

**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: Matthew Cycles-Nesling 16592

Age: (if over 18, put "Over 18) Over 18

Occupation: Immigration Officer

This statement (consisting of: THREE 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 anything in it which I know to be false or do not believe to be true.








Signature: 




Date: 19-11-2017

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

I am an Immigration Officer currently based at Eaton House. I am currently attached to Home Office South Central (Eaton) team. On Saturday November 18<sup>th</sup> 2017, I was on duty with Immigration officers from the SOUTH CENTRAL (EATON) IMMIGRATION ENFORCEMENT TEAM. We visited SANDHURST TANDOORI, 80 HIGH STREET, SANDHURST, BERKSHIRE, GU47 8ED, and gained entry under s179 Licensing Act 2003 as amended by the Immigration Act 2016. OIC ALLEN assigned roles to officers BAINS, MASEY, BOWERS, PATEL, HAYWOOD, HARRISON, KERRIGAN and I.

I entered rear cover of the premises and had observations on the kitchen at 12:25, at which time I witnessed one male, later spoken to by IO PATEL, shout at the sight of Immigration Officers and attempt to run to the rear of the premises before being stopped by IO HAYWOOD. I entered the premises at 12:28 and spoke with one male, who emerged from the kitchen area, who immediately stated that he did not have a visa to be in the UK.

I questioned the male at 12:31 and confirmed the male's identity as  born   national.  stated that his visa had expired in 2008 and that he had no outstanding applications with the Home Office. As such, at 12:33, I arrested  under Schedule 2 Paragraph 17(1) Immigration Act 1971aa, as someone liable to be detained under Schedule 2 Paragraph 16(2) Immigration Act 1971aa, as I was satisfied that  was an immigration offender. I delivered the administrative caution and  confirmed that he understood the same.

I proceeded to question  as to his personal circumstances at 12:35, and confirmed that  was fit and well with no medical concerns and no history of self harm.  stated he was single, with no family members or children in the UK, that he was not currently claiming benefits and that he had previously been

Signature: 

Signature witnessed by: .....

Continuation of Statement of Matthew CYPLES-NESLING .....

questioned by police only, but not been arrested. [REDACTED] at this time stated further that he was living above the restaurant, at 80a HIGH STREET, SANDHURST, GU47 8ED.

I referred the case to the duty officer at 12:42 and confirmed that [REDACTED] had been served with a RED.0001 as an overstayer on 06-05-2017, and that he had failed to report from June 2017.

I questioned [REDACTED] as to his work at SANDHURST TANDOORI at 12:45:

Q) HOW LONG HAVE YOU WORKED HERE AT SANDHURST TANDOORI?

A) SINCE LAST WEEK AS A VOLUNTEER.

Q) WHAT DO YOU DO HERE?

A) KITCHEN WORKER, COOK

Q) WHAT DAYS DO YOU WORK?

A) TUESDAY, THURSDAY, FRIDAY, SATURDAY

Q) WHAT HOURS DO YOU WORK?

A) 6 TO 10, 11 TO 2 LUNCH.

Q) WHAT DO YOU GET PAID?

A) NO PAY, FREE RENT AND FOOD, I AM A VOLUNTEER MAN

Q) DID YOU SHOW ANY ID TO ALLOW YOU TO WORK?

A) NO I HAVE NO ID.

Q) WHO IS YOUR BOSS?

A) MICHAEL, THE BOSS.

Q) DOES MICHAEL KNOW YOU ARE NOT ALLOWED TO WORK?

A) NO.

Q) HAVE YOU UNDERSTOOD MY QUESTIONS?

A) YES

I proceeded to read through the record of answers I had recorded on [REDACTED] behalf and at 12:50 [REDACTED] signed my pocket notebook to confirm he had understood my questions and that he was happy with the answers I had recorded on his behalf. I discussed the possibility of [REDACTED] departing the UK voluntarily, however [REDACTED] stated that he had no intention of leaving the UK.

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

Continuation of Statement of Matthew CYPLES-NESLING .....

I referred the case at 13:02 to CIO JOHN MAGUIRE who, having taken into consideration all of the available information on the case, authorised service of a RED.0004 and the detention of [REDACTED] CIO MAGUIRE further authorised a Schedule 2 Paragraph 25A Immigration Act 1971aa search of the upstairs residence.

I performed a search of [REDACTED] person under Schedule 2 Paragraph 25B Immigration Act 1971aa at 13:08, to ensure that he did not have any implements about his person that could harm either himself or others, and concluded the search at 13:10, before taking [REDACTED] to the upstairs residence at 80a HIGH STREET, SANDHURST, GU47 8ED at 13:12. I proceeded to search the area of the residence [REDACTED] identified as his, and concluded the search at 13:19: [REDACTED] proceeded to pack his belongings and at 13:27, I exited the premises with [REDACTED] and conveyed him to the cell van pending transfer to an immigration detention centre.

At 13:53 I confirmed that [REDACTED] was not a trace on PNC systems.

Following a period of time outside of another separate address where an enforcement visit took place, of which I took no part, I conveyed [REDACTED] and three other males to BROOK HOUSE IRC, arriving at 16:17 and entering the estate at 16:25, I transported the four detained males with IOs MURTAGH and HAYWOOD. Upon entering BROOK HOUSE IRC, I escorted all of the males from the cell van and into the detention centre waiting area for a comfort break.

At 16:34, all males including [REDACTED] proceeded to refuse to comply with the ETD process, and at 16:58 I served [REDACTED] with enforcement paperwork including RED.0004, IS.86, IS.91, IS.91R and IS.98, and took [REDACTED] fingerprints under Schedule 2 Paragraph 18(2) Immigration Act 1971aa at 17:04. I then exited BROOK HOUSE IRC at 17:24.

This concludes my involvement in this visit.

M CYPLES-NESLING 16592 19-11-2017

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

WITNESS STATEMENT

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

Statement of Minesh Patel.....

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 Signature]

Date:

18 NOVEMBER 2017

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

On SATURDAY 18 NOVEMBER 2017, I was on duty with Immigration Officers ALLEN, BAINS, BOWERS, MASEY, HAYWOOD, MURTAGH, CYPLES-NESLING, HARRISON and KARRIGAN from the SOUTH CENTRAL ICE TEAM. Also present was Laura DRISCOLL, Licensing Officer from West Berkshire Borough Council. After a briefing from OFFICER IN CHARGE ALLEN, we visited SANDHURST TANDOORI, 80 HIGH STREET, SANDHURST GU47 8ED, entering under Section 179 of the Licensing Act 2003. Intelligence suggested that foreign nationals, illegally present in the UK, were working at the address.

At 1228 hours, as the team's vehicles approached the restaurant, I witnessed an Asian male, who I now know to be [Redacted], a [Redacted] national born [Redacted] who was sitting at a table by the front window, get up from his seat and head for the rear exit. [Redacted] was encountered by HAYWOOD and I followed from the rear entrance, entering the restaurant and spoke to [Redacted] as he sat back down at an empty table. [Redacted] presented me with his provisional UK driving licence and immediately stated he had no valid UK visa and was an overstayer. At 1232 hours, I arrested [Redacted] under Paragraph 17(1) of Schedule 2 of the Immigration Act 1971 as amended, as a person liable to be detained under Paragraph 16(2) of Schedule 2 of the Immigration Act 1971 as amended. [Redacted] confirmed he understood the situation. Checks with our DUTY OFFICE confirmed that [Redacted] visa expired on 04 JUNE 2003 and was served with papers as an overstayer on 02 MARCH 2006. I suspected that [Redacted] may be working illegally at the restaurant, so at 1242 hours, I asked the [Redacted] a series of questions which I recorded in my pocket notebook, serial number A05396, on pages 9, 10 and 11. Below is a transcript of my questions and [Redacted] answers:

Q1: WHAT ARE YOU DOING HERE TODAY AT SANDHURST TANDOORI?

A1: HE GIVES ME CHARITY TO LIVE UPSTAIRS AND I JUST CAME TO EAT.

[Redacted Signature]

Signature:

Signature witnessed by:

Continuation of Statement of Minessh Patel.....

Q2: WHO GIVES YOU "CHARITY"?

A2: MR MIAH, HE IS THE OWNER OF SANDHURST TANDOORI. TAJ MIAH.

Q3: DOES TAJ MIAH ASK YOU TO HELP IN SANDHURST TANDOORI?

A3: NO, HE DOESN'T NEED ME TO HELP HIM, THIS IS A SMALL SHOP.

Q4: THE COUNCIL LICENSING OFFICER OBSERVED YOU MOPPING THE FLOOR BEFORE IMMIGRATION OFFICERS ARRIVED. DO YOU HELP TO CLEAN AT SANDHURST TANDOORI?

A4: NO.

Q5: DO YOU DO PAID WORK AT SANDHURST TANDOORI?

A5: NO.

Q6: SO, JUST TO BE CLEAR, YOU LIVE UPSTAIRS AND CAME DOWN TO THE RESTAURANT TO EAT LUNCH. IS THIS CORRECT?

A6: YES.

Q7: DO YOU PAY FOR YOUR FOOD AND ACCOMODATION?

A7: NO. HE IS MY FRIEND, SO HE IS HELPING ME.

Q8: HAVE YOU UNDERSTOOD ALL OF MY QUESTIONS?

A8: YES. I DID.

At 1250 hours, after reading the above back to [REDACTED] signed my notebook to confirm I had made an accurate record of my questions and his answers. At 1303 hours, I referred the facts of the case to CIO MAGUIRE who authorised detention and service of papers as an overstayer, an offence under Section 24(1)(b)(i) of the Immigration Act 1971 as amended. I took two photographs of [REDACTED] and placed them into EVIDENCE BAG m09037506, which I now exhibit at MP/01.

At 1311 hours, I escorted out of the restaurant, to his room above, to pack his belongings. Once packed, at 1325 hours, I escorted [REDACTED] holding him left arm in the escort position, into a cellular vehicle. [REDACTED]

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