be tested (for example, a report from an anonymous informant).

The applicant must inform the court if there is anything else that might influence the court's decision to issue a warrant. This may include whether the premises have been searched before, and with what outcome, or whether there is any unusual feature of the investigation or of any potential prosecution.



## **10. Other powers to issue search warrants**

This form can be adapted for use in connection with applications for search warrants under other legislation, but applicants must note that:

(a) they must give all the information required by that legislation to satisfy the court that the warrant sought should be issued; and

(b) the legislation under which the application is made will determine whether the court can authorise the search of more than one set of premises, the search of unspecified premises, or the search of premises on more than one occasion (and see sections 15 and 16 of PACE); and may determine the power to search persons found on the premises.

**2) The investigation.** What you need to explain will depend on the terms of the main search power.

(a) What are you investigating? Explain briefly.

**I am investigating suspected immigration offenders liable to be detained and have removal directions served under Schedule 2 of the Immigration Act 1971 as amended.**

(b) Why do you think the offence or activity under investigation has taken place? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' it has taken place.

**An allegation was received by the Home Office on 13/05/2018 that JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL is employing illegal workers. The allegation further states:**

- There are four illegal workers all from Bangladesh
- They mainly work Friday, Saturday and Sunday afternoons and evenings
- They work in the kitchen and in the main restaurant
- They are paid low wages and cash in hand
- Many of them have fake IDs and paperwork
- The restaurant owner Zia CHOWDHURY has organised fake IDs for his workers

Although the allegation does not name any offender it provides details such as the nationality of the offenders, hours of work, specific days of the week and details of the manager and how he pays his staff.

A search of the Premises Licence Register conducted on 29/06/2018 revealed that 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL holds an entertainment and alcohol licence. The business is named as QUEEN VICTORIA and the designated premises supervisor is listed as ZIAUL ISLAM CHOWDHURY.

During a previous enforcement visit it was noted that both QUEEN VICTORIA and JALSA GHAR operate from 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL. There are no internal boundaries between the two businesses and the same staff work for both businesses at the same time during working hours.

JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL has long been associated with immigration offenders illegally working at the premises:

- On 12/08/2016 Home Office intelligence Officers visited the business and conducted staff record checks. Three immigration offenders from Bangladesh were found to be working illegally.
- In July 2014, an immigration enforcement visit was conducted to the premises and four immigration offenders were arrested, all from Bangladesh.
- In December 2013, an immigration enforcement visit was conducted to the premises and eight immigration offenders were arrested, all from Bangladesh.

During the planned enforcement visit any person found to be illegally present in the UK is liable to be detained under Sch2 Para 16(2) of the Immigration Act 1971 as amended and removed from the United Kingdom.

<b>Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)</b>		
<b>Home Office ref (if known)</b>		
<b>Police Officer</b>	[REDACTED]	
<b>Police email address</b>	[REDACTED]	
<b>Subject's name</b>	Saydu ISLAM	
<b>Subject's nationality</b>	Bangladeshi	
<b>Subject's date of birth</b>	[REDACTED]	
<b>Male / female</b>	Male	
<b>Subject's address</b>	Unknown	
<b>Additional information</b>	<p>This is one of 4 requests link to an ICE team raid on 6<sup>th</sup> July 2018 at Jalsa Ghar restaurant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.</p> <p>We request the following information in regards the above:            Any information as to previous entry to the UK together with status at that time;            Details of any expired visas and what type;            Any previous prior interactions with immigration service;            Any applications and outcomes of any asyleum claim;            Any failure to report.            Current status.            Right to work.            Leave to remain (and type)            This is to show to a licensing committee the scope of the offending and seriousness</p>	
<b>Justification / legislation :</b> Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers.		
<b>Below: Home Office official use only</b>		
<b>Cid/Personal ID/HO</b>	[REDACTED]	
<b>Check(s) requested</b>	<b>Response</b>	
<b>Confirmation of details</b>	Is there a trace of the subject?	Yes
<b>Current status</b>	Valid leave to remain in the UK?	No
<b>Right to work</b>	Does the individual have the right to work in the UK?	No
<b>Recourse to public funds</b>	Does the individual have recourse to public funds in the UK?	No
<b>Other</b>	Subject was issued with a United Kingdom Entry Clearance - Working Holiday (Subject to work restrictions) visa valid from 20/03/2011 until 20/03/2013. VAF number: 572886.	

**Standard Disclaimer**

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<b>Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)</b>	
<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	
<b>Subject's name</b>	Saydul ISLAM
<b>Subject's nationality</b>	Bangladeshi
<b>Subject's date of birth</b>	
	<p>an application for Leave to Remain on the basis of Family/Private Life which was refused with No right of appeal on 11-Sep-2013.</p> <p>31-May-2016- Subject claimed asylum which was refused on 22-Nov-2016 and all appeal rights exhausted on 14-Jun-2017.</p> <p>10-Jul-2018- Subject submitted further submissions which remains outstanding.</p> <p>No current valid leave.</p>

Send to [ICSSVECWorkflow@homeoffice.gsi.gov.uk](mailto:ICSSVECWorkflow@homeoffice.gsi.gov.uk) placing EEREQUEST in the subject field

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

<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	[REDACTED]
<b>Police email address</b>	[REDACTED]
<b>Subject's name</b>	Md Shoulder Atik RAHMAN
<b>Subject's nationality</b>	Banglades [REDACTED]
<b>Subject's date of birth</b>	[REDACTED]
<b>Male / female</b>	Male
<b>Subject's address</b>	Unknown

**Additional information**

This is one of 4 requests linked to an ICE team raid on 6<sup>th</sup> July 2018 at Jalsa Ghar resturant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.

We request the following information in regards the above:  
 Any information as to previous entry to the UK together with status at that time;  
 Details of any expired visas and what type;  
 Any previous prior interactions with immigration service;  
 Any applications and outcomes of any asyleum claim;  
 Any failure to report.  
 Current status.  
 Right to work.  
 Leave to remain (and type)  
 This is to show to a licensing committee the scope of the offending and seriousness

**Justification / legislation :** Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers.

**Below: Home Office official use only**

<b>Cid/Personal ID/HO</b>	[REDACTED]	
<b>Check(s) requested</b>	<b>Response</b>	
<b>Confirmation of details</b>	Is there a trace of the subject?	Yes
	Name	Md Shohidur Atik Rahman
<b>Current status</b>	Valid leave to remain in the UK?	No
<b>Right to work</b>	Does the individual have the right to work in the UK?	No
<b>Recourse to public funds</b>	Does the individual have recourse to public funds in the UK?	No
<b>Other</b>	Home Office records show subject was issued an entry clearance visa SBS Work Permit valid from 12/10/2005 until 12/10/2006. Sponsor [REDACTED]	

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(Justification and legislation must be completed or your request will be rejected)**

<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	
<b>Police email address</b>	
<b>Subject's name</b>	Md Shoulder Atik RAHMAN
<b>Subject's nationality</b>	Bangladeshi
<b>Subject's date of birth</b>	
	<p>On 14/12/2006 Admin Removal: Overstayer subject was served with RED.0001. Notice of Immigration Decision of Notice of Removal: Persons who require, but no longer have leave to enter or remain are liable to removal from the United Kingdom under section 10 of the Immigration and Asylum Act 1999 (as amended by the Immigration Act 2014)</p> <p>On 15/02/2012 an Asylum claim was received this was refused on 15/12/2014.</p> <p>On 14/01/2015 older live cases unit review no basis to grant leave.</p> <p>Subject currently detained at [REDACTED] Immigration Removal Centre from 06/07/2018.</p>

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

<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	[REDACTED]
<b>Police email address</b>	[REDACTED]
<b>Subject's name</b>	Md Rukon MIAH
<b>Subject's nationality</b>	Bangladeshi
<b>Subject's date of birth</b>	[REDACTED]
<b>Male / female</b>	Male
<b>Subject's address</b>	Unlawfully at large – escaped during ICE operation
<b>Additional information</b>	<p>This is one of 4 requests link to an ICE team raid on 6<sup>th</sup> July 2018 at Jalsa Ghar resturant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.</p> <p>We request the following information in regards the above:            Any information as to previous entry to the UK together with status at that time;            Details of any expired visas and what type;            Any previous prior interactions with immigration service;            Any applications and outcomes of any asyleum claim;            Any failure to report.            Current status.            Right to work.            Leave to remain (and type)            This is to show to a licensing committee the scope of the offending and seriousness</p>

**Justification / legislation :** Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers.

**Below: Home Office official use only**

<b>Cid/Personal ID/HO</b>	[REDACTED]	
<b>Check(s) requested</b>	<b>Response</b>	
<b>Confirmation of details</b>	Is there a trace of the subject?	Yes
	Address	[REDACTED]
<b>Current status</b>	Valid leave to remain in the UK?	No
<b>Right to work</b>	Does the individual have the right to work in the UK?	No
<b>Recourse to public funds</b>	Does the individual have recourse to public funds in the UK?	No
<b>Other</b>	Home Office computer records show that the subject submitted an application for Leave To Remain as a Tier 4 General Student 09-Sep-2011, this was granted as	

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<b>Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)</b>	
<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	
<b>Police email address</b>	
<b>Subject's name</b>	Md Rukon MIAH
<b>Subject's nationality</b>	Bangladeshi
<b>Subject's date of birth</b>	
	<p>Oct-2011, valid until 29-Dec-2014.</p> <p>Leave was the curtailed to 11-Nov-2013.</p> <p>Subject was recorded as an Absconder 09-Feb-2016.</p> <p>Subject Served with IS151A 24-Oct-2014.</p> <p>On 13-Dec-2014, the subject submitted an application for Leave To Remain as Human Rights Article 8, this was Refused 23-Mar-2015.</p> <p>On 13-Dec-2014, the subject submitted an Asylum claim, this was Withdrawn by Applicant 12-Feb-2015.</p> <p>Subject was Served with RED Overstayer 08-Jul-2018.</p>

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(Justification and legislation must be completed or your request will be rejected)**

<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	
<b>Police email address</b>	
<b>Subject's name</b>	Ahmed JEWEL
<b>Subject's nationality</b>	Bangladeshi
<b>Subject's date of birth</b>	
<b>Male / female</b>	Male
<b>Subject's address</b>	Unlawfully at large – escaped during ICE operation
<b>Additional information</b>	<p>This is one of 4 requests linked to an ICE team raid on 6<sup>th</sup> July 2018 at Jalsa Ghar restaurant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.</p> <p>We request the following information in regards the above:  Any information as to previous entry to the UK together with status at that time;  Details of any expired visas and what type;  Any previous prior interactions with immigration service;  Any applications and outcomes of any asyleum claim;  Any failure to report.  Current status.  Right to work.  Leave to remain (and type)  This is to show to a licensing committee the scope of the offending and seriousness</p>

**Justification / legislation :** Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers.

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<b>Cid/Personal ID/HO</b>		
<b>Check(s) requested</b>	<b>Response</b>	
<b>Confirmation of details</b>	Is there a trace of the subject?	Yes
<b>Current status</b>	Valid leave to remain in the UK?	No
<b>Right to work</b>	Does the individual have the right to work in the UK?	No
<b>Recourse to public funds</b>	Does the individual have recourse to public funds in the UK?	No
<b>Other</b>	<p>Home Office records show subject was issued an entry clearance visa T4 general student valid from 28/12/2014 until 26/09/2016 with No recourse to public funds &amp; Work prohibited.</p> <p>On 13/04/2015 Curtailment Consideration - T4 General Student.</p>	

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

<b>Home Office ref (if known)</b>	
<b>Police Officer</b>	
<b>Police email address</b>	
<b>Subject's name</b>	Ahmed JEWEL
<b>Subject's nationality</b>	Bangladeshi
<b>Subject's date of birth</b>	
	<p>On 30/06/2015 Leave to remain was curtailed so as to expire on 29/08/2015 subject was expelled for non attendance.</p> <p>On 26/09/2016 an application for leave to remain was received Outside the Rules Compassionate Grounds.</p> <p>On 02/05/2017 Application was refused with an out of country right of appeal.</p> <p>On 08/05/2017 Returns Preparation case Transferred to Other Unit on 08/08/2017</p> <p>On 27/07/2017 an Asylum claim was received this was refused on 11/01/2018.</p> <p>On 23/01/2018 an Appeal was lodged which remains outstanding to date.</p>

Send to [ICESSVECWorkflow@homeoffice.gsi.gov.uk](mailto:ICESSVECWorkflow@homeoffice.gsi.gov.uk) placing EEREQUEST in the subject field

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**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 

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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  
n  
ered in evidence, I shall be liable to prosecution if I have wilfully stated  
a  
do not believe to be true.

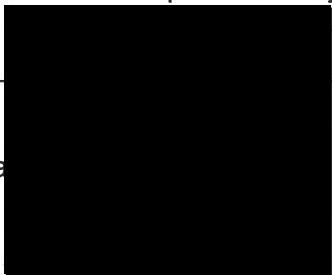
S..... Date: 14 July 2018

Tick 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 Norfolk, 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 "Jalsa Ghar" located at 79 Stortford Road, Great Dunmow, Essex CM6 1DL.

Home Office records show that on 6 July 2018 Immigration Officers from this team executed a search warrant at the premises of "Jalsa Ghar" as previously detailed. The warrant was issued to locate and arrest persons subject to immigration control who were suspected of working illegally in

Signature 

Signature Witnessed by: .....

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

Page 2

the United Kingdom.

Home Office records show that a total of four immigration offenders were recorded as being encountered by the officers during the execution of the search warrant. They are recorded as:

**Saydul ISLAM** a Bangladeshi national born [REDACTED] who originally travelled to the United Kingdom with a working visa valid from 20.03.2011 to 20.03.2013. He overstayed and made an application to remain on 19.08.2013, this was refused on 11.09.2013 and nothing more was heard from him until he was arrested during an Immigration Enforcement Illegal Working operation at an Indian restaurant in Horley, Sussex on 31.05.2016. Having been detained for removal, he then claimed asylum and this application was considered and subsequently refused on 22.11.2016 and was finally concluded after an unsuccessful appeal, on 14.06.2017. In the meantime, ISLAM Had been released from detention. He was then arrested again by Immigration Enforcement during the illegal working operation, on 06.07.2018 at a restaurant in Great Dunmow, Essex and was detained in order to progress his removal from the United Kingdom. On 10.07.2018 he made a further application to remain in the United Kingdom. ISLAM last had permission to remain and to work in the United Kingdom, on the day of his expiry of his original visa, 20.03.2013.

**Md Shohidur Atik RAHMAN** a Bangladeshi national born [REDACTED] was originally refused a visa to travel to the United Kingdom in July 2004. He was subsequently issued a twelve-month work permit for an Indian restaurant in High Wycombe, Buckinghamshire valid until 12.10.2006. On 15.12.2006 he was arrested by Immigration Enforcement during an illegal working operation at an Indian restaurant in Axminster, Devon. He was served notice as an overstayer but was released and then absconded from his reporting conditions. On 08.02.2012 he was arrested during an Immigration Enforcement illegal working operation at an Indian restaurant in Whitehaven, Cumbria having been detained he then made an application for asylum and was bailed by an adjudicator, absconding again in 2013. On 06.07.2018 he was arrested during an Immigration Enforcement illegal working operation at an Indian restaurant in Great Dunmow, Essex. He last had permission to work in the United Kingdom on the expiry date of his original visa, 12.10.2006.

**Md Rukon MIAH** a Bangladeshi national born [REDACTED] arrived in the United Kingdom as a student with a visa valid to 11.09.2011, he then gained an extension of his visa to 29.12.2014 but this was curtailed after he was expelled from his college; his last leave then expired on 11.11.2013. On 18.10.2014 he was arrested during an Immigration Enforcement illegal working operation at an


Signature:  
2004/05(1)

Signature Witnessed by: .....

**RESTRICTED (when complete)**

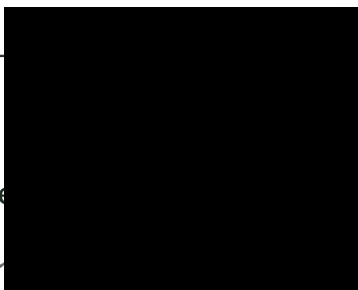
Continuation of Statement of:  **DAVIS** .....

Indian take-away in Newbridge, South Wales. On facing a flight home, he submitted various applications to remain in the United Kingdom under Human Rights, asylum and a judicial review case. On 06.01.2016 he was listed as an absconder for his reporting conditions as he had failed to comply with contact with the Home Office. On 06.07.2018 he was identified and his passport was recovered after he evaded arrest during an Immigration Enforcement illegal working operation at an Indian restaurant in Great Dunmow, Essex.

**Ahmed JEWEL** a Bangladeshi national born  arrived in the United Kingdom with a visa valid as a student from 28.12.2014 to 29.09.2016, when his college informed the Home Office that he was no longer studying, this visa was curtailed to expire on 29.08.2015. On 27.07.2017 he applied for asylum and although this was refused on 11.01.2018 he was released pending an appeal hearing to the Upper Tier Tribunal, which is yet to be listed for a hearing. He has not had any form of limited permission to work in any capacity since 29.08.2015. On 06.07.2018 he was encountered by Immigration Enforcement during an illegal working operation at an Indian restaurant in Great Dunmow, Essex but due to his pending appeal, he was not detained.

I make this statement of my own free will from records that I have seen and accessed today, 14 July 2018. I am willing to attend court or any other judicial or review hearing if necessary.

Signature  
2004/05(1)



.....Signature Witnessed by: .....



TROTTER (1)

RESTRICTED (when complete)

MGII (M)

### WITNESS STATEMENT

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

URN 

--	--	--	--

Statement of: [REDACTED] TROTTER.....

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of (3) THREE) pages, 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  Date: SUNDAY 8<sup>TH</sup> JULY 2018

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

I am an arrest trained Immigration Officer [REDACTED] TROTTER employed by the Home Office currently serving at EAST OF ENGLAND IMMIGRATION, COMPLIANCE AND ENFORCEMENT TEAM, based at UNIT 2, FRANKLIN COURT, STANNARD WAY, PRIORY BUSINESS PARK, BEDFORD MK44 3JZ. on FRIDAY 6<sup>TH</sup> JULY 2018 I was on duty and part of the arrest team for enforcement visit; reference TS31DDA1100 to JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX CM6 1DL.

The arrest team consisted of [REDACTED] DONALDSON as otc, [REDACTED] CLOUING, [REDACTED] GEAR, [REDACTED] KEEN, [REDACTED] McFAUL, [REDACTED] TUTTLE-PROWSE, [REDACTED] VALENTINE and myself.

I entered the premises at approximately 18:05 hours via the rear kitchen door and made my way to the sterile area identified in the restaurant by the OIC and I commenced screening to ascertain the identity and nationality of each subject;

Subject one identified himself to me as [REDACTED] [REDACTED] Bangaldeshi national and was cleared as naturalised British.

Subject two identified himself to me as Md Shohidur RAHMAN AT1K. He wrote this name in my Pocket Note Book. He gave his date of birth as [REDACTED] and stated he was a national of Bangladesh and that his work permit expired in 2005. Home Office checks via telephone revealed subjects correct details as Md Shohidur Atik RAHMAN who was a Failed Asylum Seeker who had failed to report.

At 18:21 hours J arrested RAHAMN as a Person Liable to be Detained under Schedule 2, Paragraph 17(1) of the Immigration Act 1971 , as amended. He stated that he understood.

I then commenced Illegal Working interview with RAHMAN in English, which he spoke clearly and understood; Q1. "WHAT HAVE YOU DID TO YOUR THUMB?" RAHMANS left thumb was in a bandage.

A1. <sup>U</sup> I CUT IT IN THE KITCHEN."

Q2. <sup>U</sup> THIS KITCHEN?" I pointed to the kitchen restaurant.

A2. "YES. THREE DAYS AGO."

Q3. "HOW LONG HAVE YOU BEEN WORKING HERE?"

TROTTER (2)

Signature:



Signature witnessed by.....

2010/11 1

UKBA

RESTRICTED (when complete)

 RESTRICTED (when complete)

VEN

A3. "THREE DAYS."

Q4. "HOW LONG HAVE YOU BEEN SLEEPING UPSTAIRS?"

A4. "JUST THREE DAYS.\*"

Q5. "WHO GAVE YOU THE JOB?"

A5. \*THE BANGLADESHI JOBCENTRE. IT'S IN EAST LONDON, WHITECHAPEL. GAVE THEM E20, I HAD NO JOB.."

I PAD THEM E20-E3

Q6. "HOW DID YOU END UP HERE?"

A6. "THE JOBCENTRE GAVE ME THE ADDRESS."

Q7. "WHEN YOU GOT HERE WHO DID YOU SPEAK TO?"

A7. RAHMAN indicates to the manager, Xiaul.

Q8. "HOW MUCH DO YO GET PAID?"

A8. <sup>U</sup>NOT PAID YET. THE SYSTEM IS END OF WEEK."

Q9. 'HOW MUCH WERE YOU GOING TO GET PAID?"

A9. PER WEEK."

Q10. "js ACCOMMODATION INCLUDED?"

A10. "YES."

Q11. "WHAT ABOUT FOOD?"

A11. "YES."

Q12. "WHAT IS YOUR POSITION HERE?"

A12. "CHEF.#"

Q13. "HEAD CHEF?"

A13. "SECOND CHEF."

Q14. "WERE YOU ASKED TO SHOW ANY DOCUMENTS WHEN YOU CAME

RE?"



A14. "NO." -----  
-----

Q15w "WHEN DID YOU CUT YOUR THUMB?"  
-----  
-----

AI 5. "TUESDAY MORNING."  
-----  
-----

Q16. "THAT'S FOUR DAYS AGO, NOT THREE?"  
-----  
-----

AI 6. "YES THAWS RIGHT." -----  
-----

QI 7. "WHAT TIME DID YOU START TODAY?"  
-----  
-----

AI 7. THE MORNING HALF ELEVEN. HALF TWO FINISH. THEN FIVE  
O'CLOCK." -----  
-----

OCK. FINISHI AT  
-----  
-----

Signature: \_\_\_\_\_



Signature witnessed by:.....  
-----

At UKBA  
18:47

hours

RESTRICTED (when complete)

Module 2 of the

PROITZEL (S)  
Act

RAHMAN 1971, as  
amended, to aid his  
escape and it was

was searched by 10 KEEN under Section 25B of ensure  
s not concealing implements which could cause al:  
ieved he may be concealing evidence of his

danger to or  
ationality and Immigration  
Identity. rim and other  
bject

At 18:52 hours I applied  
in front stack due to the  
to his attempt to  
abscond

andcuffs (Section 146 of the Immigration and Asylum Act  
ossible risk of escape during transportation from the from  
ie premises when immigration officers arrived.

1999, as due  
hises to the ended) tc  
llular vehicle  
I did

At 18:57 hours RAHMAN  
not re-enter the building.

was escorted by me from the premises to the cellular

ehicle in  
the cort position.

Lined area for additional text or notes.

TROTTER(6)

Signature:



Signature witnessed by

.....

.....

4/7/18 TS3100A1100 - OL ADAMAN  
 1735 - BRACE @ BIRMAN  
 GEAR/CO/MC/CP/PO/MCE/KEEN/  
 NO ARMED OFFENSE  
 JALSA JHAR, 79 STATION RD  
 GREAT DUNMOW, CMR 10L  
 W/ARRS 4/7/18 17:00  
 GED: DOMINANT MURDER  
 SWD: MOVE WOOD SWAN  
 BRWE: ██████ DOMESTIC  
 ROLE: CIVEN ①  
 - ALLEGED OF UCCMS AT  
 ADAMAN.  
 LOSS OF PREVIOUS @ ADAMAN  
 - ENTRY ANTIKID  
 RUNNING  
 SHORT CHASE, STOPPED MACE,  
 HANDCUFFED  
 1806 - ANTIKID FOR UCCMS ENTRY  
 - REMAINS UNDER SURVEILLANCE

TS3100A1100  
 TO GEAR ██████  
 N

1810 - GO TO STANLEY ARMA,  
 NOW CAUTIONS, FULL ADAMAN  
 CAUTION  
 - HE WAS HANDCUFFED, TO  
 PREVENT ESCAPE, HE WAS  
 ENCOURAGED RUNNING FROM  
 US,  
 - QUESTIONS, - ANTIKID MACE,  
 NAME  
 SAYDUL ISLAM  
 DATE OF BIRTH,  
 ██████  
 NATIONALITY,  
 BGD.  
 STATUS IN UK  
 WD STATUS.  
 - EXPLAINING ANTIKID, HE CAME TO UK  
 WHEN CAME TO UK  
 2011 MR.  
 RELATED TO WORK, CAME TO GEAR



- STARTED WORKING HOLLAND
- DID YOU HAVE VISA.
- YES IT EXPIRED,
- WHICH IS NOT,
- LOST.

1818 - CHECK - WITH [REDACTED]

- [REDACTED] AS4, REF
- SEEMS 21/05/16.
- FEL REASO.

PPT, NOTHING OUTSTANDING.

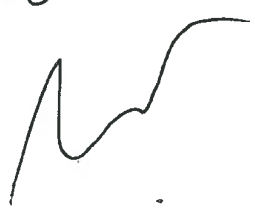
- EC 20/03/11 - 20/03/13,
- PPT - NO DOC'S HELD.

- FELL TO REPORT, 27/06/17
- REF: J1953315,
- LEGAL WORKING QUESTION.

HOW LONG WORKING AT TALSIA

- 5 MONTHS.
- HOW MANY HOURS.
- 4 DAYS, 1100-1400 1700-2300
- HOW MUCH DO YOU GET PAID.

TS3100A1100  
TO GRAN



RE 150 WEEK.

- WHO IS YOUR BOSS.
- JIA MANAGER.
- WHO PAYS YOU.

MAN BEHIND THE BAR, THE SMALL ONE

- WHEN, WHAT FOR DID DID THEY ASK TO SEE PPT.

- NO.
- DID MANAGER ASK YOU IF YOU ARE KNOWN TO WORK
- NO.

WHERE DO YOU LIVE

UPSTAIRS.

- HOW MUCH DO YOU PAY
- PART OF MY WAGES.

SUBJECT TAKEN TO VAN

TRANSPORT TO HANLOW

BOOKED IN.

RETURN TO FELLSTONE

GRAN [REDACTED]

## WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 

TS	31	DDA	1100
----	----	-----	------

Statement of: [REDACTED] McFAUL

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

Occupation: Immigration Officer [REDACTED]

This statement (consisting of 4 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] McFAUL [Electronically signed]

Date: 08/07/2018

I am an Immigration Officer, (IO) Warrant Number [REDACTED] based at the Immigration Enforcement Office in Bedfordshire, Franklin Court, Bedford, MK44 3JZ.

On 6 July 2018, I was an Officer as part of an Enforcement Visit to The JALSA GHAR, 79 STORFORD ROAD, LITTLE DUNMOW, CM6 1DL I was in full arrest uniform, wearing issued Personal Protective Equipment (PPE) and other officers present were: IO DONALDSON (Officer in Command), IO TROTTER, IO GEAR, IO TUTTLE-PROWSE, IO KEEN and IO VALENTINE.

A search warrant under Paragraph 17 (2) Schedule 2 of the Immigration Act 1971, as amended, had been obtained from South East Magistrates Court on 4 JULY 2018 to enter the premises and search for any Immigration Offenders who were working illegally on site.

At 1807 hrs the team deployed at the request of the OIC and attempted to contain the premises. On entry, three Asian males attempted escape and this was relayed via Airwave. I was in position of rear cover and entered the premises by jumping the 6 foot fence and headed to the rear of the premises, where I apprehended one of the subject's who had attempted to escape. IO GEAR detained another male and one male evaded officers and escaped. Officers then cleared staff and I spoke to Ahmed JEWEL. He stated he had identification upstairs in the room, but had only started working at the premises that day. I escorted the subject upstairs into a bedroom with three beds, where he pointed to a bed on the right hand side of the room claiming this was where

Signature: Derek McFAUL [Electronically signed]

Signature witnessed by:

He was sleeping and produced an ARC card. The card was valid, but on the card it stated the subject could not work, nor was he entitled to any recourse to public funds. I carried out illegal working questions:

Q. "HOW LONG HAVE YOU WORKED HERE?"

A. "I STARTED TODAY."

Q. "WHO SAID YOU COULD WORK?"

A. "ZIA CHOUDHURY." (Points to the manager).

Q. "HOW MUCH DO YOU GET PAID?"

A. "I WAS TOLD £50 A DAY FROM 1700 – 2330 HRS."

Q. "WHAT ID DID YOU SHOW TO MT CHOUDHURY TO GET EMPLOYMENT?"

A. "I SHOWED NOTHING."

Q. "HOW DID YOU GET HERE TODAY?"

A. "'I CAME FROM REDBRIDGE STATION WHERE MR CHOUDHURY PICKED ME UP IN HIS BLACK MERCEDES."

Q. "DOES MR CHOUDHARY KNOW YOU ARE HERE ILLEGALLY?"

A. "I AM NOT SURE."

I read the questions back to Mr JEWEL in a language he understood (English) He is informed he has no right to be on the premises and signed my notebook to confirm he understood this.

On conclusion of these questions, I asked the subject to leave the premises, as he was

Signature: [REDACTED] MCFAUL [Electronically signed]

Signature witnessed by:



not allowed to work.

The subject stated "I want to pack my things and go home to HARPENDEN." At this stage, IO GEAR and VALENTINE arrived in the room with a subject who had been detained and started to conduct a Sched 2 25 A search of the subject's bed in order to attempt to find a valid travel document for removal. No document was found and as the officers and subject were leaving the room, Mr JEWEL, sat on the third bed in the room and by doing this, disturbed the pillow and bedclothes to reveal what appeared to be a passport. I asked Mr JEWEL if the document was his and he stated "NO." I then looked at the document and it was a valid BGD passport belonging to MD Rukon MIAH, DoB [REDACTED]. Checks revealed that the subject was an immigration offender and the subject who IO GEAR had detained and conducted a 25 a search on stated "He was the male who ran away when officers entered this evening." I seized the passport under the IA (TOC) 2004 Act Chapter 19, Para 17 a and b to assist in removing the subject if encountered at a later date. Located under the pillow with the passport, was a wallet that contained an amount of cash which on counting was £1000. I asked Mr JEWEL if the cash was his and he stated "NO." Mr JEWEL was then escorted from the premises. I took control of the cash and put it in an evidence bag on site. Evidence bag number BA0271101 in case the owner of the cash came forward. Prior to leaving the premises, I asked the owner Mr Zia CHOWDHURY did he know where the cash had come from? He said "I HAVE NO IDEA WHO OWNS THE CASH." I asked if he would take possession of the cash and sign for it, as I did not want to leave the cash unattended in case of accusations that Home Office officials had stolen the cash on departure from the premises, but he refused to do so. I then informed the manager that I was seizing the cash under POCA and I was taking control of the cash and the manager signed my PNB to confirm this. I believed at this time that given the circumstances surrounding the finding of the valid passport and cash in the area where Mr MIAH slept, the cash belonged to Mr MIAH. As he had evaded Immigration Officers on arrival at the premises that evening, I believe that this cash was gained by illegal working due to the allegations received that allowed Officers to be granted the warrant to enter the premises.

Signature: [REDACTED] MCFAUL [Electronically signed]

Signature witnessed by:



At 1923 hrs officers left the premises and travelled to HARLOW Police Station and I called the on duty CIO [REDACTED] BROUGH to refer the case in order to formally seize the cash. Authority to seize the cash was given, due to the circumstances of the find of the cash and I then removed the cash from the Evidence Bag sealed on site and put it into Evidence bag TO416411 with my latex gloves and secured the cash and Evidence Bag in a second Evidence Bag T0416410 (Exhibit DSM/01). This was witnessed by IO VALENTINE. On return to the office, I placed the seized cash into the POCA seizure safe outside the CFI office @ 0010 hrs, this was also witnessed by IO VALENTINE and my PNB signed to reflect this.

Seizure paperwork was initiated and a copy of Form A and HO1387 has been sent to Mr MIAH's last known address via Next Day 1300 hrs Recorded Delivery serial number AD881988646GB and was sent by myself on 7/07/2018, receipt attached as Exhibit DSM/02.

This statement is made from my recollection of events and my PNB, 013158, pages 29 – 39.

Exhibits:

DSM/01 – CASH SEIZURE EVIDENCE BAGS- TO416411and TO416410

DSM/02 – COPY OF RECORDED DELIVERY RECEIPT

NOTEBOOK COPY PNB IE 013158 Pages 29 – 39.

Signature: [REDACTED] MCFAUL [Electronically signed]

Signature witnessed by:

MK/01

06/07/18

Visits Et Dunmow

KEEN 78790

Immigration Enforcement

OFFICIAL - SENSITIVE  
(when completed)

IMMIGRATION ENFORCEMENT  
NOTEBOOK

Name of user: [REDACTED] KEEN

Date taken into use: \_\_\_\_\_

Date taken out of use: \_\_\_\_\_

Serial number: IE 013954

OFFICIAL - SENSITIVE  
(when completed)

IE100A

I.O. KEEN



3:44 Manager, control is  
G.R. To security area, split  
long sidewalk. I accompany  
McAllen to 1st floor room with  
in BSW male wearing waiter  
uniform, he showed us ARC card  
which showed no right to work.  
He is a FAS, not removable, he  
probably belonging and escorted off  
premises by Det. DM. —

16:45 I searched male arrested by  
To TETTER at her request  
with P25B sub 2, 1971/DA  
reason he was found working  
he may have items such as kitchen  
equipment concealed on his person  
which could harm me. —

18:57 I exit premises travel in cab van  
to HARKLOW plaza with 2 prisoners  
19:35 Arr plaza, I cover CT who  
worked in male ATIK, no incidents

I.O. KEEN

I searched ATIK P25C sub 2717A  
on instruction of police DO.

20:45 Book in concluded, to in room I took  
E/pants, CT complete ETD forms

21:30 Left plaza, arr FC 22:55. —  
No incidents.

KEEN TO 8790 —

## Dunmow restaurants face heavy fines after illegal workers arrested

**PUBLISHED:** 14:23 10 December 2013 | **UPDATED:** 14:23 10 December 2013

**Immigration chiefs arrested 13 illegal workers at two of Dunmow's Indian restaurants last week – leaving the businesses staring down the barrel of a maximum £130,000 fine.**

Home Office enforcement officers, acting on intelligence, conducted simultaneous raids on Jalsa Ghar in Stortford Road and Pride of Sylhet in High Street last Thursday evening (December 5).

Checks revealed that eight members of staff at Jalsa Ghar and five at Pride of Sylhet were breaking the UK's immigration rules.

All 13 offenders were Bangladeshi men ranging in age from 22 to 54. Eight had overstayed their visas, three had entered the UK illegally and two were working in breach of their visa conditions, the Home Office said.

Two of the men, both aged 34, have been taken into immigration detention pending their return to Bangladesh.

The others were released on immigration bail to report to the Home Office while work to remove them from the country is carried out.

The businesses now face potential fines of up to £10,000 for each of the illegal workers unless they can demonstrate that appropriate pre-employment checks were carried out, such as seeing a passport or Home Office document.

Speaking to the *Broadcast*, Zia Chowdhury, who is joint manager of the two restaurants alongside business partner Omar Sharif, said employment checks were carried out but that some of the men had provided fake documents.

“Even the immigration officer said the fake documents we were given were good ones and we weren’t to know,” he said.

“There were also a number of students here whose visas were breached because they weren’t attending college – but it’s not my duty to make sure they are attending, I’ve got a business to run.

“We have now been advised by Immigration Enforcement of other things we can check, so have learned our lesson.

“We wouldn’t defraud anybody. Me and Omar have been in business for 16 years and are very successful at what we do – we are hard working people.

“We both live in Dunmow and are part of the community so we wouldn’t do anything to damage our reputation. Money isn’t everything in life.”

Phil Schinkel, from Home Office Immigration Enforcement, said: “Of the 19 people we encountered on the visits more than two thirds were working illegally. Employers have a legal responsibility to ensure their foreign staff are entitled to work in the UK.”

“Illegal working is not victimless. It undercuts honest employers, cheats legitimate job hunters and defrauds the public purse.”

Copyright

<http://www.dunmowbroadcast.co.uk/news/dunmow-restaurants-face-heavy-fines-after-illegal-workers-arrested-1-3094491>



WITNESS STATEMENT

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

Statement of [REDACTED] DONALDSON ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Immigration Officer.....

This statement (consisting of: .....2 ..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [REDACTED] ..... Date: 09/07/2018 .....

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

I am currently employed as an Immigration Officer on the East of England ICE – Felixstowe team.

On Friday 6<sup>th</sup> July 2018, I led an Immigration Enforcement illegal working visit to JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL. I was the Officer in charge of the visit and my team consisted of the following Immigration Officers: IO CLOUTING, IO GEAR, IO KEEN, IO MCFAUL, IO TROTTER, IO VALENTINE and IO TUTTLE-PROWSE.

The team entered the premises at 1805hrs and I immediately executed the warrant on the manager, a man I now know to be ZIAUL ISLAM CHOWDHURY. The owner of the business, a FAZLUL BARI CHOWDHURY born [REDACTED] was also present at the address but his lack of English meant that I dealt with the manager.

Immediately after entering the premises I was made aware over the radio that a member of staff had run away and Officers were pursuing. I called off this pursuit as I was aware that my team were outnumbered by the remaining members of staff.

Through questioning and during a Section 25A (2) of the Immigration Act 1971 search later in the evening the runner was identified as a MD RUKON MIAH born [REDACTED] a national of Bangladesh. He is an Immigration offender.

In total x12 members of staff were questioned by my Officers. The runner made the total employees x13. The following members were identified as Immigration offenders and were arrested:

SAYDUL ISLAM [REDACTED] a national of Bangladesh

MD SHOHIDUR ATIK RAHMAN [REDACTED] a national of Bangladesh

AMED JEWEL [REDACTED] a national of Bangladesh

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

Continuation of Statement of [REDACTED] DONALDSON .....

Section 25A (2) of the Immigration Act 1971 searches were carried out by my Officers in living accommodation above the main restaurant and bar area in relation to the arrested persons. During one of these searches, IO MCFAUL found and seized a quantity of cash under POCA legislation and a CFI referral was made.

At 1900hrs I served and explained an Illegal Working Referral Notice to ZIAUL ISLAM CHOWDHURY. I also served and explained a completed Notice to Occupier to CHOWDHURY. He confirmed his understanding.

All Officers were off the premises by 1921hrs and ISLAM and RAHMAN were taken to Harlow Custody and booked in with Essex Police.

This statement was compiled at Custom House, Viewpoint Road, Felixstowe, IP11 3RF on Monday 9<sup>th</sup> July 2018 at 1330hrs with reference to my PNB no. IE008783 pages 65-68

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



Immigration  
Enforcement

OFFICIAL - SENSITIVE  
(when completed)

IMMIGRATION ENFORCEMENT  
NOTEBOOK

Name of user

Date taken into use

Date taken out of use

Serial number: IE

013166

OFFICIAL - SENSITIVE  
(when completed)

IE100A

Insert date of use

TS31 DOA 1100  
FRIDAY 06/07/18  
JALSA GHAR

TO TROTTER



FRIDAY 6TH JULY 2018

15:00 On duty - BTD

15:30 Departed

16:50 Arrived BIRCHENGAR  
SERVICES

17:37 Briefing

(VI) TS31 DDA 1100

TAG

No named offenders

JALSA GHAR, 79

STORTFORD RD, GREAT

DUNMON, ESSEX

CM6 1DL

17(2) warrant iss

24/01/18

9- ETO NEABUKY

5- WOOTON - SEEYCK

6/OTC - RONALDSON

A2 - CLONTING

CI - GREAT

A2 - KEEN

Trotter



C2 - McFAUL

A3 - TROTTER

C3 - LTP

A4 - VALENTINE

13/05/18 - allegation of illegal working.

4 x BGD males;

false documents

Ziaul Islam CHOWDHURY (manager)

Previous EV - offender encountered

No warning markers

N. ONT / PNC

REUS to be at (VI)

Rear cover as directed by OIC, with McFAUL, who accesses rear by

rear fence, airwaves that person has absconded.

Enter via kitchen. 4 x males directed to sterile area

TROTTER

① Md. Halal Miah

[redacted] BGD M

claimed GBR - N&E

1988 - cleared - omnibus

② MD. SHOHIDUR RAHMAN

[redacted] BGD M / ATIK

Work Permit - exp.

2005 - identified

as FAS absconder -

8:21 arrested ② person

liable to be detained

Q Fit & well?

A Eye operations in

London 2 years ago.

Q What medication

are you currently

taking?

A Just paracetamol.

Q What have you did

to your thumb?



(left) thumb in <sup>10</sup>  
plaster)

A. I cut it in the  
kitchen

Q. This kitchen? (points  
to restaurant kitchen)

A. Yes. 3 days ago.

Q. Family in UK?

A. No. Son, daughter  
& wife in BGD.

Q. Partner?

A. Single?

Q. Any reason you cannot  
return to PSD?

A. No.

Q. No reasons?

A. No.

Q. How long working  
here?

A. 3 days.

Q. How long have you  
been sleeping

upstairs?

A. Just 3 days

Q. Who gave you the job?

A. The Bangladeshi Job-  
Centre. It's in East  
London, Whitechapel.

I paid them £30, £30

I gave them £20,

I had no job.

Q. How did you end up  
here?

A. The Jobcentre gave  
me the address.

Q. When you got here  
who did you speak  
to?

A. ② indicates to  
manager, Ziaul

Q. How much do you get  
paid?

A. Not paid yet. The

TROTTER



system is end of <sup>12</sup>  
week

Q. How much were you  
going to get paid?

A. £350 per week

Q. Is accommodation included  
A. Yes

Q. What about food?

A. Yes

Q. What is your position  
here?

A. Chef?

Q. Head chef?

A. Second chef

Q. Were you asked to  
show any documents,  
when you came here?

A. No.

Q. When did you cut  
your thumb?

A. Tuesday morning.

TROTTER

Q. That's 4 days ago,<sup>13</sup>  
not 3.

A. Yes that's right

Q. What time start today?

A. In the morning half  
11, half 2 finish.  
Then 5 o'clock.

Finishing 11 o'clock

18:47 25B Search by KEENE -  
DTE

18:52 Handcuffs applied -  
front stack; to prevent  
escape due to sub.  
attempting to abscond  
from premises on  
arrival (notified by  
McFAUL)

18:57 Departed premises; sub  
escorted to cell van  
in transport position.

19:35 Arrived at HARLOW.



P.D. SWD booked into<sup>14</sup>

custody without

incident. Dotation

auth Sgt [REDACTED]

Driving licence CA X284

5773 in progress

FP's photo & bio data

completed

23:05 Arrived back BEO

23:15 off duty C. TROTTER [REDACTED]

SATURDAY 7TH JULY 2018

SRD

SUNDAY 8TH JULY 2018

15:00 On duty - BEO

Briefing

TROTTER



EXHIBIT DSM/03  
Dmfml  
15429

Immigration  
Enforcement

OFFICIAL - SENSITIVE  
(when completed)

IMMIGRATION ENFORCEMENT  
NOTEBOOK

Name of user [redacted] Mcfau

Date taken into use 08/06/18

Date taken out of use

Serial number: IE 013158

OFFICIAL - SENSITIVE  
(when completed)

IE100A

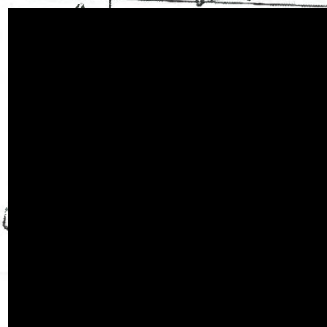
Print date 07/18



WALK IN KITCHEN  
 PAID LOW WAGES AND  
 HAVE FALSE ID  
 ONF NO ISSUES  
 PNL NOT ALL  
 1520 BRIEF CONCLUSIONS  
 PRE CHECK CONDUCTED  
 1520 DEPART FC FULSESSEX  
 1705 ARRIVE SERVICES  
 1730 OIC BRIEF  
 1747 NO CHANGE DEPART BCAL  
 THT ADDRESS  
 1807 ENTER PREMISES AND CHECK  
 KONSTAN SPTT MEDICAL  
 0244  
 1560509226740  
 715186 CLEARAD  
 BEHAL MANIC  
 [REDACTED]  
 364242510

PAS/PRIED D-E  
 PAVILAN U-D-V  
 (-14 L.R.S)  
 5287 092042  
 5112)24  
 CLEARAD  
 ANMAN JEWEL  
 [REDACTED] DGD  
 [REDACTED]  
 [REDACTED] HAYCROFT  
 RG4528737  
 01118 RECURS REFDIS  
 20 THINE BTD  
 12 HALL WORKING  
 HOW LONG HAVE YOU  
 BEEN WORKING  
 SHIT TODAY  
 WHO SAID YOU CAN  
 WORK

BAG 271101 AND  
SCALE 11 IN PRESENCE  
OF ZIA CHOWDHURY  
RE OWNER AS NO  
ONE TAKES OWNER  
SHIP OF CASH.  
DUMM 15415



DM

1937 DEPART PREMISES NO  
DAMAGE AND TRANSIT TO  
HARLOW PS  
1955 ARRIVE HARLOW PS  
FURTHER NOTES TO VISIT  
ON ENTRY TO PREMISES  
I WAS ON REAR COVER  
AND ON EXECUTION OF  
WARRANT A CALL WAS  
PLACED ON AIRWAYS  
TO STATE MALES RUNNING  
I CLIMBED GATE AND  
AN ASIAN MALE RAN  
TOWARDS ME AND I  
PREVENTED HIM FROM  
LEAVING PREMISES  
I OUP AND IO RU STATED  
A MALE HAD LEFT PREMISES  
AND RAN CUCK THE ROAD  
AND WAS NOT PERSUED



DUTY OFF, THERE WAS  
 13 WILLING TO TAKE  
 CASE ON CIO BUREAU  
 SEIZED LASH PLACED  
 INTO EVIDENCE BAG  
 TO 416411 WITH 10  
 MCFARLAN'S GLOVES  
 AND SECURED IN EN  
 TO 416410  
 DMM 15429 AND  
 WITNESSED BY  
 10 VALENTINE [REDACTED]  
 17 VALENTINE

2115  
 1925  
 2235

DEPART WALLON  
 ARRIVE FC NO INCIDENT  
 VISITS COMPLETE  
 DMM 15429  
 10 VALENTINE WITNESSES  
 10 MCFARLAN PLACING CASE  
 IN POLA SAFE

DMM 15429 MCFARLAN  
 @ 0010 HRS  
 R. VALENTINE 16608  
 17 VALENTINE

06/07/18 - Self briefing FGL.  
1522 TS3100A1100. No normal  
offenders. Zahra Ghur,  
79 Stortford Road, Great  
Dunmow, Essex, CM6 1DL.  
W - 04/07/18 SE Mag  
A - NEW  
S - W-SERYCK  
B - DON  
A1 - CLO  
C2 - GEA  
A2 - [REDACTED] KEEN  
C2 - McFAUL  
A3 - [REDACTED] TROTIER  
C3 - T-PROWSE  
A4 - [REDACTED] Valentine  
Allegation 13/03/18 x4  
Illegal workers 65  
1 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

TS3100A1100





J. Donaldson

Manager ZIAUL ISLAM  
CHOWDHURY.  
x2 businesses on site:  
Queen Victoria & John Gher  
W open 79 Shortford Rd.  
complete.  
Previous visits 08/16 x3  
offenders (intel only)  
07/14 - x4 arrested  
12/13 - x8 arrested.  
1736 - Briefing given to team at  
Birmingham services.  
1805 - Enter premises Wroam  
Executed on manager  
ZIAUL ISLAM CHOWDHURY  
x12 members of staff located  
x1 runner left to run in  
order to contain premises  
- I gave radio transmission  
to not pursue runner as  
I had x8 members of staff  
& we were outnumbered but

staff who were located all  
over the premises.  
Staff cleared by 10s in  
safe area - x3 male offenders  
as follows & arrested  
SAYDUL ISLAM (GEA)  
AMGD JENEL (KF)  
Md SA RAHMAN (TRO)

1900 - Served NOL & Notice to  
occupier on ZI CHOWDHURY.  
1905 - Despatched all men containing  
GEA & TRO arrested males  
to Harlow custody - GEA,  
TRO, PRO, KEE sent  
1906 - Seized McF & VAL upstairs  
CEO in attendance - CFI  
referral for cash made by  
McF. Cash taken by McF  
& handed into Harlow custody  
1921 - All officers off premises  
Travel to Harlow PS.  
1957 - Arrive Harlow PS. 67



2186 - PRO, McE, VAI stand down<sup>08</sup>  
to BEO.

2116 - TRO, KEG stand down to BEO.

2186 - Clear of work - lift off return  
to FEL.

2015187 [REDACTED] DONALDSON 07/07/18 0045



Immigration                    OFFICIAL - SENSITIVE  
Enforcement                    (when completed)  
'IMMIGRATION ENFORCEMENT'  
NOTEBOOK

Z. Gr-ce-æauæ.

013154

OFFICIAL;  
SENSITIVE  
(When  
complete)

IO TUTTLE-PROWSE  
T33100A1100-

6th JULY 2018 BEDFORD ICE - 75

TEAM

TS: ZIDD A 1100

NO NAMED OFFENDERS

JALSA SHAR, 79 STORTFORD ROAD

GREAT DUNMOW, ESSEX, CM6 1DL

17(2) WARRANT: SE MAS: 4/7/18

GOLD: [REDACTED] NEWBURY

SILVER: [REDACTED] W-S

BRONZE: [REDACTED] DONALDSON - [REDACTED]

A1: [REDACTED] CLOUTINS - [REDACTED]

C1: [REDACTED] SEAR [REDACTED]

A2: [REDACTED] KEEN

A2: [REDACTED] McPAUL

A3: [REDACTED] TROTTER

C3: LTP

A4: [REDACTED] VALENTINE

- 13/05/18 EMPLOYING ILLEGAL WORKERS

FRI - SAT - SUN EVENINGS BSP

CASH IN HAND

FAKE ID'S AND PAPERWORK

I.O. TUTTLE-BROWSE

RESTAURANT OWNER ZIALCHAUHURY  
HAS ORGANISED FAKE ID'S FOR WORKERS  
29/6/18 SHOWS ENTERTAINMENT AND  
LICENCE ALCOHOL.

BUSINESS NAME QUEEN VICTORIA

JALSA SHAH OWNER.

18:00 IN. - TIPU HASAN - [REDACTED]

- RES PERM: R53925392

PASS NO: [REDACTED]

RES PERM: [REDACTED]

DEPLOYED TO REAR COVER - DICK AND  
GATEWAY WENT TO GATEWAY

LEADS TO A GARDEN AREA TWO  
MALES CAME RUNNING TOWARDS  
ME I SHOUTED NO IMMISICATION  
AND STOP. ONE MAN DID.

ONE MALL RAN THROUGH A  
DOOR WHICH WAS INTO PUB

I.O. TUTTLE-PROWSE

THROUGH ANOTHER DOOR TO THE  
FRONT OF PUB - I SHOUTED  
STOP AND STARTED TO RUN AFTER  
MAN - IO VALENTINE CAME FROM  
THE OTHER FRONT DOOR AND  
STARTED TO RUN HE SHOUTED STOP -  
THE MALL RAN ACROSS BUSH ROAD  
DID NOT CONTINUE AS ROAD TO  
BUSH - MALL RAN OVER ROAD -  
AND INTO ANOTHER ROAD. HE  
DID NOT STOP.

ARRIVED AT PREMISES THROUGH THE  
DOOR I WAS COVERING I COULD SEE  
A MAN THROUGH ANOTHER DOOR  
HOLDING WHAT APPEARED TO BE A  
HAMMER. THERE WERE 10-12 MALES  
INSIDE BETWEEN THE TWO DOORS.  
THERE WAS A GATEWAY / FENCE TO

IT LED INTO A GARDEN AREA I CALK -  
 GILT AND PULLED GATE CLOSED AGAIN -  
 I WALKED BACK TO DOORWAY AND -  
 IO VALENTINE WAS COVERING THE -  
 OTHER FRONT DOOR -  
 I HEARD SHOUTING AND WENT BACK -  
 TO THE GATEWAY. I HEARD MORE -  
 SHOUTING AND WENT THROUGH THE GATE -  
 TWO MALES WERE RUNNING THROUGH -  
 ONE STOPPED AND ONE RAN THROUGH -  
 THE PUB AS PREVIOUSLY NOTED. -  
 UNSAFE TO CONTINUE. -  
 ENTERED THE PREMISES AT OIC REQUEST -  
 MYSELF AND IO VALENTINE WENT -  
 UPSTAIRS TO THE RIGHT WAS A BEDROOM -  
 WITH 3 BEDS. TO THE LEFT WAS A -  
 ROOM WITH 3 BEDS - STRAIGHT THROUGH -  
 THIS ROOM WAS ANOTHER ROOM WITH -  
 3 BEDS. ADVISED OIC 3 ROOMS 3 -  
 BEDS EACH AND CLEARED UPSTAIRS.

I.O. TUTTLE - PROUSE

79  
 DOWNSTAIRS AND SPEKE TO -  
 PREVIOUSLY NOTED SUBJECT -  
 DOGS NOT SPEAKER UNDERSTAND -  
 ENGLISH VERY WELL. -  
 MANAGER PRODUCED PAPERWORK FOR -  
 EMPLOYEES. RES PERM COPY. -  
 DETAILS CHECKED BY CIO NEWBURY -  
 WHO SENT THROUGH PICTURE TO -  
 CONFIRM. -  
 MALE LEGALLY ENTITLED TO BE IN THE -  
 UK. -  
 I ACCOMPANIED IO SCAR TO THE CELL -  
 VAN WITH HIS ARRESTED PERSON. -  
 IO TROTTER ESCORTED HER ARRESTED -  
 SUBJECT TO VAN WITH IO GLOUTINS -  
 LEFT THE PREMISES. -  
 ADVISED HARLOW CUSTODY -  
 ARRIVED AT HARLOW CUSTODY AT -  
 APPROX 19:35 HOURS. -  
 I TOOK FINGERPRINTS AND PHOTO (S&P) (2)



AT APPROX 18:10 HOURS I WENT UPSTAIRS WITH IO VALENTINE THE STAIRS WERE 46-48 DEGREE AND VERY NARROW - SMALLER THAN NORMAL STAIRS - I USED THE HANDRAILS AND THE STAIRS WERE COVERED IN AN OLD CARPET WHICH WAS VERY SLOUGH. ON COMING DOWN THE STAIRS I SLIPPED AND FELL DOWN THE LAST FEW STEPS I ENDED UP ON MY BACK WEDGED BETWEEN THE BOTTOM STAIR - MY RIGHT ARM STUCK ON MY STAB VEST AN EAR PIECE FOR RADIO WHICH I WEAR IN MY RIGHT EAR WAS STUCK ON MY GLASSES. MY LEFT ARM WAS STUCK BETWEEN MY STAB VEST AND THE WALL FOR THE BAR IO GEAR ASSISTED ME TO GET UP AND IO VALENTINE THEN CAME DOWN THE STAIRS.

EM [REDACTED] TUTTLE-PROUSE 9300 6/7/18.

IO TUTTLE-PROUSE



07/07/18 Briefing held by OIC DONALDSON  
 @ Birchanger services  
 Officers present are DONALDSON  
 GEAR, CLOUTING, VALENTINE,  
 TROTTER, McFAUL, KEEN, TUTTLE-  
 TS31DDA1100  
 No named offenders  
 Jalsa Ghar, 79 Stortford  
 Road, Gt Dunmow, CM6 1DL  
 Para 17(2) Sch 2 Warrant  
 - NEWBURY  
 - WOOTTON  
 B/OIC - DONALDSON  
 was assigned Arrest 1  
 Allegation of 4 illegal  
 workers.

TO CLOUTING

Ziavul ISLAM CHOUDHURY  
 Manager above  
 No markers on address from  
 police  
 18:05 Arrived SWC 1 male in. Attempted  
 pursuit but no chance of catch  
 ① Md Abdul QUAYYUM  
 BGD.  
 LTR until 09/03/2018  
 States application w/ HD now  
 for extension.  
 Granted on basis of  
 ② Shahed AHMED  
 BGD. Photo of RE card  
 RE RG 4594025  
 States has claimed asylum.  
 ① Outstanding family and  
 private life since earlier  
 this year.  
 ② Asylum refused 14/02/2018



I.O. CLOUTING

22/03/17. - Tier 4. ———

Refusal sent to reps ———

02/03/2018 - Appeal. ———

29/04/2018 - concluded ———

PTA not sought. ———

Expired passport ———

A1875113. ———

Cleared from investigations  
checks w/ IO WOOTON. Sub  
allowed to work. ———

① Sent back to work w/ ———

② Sent back to work. ———

18:45 Both males cleared and sent  
back to work. Assumed cover  
position. ———

18:55 Went upstairs w/ DON to assist  
IO McFAUL + VALENTINE. ———

McFAUL has located/come across  
over £1,000 of money in cash. ———

19:15. Went back downstairs ———

19:20 IO McFAUL seizes cash under  
POCA. Manager signs to say  
that cash sealed in evidence  
bag ———

19:22 All officers leave premises ———

19:45 Arrived at Custody. Remained  
outside in vehicle. ———

22:00 All officers leave custody ———  
2 males detained by IO's TROTTER  
and GEAR. ———

00:29 Notes made on return to office.  
On entry to the premises, [REDACTED]  
executed the warrant and IO GEAR  
and I made way to kitchen. ———  
I heard over airwave an IO shout  
'RUNNER' and I saw a male in the  
distance run out of premises on  
far end of premises. I pursued  
this male immediately however  
when I got to the door he'd run  
out of, he had already ran ———

across a busy road and was  
running down a street across  
the road. I saw 10's TUTTLE-P  
+ VALENTINE were also in pursuit  
and therefore stopped my  
pursuit and returned to premises

18:08 All officers stopped pursuit at  
instruction of OIC and returned  
to premises where 15 members  
of staff were encountered. —

10 E. CLOUTING 15114 ECLT

I-O CLOUTING