



IPCC Consultation

5th August 2007

Section 41 of the Police and Justice Act 2006 allows the powers of the Independent Police Complaints Commission (IPCC) to be extended so that they can investigate serious complaints against immigration officers, when these officers are exercising police-like powers.

The consultation, launched on 26 July 2007, sets out proposals for how these new powers should be exercised by the IPCC; and provides an opportunity for any interested person or organisation to give their views about this.

The Independent Police Complaints Commission (IPCC)

The Independent Police Complaints Commission (IPCC) is empowered to investigate complaints against police officers. It was established in 2004 and is funded by the Home Office, but is not part of the Home Office. It is independent of the police.

Why give powers to the IPCC to investigate immigration officers?

In recent years, immigration officers have been given more and more powers that had traditionally been reserved to the police. Immigration officers now have very wide powers (including powers that can be exercised without warrants) to:

- enter and search premises
- arrest, detain and search people
- seize and hold property
- examine people and obtain information, including taking fingerprints

The UK Borders Bill, which is expected to become law later in the year, will likely give even more extensive powers. Some of these powers may be exercised against British nationals and in respect of conduct that has nothing to do with immigration.

It seems appropriate, therefore, that the organisation that has experience in investigating the police should have the power to investigate immigration officers exercising these powers.

The consultation paper and the proposals

The consultation paper is available at:

http://www.ind.homeoffice.gov.uk/6353/6356/17715/consultation_document_v05.pdf

Section 2 of the consultation paper sets out the proposals for how the IPCC may in future investigate complaints against immigration officers. This section includes information including:

- who would be able to make a complaint to the IPCC
- what sorts of complaints the IPCC would be able or required to investigate
- some of the powers that the IPCC would have so as to be able to carry out investigations
- whose conduct the IPCC would be able to investigate
- when the IPCC would get these powers

Annex B to the consultation paper sets out a questionnaire. A further copy of the questionnaire (as a Word document) is available at:

http://www.ind.homeoffice.gov.uk/6353/6356/17715/Consultation_doc_questions_1.doc?view=Binary

ILPA information service

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www.ilpa.org.uk/infoservice.html

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Information sheets provide general information only.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not.

Some points to note

The proposals would allow the IPCC to investigate complaints against immigration officers and officials working in the Border and Immigration Agency. This would exclude investigation of private contractors carrying out immigration functions. However, some of these private contractors exercise police-like powers, including some of those listed in the consultation paper.

The proposals would exclude the IPCC from investigating immigration officers or officials working in the detention estate. This may exclude investigation of conduct by these officials, whether in or outside an immigration removal centre (e.g. in transit to or from a centre). However, the Prisons and Probation Ombudsman may deal with complaints relating to conduct within the detention estate.

Clauses 52 and 53 of the UK Borders Bill would empower the proposed Chief Inspector of the Border and Immigration Agency to refuse to cooperate with, or refuse inspections by, certain individuals or organisations. The relationship between these powers of the Chief Inspector and the proposed powers of the IPCC to demand information or enter premises of the Border and Immigration Agency is not explained.

Responding to the consultation

If you wish to respond to the consultation, you are not limited to the questionnaire. However, it may be useful to use the questionnaire. If you do use the questionnaire, it is not necessary to answer all of the questions. If only some questions are relevant or within your experience, you can restrict your response to answering those particular questions.

The questionnaire does not include any general question by which points – not included in the specific questions – can be made. However, if you wish to make other points, then you should do so.