

## Operation Innerste

Operation Innerste is a multi-agency response to better safeguard unaccompanied migrant children. The overall aim is to maximise the effectiveness of the initial encounter with these children, building early rapport and 'locking in' their identity prior to their handover to children's services. The process involves the first responder (usually the Police) conducting a welfare conversation with the child and obtaining their fingerprints and photograph using Immigration powers. Power to obtain fingerprints and photographs comes from Section 141 of the Immigration and Asylum Act 1999, Paragraph 18(2) of Schedule 2 of the Immigration Act 1971 and common law powers. There is no requirement to obtain consent from the child. For children under 16 years of age an appropriate adult would be required to be present. This information is then sent to Immigration Enforcement where it is stored on Immigration systems. The information is not stored by police. Police do not hold or retain any of the information gathered from the children. A child contact record will be created on police systems and a crime recorded for any criminal offences identified having been committed against that child. Children require specific protection with regard to their personal data as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection should apply to the use of personal data of children. The data obtained within this operation is for the purposes of safeguarding and to protect the children from serious harm. Unaccompanied migrant children are at particular risk of being trafficked and exploited by organised crime groups for sexual, labour and domestic servitude.

Operation Innerste is a national operation. It was piloted within Hertfordshire constabulary in August 2017 where 25 children ordinarily at risk of absconding were provided with support. The pilot was deemed successful with all but one child remaining within their foster care placement. It has been adopted by some forces and further national rollout is planned. The process involves Police completing a welfare check with unaccompanied migrant children at the initial encounter. This welfare check is centred on safeguarding and provides a safe environment for the child to express any needs they may have. It gives the professional the opportunity to develop early rapport, build trust and explain to the child the services to which they are entitled within the UK. The child's fingerprints and photograph are then obtained by Police on behalf of Immigration Enforcement using Section 141 of the Immigration and Asylum Act 1999 (IAA) (in respect of fingerprints), Paragraph 18(2) of Schedule 2 of the Immigration Act 1971 (in relation to photographs) and/or common law powers relating to the prevention of crime. This information given to Immigration Enforcement where it is stored on Immigration systems. Should the child go missing or be subject of a serious criminal offence, police can make an application for the fingerprint or photographs using routine Data protection procedure.

- On first contact with (identification of) migrant children (under 18 years old) the officer should explain that the Police are here to keep them safe and look after them. Remember that some migrant children will not be aware that they are in the UK and may not be aware that the services provided to them within the UK are free. In developing early rapport, it is important that officers emphasise

these points explaining that the child is not in trouble and the officer wants to help.

\*\* Use language line at this stage if necessary \*\*.

- As routine, speak to the child alone and without other travel companions present (including other children) to avoid adverse influence/coercion from others who could have been complicit in the facilitation or exploitation of the child. Initial proportionate questioning can be done without an appropriate adult for the purpose of establishing language and necessary information for immediate safeguarding purposes.

Contact accredited interpreters/force language line to assist with communication, do not use other adults or persons travelling with the child/family.

- Police to invoke Police Protection Powers (Section 46(1) of the Children Act 1989) as the primary response. Arrest for immigration offences only where PPP are insufficient to safeguard the child and the conditions under s.24 PACE have been met.
- The Children Act legislation implies the power to use reasonable force in appropriate circumstance to take a child into police protection or to keep them there.
- There is no specific power to search the child (unless the child is under arrest) however officers should consider searching the individual for public and personal safety in line with the National Decision-Making Model (NDM), see legislation section below (Protocol 1, Article 1).
- Assess for any injuries or medical concerns and prioritise these above all else. If the child requires immediate medical attention, then this must be facilitated with police accompanying the child to hospital to prevent further harm.
- If the child makes other serious criminal allegations then this must be prioritised with full evidence gathering completed as per normal force procedures (think golden hour, forensics & fast track actions).
- The child will not be treated as a suspect and agencies will start from the premise that the child has not committed a crime.
- If the individual claims to be under 18 years of age, they must be treated by agencies as a child under the children's act, unless there is credible evidence to show they are clearly over 18 years of age.
- Children should be taken to a place of safety, this should never be to police custody, however, a police station is only acceptable if there is no other alternative.
- Call National Command & Control Unit (NCCU) on tel: 03000 134 999, to inform them of the encounter with a child and obtain a unique reference number. This unique reference number should be included on the welfare form, the Fingerprint Form (IFB1) and any other correspondence between the force and NCCU with regards to the case. The reference number will be in this format CCU/\*\*\*\*\*.

- Obtain Op Innerste pack. NCCU will send the pack (with the exception of the fingerprint form) by email, the pack will contain:
  - 1) Op Order
  - 2) [Process map](#)
  - 3) [Unaccompanied child welfare form](#)
  
- Children's Social Care to be contacted immediately.
- Complete welfare form, best practice is to be completed in partnership with children services, however, this should not be a barrier to engaging with the child if children services attendance is delayed ([Annex](#)).
- Basic communications/initial safeguarding and evidence gathering can be done without an appropriate adult (AA). It is not necessary to capture an evidential video recorded interview, however, be sure to record all questions and answers for transparency and disclosure purposes on the welfare form. Use of body worn camera is recommended for immediate dynamic interaction.
- Obtain fingerprints and photograph. Fingerprints should be taken using wet ink and on Home Office (HO) form IFB1. *Officers are not to use police forms or Ident/1 machine as these are not compatible with Immigration database and the child is not a suspect or being dealt with under PACE.* NCCU can only upload the fingerprints to IABS (the Immigration fingerprint database) when they are received on an IFB1 in original hard copy format. Photographs can be taken by any available digital device and emailed to NCCU ([IEVulnerabilityTeam@homeoffice.gov.uk](mailto:IEVulnerabilityTeam@homeoffice.gov.uk)).
- ***\*\*Please note\*\* Fingerprint form IFB1 needs to be completed using wet ink in original hard copy format. Supplies of both of these forms will need to be obtained from NCCU. Due to this requirement this cannot be done in real time. Officer will need to identify where IFB1 forms are stored in force. (In force area where grab packs have been created, IFB1 forms and ink should be contained within these packs)***
- Fingerprints & photographs should be captured using Children's Social Care as an Appropriate Adult for children 6 years and over and under 16 years of age, no appropriate adult is required if child is over 16 years of age. The power to obtain the fingerprints comes from Section 141, Immigration & Asylum Act 1999, whilst the power to obtain photographs comes from paragraph 18, Schedule 2, Immigration Act 1971 and Common Law Powers.
  
- S141 (12) *An authorised person may not take fingerprints from a person under the age of sixteen unless his decision to take them has been confirmed—*
  - (a) *if he is a constable, by a person designated for the purpose by the chief constable of his police force;*  
*The Chiefs must ensure that their inspectors have been designated for the purpose of confirming the decision to take fingerprints* **\*\*see sec 141 (12) Immigration & Asylum Act 1999 in 'Legislation' below.**

- Op Innerste pack welfare form and photograph to be sent to NCCU via email [IEVulnerabilityTeam@homeoffice.gov.uk](mailto:IEVulnerabilityTeam@homeoffice.gov.uk)
- Data protection legislation categorises fingerprints as Special Category Data the originating force holds the information assurance liability until such a time as it is received by Immigration Enforcement NCCU, this data should therefore be sent at the earliest opportunity and no later than **24 hours** from being obtained.
- As per the Home Office information assurance policy **all documentation** must be sent to NCCU. In order to be data protection legislation & Information Assurance compliant use double envelopes with the information placed in the inner envelope marked as **Official Sensitive**, include a return address on the outer envelope, do not mark the outer envelope as official sensitive. Send using registered Royal Mail service, tracked or recorded delivery, or a commercial courier track and trace service to:  
**National Command & Control Unit, 4<sup>th</sup> Floor, Boiler House, Soapworks, Colgate Lane, Salford, M5 3LZ.**
- Local multi-agency safeguarding referrals (e.g MASH) to be submitted (**this is a mandatory action**).
- Emergency strategy discussion to be held which must include Police & Children's Social Care, however, please also include Immigration Enforcement via the NCCU  
24-hour line 03000 134 999.
- At the earliest opportunity following the child being placed with Children's Social Care a full strategy meeting should be held to consider the need for a Section 47 investigation under the Children Act 1989. This should include the following; Police, Children's Services, Education, Health but it is imperative that a representative of Immigration Enforcement is part of that discussion and decision making – specific point of contact will be National Command & Control Unit (NCCU) – 03000 134 999 or email [CommandandControlUnit@homeoffice.gov.uk](mailto:CommandandControlUnit@homeoffice.gov.uk)
- Submission of NRM referral, where appropriate, using the national guidance <sup>1</sup> should be agreed in the strategy meeting.
- Children's Social Care to take responsibility for welfare and safeguarding of the child.
- Full information to be recorded appropriately on all agency systems to safeguard the child.
- Crime recording - Consider that any persons identified as having entered the UK by a clandestine method will commit an offence under section 24(1)(a) of the Immigration Act 1971. If professionals suspect the child is a victim of Modern Slavery or Human Trafficking, then they should record a crime under this offence with the child as a victim. Officers must also consider recording any

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<sup>1</sup> <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

other offences committed against the child on route to the UK and must be aware of the NPCC guidance ([Annex](#)), which states that where a person reporting a crime is also a person without leave to remain or to enter the UK the police must and foremost treat them as a victim.