

RESTRICTED (when completed)

MG 11 (T)

**WITNESS STATEMENT**

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

Statement of Sarah Jayne Mimmagh .....

URN:

Age if under 1

Over 18

Occupation:

Assistant 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:

Date:

Monday, 11 November 2013

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

I am an Assistant Immigration Officer employed by the Home Office warrant number 9138 a position I have held since 10<sup>th</sup> February 2013. I am currently an arresting officer with Thames Valley and Surrey Immigration Compliance and Enforcement team. It is part of my duties to determine the Immigration status of persons who are subject to control under the Immigration Act 1971 as amended, and to have responsibility for the custody of Home Office records. On the 11<sup>th</sup> November 2013 I was on duty in full uniform and undertook an enforcement visit to SANDHURST TANDOORI, 80 HIGH STREET, SANDHURST, BERKS, GU47 8ED. Other officers present were IO BAINS, IO JAGHARA, IO HAYWOOD, IO MASEY, IO ANGELL, IO MAJOR, CIO MANGROLA, IO BOWERS, AND IO COUZENS. Entry to the premises was gained by 28B and 28D of the Immigration Act 1971 as amended, and was issued by Reading Magistrates Court on the 1<sup>st</sup> November 2013.

At 2015 I entered the premises through the front door. As I entered the main restaurant area two males were being escorted out of the premises by my colleagues. One male was wearing chef's whites and a blue and white stripy apron and the other a purple t-shirt. I moved the male in the chef's whites into a sterile area and began to conduct questioning to determine his immigration status. He presented himself to me as [REDACTED] He stated he came here in 1996 illegally and had a [REDACTED].

Checks to Home Office systems confirmed the male as a different alias; [REDACTED] of the

Signature:

Signature witnessed by:

SELF

Continuation of Statement of Sarah Jayne Mimmagh

same date of birth and nationality. The subject had no outstanding applications and has no valid leave in the United Kingdom. At 1311 I commenced an interview under caution to establish the method of entry the subject had taken to gain his access into the United Kingdom. Due to the subjects lack of English ability I conducted the interview through a Home Office approved BGD interpreter. Below is a transcript of the interview in question and answer format, verbatim.

Q. "HOW DID YOU ENTER THE UNITED KINGDOM?"

A. "I STARTED FROM SYHLET TO DHAKA, THEN FROM DHAKA TO INDIA, ALL BY ROAD. THE FROM INDIA TO PAKISTAN, THEN I CROSSED THE BORDER TO IRAN AND THEN TO GREECE THEN GREECE TO FRANCE THEN FRANCE TO UNITED KINGDOM BY LORRY. I ENTERED IN 1996."

Q. "WHERE YOU ENCOUNTERED BY AN IMMIGRATION OFFICER ON ARRIVAL?"

A. "NO, NOT AT ALL"

Q. "SO YOU ENTERED THE UNITED KINGDOM ILLEGALLY?"

A. "YES I AM ILLEGALLY IN THIS COUNTRY. I HAVE TWO BROTHERS ONE LIVES IN MANCHESTER AND ONE LIVES IN LONDON."

Q. "YOU HAVE TOLD ME THAT YOU CAME HERE ILLEGALLY BY LORRY, THAT YOU HAVE NO LEGALISED YOUR STAY IN THE UNITED KINGDOM SINCE 1996 SUCCESSFULLY AND ARE HERE WITHOUT LEAVE?"

A. "YES. I DID TRY IN 2007. YES I AM HERE ILLEGALLY IN THIS COUNTRY THOUGH."

At 1325 the subject signed my pocket notebook to confirm the above statements were true and honest. I then conducted a mitigating circumstances interview with the subject and whilst pending referral for the service of illegally entry papers conducted and employment interview with the subject. Once the interview was completed and I read the answers back to the subject he male again signed my pocket notebook to state that the evidence he gave me was truthful. Below is a transcript of the interview in question and answer format, verbatim.

Q. "HOW LONG HAVE YOU WORKED HERE?"

A. "ONE WEEK."

Q. "WHAT IS YOUR JOB ROLE HERE AT SANDHURST TANDOORI?"

Signature:

Signature witnessed  
by:

SELF

Continuation of Statement of Sarah Jayne Mimmagh

A. "I WORK AS A COOK."

Q. "HOW MANY HOURS DO YOU WORK A WEEK?"

A. "I WORKED IN THE LUNCH TIME FOR A FEW HOURS AND THREE AND A HALF IN THE EVENING. THREE TO FOUR DAYS A WEEK."

Q. "HOW ARE YOU PAID BY SANDHURST TANDOORI? AND IN WHAT FORM?"

A. "NOT VERY MUCH. ABOUT £50.00 PER WEEK IN CASH."

Q. "HOW DID YOU GET THE JOB AT SANDHURST TANDOORI?"

A. "IT WAS ARRANGED BY ONE OF MY COUSINS BY PHONE. I SPOKE TO RAMIZ UDDIN."

Q. "WHO IS [REDACTED]?"

A. "HE WAS A CHEF HERE."

Q. "WHEN YOU STARTED WORK HERE AT SANDHURST TANDOORI DID YOU SHOW THE EMPLOYER ANY DOCUMENTS THAT SHOWED YOUR PERMISSION TO WORK?"

A. "THEY ASKED FOR DOCUMENT BUT I SAID 'I DON'T HAVE ONE I CAME HERE ILLEGALLY' THEN THEY SAID YOU CANT WORK HERE."

Q. "BUT THEY STILL EMPLOYED YOU?"

A. "YES. BUT I SAID I WILL GO HERE NEXT WEEK."

At 1346 the subject told the interpreter he would not answer any further questions.

The subject is therefore considered EWOL contrary to section 3(1)a and an offence under 24 (1)(A) The case was referred to CIO BEAVEN who authorised the service of papers as an illegal entrant. The subject was arrested under section 17(1) sch.2 of the immigration act as a person liable to be detained and served papers accordingly. The subject was temporarily released and due to report at BECKETT HOUSE, between the hours of 1000 – 1600 on 18/11/2013. The subject was escorted from the premises and reminded he had no permission to work in the UK.

This statement was written by myself at Bedfont Lakes on 11/11/2013 and completed at 17:42.

[REDACTED]  
AIO Sarah MIMNAGH 9138

Signature:

Signature witnessed  
by:

SELF

**WITNESS STATEMENT****Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B**Statement of **Russell Angell** .....URN:

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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: .....

Date: **11 November 2013** .....Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am an Immigration Officer currently based at Bedford Lakes. I am currently attached to Home Office Immigration Enforcement with the THAMES VALLEY ARREST TEAM. On Monday 11<sup>th</sup> November 2013, I was on duty with Immigration Officers JAHGHARA, HAYWOOD, MIMNAGH, BOWERS, MAJOR, MANGROLA, MASEY, BAINS and COUZENS from the THAMES VALLEY ARREST TEAM and, acting on intelligence that Immigration offenders were working illegally in the UK, we attended SANDHURST TANDOORI, 80 HIGH STREET, SANDHURST, BERKS, GU47 8ED. A warrant under Sections 28 B & D of The IA 1971 was issued by Reading Magistrates Court on 01/11/13. The OIC (officer in charge) JAHGHARA paired me up with IO MIMNAGH and allocated us as Arrest pair two. At 12.59 hours I entered the premises through the front door. There was nobody in the restaurant area so I made my way towards the kitchen area, where I saw a male of Asian appearance, whom I now know as [REDACTED] wearing chef's whites and an apron, making bread. I introduced myself as an Immigration Officer, asked him to stop what he was doing and accompanied him back into the restaurant area where I saw another male of Asian appearance, whom I now know as [REDACTED] who had apparently been encountered at the rear of the premises. I then made my way outside to the rear of the premises and up to the flats above the restaurant with BAINS, MASEY and COUZENS to check if any property there was linked to the restaurant. A couple of minutes later myself, BAINS, MASEY and COUZENS returned to the restaurant area. At 13.18 hours, another male of Asian appearance entered the premises. I spoke to him and he stated that he was the manager of the restaurant. He gave me his details as [REDACTED] I then conducted the following Q & A with [REDACTED] which is recorded on pages 5, 6 and 7 of my official notebook.

Q) DO THESE TWO MEN WORK HERE? (I then pointed at the two males who had been in the premises as the

Signature: .....

Signature witnessed by: .....

Continuation of Statement of

RUSSELL ANGELL

(team entered)

A) YES

Q) WHAT DOES [REDACTED]

A) WORKS IN THE KITCHEN

Q) HOW LONG HAS HE WORKED HERE?

A) NOT LONG AGO, A FEW WEEKS. HE CAME TO VISIT AND WAS HELPING

Q) HOW MUCH IS HE PAID?

A) HE'S NOT PAID, HE JUST HELPS OUT NOW AND THEN

Q) WHERE DOES HE STAY?

A) THE BOSS HAS A HOUSE IN BLACKWATER. ONE OF THE BOSSES LIVES THERE, HE LIVES IN HIS HOUSE AND IN LONDON

Q) DOES HE PAY RENT FOR THIS ACCOMMODATION?

A) NO

Q) DOES HE RECEIVE ANY FOOD FROM THE RESTAURANT?

A) YES, OBVIOUSLY HE GETS FOOD

Q) WHO EMPLOYED HIM HERE?

A) THE BOSS

Q) WHO IS THE BOSS?

A) [REDACTED]

Q) WHAT DOCUMENTS WERE ASKED FOR BEFORE [REDACTED] WAS EMPLOYED HERE?

A) LIKE IS AY HE'S NOT EMPLOYED. HE'S JUST HELPING OUT

Q) DID ANYONE HERE ASK TO SEE ANY DOCUMENTS?

A) I'M NOT SURE

Q) WHAT ABOUT [REDACTED] WHAT DOES HE DO HERE?

A) HE WORKS IN THE KITCHEN, HE'S A COOK

Q) HOW LONG HAS HE WORKED HERE?

A) 2-3 WEEKS

Q) HOW MANY HOURS PER WEEK DOES HE WORK HERE?

Signature: [REDACTED]

Signature witnessed by: .....

Continuation of Statement of

RUSSELL ANGELL

A) 6PM TO 11PM 5 DAYS A WEEK

Q) HOW MUCH IS HE PAID?

A) A HUNDRED AND SOMETHING QUID

Q) WHO PAYS HIM?

A) THE BOSS

Q) WHAT DOCUMENTS WAS HE ASKED TO SHOW BEFORE BEING EMPLOYED HERE?

A) I DON'T KNOW TO BE HONEST

Q) WHAT IS YOUR ROLE HERE?

A) WAITER/MANAGER

I concluded my Q & A with [REDACTED] and, after consulting Home Office Databases, I was satisfied that he was legally present in the UK. At 13.55 hours, I searched [REDACTED] who had been arrested by MIMNAGH, to ensure he was not in possession of any implements which may be used to harm himself or others or which may be used to aid his escape. Myself and MIMNAGH then escorted [REDACTED] up to his accommodation, which was at 74A HIGH STREET, SANDHURST in the row of flats above the restaurant, in order to conduct a search for his ID documents in accordance with Paragraph 25A Schedule 2 of the Immigration Act 1971 (as amended). No ID documents were found but I remained in the premises with MIMNAGH whilst she served [REDACTED] with Immigration Papers and granted him Temporary Release. At approximately 14.29 hours myself and MIMNAGH left the premises and did not return. [REDACTED] R. ANGELL (8991) 11/11/13

Signature:



Signature witnessed by:

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

Statement of William Major .....URN:

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

This statement (consisting of: 3... 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:





Date: 11/11/2013

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

I am William Major an Arrest Trained Immigration Officer (Warrant number 9164). I am attached to the Thames Valley Arrest Team at 6 New Square, Bedford Lakes Business Park, TW14 8HA.

On Monday 11 November 2013 at approximately 1300hrs I was on duty with the THAMES VALLEY ARREST TEAM dressed in full uniform and personal protective equipment clearly identifying me as an Immigration Officer with Immigration Officers (IO) JAHGHARA, HAYWOOD, MIMNAGH, BOWERS and Chief Immigration Officer (CIO) MANGROLA. We attended SANDHURST TANDOORI, 80 HIGH STREET, SANDHURST, BERKSHIRE, GU47 8ED. Entry was gained by 28 B and D warrant issued by Reading Magistrates court on 1 November 2013.

My allocated role was Arrest 1 together with CIO MANGROLA. The officer in charge was IO JAHGHARA.

At approximately 1259hrs I drove the marked cell van to the front of the property which was an end of terrace 2 storey restaurant with residential accommodation above. I parked the cell van in a car park in front of the premises where together with CIO MANGROLA I rapidly deployed to the front of the restaurant. I entered the restaurant and went straight to the kitchen where I observed IO's BOWERS and BAINS escorting a male of Asian appearance dressed in a white chef's apron from the kitchen to the adjoining restaurant area. At the same time I also observed IO's COUZENS and MASEY escorting a male of Asian appearance wearing a purple polo shirt and black track suit bottoms (with black formal shoes) through the back door of the restaurant into the kitchen and then into a secure area of the restaurant section for questioning. I now know this male to be  All kitchen appliances were switched off. At approximately 1300hrs I asked  to confirm his name and date of birth. Home Office checks revealed that the subject had been encountered and served an overstayer on 6 June 2012. He had originally entered the United Kingdom on 25 September 2006 on an SBS work permit valid from 6 September 2006 until 6 September 2007 and had since overstayed. Since being served as an overstayer and given reporting restrictions, he subsequently failed to attend two telephone

Signature:



..... Signature witnessed by:

N/a

Continuation of Statement of William Major .....

interviews with the Bangladeshi High Commission to arrange Emergency Travel Documents for his removal from the United Kingdom and was listed as an absconder as of 22 August 2012. At approximately 1314hrs I conducted a caution plus two question and answer session regarding the subject's working:

Q: "FOR HOW LONG HAVE YOU WORKED HERE?"

A: "I NOT WORK HERE. HOW CAN I WORK HERE WHEN I NOT IN UNIFORM?"

Q: "WHAT DO YOU DO HERE?"

A: "NOTHING."

Q: "HOW DID YOU TRAVEL HERE?"

A: "BY TRAIN."

Q: "HOW MUCH DID YOUR TRAIN FARE COST?"

A: "TWENTY FOUR POUNDS."

Q: "WHY HAVE YOU PAID TO COME HERE TO DO NOTHING?"

The subject refused to cooperate with questioning. Consequently, at approximately 1319hrs, I asked IO ANGELL, who was questioning the manager, a male of Asian appearance who I now know as [REDACTED] (British citizen), to confirm if [REDACTED] worked at the restaurant. IO ANGELL responded that the manager had confirmed that [REDACTED] worked at the restaurant in the kitchen. Consequently I put the following question to the subject:

Q: "THE MANAGER HAS CONFIRMED THAT YOU WORK HERE. WHAT DO YOU HAVE TO SAY TO THAT?"

A: "I AM NOT WORKING HERE."

Consequently, at approximately 1326hrs I referred the case to CIO BEAVEN who authorised the detention of the subject. At approximately 1330hrs I said to the subject: "I AM ARRESTING YOU AS A PERSON LIABLE TO BE DETAINED". I arrested and cautioned the subject under section 17 (1) of Schedule 2 of the Immigration Act 1971 as amended. I handcuffed the subject in the front stack position and checked for tightness as he was well built and had been evasive in his responses to my questions. At approximately 1333hrs I took a photograph of the subject for the purposes of a Notice of Potential Liability. At approximately 1736hrs I conducted a search of his person under section 25B schedule 2 of the Immigration Act 1971 as amended to establish if he had any items that might aid his escape or be used to harm himself or me as he had been working in the kitchen. A search of his person revealed a mobile phone and an unspecified quantity of cash which was immediately returned to the subject. At approximately 1737hrs CIO beaven authorised a search of the residential

Signature: .....



Signature witnessed by: .....



Continuation of Statement of William Major .....

premises above the restaurant under section 25A of Schedule 2 of the Immigration Act 1971 as amended. Together with CIO MANGROLA, I escorted the subject to a residential property above the restaurant. Entry was gained by a key provided by the manager, [REDACTED] who was escorted by IO JAHGHARA. During a search of a room used by the subject a beanie hat, wallet (containing an unspecified amount of loose change in coins), and a further mobile phone was found. Together with the mobile phone found on the subject's person during the person search conducted earlier in the restaurant, these items were sealed (but not seized) in evidence bag no. MO2057342. At approximately 1355hrs we finished the section 25A search and escorted the subject back to the restaurant.

At approximately 1356hrs we escorted the subject to the cell van. I advised the subject to mind his head as he entered the van. At approximately 1357hrs I removed the subject's handcuffs and checked for any marks to his wrists. At approximately 1409hrs all officers left the premises. Together with CIO MANGROLA, I conveyed the subject to EATON HOUSE Custody suite in the marked cell van. At approximately 1429hrs whilst en route to EATON HOUSE, I heard the subject coughing violently in the cell part of the cell van and vomiting. I opened the adjoining door to the cell and gave the subject a sick bag and bottle of water. At approximately 1439hrs we stopped the vehicle and I opened the cell door and performed a welfare check on the subject and noted the state of the cell. At approximately 1449hrs we arrived at EATON HOUSE custody suite where the subject was fingerprinted and an Emergency Travel Document was prepared. At approximately 1511hrs a form IS91R (reasons for detention) was served on the subject. At approximately 1515hrs form IS91 was served on the custody officer and the subject was accepted into DEPMU custody. I had no further dealings with the subject.

Signature: [REDACTED]

Signature witnessed by: N/a