Home Office

Exploring the decision making of Immigration Officers: a research study examining non-EEA passenger stops and refusals at UK ports

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Abstract

This report presents findings from research into the decision making of Immigration Officers (IOs) with non-EEA* passengers arriving at UK ports. The study was in two parts.

1. Qualitative research to explore the process by which IOs decide whether or not to hold passengers with non-EEA passports for further questioning. As the research progressed, it also provided some evidence on decisions about whether to grant entry. A particular issue was to clarify the role of the passenger's ethnicity in these decisions.
2. A quantitative feasibility study to explore the potential for monitoring the ethnicity of arriving passengers and understanding the reasons for any variations in stopping rates for passengers from different ethnic groups.

A complex interplay of factors was found to account for decisions: intelligence reports; individual passengers' circumstances; their responses to IOs' questions; and the IOs' judgments about what is a credible travel scenario. Within this process, one important factor is economic credibility, which depends on both the situation in the passenger's home country and the circumstances of the individual passenger. In contrast, IOs did not consider ethnicity as relevant. However, economic reports show a relationship between ethnicity and economic status (and this was also mentioned by some IOs); this arises because of economic differences between countries and (within many countries) between individuals in different ethnic groups. This relationship could result in disproportionate stopping of non-White passengers in the absence of a specifically ethnic bias. Furthermore, non-White passengers are also more likely to be from countries identified as greater risks for immigration breaches and security.

The quantitative study showed a higher stopping rate for some non-White ethnic groups. A proportion of this variation (but not all) was explained by controlling for nationality and socio-economic factors. However, the study used only a crude marker of economic status and so, while economic circumstances (or other factors identified by IOs as influencing their decisions) may account for some or all of the remaining effect, this could not be fully explored. Some further insight was gained from the relatively small amount of data collected on refusal of entry. The percentages are similar across all ethnic groups, at about 40 per cent. In the light of this analysis, the hypothesis that IOs stop a disproportionate number of non-White passengers on relatively tenuous grounds appears not to be supported. The study demonstrated that it is feasible to monitor stop rates by ethnicity, although the process would need to be improved if the exercise was to be repeated regularly, however, it is not feasible from the data available to determine whether there is an ethnic bias in decisions to hold passengers for further questioning.

* The term non-EEA is used as shorthand throughout this report, but is intended to refer to nationalities other than Swiss or the countries of the European Economic Area.

Keywords

Immigration, border control, decision making, ethnic monitoring

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Executive summary

This research was commissioned by the Immigration and Nationality Directorate (IND) of the Home Office and research was conducted with the co-operation of Border Control, part of IND.

The aims of the study were twofold.

1. To explore in depth the process by which Immigration Officers (IOs) decide whether or not to hold passengers with non-EEA passports for further questioning and to establish if there was evidence of disproportional stopping rates for passengers of any ethnic group. As the research progressed, it also provided some evidence on decisions about whether to grant entry.
2. To explore the potential for monitoring the ethnicity of arriving passengers and understanding the reasons for any variations in stopping rates for passengers from different ethnic groups.

Background to the research

Upon arrival at UK ports, all non-EEA passengers are subject to examination by an IO, to ensure that they comply with immigration rules and procedures. Some are granted leave to enter after a brief interview at the control desk (e.g. about their personal circumstances and reasons for seeking entry to the UK); others are delayed for further questioning and then granted or refused leave to enter.

Under the Race Relations (Amendment) Act 2000 (RRAA), Ministerial Authorisations (MAs) can allow IOs to pay closer attention to passengers on the basis of nationality or ethnic or national origin – where current intelligence or statistics provide evidence of threats to immigration controls. Although MAs can allow discrimination on the basis of nationality, ethnic or national origin, at the time of the study reported here, an MA was in place permitting greater scrutiny of passengers only on the basis of national origin. The RRAA also allows for an Independent Race Monitor (IRM) to examine the likely effects of MAs for IND's work, including the examination of arriving passengers.

The study consisted of two main elements.

- A systematic investigation of IOs' decision making in ports, using a combination of qualitative methods, including in-depth interviews with IOs and Chief IOs (CIOs).
- A feasibility study exploring the potential for monitoring the ethnicity of arriving passengers and making quantitative assessments about variations in stopping rates for passengers from different ethnic groups.

There was also an exploratory review of the legislative framework for IO decisions, as part of the scoping work for the project. The findings of this review are used in the introduction to the report.

Methods

Qualitative study

The qualitative study was designed to examine in depth the way in which IOs make decisions to stop passengers for further questioning at the non-EEA control desk. It did not set out to evaluate the outcome of those decisions, but sought to explore in detail the process by which such decisions are reached and the range of factors that can influence this process.

Following a familiarisation period, which included observations of the non-EEA control desk and strategic interviews with key stakeholders, researchers conducted 50 in-depth interviews with IOs and CIOs at two airport terminals (one at Heathrow and one at Gatwick) between May and July 2005. These terminals were chosen because both receive a range of international flights from across the world and their arriving passengers represent a wide range of ethnicities.

In order to provide a robust evidential base, the sample was designed to ensure that a broad cross section of IOs were interviewed, and IOs were therefore sampled according to age, sex, ethnicity and length of service. The sample also included CIOs, who have the final decision making power in respect of refusals.

Exploring issues such as discrimination and prejudice can lead participants to be fearful and anxious which may affect their responses to questions asked during the interview. As a result, great care was taken in developing research instruments that would minimise these fears. The research team devised an approach and interview guide to allow participants to articulate something that they rarely have to verbalise (how they navigate a complex cognitive decision making process) and to express their personal views about race and ethnicity. Rather than refer to general principles, IOs were encouraged to talk through recent cases, or to indicate how they might handle some example scenarios. By asking about the decision making process from different angles, interviewers were able to tease out the key factors IOs take into account and the extent to which ethnicity plays a part in this process.

Feasibility study

The data collection involved the use of landing cards to capture ethnicity data, and IS81 forms[1] to indicate rates of stopping passengers for further questioning. All non-EEA passengers are required to complete a landing card and hand it to an IO at border control. IOs recorded their perception of the ethnicity of all arriving passengers on the landing cards as passengers were interviewed at the control desks. The exercise yielded data from 5,829 non-IS81 cases and 569 IS81 cases.

Findings

Qualitative study

- Interviews with IOs and CIOs provided a rich insight into the decision making process. Officers work in a highly pressured and complex environment, and their decisions about whether or not to hold a passenger for further questioning have to take into account a wide range of factors.
- Although all IOs used a similar set of initial questions at the desk, they also talked about developing their own repertoire and style of questioning.
- IOs respond to a number of trigger factors when conducting the initial entry process, which alert them to passengers who may require further questioning. These factors include: documents that are forged, tampered with or have been obtained through deception; the nature of passengers' travel histories and whether there is any evidence of previous immigration breaches or refusals; the fit between their stated intentions about their stay and their responses to the officer's initial questions; the plausibility of a sponsor; and the passengers' financial and domestic circumstances. Consequently, IOs were often concerned about the strength of passengers' personal ties back home, their financial situation, the general state of their home country's economy, and the fit between their personal circumstances and what an officer might see as feasible or 'normal' for passengers in their situation. Officers might also take into account how passengers behaved at the desk; their dress, appearance and general demeanour were also seen as possible 'clues' to their plausibility and, therefore, the need for questioning.
- Some decisions to detain a passenger were described as very straightforward; for instance, passengers will automatically be issued with an IS81 and held for further questioning if they present forged documents, or do not have a required visa. In other cases, however, the decision making process is far more complex, involving a judgment about the overall credibility of passengers, based on their stated intentions and individual circumstances.

[1] IS81 forms are served to indicate to a passenger that he/she is being questioned further.

- Weighing the evidence is a critical feature of the IO's role. For some officers, no single factor dominates, and credibility is entirely situational with different combinations of factors being judged more or less credible in different cases. For other IOs, however, credibility revolves around one or more core factors: the passenger's economic circumstances; the chances of the passenger wanting to return home or to remain in the UK ('returnability'); and the passenger's honesty.

- In finely balanced cases, differing views were expressed by officers on the question of whether passengers are ever given the benefit of the doubt solely on the basis of their individual circumstances, or whether their nationality and background are also taken into account. Where officers did take note of a passenger's background or nationality, they argued that passengers from poor countries were less likely to be given the benefit of the doubt because there were stronger pressures on them to emigrate. Some officers also claimed that they would be less likely to give the benefit of the doubt to nationals of 'high risk' countries, i.e. nationalities that have been shown to be more likely to commit immigration breaches. In these cases, officers acknowledged that they tended to question in greater depth in order to assess credibility.

- CIOs play a critical role as a safety net for IOs' decisions in finely balanced cases. They can also provide an invaluable resource for judging credibility, offering guidance about lines of questioning, feedback on the officers' skills, and reassurance in cases where a passenger is refused entry.

- As well as information received during training, IOs are expected to assimilate much (frequently updated) intelligence and other information such as monthly risk assessments and local operational intelligence reports. There was general concern about keeping up to date with intelligence and officers varied in the extent to which they took it into account during their time on the desk, and in the way they applied it to actual cases.

- Officers also draw on their own and colleagues' experience of dealing with passengers at control. Building up experience plays a crucial role in how cases are managed. Some officers also mentioned the importance of 'instinct' or 'intuition', which can alert them to passengers posing as something they are not. By 'instinct' or 'intuition', officers were referring to the way in which experience alerts them to subtle clues and enables them to process information more rapidly. Others maintained that intuition could be an important trigger to ask further questions but not solid enough ground on which to base a decision and some, particularly CIOs, were keen to stress that it must always be backed up by careful questioning and evidence.

- In weighing the evidence, IOs may factor in assumptions about what is 'typical' or 'normal' in a range of circumstances or cultures. These assumptions are drawn from a range of sources including professional experience as an officer, personal life experience, exchanges with colleagues, and from training and intelligence reports. For example, the study found that assumptions of this kind were made by some officers about what was a plausible travel scenario, what was an adequate or realistic amount of money to travel with, and about whether it was 'normal' for passengers to travel without their dependants. Nevertheless, despite some stereotyping of this kind, officers were alert to the dangers of relying too much on preconceived assumptions, and CIOs emphasised the importance of not basing judgements on one's own personal situation.

- While some IOs note that they make allowances for cultural differences, it is not possible to say whether a particular generalisation leads IOs to deal more or less positively or leniently with certain nationalities. All that can be said is that this is part of the context in which some IOs make decisions, and can sometimes mean that they make allowances for behaviour, but at other times may contribute to an IO's concerns about credibility.

- Longer serving officers expressed concerns about the quality of IO decision making as a result of lowered entry requirements for new IOs and a recent loss of experienced staff to other posts.

- When IOs assess a passenger at the desk, they do so within a particular working environment. In particular, their decision about whether or not to hold passengers for further enquiries can be affected by wider operational factors, such as: staffing levels; the length of time they have been

on control; the behaviour of their colleagues; and targets about processing times and refusal rates. On some occasions, these pressures meant that IOs chose, or were instructed, to give passengers the benefit of the doubt, when at other times these passengers might have been held for further questioning. However, both IOs and CIOs stressed that, if there are serious concerns about a passenger, further enquiries are made regardless of the queue or staffing situation.

- Immigration Officers work in a highly pressured and complex environment, and their decisions about whether or not to hold a passenger for further questioning draw on a range of information, intelligence and personal judgments. Within this complex process, one important factor identified by IOs is economic credibility, which relates both the situation in the passenger's home country and the circumstances of the individual passenger. IOs explore this alongside other key factors such as passengers' travel history and the plausibility of their reasons for visiting the UK. In contrast, IOs did not identify ethnicity as being relevant in their decision process.

Feasibility study

The study permits conclusions on two distinct issues: (a) can ethnicity of passengers be routinely monitored by the method employed in this study and (b) does this means of data collection permit a valid analysis of the factors that account for any apparent effect of ethnicity on stopping rates?

The routine recording of ethnicity by IOs does appear to be feasible. However, some improvement would be needed in the collection process since 19 per cent of landing cards had ethnicity either missing or recorded as 'unknown'. This is likely to be due to a combination of genuine uncertainty about the ethnicity of the passenger and time pressures experienced by IOs. It is also the case that some IOs were uncomfortable with the process and may have omitted to collect the information for all, or a period, of the feasibility study. If ethnicity were to become a routine part of the process, it is reasonable to expect that the completeness and reliability of data would improve.

The methodology for this study relied on the use of landing cards and, therefore, the perceptions of IOs on arriving passenger ethnicity. Future border management programmes, such as e-Borders, might affect the scope for ethnic monitoring.

Overall, passengers classified as *White Northern* were less likely to be stopped for further questioning than other ethnic groups, especially *Black* passengers, who were stopped at 17 times the rate of *White Northern* passengers. *White Southern* were stopped at the second-highest rate. However, this does not necessarily imply that IOs actively 'raise the bar' for *Black* passengers. There are at least two alternative hypotheses that have to be ruled out before such a conclusion can be drawn. First, non-*White*[2] passengers come from a different pattern of countries to *White Northern* passengers and what appear to be differential stop rates by ethnicity may simply reflect differential stop rates by country of origin. Second, even within countries, *Black* passengers are generally more likely to be from poorer backgrounds than their *White* co-patriots. So if, within countries, it is demonstrated that *Black* passengers are more likely to be stopped, this may simply be a product of relative economic standing rather than ethnicity.

The data collected on the landing cards allow for only a partial test of these hypotheses. Nationality is recorded, along with some limited information on socio-economic status, i.e. the age, sex and occupation of passengers. In making a decision, IOs have much more information and evidence about the passenger's economic standing available to them through their lines of questioning than what is included on the landing card. For example, while the landing card will include the passenger's occupation, the description given by passengers is sometimes vague, providing only the general industry (e.g.: "airline", "medical", "petroleum") but not the passenger's actual occupation; this occurred in 3.4 per cent of cases. The data were also incomplete: for 9.7 per cent of cases, no occupation was recorded at all on the landing card. The quality of the data is further limited by the fact that it is self-reported: the honesty of the passenger's response was generally not verified. In any case, occupation can only be considered a rough proxy for relative economic

[2] Non-White is used in this section to mean not White Northern.

status. In contrast, the IO at the desk will use the occupation as a starting point and be able to question the passenger's income, name of employer, length of employment, etc. and assess this in the context of other evidence such as the length of the visit, the amount of money (or credit cards) carried and other appropriate documents or work-related items.

Three ethnically diverse countries have sufficiently large sample sizes to allow further analysis of whether differential stop rates within countries are a product of factors other than ethnicity: the USA, Canada and South Africa. Of these, the available sample size is smaller than desirable in the cases of Canada and South Africa. Overall, the number of non-White passengers in each of these countries is small, so analysis is restricted to a comparison between *White Northern* and all non-*White* groups combined. This is not ideal since ethnic differences are more complex than this, but it is the best that can be done with the data. For each country, the analysis adjusted for effects of the other available variables: age, sex, occupation, category of passenger (visitor or non-visitor), airline carrier and port.

For the USA, the ethnic difference was non-significant. In the case of Canada and South Africa, the ethnic difference remained. The difference between the USA and South Africa may be accountable by reference to economic status, since the position of *White* and non-*White* citizens is generally more equitable in the USA. The position of Canada is more difficult to account for on this basis without better data on the actual and perceived economic position of Canadian passengers of different ethnic groups. For the purposes of interpreting the current analysis, there would not need to be an actual difference in economic status between ethnic groups in Canada, only a difference between arriving passengers, as judged by IOs on the basis of the evidence presented.

The differences found for Canadian and South African passengers cannot be explained using the data on socio-economic characteristics that are available to us. However, these data are poor, especially in relation to occupation. Whether they could be explained with better data is an open question: certainly the evidence from the qualitative research would suggest that the difference is attributable to factors other than ethnicity itself, including the nature of passengers' travel histories; the plausibility of a sponsor; and the passengers' financial and domestic circumstances. Unfortunately, the conclusion is that the means of quantitative data collection used is not a feasible way of analysing the causes of ethnic differences: it simply did not provide the necessary data on economic status.

Some further insight can be gained from looking at the relatively small amount of data collected on refusal of entry, as recorded on the IS81s. The percentages are very similar across all ethnic groups, at about 40 per cent. In the light of this analysis, the hypothesis that IOs stop a disproportionate number of non-White passengers on relatively tenuous grounds appears not to be supported. If this hypothesis were correct a higher 'granted' rate for non-*White* IS81 passengers would be expected. Instead, the figures suggest that the criteria for issuing IS81s are similar across all ethnic groups.

The reasons for refusing a passenger are recorded by IOs on IS125 forms. A sample of these forms was reviewed as part of the research and a coding system developed to indicate the reasons passengers were refused entry. The results of this exercise showed the most frequently noted reasons for refusal were 'unclear intentions', 'economic circumstances of passenger' and 'evidence of intentions to work or stay', which corroborate the findings of the qualitative study. There were several problems with analysing IS125s. These include the quality of the data, which is sometimes poor; variability in the way IOs complete these forms – while some provide an in-depth record of all the reasons taken into account when stopping the passenger for further questioning and their ultimate refusal, others write a brief account of the main reason for refusal; and time constraints that meant that only particular nationalities (those having the most refusals at each port) were reviewed and coded. Lastly, a number of files were missing from ports and could not be included in the analysis.

Again, it should be stressed that these findings are based on a *feasibility* study, based on data collection in two terminals over four weeks: it cannot be assumed that the figures presented can be generalised to other terminals or other time periods. The sample sizes are small, the data partial and the findings should not be interpreted as definitive.

Conclusions

Findings

Immigration Officers work in a highly pressured and complex environment, and their decisions about whether or not to hold a passenger for further questioning draw on a range of information, intelligence and personal judgments. Within this complex process, one important factor identified by IOs is economic credibility, which relates to both the situation in the passenger's home country and the circumstances of the individual passenger.

In contrast, IOs did not identify ethnicity as being relevant in their decision process. However, economic reports show a relationship between ethnicity and economic status, and this relationship was also mentioned by some IOs, particularly the more experienced or senior officers. There are economic differences between countries and (within many countries) between individuals in different economic groups: the distribution of wealth means that non-White ethnic groups are often amongst the poorest people and consequently more likely to fall into the group of passengers likely to attract greater scrutiny from IOs. This could result in disproportionate stopping of non-White passengers in the absence of a specifically ethnic bias. Furthermore, non-White passengers are also more likely to be from countries identified as greater risks for immigration breaches and security.

In relation to any *actual* effects of ethnic group on decisions, although the data are useful in *quantifying* the differences in IS81 rates by ethnic group, the data do not effectively allow for plausible *explanations* for those differences to be tested. So, although collecting data on ethnicity would allow for, say, trends in stop rates to be monitored over time, it is very clear that the data should be seen as a monitoring tool rather than an evaluation tool. The analysis would not be able to show whether there was a systematic bias due to ethnicity, since it would not be possible to separate ethnicity from economic status or other associated factors.

Application by Border Control

In relation to Border Control operations, the study highlighted some concerns that IOs and CIOs have about procedures, staffing, recruitment, training and managing information, in addition to wider aspects of entry clearance. This has provided feedback to Border Control, where managers are reviewing operations and have indicated that, where appropriate, they will make changes. The interviews also identified some specific areas in which IOs vary in their approach to decision making; Border Control is reviewing whether these variations are within accepted bounds of personal responsibility, based on the Immigration Rules, or whether further guidance is needed.

1 Introduction

This research was commissioned by the Immigration and Nationality Directorate (IND) of the Home Office and was conducted with the co-operation of Border Control. The research explored the decision making of Immigration Officers (IOs) in relation to passengers arriving at UK ports with non-EEA[3] passports.

Background and policy context

Border control in the UK

The control of UK borders is a joint operation involving the work of several government agencies: the Immigration Service, Ports Policing, the Security Service (MI5) and Her Majesty's Revenue and Customs (HMRC). These agencies work together and share intelligence to target arriving passengers who may pose a security, immigration or criminal risk and to monitor the import and export of goods and other freight through the country's borders. The strategic management of UK border control lies with the Home Office, which is responsible for protecting the public by reducing the harm from illegal immigration, organised immigration crime (such as drug and people smuggling), passport and identity fraud and terrorism. Immigration officers have a key role to play in the prevention, detection and enforcement of those engaged in these activities.

There are more than 11,000 miles of coastline and 3,000 potential places of entry of various sizes. Of these, 35 ports are staffed permanently and a further 16 are regularly visited. There are approximately 4,100 immigration staff engaged in protecting the UK's borders. In 2004, 97.2 million passengers arrived in the UK; of this figure, 12 million (12%) were non-EEA citizens and, of those, 31,545 people (0.2%) were refused leave to enter the UK.

In recent years the Home Office has introduced extra security measures at ports including: increased screening and searching of passengers and baggage at airports and seaports; increased stop and search powers; requirements that air and sea carriers supply more information about passengers, crew and freight on journeys to, from or in the UK; juxtaposed controls in France and Belgium; and new technology to monitor and screen arrivals at ports.

Upon arrival at UK ports, all non-EEA passengers are subject to examination at immigration. IOs interview passengers about various issues, including their reasons for seeking entry to the UK and their personal circumstances. The duration of questioning varies: some passengers are granted leave to enter after a brief desk interview, others are delayed for further questioning and then granted or refused leave to enter.

IOs are given instruction to admit those people into the UK who qualify for entry under the Immigration Rules, which requires that a visitor:

- is genuinely seeking entry as a visitor for a limited period as stated by him/her, not exceeding six months;
- intends to leave the United Kingdom at the end of the period of the visit as stated by him/her;
- does not intend to take employment in the United Kingdom;
- does not intend to produce goods or provide services within the United Kingdom, including the selling of goods or services direct to members of the public;
- does not intend to study at a maintained school;

[3] The term non-EEA is used as shorthand throughout this report, but is intended to refer to nationalities other than Swiss or the countries of the European Economic Area.

- will maintain and accommodate him/herself and any dependants adequately out of resources available to him/her without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relative or friends; and
- can meet the cost of the return or onward journey.

The legislative context

Ensuring that public officials do not discriminate against individuals based on their racial or ethnic origin was a key function of the Race Relations (Amendment) Act (RRAA), 2000. This Act outlawed racial discrimination in public activities not previously covered by the Race Relations Act (1976), including immigration and nationality. However, Section 19D of the RRAA provides exemptions for immigration and nationality whereby discrimination based on nationality, ethnic or national origin is not illegal if required by legislation or by a Ministerial Authorisation (MA) signed by a Minister of the Crown. However, such exemptions do not cover discrimination on the grounds of race and colour, which are illegal. Although, under the RRAA, Ministerial Authorisations can allow discrimination on the basis of nationality, ethnic or national origin, at the time of the study reported here, an MA was in place permitting greater scrutiny of passengers only on the basis of national origin. The purpose of such an MA is to allow IOs to respond to patterns of immigration law breaches without contravening current legislation.

Because MAs allow for greater scrutiny of people from certain backgrounds, immigration processes can appear to be racially biased. To date such perceptions have largely been based on anecdotal evidence since IND does not collect ethnic data on arriving passengers and neither do surveys of arriving passengers, such as those conducted by the British Airports Authority and the Office for National Statistics. Nevertheless, there may have been an adverse impact on public perceptions about the fairness of such processes. For example, parliamentary debates about the RRAA have expressed concerns that these exemptions could have adverse effects on non-White passengers, as skin colour and race might be taken as manifestations of ethnic origin, nationality or national origin.

Two legal cases have also indicated the need for closer scrutiny of MAs. In one case, *Tamil Information Centre v. Secretary of State for the Home Department (2002)*, the applicants successfully challenged the first MA on the basis that it had to be personally authorised as prescribed by statute (section 19D(3)(a) RRAA). In a later case of *Regina v. Immigration Officer at Prague Airport and another (Respondents) ex parte European Roma Rights Centre and others (Appellants) (2004)* Baroness Hale argued that, although the Minister did not use an MA to justify a scheme that amounted to refusing Roma the right to board planes bound for Britain, there was risk of racial discrimination and the "risk was exacerbated by the very existence of the Authorisation". This was because the Authorisation formed part of Immigration Directorate's (*sic*) Instructions, the aim of which was to lay out the impact of the Authorisation pertaining to discrimination on the basis of ethnic or national origin. The MA was in place in 2001, although IND can demonstrate little recorded use of it, and set out that IOs may discriminate against listed groups on the grounds of ethnic or national origin, without statistical or intelligence information.

The role of the Independent Race Monitor

Section 19E of the RRAA allows for an Independent Race Monitor (IRM) to monitor the effects of Authorisations for IND's work, one aspect of which is the examination of arriving passengers. In the first Independent Race Monitor Annual Report (Coussey, 2003), the IRM noted how passengers from minority ethnic groups appeared more likely than white passengers to be stopped for further questioning, adding "[it is] difficult to say this is a matter of colour discrimination". Her second and third reports continued to express concerns about the quality and equity of decision making at ports (Coussey, 2004; Coussey, 2005). In her most recent report she noted that "it is significant … that the great majority of people arriving at airports and ports in the UK … enter without any delay". She continued by adding that "most of the questioning [which she] observed was clearly justified" and that she was "impressed by IOs' professionalism and interviewing skills". However, she noted variability in the way in which IOs at different ports perceive arriving passengers and how they are dealt with at the control. She was concerned that different standards might be applied between and within ports to assess the credibility of passengers. In particular, she raised the question of whether

or not MAs themselves could become self-fulfilling: if closer attention is paid to nationals from certain countries, this greater scrutiny may lead to a higher detection rate for immigration offences, thereby reinforcing the high risk status of those countries.

Aims and objectives of the study

As the result of concerns expressed in Parliament and IND's statutory requirement to co-operate as fully as possible with the IRM[4], IRSS, on behalf of IND, commissioned a programme of research. The research aimed to explore the factors IOs take into account when deciding whether to stop passengers for further questioning and to establish if there was evidence of disproportional stopping rates for passengers of any ethnic group. Given the lack of previous studies in this field[5], it was decided that the research should comprise two key elements: a qualitative study and a quantitative feasibility study.

The key research objectives for the qualitative study were to:

- identify the trigger factors that lead IOs to stop certain passengers;
- examine the way in which a passenger's credibility is assessed; and
- map factors that affect decisions.

The study focused on the decision making of IOs to stop passengers for further questioning in terms of how decisions are reached and the factors that influence those decisions. The intention was not to investigate how decisions to refuse or permit passengers' entry to the UK were reached, although some interviews with IOs and CIOs also covered this.

A second element of the research programme involved a feasibility study exploring the potential for monitoring the ethnicity of arriving passengers and making quantitative assessments about the reasons for any variations in stopping rates for passengers from different ethnic groups.

There was also an exploratory literature review of the legislative framework for IO decisions, as part of the scoping work for the project. The findings of this review are used in the introduction to this report.

Structure of this report

Chapter 2 describes the research methodology. Chapter 3 describes the process at passport control for arrivals with non-EEA passports and the respective roles of IOs and CIOs in that process. Chapter 4 takes a closer look at how IOs make decisions to hold some arriving passengers for further questioning, focusing on the triggers which alert IOs to make further enquiries. Chapter 5 explores how IOs balance these different triggers and assess the credibility of arriving passengers. Chapter 6 explores the resources IOs can draw on when making assessments of credibility and the constraints they experience when carrying out their role. Chapter 7 presents the findings from the feasibility study. Chapter 8 concludes the report and discusses how the research findings inform the question of whether or not this process may work in favour of, or against, passengers from certain backgrounds. Finally, Chapter 9 reports how the research findings are being used by Border Control to review operations.

[4] See IND Associate Race Equality Scheme.

[5] Previous research on IOs' decision making at ports has focused on asylum and these earlier studies also preceded the RRAA. See Weber and Landman (2002).

2 Methods

The qualitative research

The research presented a number of practical and conceptual challenges, not least because there has been very little systematic research in this field. Equally challenging was the fact that the research sought to unpack a complex process by which IOs take decisions about arriving passengers.

Planning the research involved extensive briefings at the two ports and training/briefing of team members, followed by a period of familiarisation that included reading relevant background materials, observations of the non-EEA control desk and strategic interviews with key stakeholders. Depth interviews were chosen as an appropriate principal data collection tool because they are particularly well suited to research that requires an understanding of complex systems, processes or experiences. They offer the depth of focus necessary and the opportunity for clarification, which provides for a detailed understanding of individuals' thought processes and attitudes.

Previous literature has documented how exploring issues such as discrimination and prejudice can lead participants to be fearful and anxious (see for example, Renzetti and Lee, 1993). In this study, the team anticipated that participants might be concerned that their participation could lead to them being labelled as racist or discriminatory. Institutionally, participants might also have been anxious that the research would attack the standards and quality of Border Control officers. As a result, great care was taken in developing research instruments that would minimise these fears, including carrying out a pilot stage of interviews with IOs, which allowed the tools to be refined.

The research team devised an approach to allow participants to articulate how they navigate a complex cognitive decision making process, and to feel able to express their personal views about race and ethnicity. It was critical that researchers were able to get below the surface of this decision making process and to encourage participants to discuss the factors underpinning decisions rather than citing more abstract principles. To help IOs engage with the research and to minimise respondents expressing socially desirable views, the method avoided asking IOs directly about the effect of a passenger's ethnicity on decision making. Instead a more subtle approach was adopted with interviewers asking about the decision making process from various angles. Researchers began by asking IOs to discuss a recent case they had dealt with where a passenger had been stopped; if the IO could not recall a case then a series of landing card vignettes were used. The landing cards were complete with photographs designed to be used in conjunction with the topic guide. In either case interviewers asked a range of probing questions, varying the circumstances of the passenger to try and establish the pivotal factors in decision making. This method helped in getting IOs to provide direct and honest information on their personal views and practices.[6]

Researchers conducted 50 depth interviews with IOs and CIOs working at two airport terminals (Heathrow Terminal 1 and Gatwick South) between May and July 2005. The two terminals were chosen because both receive a range of international flights from across the world and their arriving passengers represent a broad range of ethnicities.

The sample for the qualitative component was designed to ensure that a broad cross section of IOs could be interviewed in order to provide a robust evidential base. Sampling criteria for this study included: age, sex, ethnicity and length of service. The sample also included representation of CIOs, who have the final decision making power in respect of refusals. The achieved sample did

[6] Consideration was also given to 'race of interviewer effect' – the phenomenon whereby the race or ethnicity of the interviewer affects the answers given by the respondent when the questions had explicit racial content or referred to socially desirable/undesirable attitudes or behaviours (Campbell, 1981; Schaeffer, 1980). However, skilled interviewers and effective data collection tools are used to offset this potential problem (Ritchie and Lewis, 2004).

not include as broad a range of ethnic groups as intended. However, as far as can be gleaned from management information (as IOs have the right not to lodge information about their ethnicity), the achieved sample distribution reflects the composition of staff at both terminals and the team found no patterns in participation or refusal to suggest that non-White or newer officers were less inclined to participate.

The data from the study were comprehensively and systematically analysed using 'Framework'. Framework is a qualitative analysis method, developed at NatCen, which allows the accounts of different participants, or groups of participants, to be compared and contrasted. The method of analysis allowed the research team to draw comparisons between the experiences of IOs and CIOs, and between IOs and CIOs of different lengths of service and with different personal backgrounds.

Given the focus of the research on non-EEA arrivals at two international airport terminals, it is important to note that findings from this sample of fifty IOs and CIOs cannot necessarily be assumed to reflect *all* the practices and views of Border Control staff across the UK. In particular it is difficult to know whether or not there would be additional views and experiences amongst IOs working at smaller entry ports, or those primarily focusing on sea, rather than air, passengers. The study does, however, provide a rich picture of the process of decision making at two airport terminals with a mixed profile of arriving flights, from which Border Control may be able to draw some wider inferences.

A technical annex provides a fuller discussion of the methodological issues encountered during the qualitative element of the study.

The quantitative feasibility exercise

The data collection involved the use of landing cards to capture ethnicity data, and IS81 forms to indicate stop rates. All non-EEA passengers are required to fill in a landing card and hand it to an IO when passing through border control. IOs recorded their perceptions of the ethnicity of all arriving passengers, and their flight numbers, on the landing cards as passengers were interviewed at the control desks. Data collection took place over four weeks at each of the terminals included in the qualitative research, over the same period. The ethnicity codes used were a modified version of the visual classification system used by the Police. The modifications, following the pilot exercise, were to make the task easier for IOs. The modified categories are listed in Table 2.1, along with the short forms used in the remainder of this report. This approach to coding ethnicity is simple and avoids the need to collect information from passengers. It also records ethnicity as perceived by IOs, as distinct from 'actual' ethnicity, however that might be objectively defined. It is necessarily *perceived* ethnicity that is the variable of concern.

Table 2.1: Codes used for ethnic group

Code	Description	Short form
IC1	White Northern European	White Northern
IC2	White Southern European/Hispanic	White Southern
IC3	Black African/Caribbean	Black
IC4	Asian (e.g. Indian, Pakistani, Bangladeshi)	Asian
IC5	Oriental (e.g. Chinese, Japanese)	Oriental
IC6	Middle Eastern (e.g. Arab, Egyptian)	Middle Eastern
IC7	Mixed Race	Mixed Race
IC8	Don't know/Uncertain (state reason)	DK

To render the data entry process manageable, non-IS81 landing cards were sampled at a rate of 1 in 50 (1 in 25 for controlled cases[7]). All IS81 cases were entered onto the database. This gave a final database with 5,829 non-IS81 cases and 569 IS81 cases. The data relevant to this study, recorded from each sampled card, are as follows.

- Card type (controlled or non-controlled).
- Port of arrival (Heathrow Terminal 1 or Gatwick South).
- Passenger sex, date of birth, birthplace, nationality, occupation and ethnicity.
- Flight number.
- 'Category' of visitor (e.g. business visitor, student, in transit).
- Code endorsed onto passenger's passport when granted leave to enter.
- IS81 status (issued or not).
- Outcome of IS81 (landed or refused).

For occupation, the landing card contains a single, very short field in which passengers record their occupation. While this is a quite limited source of data to determine job category, it was the data that would prove most useful as a crude indicator of social class or economic circumstances. Hence the records were categorised as far as possible into one of the Office for National Statistics' *Standard Occupational Classification (SOC) 2000* codes. In some cases the passenger's description was too vague, offering only the general industry but not the passengers' actual occupation (e.g. airline, medical, petroleum). For others (e.g. 'consultant'), there was a judgement to be made since the actual occupation was not explicitly stated. For the most part, these types of cases were recorded as SOC code 3 (Associate professional and technical occupations). After coding was completed there were still missing data for 13.2 per cent of the cases. For 9.7 per cent of cases, no description at all was recorded and 3.4 per cent of cases did have an entry but the job description was too vague to be coded.

The method is described in greater detail in Appendix A.

[7] Controlled cards are collected when conditions are placed on certain passengers, such as students holding visas and work permit holders. The controlled cards are retained so that the passengers' compliance with these conditions can be monitored. Non-controlled landing cards are collected from most passengers entering the country on a routine visit (such as business visitors or tourists).

3 The process at non-EEA passport control

Introduction

The role of the IOs and CIOs at non-EEA control desks is described in this chapter. Focusing on the way passengers are handled at immigration control, the chapter identifies critical points in the process where discretion and variation can occur, and provides a context to the chapters that follow, where the nature of decision making is explored in greater detail.

The role of immigration staff

Immigration staff work for UK Immigration Service (UKIS), part of the Home Office's Immigration and Nationality Directorate. Their primary role is to provide immigration control at entry ports throughout the UK, in accordance with Immigration Rules and the UK's obligations under international law and treaties, scrutinising arriving passengers at passport control to establish their admissibility into the UK.

The IO role

Immigration Officers have the legal power to decide on the admissibility of passengers to the UK and are able to grant leave to enter the country. Under Sections 3 and 4 of the Immigration Act 1971, IOs may give individuals seeking admittance to the UK leave to enter for a specific period of time; they may also apply conditions to that leave to enter, including restrictions on employment and occupation, and requirements that people do not seek support from public funds, such as benefits, or that they register with the police. However, any decision to refuse leave to enter the UK is never taken by an IO acting alone but must be authorised by a CIO. Regulation of entry into the UK requires that duties are carried out without regard to race, colour or religion. Furthermore, such duties must comply with the Human Rights Act 1998 in relation to matters of detention.

On joining the IS, IOs are assigned to a port of entry and undergo a six-week period of intensive training at IND College, covering all aspects of their new role. During this time, IOs are instructed in the legislative framework, IT systems, and control desk duties (including how to check documents, interview passengers, establish credibility, conduct a baggage search, write up cases, and deal with asylum applications). Immediately after the training course, recruits start their posting at port and are allocated a mentor for the first four to six weeks. Mentors are usually experienced IOs who provide guidance, support and advice to new members of the team. New recruits can also seek guidance from their line managers and duty CIOs.

Once they are in post, IOs receive a great deal of information on an ongoing basis, to assist them in their role. For example, they are notified about changes to immigration laws, rules, and procedures. They also receive intelligence reports and briefings about trends in immigration breaches and refusals.

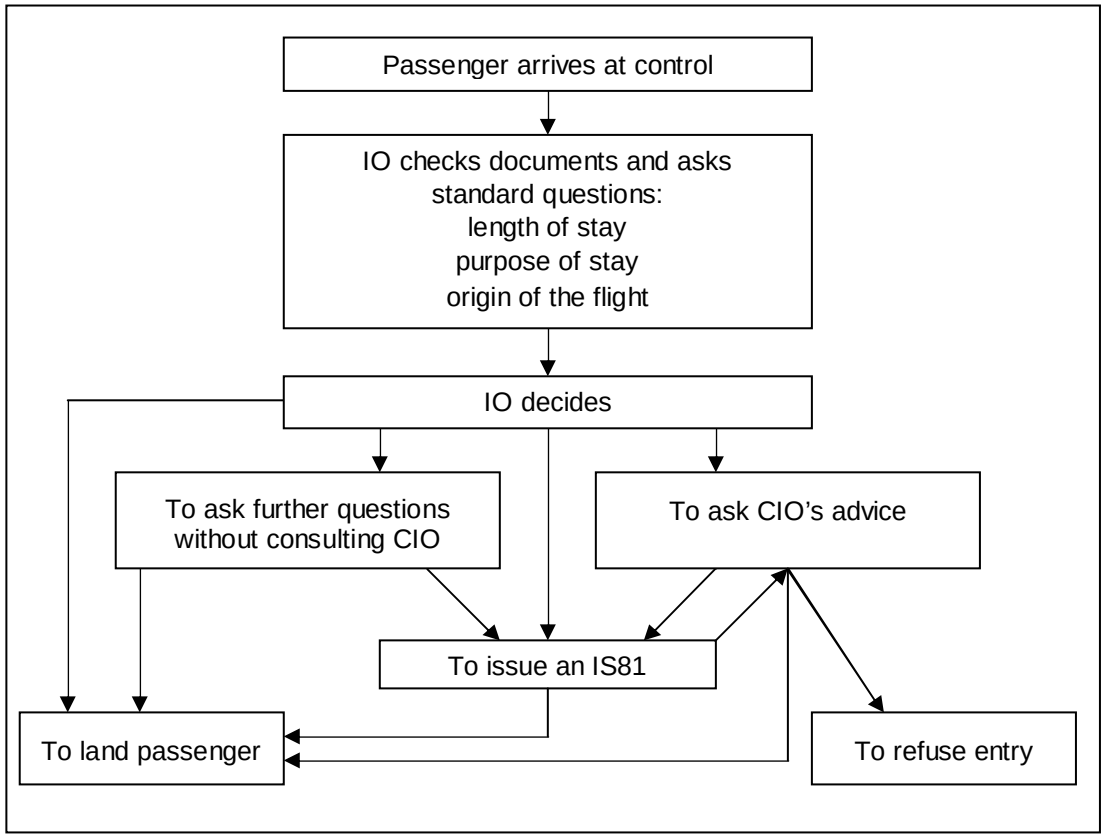
The CIO role

Chief Immigration Officers provide line management, support and guidance for IOs, and, under Immigration Service instructions, must authorise any decision to refuse a passenger leave to enter. When CIOs are on duty during a particular shift, they are responsible for managing the immigration control process, deciding how many control points should be staffed and ensuring that any problems between queuing passengers and floor staff are managed effectively. They are also responsible for dealing with requests from the public, airlines, the legal profession and others interested in specific aspects of immigration decision making. CIOs are appointed in one of two ways: through promotion from IO and, more recently, through direct recruitment from outside the service.

The entry control process

Figure 3.1 shows the process through which non-EEA arriving passengers pass when entering the UK. Initial assessments of credibility take place at the control desk, and IOs have considerable autonomy – within the framework of the immigration rules – when assessing a passenger at this stage. If they are satisfied that passengers are genuine, IOs can make the decision to land them without referring to anyone else. If, on the other hand, IOs have concerns about a passenger, there are a number of different routes they can follow. For example, they can ask for the support and guidance of the CIO in deciding whether or not to hold the passenger for further questioning (and log this process by issuing a document known as the IS81), whether to institute a baggage search, or undertake a full case investigation. Alternatively they can make further enquiries independently, without informing the CIO, such as making a quick telephone call to an embassy or sponsor.

Figure 3.1: The process at control



Checking documents

Checking a passenger's travel documents is a key part of the immigration control process. Passports are swiped through a central information system, which alerts the IO if the passenger is perceived as a security threat or has any adverse immigration history (such as overstaying, working illegally, or being refused in the past). IOs also examine documents by eye, seeking to establish that the passenger is the rightful holder and not travelling on a passport belonging to another person, or one that has been issued by a country other than the passenger's own. They are looking to make sure that documents have not been forged or tampered with; any suspected forgery, evidence of tampering, or use of deception is automatically investigated and the passenger held for further questioning. While specialist forgery officers are available to give advice or investigate an IO's suspicions, it is usually down to officers at control to identify possible cases in the first place.

IOs also check documents to ensure that passengers have an appropriate visa, should this be required. Passengers with visas are now considered to have been given pre-entry clearance and a visa can only be revoked if the IO is able to demonstrate that it is not genuine, it was obtained through deception, the circumstances of the passenger no longer apply, or the purpose for which the visa was granted has changed.

Lines of questioning and IO repertoires

All non-EEA passengers are generally asked some basic questions about their plans, such as the length and purpose of their stay, and where they have travelled from. These questions provide the basic information on which an IO can start to make a determination about the passenger.

Although answers to the initial questions will form the foundation for later enquiries, supplementary lines of questioning do not follow any set script. Some IOs described having their own repertoire of questions to help them target their enquiries effectively and to identify which categories of immigration rules apply so that they can explore relevant areas of credibility. For instance, one IO described how he will always ask 'business' passengers further questions about the nature of their work. Another described how he will always ask people entering the UK on a student visa for more detailed information about their proposed course of study.

Other IOs did not rely on set repertoires for certain categories of passengers but described their preferred mode of questioning. For example, some officers made sure they asked open questions initially, to give passengers space to prove their credibility. These officers would ask questions like: "*How do you know the person you are visiting?*", "*Tell me what you do in your home country.*" "*Tell me about your family …*" They argued that these types of questions gave the passenger the opportunity to provide full answers and convince the IO. On the other hand these open questions could also "*trip up*" passengers with something to hide or those who were lying.

Not only did IOs vary in their use of repertoires or modes of questioning, they also varied in the approach they adopt with passengers at the desk. For example, some preferred an informal style to help passengers feel relaxed and open, others favoured a more formal approach.

Deciding outcomes

Landing a passenger

Although final decisions to land passengers were not the main focus of this research study, IOs identified a number of situations where they were confident that granting entry was warranted and they found little need to ask any further questions; for example, holidaymakers and those visiting friends or family, who had return tickets, were staying for a specified length of time (say one or two weeks), had sufficient funds and were able to state with confidence why they were visiting the UK, were considered very low risk.

Passengers who are landed will have their passport stamped with one of seven different codes. Of particular interest to this report are Codes 5N and 3. Code 5Ns are the type of endorsement given to most visitors entering the UK; this stamp restricts the amount of time the passport holder can remain in the country to six months and prohibits employment and recourse to public funds. In contrast, a Code 3 is a qualified leave to enter, which grants a limited amount of time for entry (less than 6 months) and IOs will often make a note on the back of the landing card to indicate why a Code 5N was not granted. Code 3s have particular importance in cases where officers are not entirely satisfied about a passenger's credibility but where there are insufficient grounds to refuse entry.

Making further enquiries

In some cases, officers have serious concerns about the veracity of the passenger's story, or there are problems with documentation, and officers decide to conduct a full credibility interview away from the control desk, or instigate a search of the passenger's luggage. In these circumstances,

passengers are issued with an IS81, a form indicating that they are being held for further questioning. IS81s are also issued if a passenger needs the services of an interpreter.

Preliminary enquiries, however, which take place while the passenger is still at the control desk, are not always logged in this way, and practices varied both within and between terminals. For example, some IOs preferred to exhaust immediate avenues of enquiry – perhaps contacting a sponsor or the person meeting a passenger – without issuing an IS81 at this stage. Other IOs, however, always issued an IS81 if their enquiries meant they were going to leave the passenger alone at the desk. Yet others decided whether or not to issue an IS81 depending on the length of time they anticipated the passenger would be left waiting.

Procedures for recording IS81s also varied between ports: at one terminal the reasons for issuing an IS81 were entered on the landing card and in a log in the watch house; at the other there was no permanent central log.

Whilst noting that current guidance indicated that an IS81 should be issued where a passenger is held for anything over a couple of minutes, pragmatically officers argued that discretion around this helped them to manage the arrival as quickly as possible. An IS81 was something that officers *"did not issue lightly"*, arguing that it would be unworkable to issue one to every passenger about whom they wished to make a quick enquiry. Being flexible about issuing IS81s, and about whether or not a case file was opened, was seen as a way of managing the large numbers of passengers officers have to deal with on a daily basis. One CIO noted that whilst IOs do not have to refer a case to a CIO when issuing an IS81, it has become common practice at large busy terminals for that process to be managed by CIOs so that they can regulate the workflow and be aware of when an officer is likely to leave the floor to make enquiries. Another felt that it was more important that the CIO was active on the floor (and thus able to answer quick questions easily) than whether or not the IO had completed the IS81, as this would mean a speedier conclusion for the passenger and create a more supportive working environment for the IO.

IOs and CIOs also varied in when they expected IOs to consult a CIO for guidance. More experienced IOs argued that they would only consult a CIO when they were confident they had gathered as much information from the passenger as possible. In contrast, newer IOs were more likely to approach a CIO early on in the questioning process for guidance. Where CIOs were consulted, they advised about a line of questioning, which could help IOs to satisfy themselves of the passenger's credibility, or suggested that the IO take the step of contacting other people, such as sponsors or relatives, to cross-check aspects of the passenger's story.

Having mapped the key elements of the entry process the report now turns to the way in which IOs identify cases that are not straightforward and the 'trigger factors' they look for when determining whether or not passengers should be held for further questioning.

4 Triggers for further questioning

Introduction

During the immigration process, described in the previous chapter, officers are making an assessment of the 'genuineness' of passengers – whether or not they comply, or are likely to comply, with immigration rules. As part of this assessment, IOs may decide to investigate a passenger's story in more detail, asking probing questions, checking records, seeking corroboration from others who can vouch for the passenger in some way. But what factors trigger them to take a closer look? Central to this process is the passenger at the desk, but IOs are also influenced by the wider context in which they operate.

Some triggers arise from passengers' documentation and immigration history, or from their intentions and circumstances, such as the purpose and length of their stay, their contacts or sponsor in the UK, their economic situation, domestic circumstances, age or nationality. The appearance and behaviour of a passenger may also arouse the interest or suspicion of an IO. In addition to this, an officer may take account of the route or flight taken by a passenger. However, IOs make decisions in a wider operational context, and may also draw on a range of other sources, such as intelligence about immigration breaches, and their experience of dealing with people from different countries and cultures. Sometimes they reference their own assumptions, situation and behaviour.

This chapter identifies and describes a range of factors that may attract an IO's attention, focusing on those that relate to the passenger's individual circumstances. Those arising from the wider operational context are discussed in Chapter 6. This chapter does not discuss whether such factors trigger an IS81, a baggage search and credibility interview, or simply lead an IO to ask more questions at the desk. These issues are explored in the following chapter, where cases of passengers held for further interview are examined in detail, revealing the interplay of factors, and the way in which IOs judge different situations to be more or less credible.

Comparisons are drawn between the experiences of IOs and CIOs, and between IOs and CIOs of different lengths of service. There was no evidence of differing approaches between IOs from minority ethnic groups and white IOs.

Documentation

Passengers will automatically be issued with an IS81 and held for further questioning if they present forged documents, impersonate the rightful holder, lack an appropriate visa, or have overstayed in the past. A number of factors may alert the IO to a problem with a passenger's documents.

- A forgery that comes to light through routine checks made at the desk or following inspection by a specialist forgery officer.
- Impersonations (which, may be revealed, for example, if the passenger cannot answer questions that the IO believes the rightful holder of the passport should be able to do, e.g. features of their own country).
- Intelligence reports (which provide information about recent trends in forgeries and impersonations, for example, high levels of forged documents from certain countries, and among passengers arriving on particular flights, or certain nationals travelling with documents from a particular country other than their own).
- Positive immigration history. This can go in a passenger's favour, for example, when a passport contains a lot of stamps, or shows that the passenger has already visited the UK several times before and complied with the conditions of entry. Visas from other countries may also lend

weight to the passenger's credibility, especially where these have been granted by countries with a 'tough' application system, such as Canada, the USA, Australia and New Zealand.

- Negative immigration history, for example if records show that a visa application has been turned down or the passenger has been given a coded landing in the past. The IO will ask the passenger about earlier applications or attempts to visit the UK, to discover whether or not previous problems still apply or have been resolved, but also to check the honesty of the passenger. In the case of previous coded landings, the officer can check details on the back of the original landing card.
- Past visits to the UK. Stamps in a passport may indicate that a passenger is seeking to return within a very short time of leaving, having already stayed in the UK for several months or made a number of lengthy visits. In this situation, IOs described being concerned that the passenger was spending more time in the UK than elsewhere and possibly working illegally or seeking to settle.
- A brand new passport may attract the interest of an IO, because there is no record of the passenger's travel history. In some cases, IOs may be concerned that a new passport has been obtained in order to hide something, such as evidence of a refusal or overstaying.

The passenger's intentions and purpose of stay

The purpose of a passenger's visit is something an IO seeks to establish at the very beginning of a desk interview. For visitors who claim they are coming to the UK on business, the IO may simply look at the address on the landing card and ask a few basic questions about the nature of their business, who or what they will be visiting, and the length of their stay. Passengers who answer these questions fully and without hesitation, are staying in a hotel, have a dated return or onward ticket, lots of stamps in their passport, and are frequent visitors to the UK will not normally be subject to further investigation. On the other hand, if passengers are vague or hesitant in their answers, if they cannot produce – for example – a business card, or a set of contacts or appointments, they are likely to be questioned more closely.

Further questions may also be triggered if passengers do not seem to 'fit the part', lacking the level of education or confidence that an IO might expect, wearing very poor quality or ill-fitting clothing, or there are other indications to suggest they may not be what they claim.

Passengers seeking entry to the UK as students will be asked about the institution they are attending and details of the course. Because of problems in the past, educational establishments now have to be registered with the Department for Education and Skills and an IO can check to make sure that the institution is genuine. Prospective students who cannot produce a letter of acceptance on the course, or evidence that they have registered or paid their fees, may well arouse suspicions. Immigration officers also reported receiving information that some 'students' pay for courses but do not enrol or attend classes. In some instances, people with student visas are working more than the twenty hours per week they are entitled to.

Suspicions may also be aroused if passengers say they are coming to the UK to study English but can barely communicate with the IO. IOs expected that these passengers should have at least a very basic understanding of English or to have received some tuition in their own country before travelling to the UK. Some IOs and CIOs also mentioned that they tend to ask further questions where there is some question mark about why a passenger wants to learn English, for example if they come from a poor country and their occupation or intended line of work does not seem to call for English language skills.

Some IOs make assumptions about the likelihood of particular travel arrangements and plans. Holidaymakers with clear plans and sufficient funds are often considered straightforward landings, but visitors with unusual plans may attract the attention of IOs. Because a two or three week holiday tends to be the norm, *"alarm bells start going"* if passengers wish to stay for three to six months. While visits of this length are not illegal, IOs are curious to know how people can afford to

take *"such a long holiday"* and seek to establish whether there might be other reasons for them coming to the UK. In certain scenarios, long trips are accepted as the rule: for example young people inter-railing around Europe, backpackers or people on gap years doing their world tour, or grandparents from India coming to visit their family in the UK. Passengers from the Caribbean who work in the tourist industry may also make extended trips during the off season.

Some IOs also expect 'genuine' holidaymakers to have plans about what they want to visit in the UK, as this is something IOs themselves would do. Passengers who cannot name any places or sights they intended to visit do not fit this pattern and IOs may look more closely into the passenger's circumstances. Officers claimed they found it hard to believe that passengers would have no plans. On the other hand, IOs are not surprised when young backpackers have no definite plans, because that is part of the backpacking culture – though even backpackers are likely to have a guide book in their luggage – and some IOs remember having done that kind of travelling in their youth.

IOs may also want to know where a passenger is staying and will check to see if the landing card has been completed. If a passenger has not arranged accommodation, the officer may enquire into passengers' finances to find out how much money they have brought with them, and if they have any idea how much hotels in the UK cost, especially in London. However, if Americans are vague about details of their visit, or have not booked any accommodation, this does not cause concern because IOs have found from experience that otherwise credible Americans are not necessarily very well informed about countries other than their own.

Evidence of an onward journey is also important. While a return ticket is no guarantee that a passenger will leave the UK, a single ticket will often trigger further questions. If passengers have a return ticket that is open, or dated after the time they claim to be leaving the country, this casts doubt on their true intentions. If someone other than the passenger has paid for the ticket, the officer will want to know why. Tickets bought by a family member do not necessarily arouse suspicion, but when the purchaser is an unrelated sponsor, the officer will check the nature of the relationship, to see, for example, if the passenger has a boyfriend or girlfriend in the country, or is coming to work for the sponsor in some way.

Travelling without family is considered unusual by some IOs, who assume that people will want to go on holiday with their partner and children; taking a six-month trip is viewed with suspicion, as IOs expect people to spend at least part of their holiday entitlement with their family. Nevertheless, some IOs were aware that different norms apply in other cultures: for example, women from Hong Kong may visit other countries for long periods without their husbands and children and African and Asian men may travel when their wife is about to give birth because it is traditional for the extended family to play a bigger role than in Western culture at this time.

Some IOs were surprised, and suspicious, when people travel to spend time with someone they hardly know or have never met. If people are going to visit someone in another country, IOs assume they will have had recent or regular contact and will know something about the other person. Internet relationships attract particular attention.

Financial and domestic circumstances

Sometimes a passenger's financial and domestic circumstances may be the subject of more detailed investigation. IOs may want to satisfy themselves that passengers have sufficient funds in cash, an account or a credit card to support themselves while they are in the UK. On the other hand, 'too much' cash can also arouse suspicion. IOs described, for example, being concerned if passengers say they are bringing all their savings with them. The IO will want to know what the money is intended for, and may question why some savings have not been left behind for the passengers' return.

A broader issue for IOs and CIOs, however, is how passengers – especially those in poorly paid jobs – can afford to make a trip in the first place. Officers reported being suspicious when a passenger has paid the equivalent of two, three or even six months' salary to come to the UK just for a holiday. If passengers are intending to stay for several months, officers question how they can afford to be away for that length of time. But officers can also be dubious if passengers are coming for a two or three week holiday, querying whether someone would *"save for two years"* for such a short trip. In the case of passengers who are unemployed, officers are particularly wary. IOs themselves sometimes reference their own behaviour, claiming they would not make this kind of outlay. While some concede it is possible that passengers from developing countries might spend a higher percentage of their disposable income on a holiday than someone from a developed country, they think it unlikely. In contrast, young people saving up for a gap year is accepted as normal.

Unemployed passengers were another cause for concern because of the importance IOs place on 'returnability' and whether passengers have something to go back to. Passengers who have recently given up or lost their job will be questioned closely, because officers may be suspicious that they are coming to the UK to look for work.

IOs may also make enquiries about a passenger's domestic circumstances and personal ties back home. Young single passengers, with few home ties, may be questioned more closely about their future plans, to see if there are clear reasons for them to return to their own country. Where passengers have a spouse or children at home, this may be seen as a positive factor, as IOs assume the passenger will return home. However, passengers travelling without their family may also arouse suspicion when they come from a poor country, as officers may be concerned they are under pressure to find work in the UK and send money back home.

Contacts in the UK – the sponsor

Where passengers know someone in this country, an IO is looking for corroboration of the passenger's story. Sponsors are asked to give details of the passenger's proposed stay so that IOs can compare this with what they have been told at the desk. If sponsors are helpful and convincing, and their account matches that of the passenger, this can lend considerable weight and may even be a deciding factor in whether or not a passenger is landed. On the other hand, conflicting accounts can be very damaging to the passenger's case. IOs described numerous examples of discrepancies between passenger and sponsor accounts.

Of considerable interest to IOs is the nature of the relationship between the passenger and sponsor. Family relationships, for example, can be viewed as positive or negative factors. On the one hand, IOs recognised that family members often visit each other, and, in some cultures, offer accommodation and support even if they are not well off themselves. However, IOs may wish to find out how strong a draw the family represents in order to assess the likelihood of the passenger leaving the UK.

Where the sponsor is a boyfriend or girlfriend, the IO may be wary that the passenger will attempt to settle, or get married without a visa. If passengers lie about having a partner or romantic interest in the UK, or about the nature of the relationship, this can seriously damage their chances of being allowed to enter the country. Sometimes when IOs are not happy with some aspect of a story, they may put out a call to see if anyone is meeting the passenger in the arrivals hall; on occasion this produces a partner or spouse.

IOs claim they take a closer look if they discover that the passenger and sponsor hardly know each other, have only just met, or perhaps have never met at all. Officers will seek to determine why the passenger is making the trip, and why at this particular time. If the sponsor and the passenger are in the same line of business, the IO may suspect the passenger is here to work. Officers commented that internet relationships tend to generate a lot of cases, and are a particular problem

among American passengers. If the passenger is young, single and unemployed, there are concerns that he or she may be trying to start a new life in the UK.

Officers' curiosity can also be aroused when the passenger and sponsor seem oddly suited, as in the case of a young woman arriving from Eastern Europe with a man much older than herself, where it was suspected the woman might be coming to the UK to work in the sex industry.

The passenger's presentation of self

If passengers behave in an unusual way, such as swapping queues to fall further back, an IO may become suspicious and ask more probing questions. Agitation and nervousness can also signal to an officer that *"something is not quite right".* While officers recognise that this may simply be a case of feeling unwell, a reaction to a long or bad flight, shyness, or a cultural response to figures of authority, such behaviour would still lead IOs to investigate further. In extreme cases, officers described situations where passengers were *"shaking like a leaf"* or perspiring so profusely that drops of sweat fell onto the desk. Under these circumstances officers try to find out what is wrong, in case the passenger is ill or has something to hide, such as a forged document, a false identity, or undisclosed intentions. Uncertainty, evasiveness or lack of co-operation will also trigger more questions from an IO, to find out what the passenger is holding back.

Interestingly, overconfidence may also attract attention. IOs may want to explore whether passengers are attempting to disguise their nervousness, or trying to speed up the process in order to avoid answering many questions. On the other hand, anger, rudeness or aggressiveness on the part of passengers – such as spitting, cursing, or threatening – may be upsetting, but IOs claim this kind of behaviour does not usually trigger additional questions. It may cause delays, however, if the officer has to wait until the passenger calms down or refer the incident to a CIO.

Passengers' appearance and clothing may also be of interest to IOs. Some people 'look the part', for example, *"smart, well-dressed businessmen"* or *"American ladies who've got loads of jewellery on …. their hair is perfect …. their make up is perfect, and their clothes are really nice"*. In these cases, the passengers' appearance implies confidence and affluence. In other situations, however, passengers who 'look the part' may raise concern, such as young women wearing white stiletto shoes and short skirts, who might possibly be involved in prostitution. Passengers with very cheap worn clothing, who look *"very impoverished",* may be asked how much money they have brought with them.

On the other hand, some passengers can appear uncomfortable in their clothing, as though this is not their usual attire. Officers gave examples of men in suits or shirts that are much too big, wearing ties with knots that suggest the passenger has never worn one before; men in suits but not wearing socks; and people in ill-fitting shoes. In these situations, officers suspect that passengers are trying to create a favourable, affluent, or *"businesslike"* image.

Passengers may also look unconvincing, not because they are trying to appear in a more favourable light, but because their appearance is so at odds with their claims that the officer wants to make further enquiries.

Sometimes it is more of an overall impression that the IO responds to, including how comfortable passengers seem, how they speak and communicate, how open they are, as well as how they are dressed. It is this combination of factors that leads an IO to accept or question whether the passenger is genuinely what they claim to be. Officers vary, however, in terms of how much store they place on the passengers' behaviour and appearance. Some admit to forming a quick impression, which puts them on the alert. Other officers, however, were much more circumspect, claiming that appearances can be deceptive. People who look *"very shabby"* can turn out to be well educated professionals, such as university professors; men in the building trade may choose to dress up for travel because they wear jeans the rest of the time; passengers may dress particularly

smartly because they are visiting relatives. CIOs in particular stressed the importance of not judging too much by appearances. Although an officer may form some impression of the socio-economic circumstances of a passenger, this may not be correct, so officers should concentrate on their questions rather than relying too much on the external impressions.

Socio-demographic characteristics: age, nationality, ethnicity

Personal characteristics of a passenger, such as their age and stage in the life-course, can sometimes act as a possible trigger for further questioning. Middle-aged people, established in their careers, or older retired people tend to be seen as lower risk, less likely to try and seek employment under the guise of being a visitor. On the other hand, young people, particularly those who are unemployed or who have highly transferable skills – such as waiters, hairdressers, or builders – may be questioned more thoroughly about their plans, to ensure that they are not entering the country in order to work. Where these young people have clear and ongoing travel plans, however, for example backpacking around the world, they tend not attract the attention of the IO, as long as they have sufficient funds for their travels.

According to some officers who took part in the study, nationality as a factor is built into the immigration system in a number of ways. For example, some nationals are required to have visas and will have undergone an entry clearance procedure before coming to the UK. Ministerial Authorisations permit IOs to question certain nationals more closely and IOs get regular intelligence briefings on countries identified with particular trends in immigration offences and breaches, such as: settling or marrying without a visa; overstaying; working illegally; forgery, tampering with documents and impersonation; facilitation of prostitutes and minors; seeking treatment illegally on the National Health Service; and abusing various 'transit without visa' agreements. Not only this, information from intelligence reports or briefings is often supplemented or confirmed by IOs' own experience of dealing with different nationals at the desk. Chapter 6 explores the role of intelligence and personal experience in more detail.

Some IOs and CIOs, however, argue that economic conditions in particular countries, rather than nationality *per se*, are the crucial factor. Unemployment and low wages in poor countries put pressure on people to emigrate in order to *"improve their lot"*. Because of this, some IOs question how passengers from certain poor countries can afford to come to the UK simply on holiday.

Officers become more sceptical if passengers from poor countries have no clear travel plans: *"you've already spent two and a half months' salary … to go on holiday for no purpose. She couldn't state a single reason why she was here."* The concern, of course, is that passengers from poor countries may be coming to settle and work in the UK. Passengers from affluent countries, on the other hand, are seen as less likely to do so.

IOs recognised that not all nationals from poor countries are necessarily poor themselves but, in order to assess economic credibility, officers claimed they sometimes need to ask additional questions about the financial circumstances of passengers from poor countries – checking their occupation, income and savings, whether they own their own house – and the circumstances of any sponsor in the UK. Some officers argued strongly that these individual circumstances, rather than a country's economy, are the more important factors. For example, professionals and genuine business travellers from poor countries are seen as less likely to cause problems than poor people from affluent countries.

While nationality, and more importantly economic circumstances, were considered extremely important triggers for further questioning, IOs and CIOs interviewed for the study stated that ethnicity was *not* a factor they could, or indeed should, be taking into account. Despite the fact that ethnicity was not recognised as a conscious trigger, the question of whether or not ethnicity lies at the heart of any differential treatment of passengers is revisited in Chapters 7 and 8.

The origin of the flight

In addition to details about the intentions, circumstances and behaviour of the passenger at the desk, the flight on which he or she has arrived may also be of interest to an IO, for a number of reasons. Certain flights can be high profile because they come from a country identified by intelligence as having a high level of immigration abuse – be it forgery, impersonation or illegal working – and there may be many nationals from that country on the flight. Flights may also be considered 'tricky' because they carry passengers from a number of different high risk countries.

Officers also know from their own experience that certain flights tend to generate a lot of cases for further questioning. Additional staff may be called to the desks when these flights come in because of the pressure on control. Some CIOs commented that staff get used to which flights routinely create a lot of extra work, but that things can change very suddenly, for example when a new visa regime is introduced. Although staff at the desk may need to be particularly vigilant with passengers from particular flights, the expansion of air travel, the increasing use of hub flights from European cities, and constantly changing routes used by those engaged in forgery and deception mean that cases can be generated from any flight.

5 Assessing credibility

Introduction

Having explored a range of factors that may trigger an IO's curiosity or suspicion, this chapter explores the way in which IOs weigh up their relative importance when deciding whether to hold a passenger for further questioning and, ultimately, to grant or refuse entry to the UK. Sometimes decisions are very straightforward. In other cases, however, the decision making process is far more complex, involving a judgment about the overall credibility of passengers – whether their stated intentions 'make sense' in the light of their individual circumstances. While certain factors are sufficient in themselves to lead to further enquiries, and sometimes to a refusal, judging credibility usually involves taking account of a number of different factors. According to CIOs and more experienced IOs, assessing credibility is one of the most challenging aspects of the IO role, and one that takes time to learn.

For some officers, no single factor dominates, and credibility is entirely situational – different combinations of factors may be judged more or less credible. For other IOs, however, credibility revolves around one or two key factors, such as 'economics', 'returnability', or deception. In some cases, an officer may decide to give the benefit of the doubt, in others, officers may have reservations about a decision. Taking cases described by officers who took part in the study, this chapter examines IOs' decision making in more detail.

In each of the cases outlined below, a series of factors all weighed against the passenger. In other cases, however, judging credibility involves balancing a number of positive and negative factors.

Weighing the evidence

Situational credibility: balancing 'pros' and 'cons'

Sometimes a cluster of factors all weigh against the passenger. For example, passengers may come from a poor country, be first time travellers, have spent several months' wages on the trip, brought limited funds with them, not know anyone in the UK who could support them, and have no clear plans about what they are going to visit. Taken together, these factors cast doubt on the credibility of the passenger as a genuine visitor.

Alternatively, passengers may come from a wealthy country but have given up their jobs to visit a boyfriend or girlfriend in the UK, intending to stay for six months but bringing insufficient funds to support themselves. Taken together, these factors raise concerns that a passenger may try to settle and possibly also search for work, leading the IO to ask further questions.

In some of the cases described by officers, one or two factors may have aroused initial concern and led to further questioning, but – in the end – credibility was judged on the basis of several different aspects. Several cases were described by IOs in which something about the passenger's demeanour or combination of circumstances did not *"ring true"*, leading the officer to make further enquiries, the results of which, rather than the initial trigger, formed the basis of a subsequent refusal. Mismatches might include, for example, stated occupation and stated educational level, an unlikely sponsor, or clothes and luggage that do not fit with the person's claimed income. In one such case, a woman was held for further investigation during which it was discovered that a letter of employment was in fact a forgery. In the end, she was refused entry on the grounds of dishonesty and economic credibility, rather than simply because she did not look the part. In another case, a Brazilian man and woman, who had arrived together on a 'high risk' flight, were interviewed separately and gave quite different accounts of their circumstances. The IO said that

he would not have paid as much attention to couples from other South American countries that were not associated with particular breaches.

Sometimes officers may decide to take a careful look at a passenger because of intelligence reports about particular breaches, to find that the pattern is confirmed in the particular case.

Core credibility

According to some officers, however, credibility is not necessarily a question of balancing a number of different elements of a case, but can often be judged on the basis of just one or two core factors. Not only that, but these core factors shape an officer's line of questioning and decisions. Three core credibility issues were mentioned repeatedly by the officers interviewed at both terminals: the passenger's economic circumstances; the chances of the passenger wanting to return home or to remain in the UK (returnability); and the passenger's honesty.

Economics

For some IOs and CIOs, credibility is essentially a matter of economics. At one level this may be a question of whether or not passengers have sufficient funds to support themselves in the UK without working or recourse to public funds. At a more fundamental level, however, it may also involve a judgement about the likelihood of a passenger – in particular economic circumstances, or from a poor country – coming to the UK on holiday. At the back of these officers' minds is the question of whether or not passengers are coming to the UK for economic gain that is contrary to their stated intentions of entry.

A number of cases described by IOs were essentially ones in which the economic credibility of a passenger was in doubt. In one example a Brazilian passenger had not brought enough money to pay for accommodation or cover any outings, nor did he claim to have a sponsor in the UK who would support him. In addition to this, the IO had doubts about why the passenger would spend so much money coming to the UK, disbelieving the passenger's claim that, as a school bus driver, he earned $600 per week. The officer did not think a two-week holiday was credible given the passenger's limited funds and the economic conditions of his country.

Economic credibility is such a strong factor for some IOs that confirmation of financial support from a sponsor is not enough to shift the balance in a passenger's favour if other economic indicators are negative. On the other hand, other IOs argue that a strong sponsor can tip the balance where other evidence is less clear, and that insufficient funds alone do not constitute grounds for a refusal.

'Returnability' – the pull factor

For some IOs, it is passengers' home circumstances that are of paramount importance – the pull of work, family ties, a home – when assessing credibility. If these ties are weak, the credibility of a passenger as a genuine visitor is undermined.

Dishonesty

For some IOs, dishonesty is the most serious threat to a passenger's credibility. If passengers have lied about one aspect of their story they have forfeited the officer's trust. For some, dishonesty constitutes automatic grounds for refusal.

Passengers' lies may come to light in a number of different ways. Sometimes, they simply *"tie themselves up in knots"* when they are being asked questions from many different angles, and eventually admit that they have not told the truth. Alternatively, immigration records may reveal discrepancies, for example in relation to travel history or personal circumstances. Dishonesty may also come to light when passengers and their sponsors tell a very different story. It

is sometimes revealed by questioning arising from lack of consistency or credibility in the passenger's initial statements.

Sometimes passengers may lie, not because they intend to breach immigration rules by working or overstaying, but because they fear they will not be granted leave to enter if they tell the truth. This situation was described by a number of IOs, particularly in relation to internet relationships where passengers were anxious they would not be allowed into the country if they admitted they had never met their sponsor in person. This can lead to passengers being refused, even though they would have been landed had they told the truth.

While stressing that dishonesty was a very important negative factor, some senior officers did not see it as an inevitable basis for refusal and stressed the need to distinguish between the protection of privacy and deliberate deception.

A balance of probabilities: giving the benefit of the doubt

While some credibility decisions were described as fairly straightforward, others were seen as very difficult as they are modelled on civil rather than criminal law.

> *"We're making decisions based on … a balance of probability … you can have a certain amount of doubt, quite a large amount of doubt, but they can still meet the test and be a landable passenger."*

In some cases, officers described giving the benefit of the doubt because the factors in favour of and against a landing were evenly balanced – *"if someone is 50% credible then they are a landing".* A number of 50/50 cases were described by IOs in the study. For example, an officer at Heathrow had recently interviewed a man who had been in the UK for two years on a working holiday visa and was seeking entry for a further six months as a visitor. According to the passenger, he wanted to come back to the UK to sort out his bank account and sell a van. The IO was curious to know why the man was returning within such a short time and why he had not dealt with his affairs before he left. During further questioning the IO became satisfied that the passenger had sufficient savings which, with proceeds from the sale of the van, would enable him to live without working or relying on public funds. Also in the passenger's favour were the fact that he had recently transited the UK on a trip to Asia without trying to stay illegally, and that he had an apprenticeship arranged for when he returned to South Africa. The IO decided to give him a Code 3 landing. In practice, Code 3 landings are sometimes seen as a way of dealing with 50/50 cases.

When aspects of a passenger's situation cause concern, the IO is looking for *"good quality answers"* that lend credibility to the passenger's account. Some IOs admitted that they might give the benefit of the doubt to passengers who appear open, frank and give full answers rather than being evasive, and who are co-operative if there are any problems or anomalies. In contrast, passengers who are evasive or unco-operative are unlikely to be given the benefit of the doubt.

Passengers may be given the benefit of the doubt when there are exceptional circumstances or on compassionate grounds. In some cases, passengers are refused the entry status they seek but are given temporary admission because of exceptional circumstances.

Benefit of the doubt may also be given to visa nationals. In some cases IOs claim this is because an ECO has already interviewed the passenger and *"done all the hard work"*, so that, unless there is a glaring problem, a visa national will be landed. Some IOs described their frustration at having to give the benefit of the doubt in cases where they believed visas had been poorly issued. From their dealings with visa cases in the UK, and from their own or colleagues' experiences of working in an entry clearance capacity abroad, officers fear that the entry clearance system is not able to cope with the increasing demand for visas. They worry that entry clearance officers do not have

sufficient time to spend with an applicant and sometimes visas are issued without an interview at all.

Officers were also concerned that visas could be obtained through deception, for example forged or false documents may be used to support an application. Sometimes it transpires that applicants or their sponsors are fearful of using genuine documentation in case such documents as their passport or bank account details are misused.

If IOs have doubts about the 'genuineness' of a visa issue, they may probe further into the passenger's current circumstances, intentions whilst visiting the UK, and account of the original visa application. Officers can then cross-check these details against embassy records to establish, for example, that the passenger did indeed make an application, the length of the interview – with a longer interview suggesting the entry clearance officer had more concerns – and whether the circumstances and conditions of the issue are consistent with what the passenger has told the IO in the UK. In some cases, IOs admitted giving the benefit of the doubt because visa nationals have the right of appeal against a refusal, which if taken up would create a lot of work for the IO.

Widely differing views were expressed by IOs on the question of whether passengers are given the benefit of the doubt solely on the basis of their individual circumstances, or whether their nationality and background are also taken into account. Some IOs argued very strongly that passengers are given the benefit of the doubt by virtue of specific features of their situation, regardless of background or nationality, and that IOs *"take each case on its individual merits".* In contrast, other IOs identified certain categories of passenger that were more likely to be given the benefit of the doubt, for example:

- passengers from rich rather than poor countries, because there were fewer pressures to emigrate;
- passengers from 'low risk' rather than 'high risk' countries in terms of intelligence reports about recent trends in immigration breaches and refusals.

However, any variation in giving the benefit of the doubt raises questions as to whether or not the balance of probability – *"if someone is 50% credible they are a landing"* – remains the same for high risk nationals, or whether a higher standard of proof is required. This issue is discussed in more depth in the following chapter.

The CIO as a safety net

Because passengers cannot be refused entry without their authorisation, CIOs play an important safety net role. For newer IOs, CIOs also provide an invaluable resource when judging credibility because they offer guidance about lines of questioning, feedback on the IO's skills, and reassurance in cases where a passenger is refused entry. The fact that the CIO has not usually met the passenger is seen by some IOs as an advantage, since this gives a different perspective.

In some instances, however, IOs reported frustrations with the system. For example, they claimed that CIOs varied in their expectations and treatment of IOs so that some were happy to give guidance whereas others expected IOs to be more independent. Interviews with CIOs confirmed that while some of them expected IOs to have their own view about whether or not a passenger should be landed or refused, others preferred the IO to present the pros and cons so that the two officers could discuss the case and reach a joint decision.

Sometimes there are differences of opinion between an IO and a CIO about whether to hold a passenger for further questioning, or to make a refusal. However, CIOs and IOs maintained that they could usually reach an agreement, or possibly agree a compromise, either by giving a qualified landing, or by instigating a further round of questioning to see if this would tip the balance one way or the other. IOs, particularly those who were relatively new to the post, claimed they were usually happy to defer to CIOs because of their greater experience. Some IOs, however, recounted

cases where they had disagreed with the CIO and had serious reservations about a decision or, alternatively, where they had brought a CIO around to their way of thinking.

Previous research, which preceded the RRAA, investigated the decision making of IOs to detain asylum seekers on arrival in the UK and demonstrated that some IOs "shopped around for like-minded senior officers if they wished to tilt decisions in one direction or another" (Weber and Landman, 2002). This was not found in the current study. This may be because the study did not actively seek to investigate if this was the case or possibly as a result of different procedures for dealing with asylum seekers and other passengers arriving at UK ports.[8]

Confidence in decisions

Because judging credibility is not *"a precise science",* some IOs admitted that they could not always be confident that the right decision had been made, and officers appeared more concerned about landings than refusals. Operational pressures and staff shortages were cited by IOs and CIOs as a major problem that could lead to some passengers being landed who should perhaps have been refusals, because staff did not have time to make the necessary enquiries. Particular concerns about landings included: missing forgeries as these are getting increasingly difficult to detect; having to accept at face value occupations entered on the landing card[9]; and giving the benefit of the doubt to visa nationals because of difficulties in overturning a visa. Officers also had reservations about the quality of landings since these decisions are usually made without the safety net of a second opinion, and IOs said they rarely got feedback on their decisions and so could not be sure that they *"got it right".*

CIOs and IOs were generally more confident about refusals, though some IOs distinguished between *"watertight"* and *"weak"* cases. A watertight refusal might be based on clear evidence of deception or previous breaches in the past, such as overstaying or working illegally. Weak refusals, on the other hand could occur *"when you can't give the benefit of the doubt"* and land the passenger, but the case against is based on a judgement that the passenger might commit a breach in the future.

Clearly officers sometimes have to make decisions in difficult circumstances. This wider operational context is discussed in more detail in the following chapter.

[8] Border Control has indicated to the research team that the CIO to whom IOs refer, to authorise a passenger refusal, depends upon the duty rota. At some smaller ports, only one CIO might be available.

[9] The quantitative feasibility study also highlighted the sometimes sketchy nature of information about a passenger's occupation entered on the landing card, and pointed to ensuing problems in classifying socio-economic status on the basis of stated occupation.

6 Making decisions in a wider context: resources and constraints

Introduction

Immigration Officers ask questions and make decisions against a backcloth of information from other sources and within a wider operational context. This chapter considers some of the resources on which IOs can draw, such as the training they are given, the intelligence they receive about trends in immigration breaches, their own and colleagues' professional experience, and their personal knowledge and assumptions. Finally consideration is given to the operational context in which IOs carry out their role, considering issues such as staffing levels, targets, and the loss of experienced personnel from ports.

Resources

Training

As part of their initial training, IOs learn about immigration law and rules, visa regimes, forgeries, and particular lines of questioning. IOs reported different experiences in terms of whether or not they received any training on how to deal with people from different countries and cultures, but stated that ongoing presentations are given by staff from the race equality team.

While IOs admitted that they could not have coped without this initial training, some complained it was too classroom-based and unrealistic to really help them when faced with 'real' passengers at the desk. The mentoring period at ports, however, was recognised as invaluable. During this period, more experienced officers were able to suggest additional lines of questioning, point out other factors that needed to be taken into account, act as a sounding board on whether a passenger should be landed or held for further questioning, and give advice on judging credibility in a case. However, it was only with time and experience that IOs felt they really learned how to do their job.

Intelligence and 'other' information

IOs receive a lot of ongoing intelligence about trends in immigration breaches and refusals to help them in their assessment of passengers. Widely differing views were expressed by IOs, however, on the extent to which they make use of such information. In part, this has to do with whether or not IOs are aware of particular reports or trends. A recurrent complaint throughout the interviews was that there is just too much information, and keeping up with changes to immigration instructions and procedures alone is extremely time consuming. Emails were mentioned as a particular problem; while some IOs are well organised, and have created special folders in which they save information about instructions or intelligence, others pay less attention.

Even when they wished to, IOs argued they could not always read their emails before starting work at the control desk because all the computers were in use. As a result, shift briefings were seen as very helpful, though IOs sometimes missed a briefing when the hall was very busy, or a shift was short-staffed, and they had to go straight to control. However, the duty CIO will sometimes personally brief IOs if there is something urgent to report.

The extent to which IOs make use of intelligence also depends on its perceived relevance. So, for example, IOs reported finding information from their own port intelligence unit more useful – particularly trends in forgeries or routes used by facilitators and asylum seekers – than the information contained in National Risk Assessments (NRAs). The latter were felt to be too broad,

containing information about all kinds of breaches, not necessarily situations an IO would encounter at port.

IOs also appear to vary in the way intelligence influences their handling of passengers at the desk. Some claim to pay very little attention at all, arguing that *"it's not a nationality…it's the person in front of you that triggers a response"*, and say they base their questioning and decisions solely on the individual concerned. Others claim to be aware of intelligence about particular nationalities, but stress the importance of differences within those countries. They claim they ask the same questions for high risk as for low risk nationals, depending on the individual's circumstances and plans, and do not hold passengers for further questioning, or refuse entry, simply on the basis of intelligence.

A rather different position was adopted by other IOs, who argued that they would not be doing their job properly if they did not take careful note of intelligence. Although these officers still judged credibility on the merits of the individual case, they tended to be especially vigilant, asking more questions, *"digging deeper"* in order to make that assessment. In some cases, IOs added that the nature of the intelligence might shape their line of questioning. So, for example, passengers from countries where there is economic pressure to emigrate might well be asked more questions than passengers from wealthy countries.

For these officers, intelligence and other information provided useful pointers – factors to look out for and take into account when assessing credibility. However, even where questioning was described as *"intelligence driven"*, officers stressed that passengers are not prejudged and intelligence does not determine their decisions. Asking additional questions does not, of itself, mean IOs *"weigh things differently"* – the passenger may still be given the benefit of the doubt in 50/50 cases. Nevertheless, some IOs admitted that intelligence could be a factor when a case was already stacked against the passenger.

However, there were some IOs who interpreted intelligence reports to mean that certain nationals were likely to be less credible. In these cases, IOs 'read' the fact that, statistically, certain countries have particularly high levels of immigration breaches to imply that individual passengers from those countries are more likely to commit an immigration breach, and less likely to be 'genuine', than passengers from 'low risk' countries. This perception can lead IOs to be less willing to give the benefit of the doubt and to require higher levels of certainty.

IOs also vary in the way they appraise changes in risk assessments for particular countries. Some officers claimed this intelligence simply confirmed trends they had already picked up at the desk, such as a drop in cases among former 'high risk' nationals after they became subject to a visa regime and underwent pre-entry clearance before arriving in the UK. On the other hand, some IOs said they paid little attention when certain countries dropped down the risk list because they had learned from experience that these were usually only small fluctuations, short term *"blips"*, rather than long term trends. As far as these IOs were concerned, the countries remained very poor and, consequently, economic pressure for nationals to emigrate remained high.

Professional experience

Other resources available to IOs are their own experience, as they gain in confidence and become used to dealing with passengers at control, and the experience of colleagues with whom they can discuss cases.

Developing skills and confidence

When they are new to the job, IOs sometimes take what a passenger tells them at face value – *"that's something some of the new IOs find hard, they can't quite get a handle on the fact people stand and lie to you"*. CIOs commented that inexperienced IOs can be swayed by appearances,

relying too heavily on one or two factors, being overly impressed by things like a gold credit card, or responding too favourably to an articulate or persuasive passenger, claiming that he or she *"came over well".* Both CIOs and IOs maintained that inexperienced officers can be reluctant to refuse a passenger.

Over time, however, officers felt that IOs learn to check a story from different angles, to spot discrepancies, and – if they have to make a refusal – to separate themselves from the repercussions of a decision on the passenger. Whether or not someone qualifies under the immigration rules becomes something an IO knows without having to look it up. IOs also commented that they gradually pick up information that is particularly useful to the types of case that they regularly handle – for example about the cost of tickets and of different routings – that enables them to check aspects of a passenger's story[10]. Questioning techniques were also felt to improve as IOs learn to adjust and target their questions to the passenger in front of them, so that they no longer, for example, ask a well-travelled American business man how much money he has brought with him, or for details of his bank balance. Experienced IOs were also thought to become more adept at judging credibility and weighing a number of different factors, recognising particular scenarios, and being able to decide more quickly whether or not to hold a passenger for further questioning. Over a period of time, some officers claimed that they could begin to detect patterns of immigration breaches for themselves. A CIO described one such trend, involving passengers adopting the identity of a relative who was already in the UK. On the other hand, some officers warned that prior experience could prevent them from seeing a case with fresh eyes.

Trusting instinct

A recurrent theme in the interviews with IOs was the importance of 'instinct' or intuition. The process of acquiring this instinct was described as *"an amalgamation of people watching, of experience, of your knowledge, of keeping up to date with what you're supposed to keep up to date with, of cases you've had, of listening to other people"*. IOs described how, with experience, they become good judges of character and develop a 'sixth sense' about who is genuine and who is posing as something they are not.

Other IOs, however, maintained that intuition could be an extremely important trigger but not solid enough ground on which to base a decision. CIOs agreed that an IO's instinct could be very important – because officers may have to make a swift decision – but argued that it must always be backed up by careful questioning and evidence. For example, an instinct that *"something is wrong"* can lead an IO to make further enquiries, which may then demonstrate that the IO's concerns are unfounded; on the other hand, an instinct that a passenger is genuine can also prove to be wrong.

Some IOs, however, were extremely sceptical about the existence, let alone the value, of instinct – *"no, I won't operate on instinct, I think everyone is given a full chance to explain themselves".*

Learning from colleagues

Not only do IOs learn from their own experience, they also draw on the knowledge and experience of colleagues. For example, IOs may overhear a colleague at the desk and discover new lines of enquiry or ways of handling a situation. Colleagues are also an invaluable source of information about new procedures or trends in immigration breaches, and whether or not a port initiative is still in operation. Because some officers have special responsibilities, IOs can consult them about – for example – dealing with forged documents, minors, and asylum seekers. IOs also learn from each other about ticketing and air fares, about cultures, currencies and living standards, and about entry clearance procedures around the world. Particularly valuable is the chance to discover how colleagues deal with credibility cases, and the weight they give to different factors. Despite operational pressures, *"quite a lot of talking shop goes on"*.

[10] Information from Border Control is that IOs also learn about these areas through local intelligence, by searching the internet and speaking to appropriate individuals or companies, e.g. airline carriers.

Distilled knowledge and generalised assumptions

When assessing a passenger at the desk some IOs described relying on assumptions about what is 'typical' or 'normal' in a range of circumstances or cultures. For example, IOs learn about a range of scenarios from role plays enacted during credibility training. Intelligence reports about trends in immigration breaches present recurrent patterns of behaviour among nationals of particular countries, which may be reinforced by officers' experience of handling passengers at control. To this professionally based knowledge are added the lessons IOs have learned from life experience – perhaps from working in another field before joining the IS, from their own travels or the travel experiences of friends and colleagues, or from their own personal relationships – as well as what they glean from newspapers and television. For some, this body of information and experience may become distilled into a set of generalised assumptions and beliefs, and used as a reference point when making decisions.

National and cultural differences

Some IOs are aware of and make allowance for cultural differences when dealing with passengers at the desk. For example, some officers commented that family terms, such as brother, sister, cousin may have a different meaning in African and Caribbean countries, and may sometimes refer to non-kin such as friends or fellow members of a church. In some cultures, men have more than one wife, and/or women have children by several different fathers. Some passengers were very reticent at the desk, but this should not be taken to imply that they were being unco-operative. Similarly, a perception that passengers who *"sweat a lot"* was taken by some IOs to be a physiological tendency rather than nervousness, and so should not be read as a sign that these passengers may be *"up to no good"*.

In some instances, generalisations were expressed about particular nationalities being *"devious"*, *"difficult",* appearing to resent answering questions at the desk, *"muddled"* and *"naïve"*, *"friendly"*, *"pushy"* or *"arrogant"*.

Officers also warned of the dangers of relying too much on preconceived assumptions and the importance of taking each case on its own merits. So although distilled knowledge and generalised assumptions might be useful in alerting IOs to unusual scenarios, and helping them target their questions in a pressured environment, officers argued that they should not rely too much on notions about what is typical or normal at the expense of careful examination of the facts.

While some IOs note that they make allowances for cultural differences, it is not possible to say whether a particular generalisation leads IOs to deal more or less positively or leniently with certain nationalities. All that can be said is that this is part of the context in which some IOs make decisions, and can sometimes mean that they make allowances for behaviour, but at other times may contribute to an IO's concerns about credibility. It is also worth pointing out that the generalisations were expressed in terms of nationality, not race.

Constraints: the operational context

When IOs assess a passenger at the desk, they do so within a particular working environment. In particular, the number of questions officers ask at the desk, and their decision about whether or not to hold passengers for further enquiries, can be affected by wider operational factors such as staffing levels, the length of time they have been on control, the behaviour of their colleagues, and targets about processing times and refusal rates.

Staffing levels and workload

At certain times of day, when a lot of flights come in at the same time, control can become extremely busy. If this coincides with staff shortages, IOs can feel under intense pressure to deal

with passengers more quickly than they would like, and sometimes to let passengers through without making further enquiries.

Some IOs can be reluctant to hold a passenger for further enquiries because this takes them away from control and puts extra pressure on their colleagues at the desk. Other IOs, however, deal with the pressure by sitting passengers down and asking them to wait until the queue is cleared, claiming this is far more effective than keeping a passenger at the desk and creating even longer delays. In any event, these IOs consider managing the queue to be a CIO's responsibility and refuse to let a queue affect their judgement.

In some instances, IOs reported that CIOs manage the queue by instructing them to land a passenger because they cannot be spared from the desk. Some IOs described rare occasions when, due to staff shortages, they had been instructed by CIOs not to hold up any passengers at all.

CIOs themselves stressed that, if there are serious concerns about a passenger, further enquiries are made regardless of the queue, but admitted that they might sometimes encourage an IO to make a *"pragmatic landing"* if a case is borderline. Nevertheless, some CIOs conceded that, occasionally, when the arrivals hall is "*really hideously busy",* there is a shortage of staff and a large number of passengers meriting further examination, it is necessary to prioritise cases and *"land the ones that are not as bad as the other ones*".

Some IOs reported that long stints at control could also affect the way they dealt with passengers. They were more likely to miss a case because they were no longer very alert.

Support from colleagues

The extent to which IOs support each other and act as a team was also described as affecting the level of pressure experienced by officers at the control desk. According to some officers, colleagues sometimes act so as to minimise their own workload or spend more time on aspects of the job they most enjoyed.

Targets and business plans

As part of the current business plan, targets have been set for detection and refusal rates, and for the speed with which passengers should be processed. For example, officers reported that they are meant to identify seventy forgeries per million passengers; 65 per cent of IS81s should result in a refusal; and 98 per cent of passengers should be cleared within a set time – at the non-EEA desk this means that passengers should not have to wait for more than 45 minutes.

Not all IOs are aware of specific targets; those who are aware perceive them as the responsibility of the CIO. CIOs, on the other hand, are critical of targets that specify refusal rates and claim they ignore them. At a more subtle level, however, targets for processing passengers within a set period of time can place IOs under pressure at the desk. Although they may not consciously be attempting to meet them, they are aware that clearing the hall is a priority.

The loss of experienced personnel

A number of senior officers at both terminals claimed there is a shortage of experience and expertise at the ports, which puts pressure on the system and has serious implications for the quality of decision making. This shortage has come about partly through IOs leaving after two or three years to work abroad as entry clearance officers, or join new units and projects, rather than staying and consolidating their experience, adding to the general pool of expertise.

At the same time, CIOs and longer-serving IOs reported that entry requirements to become an IO had been relaxed. The loss of experienced staff, together with the intake of less qualified recruits, was perceived to have resulted in a greater management load.

According to senior officers, newer, less experienced staff take longer to process passengers, and need more guidance and supervision when judging credibility. Some commented that standards of writing have *"gone down"* and that some of the new IOs take longer to prepare reports on their cases. In contrast, better educated IOs are thought to be quicker at grasping credibility issues and better able to *"hold their own"* at the desk.

Some CIOs also believe that experience at the ports has been diluted by the appointment of CIOs from outside the service, whereas in the past most CIOs would have ten years' experience as an IO on which to draw. Even though CIOs from outside the service now go through the IO training scheme and have a period of mentoring as an IO, followed by further training and mentoring as a CIO, they are not seen as repositories of specialist knowledge and experience when it comes to advising IOs or judging credibility.

7 The quantitative study

Feasibility of monitoring

The feasibility aspect of the study permits conclusions on two distinct issues.

- Can ethnicity of passengers be routinely monitored by the method employed in this study?
- Does this means of data collection permit a valid analysis of the factors that account for any apparent effect of ethnicity on stopping rates?

The latter is picked up in the following section.

Despite the methodological challenges, the routine recording of ethnicity by IOs does appear to be feasible. However, some improvement would be needed in the collection process since ethnicity was either missing or recorded as 'unknown' for 19 per cent of landing cards. This is likely to be due to a combination of genuine uncertainty about the ethnicity of the passenger and time pressures experienced by IOs. It is also the case that some IOs were uncomfortable with the process and may have omitted to collect the information for all, or a period, of the feasibility study. If ethnicity were to become a routine part of the process, it is reasonable to expect that the completeness and reliability of data would improve.

The research methodology used for this study relied heavily on the use of landing cards and, therefore, the perceptions of IOs on arriving passenger ethnicity. At the time of the research this was the most practical way to gather data. However, for this reason, the feasibility element of the study could consider only the use of landing cards for ethnic monitoring. Future border management programmes, such as e-Borders, might affect the scope for ethnic monitoring. As currently envisaged, e-Borders will involve the collection, processing and analysis of significant amounts of data, some of which will replace information currently provided through landing cards. Given the likely efficiencies to be gained through electronic (as distinct from paper-based) data collection and processing, it is possible that e-Borders might reduce the need for landing cards for certain passengers. Under these circumstances, other means would need to be found to undertake ethnic monitoring.

Analysis of rates of issuing an IS81

The qualitative evidence has shown how complex and complicated the decisions are that are taken by IOs, and shown that a range of different factors may account for the decision to stop a passenger for further questioning or to land or refuse the passenger. This section reviews the findings from the quantitative feasibility study and how they contribute to our understanding of the decision making process and whether this process is disproportionately unfavourable to passengers with certain characteristics.

As was noted earlier, although the data collection for the feasibility study took place in just two terminals and for just four weeks, the data collected *do* allow for provisional estimates to be derived for IS81 issuing rates by ethnic group. It cannot be assumed, however, that the figures presented here can be generalised to other terminals or other time periods. Because IS81 rates are very low (with overall only 0.2% of passengers being stopped) the figures are presented as rates per 10,000 passengers (e.g. a 0.2% stop rate is presented as 20 per 10,000).

Table 7.1 shows the estimated IS81 issuing rates by recorded ethnicity. The figures in brackets are the 95 per cent confidence interval (CI) around the estimated rates. They give some indication of the precision of each of the IS81 rates. For instance, the 95 per cent CI around the rate of 5 per 10,000 for White Northern passengers (4, 6) suggests that the true rate (for the two terminals and

the early summer period) is somewhere between 4 per 10,000 and 6 per 10,000. The confidence intervals are fairly wide for all but the White Northern group, which reflects the fact that the sample sizes are smaller, as shown in the final column of Table 7.1.

Table 7.1: IS81 rates by ethnicity (with 95% confidence interval)

Ethnic group	Number issued an IS81 (per 10,000 passengers)	95% CI	Sample size
White Northern	5	4, 6	2955
White Southern	38	28, 48	280
Black	86	69, 103	378
Asian	19	12, 27	276
Oriental	14	10, 19	510
Middle Eastern	14	6, 22	104
Mixed Race	16	0, 33	51
DK/Missing	45	39, 52	1045

The table shows that just 5 per 10,000 White Northern passengers were issued an IS81. In contrast, White Southern passengers were stopped at a rate of 38 per 10,000 and Black passengers were stopped at a rate of 86 per 10,000 (17 times the rate for White Northern passengers). For other ethnic groups (Asian, Oriental, Middle Eastern and Mixed Race) the IS81 rates were all around the 14 to 19 per 10,000 level, higher than the rates for the White Northern group but lower than the rates for White Southern and Black passengers.

Where ethnicity is recorded as 'Don't Know' (DK) or not recorded (Missing), again the rate of issuing an IS81 is elevated at 45 per 10,000. Given that this was a feasibility study, not too much importance should be attached to this 'finding': it might simply be the case that IOs disproportionately forgot to pay attention to, or record, the ethnicity of those whom they gave more attention to questioning (i.e. the questioning caused the 'missing' rather than vice versa).

Table 7.1 demonstrates that the probability of being issued an IS81 is significantly higher for Black passengers than for passengers from other ethnic groups, with White Southern being the next highest. Whether or not this is evidence of IOs actively 'raising the bar' for Black passengers is, however, far from clear. There are at least two alternative hypotheses that have to be ruled out before such a conclusion can be drawn. First, non-White[11] passengers come from a different pattern of countries to White Northern passengers and what appear to be differential stop rates by ethnicity may simply reflect differential stop rates by country of origin. Second, even within countries, Black passengers are generally more likely to be from poorer backgrounds than their White co-patriots. So if, within countries, it is demonstrated that Black passengers are more likely to be stopped, this may simply be a product of relative economic standing rather than ethnicity.

The data collected on the landing cards allow for only a partial test of these hypotheses. Certainly nationality is recorded and can be taken into account. In addition, some limited information was collected on socio-economic status, in particular the age, sex and occupation of passengers. Having said this, occupation is recorded only very broadly so, at best, this can only be considered a very rough proxy for relative economic status.

In an attempt to unpick these figures, the passenger data have been analysed further by nationality. Passengers from ethnically non-diverse countries (44% of all passengers in the study) provide no opportunity for meaningful further analysis because ethnic group is almost entirely confounded with nationality. Three ethnically diverse countries have sufficiently large sample sizes

[11] Non-White is used in this section to mean not White Northern.

to allow further analysis of whether differential stop rates within countries are a product of factors other then ethnicity: the USA, Canada and South Africa. Of these, the available sample size is smaller than desirable in the cases of Canada and South Africa.

Overall, the number of non-White passengers in each of these countries is small (Table 7.2 shows the breakdown of ethnicity codes of passengers for each country), so analysis is restricted to a comparison between White Northern and all non-White groups combined. This is not ideal since ethnic differences are more complex than this, but it is the best that can be done with the data. Figures for 'Don't Know' and 'Missing' are not included, for the reasons stated above, but there is a message here that better recording is necessary if definitive conclusions are to be sought.

Table 7.2: Ethnicity of passengers from ethnically diverse countries

Country of nationality	Ethnic Code (percentage of each nationality)							
	White Northern	White Southern	Black	Asian	Oriental	Middle Eastern	Mixed Race	DK/ Missing
Canada	61.2	3.5	2.9	7.1	6.0	1.9	0.5	16.9
South Africa	60.9	5.9	8.4	5.3	0.0	1.0	2.2	16.4
USA	70.1	4.3	2.4	2.3	1.9	1.1	1.0	16.9

The analysis was conducted separately for each nationality but the results are presented together in Table 7.3. The table shows two sets of results. The second column (labelled 'unadjusted') shows the simple estimated IS81 rates by ethnic group. The third column (labelled 'adjusted') shows the estimated difference in IS81 rates by ethnic group after adjusting for other factors in the dataset: age, sex, occupation, category of passenger (visitor or non-visitor), airline carrier and port. This is a logistic regression-based estimate which indicates the likely IS81 issuing rate for non-White groups if they had the same profile of characteristics (in terms of age, sex, etc.) as the White passenger group. If the difference in stop rates by ethnic group were simply a product of differences in the socio-economic profile of passengers in the groups, then the adjusted rates would be equal.

For the USA, Table 7.3 shows an estimated 2 per 10,000 stop rate (unadjusted) for White passengers, and a 5 per 10,000 stop rate for non-White passengers (a non-significant difference). After adjusting for socio-economic factors, the difference is reduced and remains non-significant. In the case of Canada, the unadjusted stopping rates show a greater ethnic difference (4 per 10,000 White passengers and 35 per 10,000 for non-White passengers). If anything, this difference becomes larger after adjustment. The picture is similar for South Africa but with ethnic differences that are, if anything, slightly larger than those for Canada.

Table 7.3: IS81 rates for passengers from ethnically diverse countries

Ethnic group	Number issued an IS81 per 10,000 passengers (unadjusted)		Number issued an IS81 per 10,000 passengers (adjusted)		Sample size
USA					
White	2	(1, 3)	2	(1, 3)	1979
Non-White	5	(1, 9)	3	(1, 9)	238
Canada					
White	4	(0, 8)	4	(0, 8)	248
Non-White	35	(14, 57)	54	(13, 217)	81
South Africa					
White	14	(7, 21)	14	(7, 21)	268
Non-White	148	(92, 204)	254	(72, 854)	112

In summary, in both Canada and South Africa, there are very marked differences between the IS81 issuing rates for White and non-White passengers. In contrast, there is no significant effect of ethnicity for passengers from the USA. The difference between the USA and South Africa may be accountable by reference to economic status, since the position of White and non-White citizens is generally more equitable in the USA. The position of Canada is more difficult to account for on this basis without better data on the actual and perceived economic position of Canadians of different ethnic groups. For the purposes of interpreting the current analysis, there would not need to be an actual difference in economic status between ethnic groups in Canada, only a difference between arriving passengers, as judged by IOs on the basis of the evidence presented.

The differences found for Canadian and South African passengers cannot be explained using the data on socio-economic characteristics that are available to us. However, these data are poor, especially in relation to occupation (and occupation is itself only an indirect indicator of economic status). Whether they could be explained with better data is an open question. Certainly the evidence from the qualitative research would suggest that the difference is attributable to factors other than ethnicity itself, including the nature of passengers' travel histories, the plausibility of the sponsor, and the passengers' financial and domestic circumstances. Unfortunately, the conclusion is that the means of data collection used is not a feasible way of analysing the causes of ethnic differences. It simply does not provide the necessary data on economic status. However, some further insight can be gained from looking at the relatively small amount of data collected on refusal of entry.

Outcome of IS81 cases (granted or refused entry)

In this section a final piece of quantitative evidence is added, namely the outcome of cases in which an IS81 was issued. For all of the IS81s in the dataset, the final outcome (that is, whether entry was granted or refused) was recorded. Table 7.4 gives the percentage granted entry by ethnic group (for all countries). Allowing for some variation in the figures, most likely due to small sample size, the percentages are very similar across all groups at about 40 per cent. Certainly the large differentials observed for IS81 issuing rates by ethnic group are not observed.

Table 7.4: Percentage of passengers issued an IS81 who were subsequently granted entry

Ethnic group	Granted entry (%)	Sample size
White Northern	44	64
White Southern	43	51
Black	47	116
Asian	32*	19
Oriental	40*	35
Middle Eastern	14*	7
Mixed	100*	4
DK/missing	37	185

*Combining these four groups, 38 per cent were granted entry.

This table does not appear to support the hypothesis that IOs stop a disproportionate number of non-White passengers on relatively tenuous grounds. If this hypothesis were correct a higher 'granted' rate for non-White IS81 passengers relative to White would be expected (whereas the figures are, in fact, no higher). Although there may be other interpretations put on these figures (one being that IOs are simply applying uniform quotas to IS81 cases), the figures do appear to suggest that the criteria for issuing IS81s are similar across all ethnic groups. This, perhaps, implies that the quantitative differences in IS81 issuing rates by ethnic group are driven by genuine differences in the likelihood of failing to meet entry criteria.

Again, it should be stressed that these findings are based on a *feasibility* study. The sample sizes are small, the data partial and the findings should not be interpreted as definitive.

The reasons for refusing a passenger are recorded by IOs on IS125 forms. A sample of these forms was reviewed as part of the research and a coding system developed to indicate the reasons passengers were refused entry. The results of this exercise showed the most frequently noted reasons for refusal were 'unclear intentions', 'economic circumstances of passenger' and 'evidence of intentions to work or stay', which corroborate the findings of the qualitative study. There were several problems with analysing IS125s. These include the quality of the data, which is sometimes poor; variability in the way IOs complete these forms (while some provide an in-depth record of all the reasons taken into account when stopping the passenger for further questioning and their ultimate refusal, others write a brief account of the main reason for refusal); and time constraints meant that only particular nationalities (those having the most refusals at each port) were reviewed and coded. Lastly, a number of files were missing from ports and could not be included in the analysis.

8 Conclusions

IOs' decisions derive from a complex interplay of factors, including: intelligence reports; individual passengers' circumstances and travel history; their responses to IOs' questions; and the IOs' judgments about what is a credible travel scenario. Within this process, an important factor is economic credibility, which depends on both the situation in the passenger's home country and the circumstances of the individual passenger.

In contrast, IOs did not consider ethnicity relevant. However, economic reports[12] show a relationship between ethnicity and economics, and this relationship was also mentioned by some IOs, particularly the more experienced or senior officers. This relationship arises because of economic differences between countries and (within many countries) between ethnic groups: the distribution of wealth means that non-White ethnic groups are often amongst the poorest people and consequently more likely to fall into the group of passengers likely to attract greater scrutiny from IOs. This could result in disproportionate stopping of non-White passengers in the absence of a specifically ethnic bias. Furthermore, non-White passengers are also more likely to be from countries identified as greater risks for immigration breaches and security.

The quantitative study showed a higher stopping rate for some non-White ethnic groups. A proportion of this variation (but not all) was explained by controlling for nationality and socio-economic factors. However, the study used only a crude marker of economic status and so, while economic credibility (or other factors identified by IOs as influencing their decisions) may account for some or all of the remaining effect, this could not be fully explored. Some further insight was gained from the relatively small amount of data collected on refusal of entry. The percentages are similar across all ethnic groups, at about 40 per cent. In the light of this analysis, the hypothesis that IOs stop a disproportionate number of non-White passengers on relatively tenuous grounds appears not to be supported.

Hence, although monitoring could be useful in *quantifying* the differences in IS81 rates by ethnic group, the data do not effectively allow for plausible *explanations* for those differences to be tested. So, although collecting data on ethnicity would allow for, say, trends in stop rates to be monitored over time, it is very clear that the data should be seen as a monitoring tool rather than an evaluation tool. Further exploration, including the use of structured observations of IO decision making would be required to establish fully the reasons for disproportional rates.

[12] For example: studies by Pendakur and Pendakur (1998) and Lee (2000) on earnings differentials between ethnic groups and poverty in Canada; Selected Characteristics of People at Specified Levels of Poverty from the 2004 American Community Survey http://factfinder.census.gov/servlet/STTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2004_EST_G00_S1703&-ds_name=ACS_2004_EST_G00_ and the United Nations list of the world's least developed countries http://www.un.org/special-rep/ohrlls/ohrlls/allcountries.pdf.

9 Application in Border Control

In relation to Border Control operations, some IOs and CIOs expressed concerns about procedures, staffing, recruitment, training and managing information, in addition to wider aspects of entry clearance. This has provided feedback to Border Control, where managers are reviewing operations and have indicated that, where appropriate, they will make changes. The IO's work is not simply ticking boxes on a checklist: it involves collecting information, evaluating that information, following up lines of evidence and drawing conclusions – generally under time pressure. It is understood, indeed required, that IOs will exercise personal judgement. It is therefore unsurprising that variations were found in the detail of how IOs go about examination of arriving passengers, principally in relation to:

- how far preliminary enquiries proceed prior to the issue of an IS81;
- procedures for recording the issue of IS81s and the reasons for issue;
- assumptions or generalisations about what is 'typical' or 'normal' in a range of circumstances or cultures;
- the application of information and intelligence to individual cases – this ranged from maximum emphasis on the individual case, through information as context (providing clues about what to look for), to a starting point that nationals from high risk countries are intrinsically less credible;
- the weight given to particular factors, such as travel history, dishonesty, the importance of a sponsor and economic credibility; and
- the degree of independence that CIOs expect of IOs.

Border Control is reviewing whether these variations are within accepted bounds of personal responsibility (and the different approaches would generally converge on the same decision) or whether further guidance is needed.

Glossary

CI	Confidence Interval
CIO	Chief Immigration Officer
EEA	European Economic Area
IND	Immigration and Nationality Directorate
IRM	Independent Race Monitor
IRSS	Immigration Research and Statistics Service
IO	Immigration Officer
HMRC	Her Majesty's Revenue and Customs
MA	Ministerial Authorisation
NatCen	National Centre for Social Research
NRA	National Risk Assessment
RRAA	Race Relations (Amendment) Act 2000
SOC	Standard Occupational Classification
UKIS	UK Immigration Service

Appendix A Further details of method for the quantitative feasibility study

Choice of approach

Several approaches were considered for the project, such as unobtrusive observation of IOs' behaviour, and videotaping incoming passengers for later categorisation of ethnicity and calculation of stop rates. However, for legal and ethical reasons, and given airport policies, these approaches were not pursued. Rather, an approach was developed involving the use of landing cards to capture ethnicity data, and IS81 forms to indicate stop rates. A pilot exercise showed that this approach was sufficiently promising to use in the main study.

IOs were asked to record an ethnicity code in the blank space in the lower part of the front of the card.

Ethnicity coding

The ethnicity codes used were a modified version of the visual classification system used by the Police. The modifications, following the pilot exercise, were to make the task easier for IOs.

The choice of a simple system necessarily follows from the research logistics and from the fact that there is no single, reliable data source or even an agreed international coding scheme for ethnicity and nationality. In the UK the most common form of ethnic monitoring requires individuals to self-report using the categories employed by the Census. These categories combine nationality, national origin and colour but, even so, they do not reflect the more complex legal concept, established by the House of Lords (*Mandla and another v Dowell Lee and another, 1983 and Stavo-Debauge, 2004)*, i.e. that an ethnic group has two essential characteristics: a long shared history, which the group is conscious of as distinguishing it from other groups; and a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. This may also include a common geographical location, origin based on a small number of ancestors, language and literature. However, this specific definition is not commonly translated into practice in the collection of data on the basis of ethnicity.

For this study, the approach of self-report was rejected. Arriving passengers may not be able to provide this information themselves if the definition of ethnicity and predetermined ethnic groups are those used in the UK, as these may differ significantly from categorisations used elsewhere. Arriving passengers come from a wide range of countries and the alternative of providing a different form for each nationality would be highly resource intensive and difficult to implement. Passengers also may be unwilling to provide this information because they perceive it to be intrusive and treat it with suspicion, or may not comprehend the reasons for collecting ethnic data (particularly if they are not fluent in English) or may be even fearful of the process.

Field procedures

The fieldwork took place in 2005 at Heathrow Terminal 1 and Gatwick South, for a four-week period at each port (20 June-17 July at Heathrow and 29 May-25 June at Gatwick).

Home Office staff held a series of meetings with port and union officials to explain the purpose and mechanics of the study. These officials then informed IOs and CIOs of general plans for the study. Various briefing materials were prepared for the IOs and distributed via email by port and union officials.

The briefing explained the purpose of the research, why it was needed (both for RRAA monitoring and to inform staff training and development), who would be carrying it out, where and when. It

summarised what would be involved from the perspective of IOs (i.e. interviews with researchers and recording extra information on landing cards). The briefing also emphasised that Social Research Association Guidelines on research ethics would be strictly followed, including anonymising information, protecting the identities of research participants and keeping confidential any other sensitive information.

In order to inform passengers that the study was being conducted, a notice was posted in both ports during the period of the study. This notice stated that:

- there would be a research exercise on arriving passengers, the purpose of which was to monitor compliance with the Race Relations Act 1976;
- data recorded on passengers' landing cards may be used as part of this research effort;
- all data collected will remain confidential and anonymous;
- the landing cards will be destroyed when no longer required.

Although it was thought unlikely that passengers would question the research or what was being recorded on the landing card, the research team provided IOs with suggested responses to questions that passengers might ask. This amounted to simple explanations of the purpose of the work, who was doing it, how the passenger had been selected (i.e. all passengers during the period of research were included), what extra information was being recorded on the landing card and what purpose the information served in the research.

If passengers required any further information, IOs were asked to refer them to the CIO or other supervisor on duty. If concerned, passengers were to be reassured that any information provided would simply be statistically analysed in order to develop research evidence on the arrivals process and IOs' decisions. Their name would not be retained and their individual details would not be passed on to anyone outside the research team. If passengers nevertheless did not want the additional information recorded, the IO was instructed to take their details out (and indicate this as RX on the front of the landing card).

The final part of the briefing was instructions on how to record flight number and ethnicity codes on the landing cards.

At the briefings and meetings, the study plans met with some degree of scepticism. Concerns had to do with the purpose of the research, whether there was a 'hidden agenda' (i.e. trying to show that IOs are racist), the validity of the data (as the ethnicity codes are subjective), and timing, since the study was commencing during the early weeks of the busy summer period. The response to these concerns centred around the notion that this was a feasibility exercise being conducted to comply with the Race Relations Amendment Act.

Regarding the subjectivity of the ethnicity codes, it was acknowledged that there is no 'objective' or correct measure of ethnicity. Rather, what was needed was the IOs *perception* of the passenger's ethnicity, on the grounds that it is by perception that the IOs make their decisions. Staff seemed to generally accept these explanations but a few IOs opted out of the data collection exercise.

Data entry

Given the low prevalence of IS81s, and the sheer volume of non-IS81 cases, a sampling scheme was developed that would enable valid estimates to be made but not disrupt Home Office routine data collection or overburden ethnic monitoring data collection staff. Non-IS81 landing cards were sampled at a rate of 1 in 50 (1 in 25 for controlled cases). All IS81 cases were entered onto the database. This gave a final database with 5,829 non-IS81 cases and 569 IS81 cases. To derive estimates of IS81 issuing rates, the cards in the database were subsequently weighted by the inverse of the sampling fraction (so that the estimated number of non-IS81 cases is in fact 290,000).

Once the complete database was assembled, variables were examined for quality and completeness. For occupation, the landing card contains a single, very short field in which

passengers record their occupation. While this is a quite limited source of data to determine job category, it was the data that would prove most useful as a crude indicator of social class or economic circumstances. Hence the records were categorised as far as possible into one of the Office for National Statistics' *Standard Occupational Classification (SOC) 2000* codes, which are as follows.

1. Managers and senior officials (e.g. corporate managers and directors, chief executives, proprietors).
2. Professional occupations (e.g. engineers, doctors, teachers, lawyers, clergy).
3. Associate professional and technical occupations (e.g. technicians, nurses, therapists, social workers, artists, brokers).
4. Administrative and secretarial occupations (e.g. accounts clerks, legal secretaries).
5. Skilled trades occupations (welders, vehicle mechanics, electricians, painters, tailors, printers, chefs).
6. Personal service occupations (nursing assistants, childminders, travel agents, hairdressers, housekeepers).
7. Sales and customer service occupations (sales and retail agents, collector salespersons, call centre agents).
8. Process, plant and machine operatives (paper and wood machine operatives, assemblers, bus drivers).
9. Elementary occupations (e.g. farm workers, building labourers, postal workers, waiters, cleaners, security guards).

In many cases, passengers had described themselves in sufficient detail to be allocated a one-digit SOC code. In other cases the passenger's description was too vague, offering only the general industry but not the passengers' actual occupation (e.g. airline, medical, petroleum). For some descriptions (e.g. consultant), there was a judgement to be made since the passenger's actual occupation was not explicitly stated. For the most part, these types of cases were recorded as SOC Code 3 (Associate professional and technical occupations). After coding was completed there were still missing data for 13.2 per cent of the cases. For 9.7 per cent of cases, no description at all was recorded and 3.4 per cent of cases did have an entry but the job description was too vague to be coded. Table A.1 shows the level of item-missing data across all the sampled cards.

Table A.1: Item-missing data in Ethnic Monitoring Database

Variable	% Item-missing data
Date of birth	0.2
Sex	2.0
Nationality	0.2
Ethnicity	13.2
Category	1.0
Airline carrier	26.2
Port	0.0
Occupation	13.2

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