Independent Chief Inspector of the UK Border Agency

Preventing and detecting immigration and customs offences: A thematic inspection of how the UK Border Agency receives and uses intelligence

October – December 2010

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Foreword from John Vine CBE QPM

The UK Border Agency must use intelligence effectively if it is to make sure the law is upheld and its resources are deployed effectively and efficiently.

A significant amount of work has been done to try to understand the role of intelligence and the Agency recognises it is only part of the way through a programme of change. These changes provide a basis from which the Agency can develop.

However, there is a real need for the Agency to focus more rigorously on the actual outcome of intelligence. I do not think it is acceptable, for example, that the Agency fails to routinely capture whether allegations received from members of the public have been acted on or how many have resulted in the prevention or detection of offences and protecting victims.

Furthermore, there is insufficient understanding across the Agency of the role that intelligence should play and whether or not it is the driving force for meeting objectives. The Agency should have a clearer idea of how the use of intelligence contributes to preventing and detecting immigration and customs offences.

Secondly, the Agency needs to ensure that, in seeking authorisations to discriminate on grounds of nationality, its intelligence assessment takes account of poor decision-making. If not, there is a risk that particular nationalities will be subjected to greater examination with insufficient justification.

In addition, I expect to see greater assurance that the methods used by frontline staff at ports of entry to subject particular people or goods to further examination are not discriminatory. The Agency needs to analyse the actual outcome of cases to assess the most effective methods and to ensure that it is not targeting people unlawfully.

John Vine CBE QPM
Independent Chief Inspector of the UK Border Agency

1. Executive Summary

1. Intelligence provides the UK Border Agency with an important means of preventing and detecting immigration and customs offences. It allows the Agency to identify the individuals and groups who seek to exploit the United Kingdom's laws and to develop and implement plans to disrupt them. This inspection focussed on the effectiveness and efficiency with which the Agency received, developed and used intelligence.

2 At the time of the inspection, the Agency was part-way through a programme to transform the way it manages intelligence. Its aim is to become intelligence-led and it has changed its structures and processes to try and achieve this. A significant amount of work has been invested in both the programme and in informing staff of the intended benefits.

3 The Agency receives information from a variety of sources – members of the public, frontline staff and community organisations. Over 100,000 allegations are received per year from members of the public and a clear process has been developed to ensure information is recorded, assessed and developed into intelligence. However, this has been inconsistently applied and the Agency was unable to identify the proportion of allegations that had resulted in people being prevented from entering the UK, or which had led to enforcement action against people living or working illegally in the UK.

4 The Agency has set out that it wants all staff to play a role in the gathering of intelligence and has communicated this through presentations and its internal website. We found evidence of particular operations where information obtained and provided by frontline staff had been used to disrupt criminality. However, information was not provided consistently to intelligence units and staff were unclear about the role that they should play.

5 Two IT systems are used to record intelligence with staff access to the systems dependent on their operational role. The systems operate independently and there were differing views from staff and managers about the risks this presented to the prevention of offences. There was no evidence that the implications of this were considered when the Agency was established.

6 The development of Local Immigration Teams and Field Intelligence Officers provides an opportunity for the Agency to obtain information from employers, colleges and religious and community organisations that could lead to intelligence. There was some evidence of this happening at a local level but the Agency could do more to establish a consistent approach and to engage with a wider range of community organisations.

7 Since 2000, the Agency and its precursor organisations have had the power to authorise covert human intelligence sources. These had been used in relation to customs offences but not in respect of immigration offences. The need for sensitive handling and concerns about resources had led to differences of opinion about whether the benefits in terms of preventing offences outweighed the risks. At the time of inspection, a project was being developed to identify the benefits and costs in more detail.

8 The Agency has identified that intelligence should play a central role in helping it understand and address potential immigration and customs offenders. A 'Strategic Threat Assessment' had been developed to assist operational areas with planning and deploying resources effectively but it had not been published for 2010-11. Each intelligence unit in the Agency has processes and systems in place for information to be captured, analysed and developed but we found inconsistency regarding the role intelligence should play and whether the Agency could or should be intelligence-led.

9 The Agency recognises the need to measure the effect of intelligence through performance measures. However, there are inconsistent approaches across the Agency and high-level self-assessments by operational areas did not measure specific performance or productivity. The Agency is undertaking further work to develop appropriate measures.

10 Intelligence is used to identify specific operational activity but not consistently. A formal tasking and co-ordination process has been established and there are examples of this working effectively, including a national operation to tackle illegal working, breach of the marriage and student immigration rules and organised crime. However, we found that the tasking process was inconsistent and there was limited feedback to staff about which work was taken forward and evaluation of operations that had taken place.

11 While intelligence has been used effectively to address different types of offending, the Agency has not set out where intelligence could add most value. The focus on meeting numerical targets, such as the removal of failed asylum seekers, means that intelligence resources are concentrated on removing individuals who are in breach of the rules and not on those responsible for organising and facilitating the illegal entry of people or goods. The Agency has begun to address this with the creation of a Crime Directorate. However, while there will inevitably be a need to address many different types of offenders and offending, there is insufficient analysis of where intelligence could have the greatest impact. Similarly, there is no analysis of whether intelligence unit resources are most effectively used to support operations or identify wider trends and themes of offending.

12 The Agency works with a range of other public bodies. We saw examples of joint working at a local level to prevent and detect crime, including a Joint Intelligence Unit in Dover. Despite the work of this unit, there had been no assessment of whether or how it could be applied to other regions. Individual contacts had been established with other organisations but stakeholders reported continuing difficulties with knowing precisely where intelligence should be sent within the Agency.

13. Intelligence assessments are used by the Agency to seek authorisations from Ministers to discriminate on grounds of nationality as permitted by legislation. While there were a clear set of indicators used, the assessment of applications that had been refused took no account of poor initial decision-making. This meant that authorisations to discriminate could be made on a potentially misleading basis.

14. At ports of entry, different methods were being used by frontline staff to identify the people or vehicles that required further examination. While these methods all had a part to play in detecting offenders, there was no evidence of evaluation to inform which had resulted in greater identification of offences. Furthermore, there was no evidence that it had assessed whether the benefits of staff using their knowledge and experience outweighed the potential risk of this knowledge and experience being used unnecessarily and disproportionately due to discriminatory behaviour.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. Records the outcome of allegations and assesses how often they lead to the development of intelligence and subsequent operations to prevent or detect immigration and customs offences
2. Provides guidance on the specific information to be collected, recorded and forwarded from enforcement operations and interviews of applicants/passengers so that intelligence can be developed consistently
3. Decides whether its powers to use people as Covert Human Intelligence Sources are necessary to prevent or detect immigration and customs offences
4. Demonstrates how effective intelligence has been in preventing and detecting immigration and customs offences through appropriate performance measures
5. Ensures rigorous adherence to tasking methods in order to bring consistency to intelligence-led operations across the Agency
6. Analyses trends to determine the resources required to develop intelligence
7. Decides the level of resources for developing intelligence based on analysis of new and emerging trends
8. Establishes national points of contact for the sharing of intelligence with other law enforcement agencies
9. Ensures its intelligence assessment takes account of the overall quality of decision-making when seeking Ministerial authorisations to discriminate
10. Assesses why people and vehicles are subject to further examination at ports and how this results in the detection of immigration and customs offences

3. The Inspection

3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and the work of UK Border Agency contractors.

3.2 The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.

Purpose and Aim

3.3 To inspect how the UK Border Agency collected, analysed and used intelligence in order to:

- protect the public;
- ensure compliance with the rules for entry of goods and people to the UK; and
- to direct operations against those contravening the immigration rules.

Scope

3.4 To assess how the UK Border Agency works with law enforcement agencies and other bodies to obtain relevant and up-to-date intelligence and how that intelligence is passed to front-line decision makers to enable them to make well informed decisions.

Methodology

3.5 The onsite phase of the inspection took place between 15 October and 9 December 2010.

3.6 A range of methods were used during the inspection, including:

- reviewing the UK Border Agency's policy and procedures relating to handling intelligence;
- sampling 70 allegation case files;
- interviewing a range of staff and managers, who worked in the Agency's five business groups; Border Force, Criminality and Detention, Immigration, International and Intelligence;
- observed the operation of the primary checkpoint at London Gatwick airport; and
- interviewed a range of the Agency's corporate partners.

3.7 The inspection team provided feedback on high level emerging findings to the UK Border Agency on 17 February 2011.

3.8 The inspection identified ten recommendations for improvement. A full summary of recommendations is provided on page five of this report.

4. Background

4.1 The UK Border Agency was created in April 2008 when it integrated the work of the Border and Immigration Agency, UK Visas and the physical frontier control responsibilities of Her Majesty's Revenue and Customs (HMRC). At the time of the inspection, the Agency had a workforce of approximately 24,500 operating in 135 countries and throughout the UK.

The Agency's strategic objectives are to:

- protect the UK's border and its national interests;
- tackle border tax fraud, smuggling and immigration crime; and
- implement fair and fast decisions.

4.2 The UK Border Agency is divided into different business groups. The main operational areas are:

- Border Force, which is responsible for managing ports of entry, including 'juxtaposed controls' in France and Belgium;
- Criminality and Detention Group, (formerly Detention Services) which undertakes criminal investigations, manages criminal cases and is responsible for Immigration Removal Centres;
- Immigration Group, which manages all "in-country" operational areas such as casework functions and enforcement; and
- International Group, which is responsible for considering applications for visas made overseas.

4.3 Both Immigration Group and Border Force have separate regional structures.

4.4 In order to manage its intelligence business, the Agency's 2008 – 2011 Business Plan set out an objective to transform the way intelligence was managed. It also committed to introduce a single intelligence structure. To support these objectives, the Agency developed and implemented its Intelligence Transformation Programme, which sought to:

- increase the flow of information and intelligence across the Agency;
- ensure the correct information was passed to the correct place at the right time; and
- pass strategic and tactical intelligence to the decision makers within the Agency in an accurate and timely manner.

4.5 Following the aim to develop a single intelligence structure within its business, the Agency established the Border Intelligence Service (BIS). This comprises of the Agency's Intelligence Directorate and intelligence practitioners working within the four main operational groups: Border Force, Immigration Group, International Group, and Criminality and Detention Group. Each of these groups have central intelligence hubs. The intelligence capability in both Border Force and Immigration Group is also supported by regional intelligence units.

4.6 The Intelligence Directorate responsibilities include producing cross-cutting strategic intelligence assessments, creating policy for the conduct of intelligence across the Agency and managing corporate risk related to intelligence. The central intelligence hubs act as a link between the Intelligence Directorate and the different business areas. They also have responsibility for analysing information to identify trends and risk in order to inform operational activity.

4.7 The Agency's aim is to become intelligence-led. By introducing an operational model that is closely aligned to structures used by other UK law enforcement agencies, it aims to enhance collaborative working in order to prevent and detect immigration and customs offences.

4.8 A product of the Intelligence Transformation Programme was the Border Intelligence Service's 'Intelligence Constitution', which seeks to guide the Agency's intelligence activity. It sets out nine key principles governing how the Agency should collect, analyse and handle intelligence. The principles are:

1. To identify and develop networks and partnerships where there is a shared interest
2. To share and increase the lawful and secure flow of information locally, nationally and internationally
3. To use national standards for recording, reporting and passing on information
4. To adopt nationally accredited skills, competencies and training standards
5. To use a standard set of intelligence products, produced in consultation with customers
6. To produce a single national intelligence requirement to increase UKBA's knowledge
7. To implement a tasking and co-ordination system that prioritises threat assessments, sets objectives and leads to the effective action and deployment of resources
8. To make debriefing an integral part of operational procedures to increase knowledge
9. To measure performance to ensure effectiveness

5. Inspection findings – How does the UK Border Agency receive and develop intelligence?

5.1 As with most public service organisations, the UK Border Agency deals with large numbers of people on a daily basis. These include people arriving in the UK at air or sea ports, people who are applying to enter or stay in the UK to work, study or to seek protection and people who are arrested, detained and removed following a breach of the immigration laws. In addition, many other people may contact the Agency because of information they have about other individuals living in their community.

5.2 Given these different sources, we assessed how the Agency received information and how it was used to develop specific intelligence which could lead to preventing or detecting immigration or customs offences. The following paragraphs set out our findings in respect of information received from members of the public, front-line staff in the Agency, community organisations and 'covert human intelligence sources' (CHIS)[1]. We noted that the Agency included these elements under the general heading of 'debriefing', one of its key principles of intelligence.

Members of the public

5.3 Members of the public provide the Agency with a significant amount of information. Approximately 2,100 allegations per week[2] are received in the UK – more than 100,000 allegations per year. These allegations often involve claims that particular individuals are breaking immigration laws, such as living or working illegally in the UK. They may include details of the address where individuals can be found. Allegations are made in a variety of ways including by letter, email and telephone.

Encouraging people to provide information

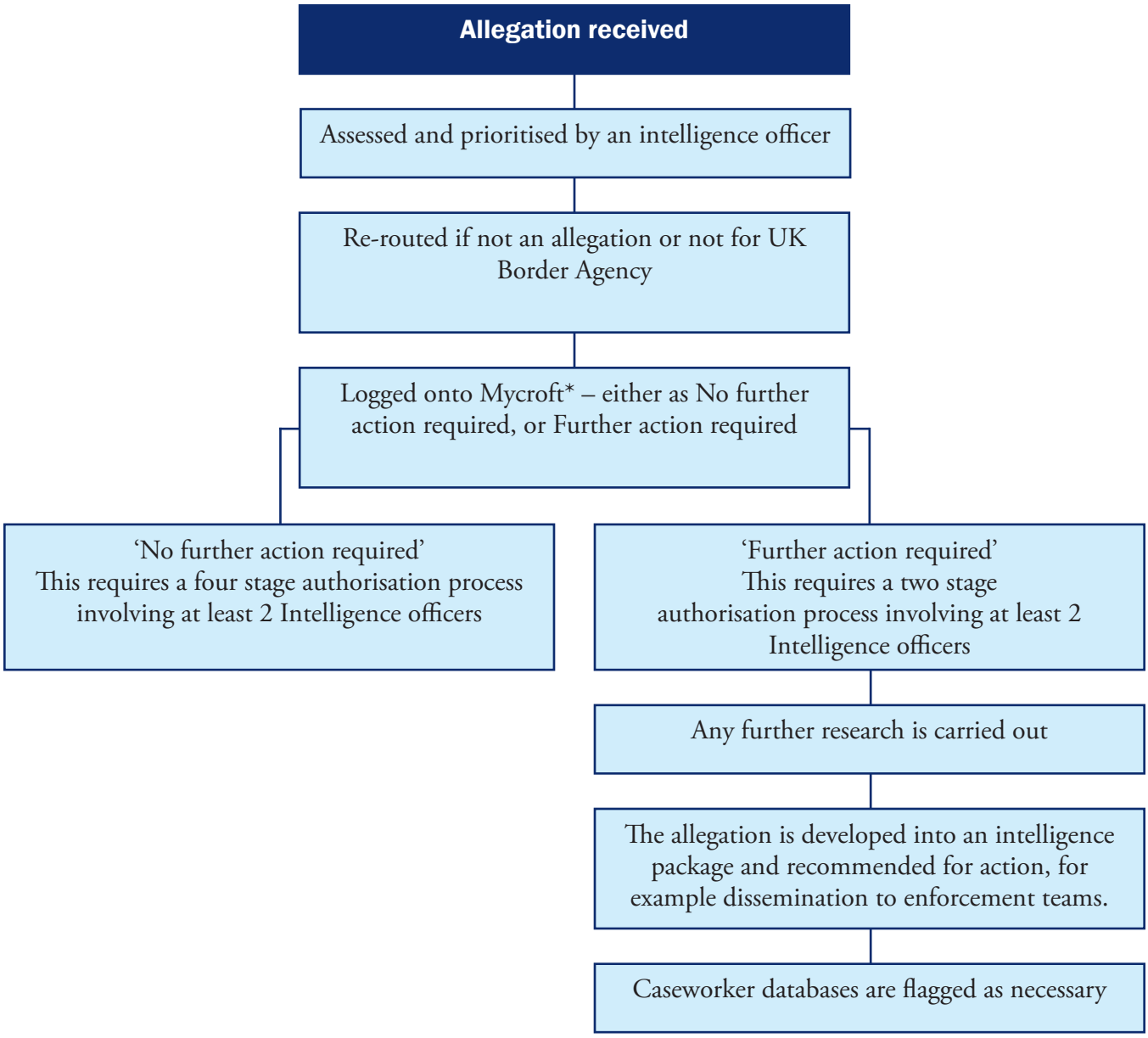
5.4 The Agency actively encourages people to provide information. The Agency uses its website[3] to invite members of the public with information about immigration crime and the smuggling of goods to come forward. Members of the public with information on immigration crime are invited to email the Agency with details, whilst the website invites people with information on the smuggling of goods to use the HM Revenue and Customs telephone hotline.

5.5 We noted that the Agency's website does not have a proforma for members of the public to complete and it does not specifically set out the details it needs in order to pursue allegations – such as name or address. Either or both of these would make it more straightforward for people to provide relevant information and consequently for the Agency to assess whether intelligence should be developed.

Handling allegations

5.6 The Agency has developed a clear process for handling allegations to ensure that information is recorded, assessed and, where appropriate, developed into specific intelligence. The process is set out on the next page:

1 People who, without disclosing their true intentions, start or maintain a relationship with someone in order to obtain or access information which they can pass on to a law enforcement agency, without the knowledge of the subject
2 UK Border Agency: Allegation Handling. Feasibility Study – Business and Technical, September 2010.
3 http://www.ukba.homeoffice.gov.uk/contact/191679/



5.7 However, we found that this process was not followed consistently and there was insufficient assurance that all information was recorded and assessed. We found examples of:

- allegations being recorded on local teams' databases or spreadsheets instead of the national intelligence IT system (Mycroft*). Staff and managers told us that this practice allowed them to record all allegations that had been received and to easily track whether they had been processed. We were told that recording information onto the IT system was a time-consuming process and it was quicker to use local databases and spreadsheets.
- only allegations assessed as 'requiring further action' were recorded on the Agency's national intelligence IT system rather than all allegations that had been received. This meant that potentially important information, which could identify either individuals or trends, could be lost.

5.8 The two points above also meant that staff within intelligence units were unable to view all allegations that the Agency received. For example, a number of allegations relating to the same person could be received by different parts of the Agency. In themselves, the individual allegations may have been correctly assessed as requiring no further action. However, if each of them had been recorded on the national IT system – as the Agency's own guidance required – it would have allowed intelligence staff to identify that a number of different allegations about a particular individual had been received and

consequently whether more detailed enquiries should be pursued. We found similar issues in our inspection of the Risk and Liaison Overseas Network (RALON) in Islamabad and the United Arab Emirates[4]. As part of that inspection, we found inconsistent approaches to allegation handling, which differed to the Agency's 'Allegation Guidance'.

5.9 We found that further work was taking place within the Agency to improve the handling of allegations. A review of the UK Border Agency's allegation processes had taken place in 2009[5]. This had identified a number of areas of the process that could be improved. In response to this, the Agency had then undertaken a study to identify and assess ways that the process could be made more effective[6]. We found that work was underway to implement options. This was overseen by the Agency's Intelligence Transformation Programme Board. We do not underestimate the scale of this work. However, given its importance, we would expect this work to be prioritised.

The outcome of allegations

5.10 We assessed how the Agency acted on information that it received from members of the public through allegations and reviewed 70 cases where allegations had been made. However, the Agency did not systematically record or analyse whether an allegation had resulted in specific activity. Therefore, it was necessary for staff to review the Agency's computer systems to see what, if any, action had been taken. This meant that staff could spend considerable time looking for this information.

5.11 After this analysis was carried out, we saw cases in which information contained in allegations had resulted in the Agency taking specific action to prevent unlawful entry or tackle crime. An example of this can be seen in Case Study 1:

Case Study 1

In September 2010, the Agency received an allegation that a person was working illegally in a named takeaway. After developing intelligence about the takeaway restaurant, the Agency carried out an enforcement operation in November 2010, during which it:

- arrested two people who were liable to be removed from the UK as their asylum applications had been refused and they had no further rights of appeal,
- encountered one person who had overstayed their leave, and another whose immigration status required further consideration.

5.12 However, in other cases it was not clear what the outcome of the allegation had been. As a result, the Agency did not know whether these allegations had resulted in any action. An example of this is contained in Case Study 2.

4 An inspection of the Risk and Liaison Overseas Network (RALON) in Islamabad and the United Arab Emirates, January – April 2010', http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/An-inspection-of-RALON-in-Islamabad-and-the-United-Arab-Emirates1.pdf
5 By the Home Office's Value for Money productivity Unit and Collinson Grant.
6 'UK Border Agency: Allegations handling. Feasibility Study – Business and Technical', September 2010

Case Study 2

- In October 2009, the Agency received an anonymous fax at Gatwick Airport.
- It stated that 12 people would be flying from Sri Lanka and arriving at London Heathrow Airport the following day.
- The allegation stated that the people had successfully applied for student visas to enter the United Kingdom but did not intend to study and would instead be working in jobs they had already accepted.
- It went on to say that the student visas had been sponsored by an agent who had previously facilitated the travel of 25 other people in this way.
- This information was passed from the intelligence unit at Gatwick to the intelligence unit at Heathrow on the day that the group were due to arrive.
- The Agency had no record of whether the passengers had been identified and questioned on arrival at Heathrow and whether they had been granted or refused entry to the UK.

5.13 Overall, the Agency was not able to identify the proportion of allegations that had resulted in people being prevented from entering the UK or which had led to enforcement action against people who had been living or working illegally in the UK. In the absence of this data, it makes it very difficult to judge how significant allegations are to the effective identification of offenders, the level of resource that should be devoted to handling allegations and the most effective systems to facilitate this.

5.14 In particular, we do not think it is acceptable that the Agency has no record of the outcome of all allegations. Indeed, one team responsible for the initial handling and dissemination of intelligence did not think it was part of their role to discover whether the allegation had resulted in the detection or prevention of an immigration or customs offence. This demonstrates too much of a focus on following a process rather than linking their work with a clear result.

We recommend that the UK Border Agency:

- Records the outcome of allegations and assesses how often they lead to the development of intelligence and subsequent operations to prevent or detect immigration and customs offences.

Frontline staff

5.15 The Agency has set out that it wants all members of staff to play a role in the gathering of intelligence and regards this as integral to the creation of an intelligence-led organisation. Indeed its 'Intelligence Constitution' states: *'Everyone in the Agency has a vital role to play in passing on information that is of interest to other business partners and in acting on intelligence that they receive.'*

5.16 We found that through its Border Intelligence Service, the Agency had made significant efforts to communicate its objectives and plans to both managers and staff. This included the use of its internal intranet system, website blogs and presentations to staff.

5.17 The Agency had also developed Field Intelligence Officers in each of its operational areas, with the objective of proactively obtaining information from stakeholders that could be developed into intelligence. From interviews, we established that liaison at a local level with the police, employers and recruitment agencies was taking place more consistently than in previous years. This had the potential to both raise awareness of the Agency's responsibilities and lead to further sharing of information.

5.18 We found examples where information, which had been obtained by frontline staff, had been passed to intelligence units. This information had then been developed into intelligence which was used to disrupt criminality. An example of this can be seen in Case Study 3.

Case Study 3

- Following drug seizures made by the Agency, staff at ports submitted details of these seizures to an intelligence unit.
- The intelligence unit analysed this information to highlight people travelling to the UK who posed a potential risk by attempting to import drugs.
- These potential risks were communicated to frontline staff and these were used by staff to decide which people to subject to a search.
- We saw an example where this intelligence had then been used by staff to stop a person whose profile indicated a potential risk. It was found this person was attempting to enter the UK with 2.5 kilograms of cocaine concealed in their vehicle.

5.19 Despite these initiatives, we found that many of the staff that we interviewed, including those who were responsible for managing intelligence, did not fully understand:

- how the Agency intended intelligence to be used;
- what was expected of them in terms of identifying and referring intelligence;
- what benefits intelligence would bring to their work;
- the structures for handling intelligence across the Agency; or
- the relationship between local intelligence units and national strategic units.

5.20 This was compounded by the fact that the Agency did not routinely share examples of successful operations with other units. Greater use of this type of communication would allow staff to understand how information they came across could successfully be developed into intelligence and used to respond to offences.

5.21 However, from interviews with staff and managers across the Agency, we found some confusion about how and when information obtained by frontline staff should be passed to intelligence units. Even where the potential need for, and value of, such feedback to intelligence units was recognised, there was no formal process for determining how and when this should be done. The Agency could not therefore provide an assurance that it was genuinely capturing as much useful information as possible to develop specific intelligence.

5.22 During the inspection we found very little evidence of information being collected or disseminated by staff responsible for interviewing people applying for asylum or assessing applications from people seeking to work or study in the UK. This resulted in information which could potentially have enabled the Agency to identify and respond to offenders being missed. For example, Case Owners regularly interviewed people applying for asylum during which they obtained information about the route that the applicant took on their journey to the United Kingdom. However, the Case Owners did not routinely pass this information to intelligence units because they had not been asked to. Such information could potentially have been used by the Agency to identify and respond to routes used by people traffickers. The Agency subsequently informed us that some of its operational areas do collect and disseminate this type of information. This included 150 – 200 referrals each month from case-workers to the Temporary Migration Intelligence Hub.

5.23 We found only limited evidence that these units provided feedback to staff where staff had provided information to their local intelligence unit, or to their operational group's intelligence hubs. As a result, individuals had no way of knowing if the information that they had provided had been of benefit. Some staff also informed us that the lack of feedback acted as a disincentive to them submitting intelligence in the future. This, in addition to the Agency's failure to routinely share examples of the successful use of intelligence, resulted in potential opportunities for sharing intelligence being missed.

The use of Information Technology

5.24 The Agency has inherited IT systems from its precursor organisations: 'Centaur' from Her Majesty's Revenue and Customs and 'Mycroft' from the Border and Immigration Agency.

5. 25 Staff with access to the Agency's intelligence systems ordinarily have access to only one of these systems, depending on their function. Most staff working in Immigration Group have access only to Mycroft, whilst most of those working in Border Control only have access to Centaur. These systems operate independently of each other and checks carried out on one system would not capture information recorded on the other.

5.26 We found that both staff and managers had differing views over the risk that operating two parallel systems presented. Some believed that there was little risk as the two systems captured information relating to different priorities. Others, however, believed that there was a risk that information that could potentially be of value was not being shared effectively. In support of this view, some suggested that intelligence relating to the smuggling of drugs was likely to be recorded solely on the legacy customs system. However, as organised criminals could be involved in both the smuggling of goods and human beings, this intelligence could assist colleagues using the Mycroft system to identify people involved in immigration offences.

5. 27 We did not see any evidence that the importance of having one unified IT system had been considered when the decision was made to create the UK Border Agency. However, we recognised that elsewhere in law enforcement, the risk of losing or missing quality intelligence that could be used to increase the success of operations has been highlighted. The Bichard Report[7], published in 2004, saw intelligence as a vital part of policing and *"an IT system capable of allowing police intelligence to be shared nationally is a priority."*

5.28 We found that the existence of two systems did little to encourage Agency staff to see the potential links between intelligence related to immigration and customs in disrupting criminal activity. One senior manager that we interviewed told us:

"If you can't access the big picture in Centaur, or the activity kept in Mycroft, how can you expect the UK Border Agency to take intelligence seriously?"

5.29 Senior managers told us that the Agency did not have plans to introduce or operate a single intelligence IT system as this would be too costly. However, they informed us that the Agency was working to improve the amount of information that could be seen by staff using either of these systems.

5.30 We also found that only certain staff in the Agency had access to the intelligence IT systems. Staff without access were expected to refer information, which could potentially be of value, to their intelligence unit.

5.31 We noted that the Border Intelligence Service saw all members of Agency staff as having a role to play in gathering intelligence. In a message to staff, it said:

"Everyone is responsible for making sure that information gets to the right people at the right time."

5.32 While the lack of access did not prevent staff referring information to intelligence units, we believe that it risked creating unecessary distance between frontline staff and intelligence units which could potentially discourage staff from gathering and acting upon intelligence. If all staff had access, it could encourage them to record a greater amount of information onto the systems. This could help the Agency identify and respond to potential offenders.

7 The Bichard Inquiry Report, Stationery Office (TSO), June 2004. The inquiry conducted by Sir Michael Bichard, focused on the effectiveness of relevant intelligence-based record keeping and information sharing between Humberside and Cambridgeshire police constabularies, following the Soham murders.

5.33 We saw no evidence that the Agency had assessed whether the different access arrangements created risks to the collection and analysis of intelligence. However, some other law enforcement agencies provided all staff with direct access to their intelligence systems, although the level of access depended on the role they were performing and their security clearance.

We recommend that the UK Border Agency:

- Provides guidance on the specific information to be collected, recorded and forwarded from enforcement operations and interviews of applicants/passengers so that intelligence can be developed consistently.

The wider community

5.34 From interviews with staff and managers and from documentation provided by the Agency, we found limited evidence that organisations, other than law enforcement agencies, were regarded as sources of information from which intelligence could be obtained and developed.

5.35 The development of Local Immigration Teams[8] and Field Intelligence Officers provided an opportunity for the Agency to clearly set out how organisations such as employers, colleges, religious and community groups could provide information about potential offenders in the community.

5.36 We found examples where the Agency had used both of these initiatives to proactively develop relationships with a range of organisations including police forces and local authorities, from whom information was obtained and developed into intelligence. However, we found that more could be done to establish a consistent approach to this type of information gathering and that there would be value in the Agency engaging with a wider range of community organisations.

Covert Human Intelligence Sources

5.37 Various law enforcement agencies use people to covertly obtain information that will assist them to investigate and/or prevent crime. Information obtained from such sources may also be used in prosecutions. These sources are known as 'Covert Human Intelligence Sources' (CHIS). The UK Border Agency obtained the power to use such sources in the Regulation of Investigatory Powers Act (RIPA)[9] in September 2000. This defines a person as a covert intelligence source if:

(a) He establishes or maintains a personal or other relationship with a person for the covert purpose of anything falling within (b) or (c).

(b) He covertly uses such a relationship to obtain information or to provide access to any information to another person; or

(c) He covertly discloses information obtained by such a relationship or as a consequence of the existence of such a relationship.

The use of Covert Human Intelligence Sources

5.38 Despite having had the power to authorise CHIS since September 2000, neither the Agency, nor its precursor organisations[10], had made use of this provision to obtain information in respect of immigration offences[11]. Both staff and managers informed us that this was because of concerns within the Agency that handling covert sources properly was resource intensive. We noted that given the lack of internal processes to manage such sources, the Agency had on occasions asked other law enforcement agencies to authorise and handle such sources on its behalf. It had also co-handled CHIS, which had been authorised by its partner agencies, in respect of immigration related crime.

8 'Local Immigration Teams. The Change Management Process', December 2010, http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Local-Immigration-Teams_The-Change-Management-Process.pdf

9 Section 26(8)

10 The Immigration and Nationality Directorate (IND), or the Border and Immigration Agency (BIA)

11 We were told that HMRC had, prior to the creation of the UK Border Agency, authorised the use of CHIS in respect of customs offences.

5.39 We noted that the Agency had, however, authorised the use of covert sources in relation to customs offences. We were informed that this was because Her Majesty's Revenue and Customs staff had used this power prior to the creation of the UK Border Agency and continued to do so.

5.40 There was no consistent view amongst staff or managers of the potential value of using CHIS and whether the benefits to the Agency in terms of preventing or detecting offences warranted the consequent resources. The Agency had not previously set out in detail the advantages and disadvantages of this approach, how it would fit with other means of obtaining information, how it would learn from other law enforcement agencies, how it would safeguard individuals and the relevant training and cost implications. Given Parliamentary approval for use of these powers, the Agency needs to decide whether or not it wishes to use the powers it has in the context of its overall approach to intelligence. We noted that a project had begun to identify the potential benefits and costs.

Repeat sources

5.41 We noted from an Agency Interim Operational Instruction[12] that inspections carried out by the Office of Surveillance Commissioners had highlighted the need for the Agency to have more robust processes to manage sources of human intelligence to reduce the likelihood of:

- *people who repeatedly provided information inadvertently becoming a covert human intelligence source (described as 'status drift'[13]) and therefore requiring particular handling to ensure their safety; and*
- *the unauthorised use of covert human intelligence sources.*

5.42 In September 2010, in response to these findings, the Agency introduced a revised process[14] for:

- handling people who had been a source of information on three or more occasions (repeat sources); or
- where there was a possibility that the person's status could 'drift' to that of a CHIS.

5.43 This process required that when a person had made contact with the Agency on three or more occasions, staff should make a referral to the Agency's newly formed National Source Unit. It was envisaged that this unit would act as the central point of contact for staff across the Agency dealing with sources who had the potential to become CHIS. It was also intended that the unit would provide guidance to staff on the way to handle people where there was potential for them to either inadvertently, or advertently become CHIS.

5.44 However, it was clear to us that this process was wholly reliant on Agency staff accurately recording each and every occasion on which a person provided information. Given our findings in respect of allegations, we do not have confidence that such a process exists. Consequently, we do not believe that the Agency can effectively identify repeat sources or those who may either inadvertently or advertently become CHIS. There is a risk that the Agency may not be offering the appropriate level of support or protection that public authorities are required to provide to CHIS.

We recommend that the UK Border Agency:

- Decides whether its powers to use people as Covert Human Intelligence Sources are necessary to prevent or detect immigration and customs offences

12 BF03 3310 (An internal UKBA document)
13 The concept of 'status drift' was introduced by the Honourable Mr Justice Butterfield in his report; 'Review of criminal investigations & prosecutions conducted by HM Customs & Excise', July 2003.
14 Interim Operational Instruction BF03 3310

6. Inspection Findings – How does the UK Border Agency use intelligence?

6.1 In light of the ways that the Agency gathers, receives and develops intelligence, we assessed the role of intelligence and how it was used to tackle immigration and customs offenders.

The role of intelligence

6.2 The Agency has identified that intelligence should play a central role in helping it both understand and address potential immigration and customs offenders. The Agency intends to use its Strategic Threat Assessment to describe and assess the risk from individuals or groups who had been identified as having the capability and intent to commit offences. The issues covered by the assessment include:

- terrorism;
- people smuggling;
- smuggling of class A drugs; and
- visa abuse.

6.3 This assessment has been designed to assist operational areas to plan and deploy resources effectively.

6.4 However, despite the Agency's aim, we found that at the time of the inspection, the Agency had not published its Strategic Threat Assessment for 2010-11.[15] We were told that this was because of ongoing discussions amongst senior managers. We were informed by staff that, as a result, individual operational parts of the organisation had developed their own assessments in isolation from each other in order to direct operational activity pending publication. We were informed that these had, in turn, formed the basis of the Strategic Threat Assessment.

6.5 Although we did not see any evidence that the individual assessments differed from the eventual Agency assessment, there had been a risk of this happening. To ensure that intelligence is used as effectively as possible the Agency needs to make sure its planning cycle provides a clear national assessment at an early enough stage.

6.6 The Agency had also set out its very clear aim that it should become an intelligence-led organisation. Its 'Intelligence Constitution' states that:

'The Border Intelligence Service will have a pivotal role in making the UK Border Agency an intelligence-led organisation, working collaboratively to identify threats posed by people and goods and helping to strengthen the UK's overall protection against terrorist attack. It will provide timely, accurate strategic and tactical intelligence to UK Border Agency's decision makers and to domestic and international partners.'

6.7 We found evidence that each of the intelligence units within operational parts of the organisation had processes and systems in place for information to be captured, analysed and developed into intelligence. We also found evidence that each of the groups were making use of this intelligence to identify and respond to threats.

6.8 However, from interviews with staff and managers across the Agency, we did not find a consistent view of the role that intelligence should play. For example, Immigration Group's Management Board defined one of the objectives of its Intelligence Design Strategy as:

15 This was eventually published on 21 January 2011.

'[to] clearly define and agree what purpose we want our intelligence function to fulfil'[16]

6.9 As noted previously, the Agency sought to be 'intelligence-led', where operational decisions and activity were developed in response to intelligence. We found that the Agency was using intelligence to direct operations and, in varying degrees, to inform business planning. However, the majority of staff, managers and the Agency's stakeholders did not consider that the organisation was led by intelligence.

6.10 A number of the staff and managers that we interviewed questioned whether it would ever be possible for the Agency to be intelligence-led. They suggested that in light of the varying demands placed on the organisation, including the need to respond to short-term issues often highlighted in the media, it could never be entirely led by intelligence.

6.11 Others believed that the main barrier to the organisation becoming intelligence-led was that intelligence was not embedded into the culture of staff. Indeed, one manager told us that [gathering and using] intelligence *'was not in the DNA of the Agency's officers'.*

Assessing the effect of intelligence

6.12 The Agency's Intelligence Constitution states that its nine intelligence principles, as detailed in the background chapter of this report, are *"fundamental to our success and we should rigorously challenge and regularly assure our performance against them."*

6.13 Each quarter, the Agency's operational groups carry out a self-assessment of how they think they are performing against the nine principles of intelligence. Each of these principles have been broken down into a number of descriptors against which the groups assess their performance. For example, the Agency's ninth principle: 'Measuring performance and impact assessment so we know we are being effective' has two descriptors:

- *Measure strategic level performance against Intelligence Principles and report progress on a monthly basis; and*
- *Introduce and maintain a grading system on all intelligence products/assessments produced at the point of dissemination (producer) and invite feedback assessment of the product (customer).*

6.14 This self-assessment is high level and does not measure the specific performance or productivity of individual regions or units. Whilst these self-assessments provide some indication of the effect of intelligence, the Agency lacks a consistent approach to measuring how intelligence contributes to performance and productivity. We found that there was no common understanding within the Agency's Border Intelligence Service about what the terms 'performance' and 'productivity' meant. We noted that in a paper[17] the Border Force North's regional intelligence unit had said:

'There is no evidence of agreed definitions for performance and productivity; of preset standards having been set; of assuring that the tasks performed are the right tasks (in terms of priorities set nationally), and / or done in the right order, or indeed, what constitutes the 'right' order.'

6.15 In the absence of a standardised approach, various ways of measuring performance have developed across the Agency. Some business groups are looking to introduce their own performance and productivity measures in order to have consistent measures within their groups. For example, we noted that Immigration Group's central intelligence hub was working to introduce a performance measure. At the same time, Border Force North's regional intelligence unit was also seeking to introduce a performance measurement tool that would be applied across Border Force.

16 Immigration Group: 'Intelligence Design Strategy. Delivering an effective affordable intelligence function for Immigration Group'. 2 August 2010

17 Border Force North Region: 'Workstream 9 Performance and Productivity'. 1 August 2010

6.16 We recognise that measuring the effect that intelligence has on activity can be challenging and is an issue that many law enforcement agencies face. However, there is a need for the Agency to assess the value that intelligence adds in a more consistent and rigorous way. This assessment needs to reflect actual results in terms of successful enforcement operations or successful prevention of people or goods entering the country illegally.

6.17 The Agency has recognised the need for this and has work underway to develop appropriate measures.

We recommend that the UK Border Agency:

- Demonstrates how effective intelligence has been in preventing and detecting immigration and customs offences through appropriate performance measures.

The use of intelligence to direct operations

6.18 We found that the Agency was using intelligence to identify specific operational activity but that the method for doing this was applied inconsistently.

6.19 A formal 'tasking and co-ordination' process has been established to direct operations in each of the main areas of work in the Agency. In all areas this consists of a high-level senior management tasking group and a lower level practitioners' group. Analysts have been recruited to produce an assessment of the intelligence and provide this to the tasking groups to inform decisions.

6.20 We found examples of the tasking process working effectively. The government tasked the Agency with *"carrying out an intense period of enforcement activity over the summer"*. Having received this tasking, the Agency identified what it saw as the most significant risks to immigration control. In response, it launched a specific national operation called 'Operation Golding'. The operation's objectives were agreed at a senior level, with the detailed enforcement activity then taken forward through the practitioners' groups. The operation aimed to tackle:

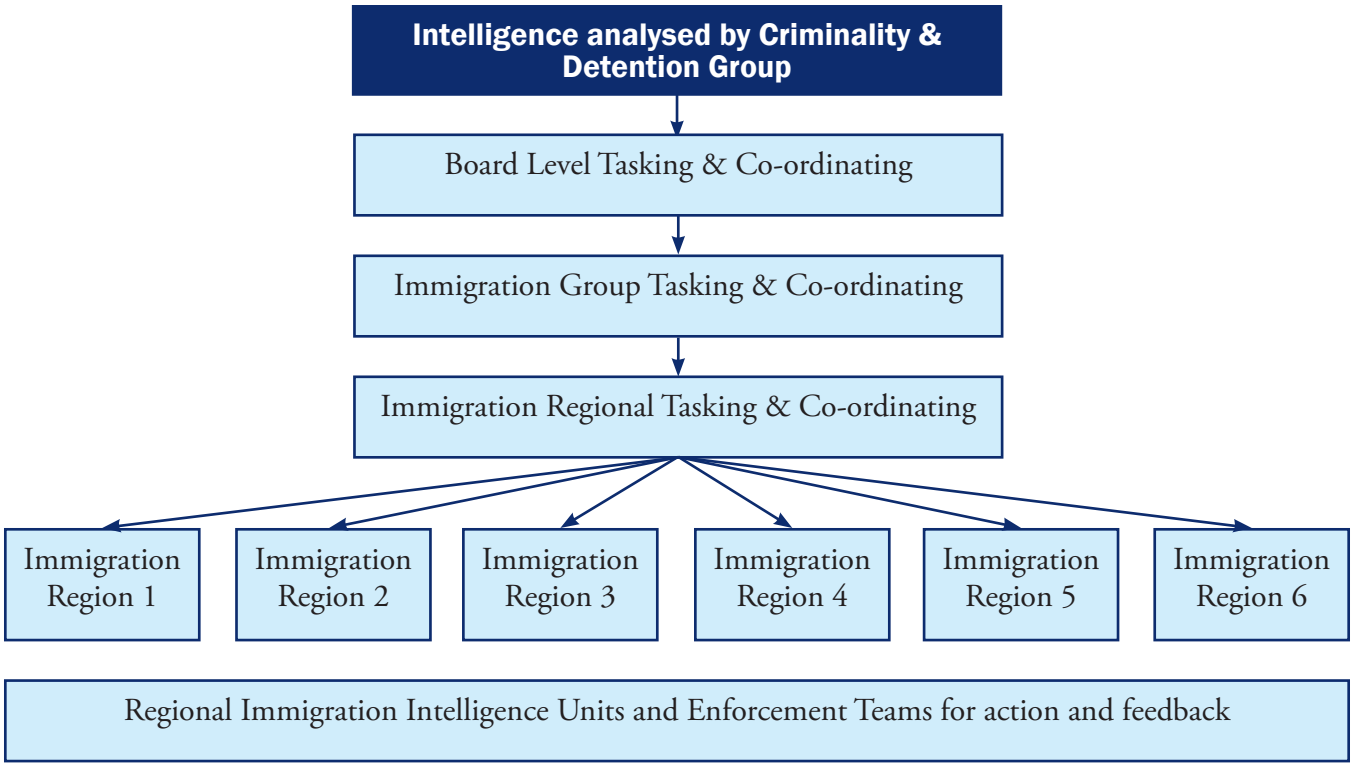
- illegal working;
- breaches of the marriage immigration rules;
- breaches of the student immigration rules; and
- organised crime.

6.21 Through the effective use of the tasking process, staff were clear about the operation's objectives, what was expected of them and when they were expected to deliver it. Staff in intelligence units told us that this directed work and enhanced productivity by providing a focus to their work. The Agency stated that it resulted in a series of operations taking place across the UK, which led to:

- 111 foreign nationals being removed from the UK[18];
- 169 people being charged with immigration offences, including 95 as facilitators;
- £511,000 of cash being seized under the Proceeds of Crime Act;
- £129,000 in criminal assets being confiscated by courts; and
- £1,030,000 in criminal assets restrained.

18 The UK Border Agency informed us that this number may rise once on-going casework had been completed.

6.22 The direction and coordination of the operation is set out below:



6.23 A further example of how the Agency used intelligence effectively is set out below:

Case Study 4:

- Through analysis of intelligence, the Agency identified a number of girls, aged between 13 and 18, who had arrived in the UK from Lagos using false documents.
- The intelligence was developed and identified that the girls were being brought to the UK believing that they would be given jobs or that they would be able to attend schools. However, once they arrived in the UK, the girls found out they were to be sent to Italy to work as prostitutes.
- Using this intelligence, the Agency, in partnership with the Serious Organised Crime Agency, identified the individual responsible for trafficking these girls. The individual was arrested, convicted and sentenced to six years' imprisonment.

6.24 We were also made aware through interviews and an assessment of minutes from Tasking and Co-ordination Groups that intelligence was developed on a daily basis to inform enforcement operations including the removal of failed asylum seekers and persons working illegally.

6.25 While this was a successful example of intelligence being used effectively, we found inconsistencies in the tasking process. The approach within the Agency was to allow the different operational areas and different geographical regions to use the tasking process in the way that they believed produced the best results. This meant that some areas adopted a rigorous adherence to a formal tasking process. Others believed it was unnecessarily bureaucratic and adopted a more dynamic but less structured approach depending on the priorities in their area. The Agency needs to be clear on its priorities and through its tasking process, ensure that there is clear and unambiguous direction to staff. This will enable it to develop a more comprehensive and consistent picture of whether intelligence is being used effectively.

6.26 We also found that, even where a formal tasking process was used, there was a lack of process to capture and provide feedback to staff about why operational activity that had been submitted to the tasking process for consideration had not been tasked. As a result:

- staff were unclear why tasking that they had submitted had not been accepted and the reasons for this; and
- managers were unable to assess whether the tasking process was effectively prioritising activity.

6.27 The formal tasking process also had the potential to assess the effectiveness of operations that have taken place using intelligence. It had been used in this way to assess the effectiveness of Operation Golding which, in turn, had led to the development of a subsequent operation. However, staff informed us that this type of feedback and assessment was not consistently carried out following all operations. This meant the Agency was not always able to identify exactly how intelligence had shaped the effectiveness of operations and, consequently, how to ensure that good practice was embedded for future operations.

We recommend that the UK Border Agency:

- Ensures rigorous adherence to tasking methods in order to bring consistency to intelligence led operations across the Agency.

The use of intelligence to tackle individual low-level immigration offending or more organised crimes

6.28 As the case studies in this report illustrate, intelligence has been used effectively to address different types of immigration offending. However, the Agency has not set out clearly where it believes intelligence could add the most value.

6.29 The Cabinet Office Review, *'Security in a Global Hub: Establishing the UK's new border arrangements'*[19] set out how the previous administration intended to establish the UK Border Agency. The report anticipated that the newly formed Agency would concentrate on its core tasks of immigration and frontline customs; whilst the Serious Organised Crime Agency (SOCA) would retain its function of disrupting serious and organised crime.

The Agency has categorised criminality in three levels. This reflects the National Intelligence Model (NIM) which the Agency used in deciding its own structures and approach:

- **Level 1** – Local crime and disorder capable of being managed by local resources.
- **Level 2** – Cross-regional issues affecting more than one region or affecting another regional crime activity and usually requiring additional resources.
- **Level 3** – Serious and organised crime; usually operating on a national and international scale, requiring identification by proactive means and a response primarily through targeted operations by dedicated units. It is also likely to require a preventative response on a national basis.

6.30 We found the Agency was very focused on meeting numerical targets, which in general related to 'Level 1' crime. For example, staff and managers in Immigration Group said that each of the Group's regions had a target for the number of failed asylum seekers that they were expected to remove. Consequently, their intelligence resources were focused on identifying individual failed asylum seekers so they could be removed from the United Kingdom. The resources were not therefore focused on identifying criminals responsible for organising and facilitating the entry of people with false documentation or identifying those responsible for people trafficking. One senior manager informed us that *"the UK Border Agency is working to top-down, non-intelligence-led objectives."* Whilst one of the Agency's stakeholders added: *"I have a lot of sympathy with the UK Border Agency; it is measured on targets and statistics. Consequently, the Agency will look to hit the targets by removing failed asylum seekers, without looking to develop the intelligence about the organised crime groups behind the trafficking."*

19 Published in November 2007.

6.31 This had implications for how and whether frontline staff referred information to Immigration Crime Teams[20] if it appeared that individuals were potentially involved in more organised crime. Where information was referred, there was a lack of consistency in how far it had been researched and developed.

6.32 Similarly, we found that some staff, particularly those working in Immigration Group, were unclear about the most effective way of utilising other law enforcement agencies to tackle Level 2 and 3 crime. For example, staff working in the Agency were unaware of the capabilities of the Serious Organised Crime Agency (SOCA). We also found that some of the Agency's intelligence staff did not know what SOCA expected when cases were referred to it.

6.33 As a result, there is a risk that organised crime relating to the UK Border Agency's objectives may not be effectively identified, responded to or investigated.

6.34 The Agency has recognised this issue and established a 'Crime Directorate'[21], which aims to maximise the Agency's strengths and develop its capability to deal with the full range of immigration and customs offences at the border.

6.35 We noted from the Crime Directorate's recent strategy document[22], that it plans to significantly restructure the capability of the UK Border Agency to investigate and prosecute organised criminals.

6.36 Over the last few years, police officers have been seconded into the UK Border Agency, with the aim of transferring their investigative skills to Agency staff undertaking immigration-related crime investigations. The Crime Directorate plans to reduce the number of seconded police officers from 220 to 60 by 2012, in order to reduce costs and reduce reliance on the police to provide this resource. We noted that the Directorate intended to maintain the overall number of investigators within the Agency at 720 by recruiting and deploying more Agency staff to replace police secondees.

6.37 As part of this, the Crime Directorate planned to extend the remit of the 350 HMRC investigators who had transferred to the UK Border Agency in 2009, in order to *'have more impact on the harm caused by organised criminals'.*

6.38 The Crime Directorate operates within the Criminality and Detention Group. We found the creation of a dedicated directorate, with an investigative capability and coupled with a strategy, to be a welcome development in undertaking a clear and consistent approach to identifying and responding to Level 2 and 3 crime.

6.39 We believe that, in order for this Directorate to deliver against its objectives, there needs to be effective processes to gather, analyse and develop intelligence. At the time of this inspection, there were no plans for the Crime Directorate to have its own intelligence resource. It was, therefore, reliant on intelligence resources from other parts. However, as we noted earlier, these intelligence units had tended to focus on lower level criminality to allow units / regions to achieve their targets. This focus will need to be addressed for Crime Directorate to achieve its objectives.

6.40 We do not believe there is a straightforward either/or approach to focusing intelligence on only one area of potential offending. However, despite the development of a crime control strategy[23], there was insufficient analysis of where the greatest impact could be made and, consequently, where intelligence resources should best be focused. This also highlights once again, a consistent theme of our inspections – the consequences of particular performance targets. Work was taking place

20 Immigration Crime Teams were jointly staffed by seconded police officers and UKBA staff. These teams worked outside the Agency's intelligence units.
21 Part of the UK Border Agency's Criminality and Detention Group.
22 BUILDING THE CRIME DIRECTORATE: Capability, Capacity and Performance – A strategy to enable effective use of investigation and prosecution to achieve UKBA objectives. Issued October 2010.
23 'Protecting our Border: The UK Border Agency's five year strategy for enforcing our immigration rules and addressing immigration and cross border crime.' Published February 2010

within the Agency to introduce performance indicators which would provide a more considered sense of how intelligence should be used. However, we believe that any such measure must be used consistently across the Agency and take particular account of the different types of 'lower-level' and more organised cross-regional crime.

We recommend that the UK Border Agency:

- Analyses trends to determine the resources required to develop intelligence

Reactive or proactive – Focusing intelligence on emerging trends or responding to individual requests

6.41 We noted that the UK Border Agency sought to develop a proactive approach to developing intelligence, rather than reacting to an offence once it occurred. Indeed in February 2010, the Agency published a document[24], in which it stated that *"…case studies show how an intelligence contribution enables a proactive response instead of waiting for these issues to hit us at the border or inside the country. This gives us time to act appropriately and cost effectively and makes us genuinely intelligence led."*[25]

6.42 However, we found that there was inconsistency in the way that individual intelligence units operated. Some focused their resources on developing particular intelligence for enforcement operations, possibly in response to an allegation received from a member of the public. Others were engaged much more in analysing data from the Agency's IT systems to identify particular trends that could inform future regional or national priorities.

6.43 Again, the complexity of the issues faced by the Agency is unlikely to warrant a straightforward either/or approach. However, there was no analysis of the different approaches and whether both should be used in equal measure and whether the different approaches produced different results.

We recommend that the UK Border Agency:

- Decides the level of resources for developing intelligence based on analysis of new and emerging trends.

Working with other agencies

6.44 The Cabinet Office Review[26] set out the previous administration's intention that the creation of the UK Border Agency would increase the sharing and flow of information between relevant public bodies in a lawful and secure way. It was envisaged that this would increase the opportunity for relevant law enforcement agencies and other public bodies to work collaboratively towards their aims and objectives. We therefore considered the way in which the Agency had done this to achieve results.

6.45 We found that the UK Border Agency had worked with a range of other public bodies to achieve its objectives. These included:

- the Department for Work and Pensions;
- the Serious Organised Crime Agency; and
- Police forces

6.46 A number of the Agency's stakeholders were complimentary about the desire and willingness of the Agency's staff to work collaboratively.

24 'Transforming Intelligence: Developing our capability to assess and respond to threats and risks'
25 Ibid, page 5.
26 Security in a Global Hub, Cabinet Office, November 2007

6.47 Despite examples of joint working, we found that the Agency had not fully explored the potential for working more closely with other public bodies. In the absence of a clear strategy on how intelligence could, or should, be used, it had been unable to effectively evaluate whether:

- the perceived benefits of partnership working were being realised;
- opportunities to identify and use intelligence were acted on; or
- lessons from local initiatives were being identified and introduced in other parts of the Agency.

6.48 This is illustrated by the Agency's joint working with Kent Police, the Department for Work and Pensions, SOCA and the French Police (OCRIEST) in a co-located unit called the 'Joint Intelligence Unit'. The Unit seeks to *"combat the clandestine illegal entry of persons through the Kent Gateway via Continental Europe."*

6.49 We found that there were a number of benefits to the way that this unit operated. It allowed speedy access to each organisation's IT systems, facilitated a quick exchange of intelligence, broke down barriers and improved the knowledge of different organisations. For example, intelligence suggested that women were being trafficked into the UK for the sex trade and were held by a gang until they had paid for the 'debt' for their travel to the UK. Following an investigation by the team, two people were arrested, charged and convicted and were sentenced to four years imprisonment. Money totalling £96,000 was also seized under the Proceeds of Crime Act.

6.50 The benefits of this model were identified as long ago as January 2008, where it was described as "[providing] *a good model of joint working between the police, BIA and other agencies"*[27]. The model had also attracted interest from other parts of the UK Border Agency. However, despite this and the apparent benefits of this model, we were informed that the Agency had not formally assessed the model to determine how it could best be applied in other parts of the UK.

6.51 The Agency also provides staff to work in multi-agency regional intelligence units which aim to identify and disrupt organised crime groups considered to be causing the greatest harm to a region. However, there was not an agreed amount of Agency resource that was to be dedicated to these units. Consequently we found that the level of resources that were dedicated to these units varied between regions. We did not find any evidence that the Agency had assessed the benefits of this initiative, or assessed whether the level of resources provided was adequate. Therefore the Agency was unable to effectively assess whether the desire of some of its stakeholders – that more Agency resources be dedicated to these units – were justified.

6.52 In addition, we found that following the UK Border Agency's restructuring of intelligence, many of its stakeholders were confused about how to identify where intelligence or information could be shared and the extent to which it should be developed. The potential impact of this confusion is that intelligence that may assist the Agency to identify and respond to offences is not being shared with the Agency.

6.53 We were also concerned to find that the Agency had not effectively informed its stakeholders of how its intelligence structures would operate following the restructuring of intelligence, or of their responsibilities. As a result, they did not know how to identify where intelligence should be sent. Indeed a number of the Agency's stakeholders informed us that they had found it easier to liaise and share intelligence with the Agency prior to its intelligence transformation, when it operated as a single intelligence unit. One stakeholder said:

"….. the UK Border Agency had a central intelligence unit (INDIS) – it worked better to have a central point of contact than the current set up. The restructure left a small bit of 'strategic' intelligence and said to the regions "you've got a great deal of autonomy to sort out immigration in your areas". I don't know what, if any, intelligence activity takes place in the regions as there is no flow – I don't know who the contacts are."

27 Border and Immigration Agency: 'Review of Intelligence; Final report', January 2008, Paragraph 47.

6.54 We noted that the UK Border Agency and SOCA were undertaking a project to identify how they could work together more closely and effectively. It was anticipated that this project would examine the most effective way for the two organisations to share intelligence with one another.

6.55 Clearly, any confusion about who was responsible for intelligence within the Agency, could potentially hinder both the Agency's and its stakeholders' ability to effectively identify and respond to offenders.

We recommend that the UK Border Agency:

- Establishes national points of contact for the sharing of intelligence with other law enforcement agencies.

The use of intelligence to avoid unlawful discrimination

6.56 Intelligence has the potential to ensure the Agency conducts its activities – and particularly its enforcement activities – on the basis of specific evidence. It can assist in ensuring the Agency does not discriminate against particular groups on the basis of anecdotal evidence or individual prejudice.

6.57 In law, the Agency can legitimately select or profile individuals, groups and companies for more detailed examination on the grounds of their nationality or national or ethnic origin, provided that this has been authorised by a Minister. We assessed how intelligence was utilised by the Agency in seeking these authorisations[28].

6.58 At the time of the inspection, the Agency had Ministerial authorisation to conduct a more rigorous examination of the nationals of 37 countries[29]. These had been identified by the Agency as countries whose nationals were most likely to present a risk to the UK's immigration controls.

The assessment of risk was based on the number of nationals of a country who:

- presented forged documents on their arrival in the UK;
- arrived in the UK without travel documents;
- had been refused entry (asylum);
- had been refused entry (non-asylum);
- had had an application for an extension of leave / settlement refused;
- had been refused to be recognised as a refugee (in-country);
- had been served with illegal entry papers;
- had been classed as being a Section 10 offender (having worked in breach of their conditions / overstayed); and/or
- had absconded.

6.59 One of these factors was the number of applications for the extensions of leave, or for settlement, which the Agency refused. We noted that this factor alone could have a significant impact on the 'risk' that the Agency thought a nationality posed. In its November 2010 'National Risk Assessment', for example, the Intelligence Directorate stated that the Agency's refusal rate for applications for an extension of leave or settlement made by nationals of one country had formed over 68% of the 'risk' that had been attached to it.

6.60 An accurate risk assessment therefore relies on the UK Border Agency's decisions in these types of cases being correct. However, we recently found that the Agency's decision making in respect of settlement applications made by Pakistani nationals that had been considered by the Agency's UK Visa Section was:

28 As amended by the Race Relations (Amendment) Act 2000. We note that these provisions were replaced by the Equalities Act 2010.
29 This authorisation was replaced on 10 February 2010 by one which allowed for nationality based differentiation. This was made under the Equalities Act 2010, which superseded the Race Relations Act.

"Poor, to such an extent, that it was almost impossible in some cases to determine why visas had been issued, when others had been refused on identical or very similar evidence"[30].

6.61 We found no evidence that factors, which may point to initial decisions being incorrect were factored in to the assessment to determine risk. This meant that authorisations to discriminate could be made on a potentially misleading basis. For example, if the assessment took account of the number of decisions that were overturned at appeal, it would naturally affect the overall number of applications refused. This could then affect the overall risk assessment and may produce a very different assessment for nationals of particular countries.

We recommend that the UK Border Agency:

- Ensures its intelligence assessment takes account of the overall quality of decision-making when seeking Ministerial authorisations to discriminate.

6.62 We observed frontline staff operating at the port of Dover and Gatwick airport to see how they used intelligence to decide which people or vehicles should be subject to further examination in order to prevent the illegal importation of drugs or tobacco.

6.63 We did not find evidence that clearly set out a precise set of methods used by staff. However, from our observations and interviews with staff and managers, we identified three main approaches:

- specific intelligence – for example that a red car, with registration number XXXXX, would be travelling on the 15:30 ferry between x and y;
- general intelligence – provided by intelligence units to frontline staff to inform them of, for example, the routes / methods of concealment used by people recently found to be smuggling goods; and
- individual knowledge and experience of staff.

Staff and managers believed that all of these approaches had a part to play in identifying people trying to illegally enter or bring goods into the UK.

6.64 However, we found no evidence that the Agency had assessed the respective outcomes of each approach and which of them had resulted in greater identification of offences. Furthermore, there was no evidence that it had assessed whether the benefits of staff using their knowledge and experience outweighed the potential risk of them being used unnecessarily and disproportionately due to discriminatory behaviour. Indeed staff told us that approaches to the use of 'knowledge' and 'experience' varied, with each person having *'their own approach(es)'*. The Agency needs to address this issue more transparently to provide greater assurance that individual members of staff are not discriminating unlawfully and that resources are used efficiently.

We recommend that the UK Border Agency:

- Assesses why people and vehicles are subject to further examination at ports and how this results in the detection of immigration and customs offences.

30 'An Inspection of the UK Visa Section: Pakistan settlement applications January – April 2010' Para 6.1 http://icinspector.independent.gov.uk/wp-content/uploads/2010/07/An-inspection-of-the-UK-Visa-Section_Pakistan-settlement-applications.pdf

Appendix 1
Inspection Framework and Core Criteria

The criteria used in this inspection, which were taken from the Independent Chief Inspector's Core Inspection criteria, are shown below:

High level outcomes of the business

1.1(b) Operational policies, priorities and activity is driven by clear analysis of environment, risks, threats, capabilities and impact

1.1(c) There is effective joint working with delivery partners and stakeholders including enforcement and security agencies; carriers; local authorities; employers and educational establishments

1.1(d) There are clear procedures for handling data, including identity management, in accordance with national security and data protection requirements

1.1(f) There are clear mechanisms to use intelligence and other information so as to further improve performance develop policy and reduce immigration offending and to set operational priorities and tasking

1.3(g) UKBA seeks feedback from partners on the effectiveness of work of the agency

Processes and procedures including quality of decision making and consistency of approach

2.2(a) Decisions are made in accordance with international, European and domestic law

2.2(d) Decisions are made clearly based on all of the evidence and in accordance with current statutory requirements, published policy, guidance and procedures.

2.2(e) Training and written guidance enables staff to make the right decisions

2.4(c) Risks, including protecting the public, are assessed and inform decision making

Management and Leadership

4.7(a) Strategies and plans are communicated throughout the organisation and to stakeholders

4.7(b) Up to date working guidance and manuals are accessible and communicated to staff

4.7(c) Staff understand key objectives and values of the organisation

Appendix 2
List of stakeholders interviewed

During the inspection, we interviewed representatives from a variety of the UK Border Agency's corporate partners. They are as follows:

- Kent police
- Sussex police
- South Wales police
- the Serious Organised Crime Agency
- West Midlands police

Appendix 3
Glossary

Term	Description
A	
Agency	Refers to the UK Border Agency
Allegation	An allegation is a piece of information which brings to the attention of the UK Border Agency a perceived breach of the immigration system, or the illegal importation of goods.
B	
Border Intelligence Service (BIS)	The UK Border Agency's single intelligence structure. It is comprised of the Agency's Intelligence Directorate and intelligence practitioners working within the Agency's four main business groups: Border Force, Immigration Group, International Group, and Criminality & Detention Group.
Border and Immigration Agency (BIA)	The name of the agency responsible for immigration functions prior to creation of the UK Border Agency.
Border Force	Part of the UK Border Agency, responsible for frontline operations at air, sea and rail ports.
C	
Casework Information Database (CID)	Electronic database widely used throughout the Agency to record casework information.
Case Owner	The UK Border Agency's term for an official within its New Asylum Model (NAM), responsible for processing an asylum seeker's claim from start to finish. A Case Owner's role includes deciding whether refugee status should be granted, refused or temporarily granted based on all the evidence presented. Case Owners also handle the latter part of the process including appeals, organising support, integration or removals from the UK. Case Owners are also found in the Case Resolution Directorate at Senior Executive Officer level and oversee several teams of Case Workers responsible for legacy cases.
Centaur	Legacy customs IT system used by the UK Border Agency to collate and manage information and intelligence.
Covert human intelligence source (CHIS)	People who covertly obtain information to assist a law enforcement agency to investigate and / or prevent crime.
Criminality and Detention Group	Part of the UK Border Agency, responsible for undertaking criminal investigations, managing criminal cases and Immigration Removal Centres.

D	
Debrief	The process by which information is actively gathered and shared during routine operational work so as to increase information flows. This in turn will provide greater evidence leading to better intelligence assessments.
Detention Estate	Term used to refer to the three types of detention facilities operated by the UK Border Agency, namely immigration removal centres, short-term holding facilities and holding rooms.
Detention Services	UK Border Agency unit responsible for management of the detention estate, escorting and electronic monitoring.
E	
Enforcement Action / Operation	Action taken within the UK (as opposed to being undertaken at the border) by trained Agency staff to locate and process suspect or known immigration offenders.
H	
Harm Agenda	The scale against which the UK Border Agency prioritises which cases should be removed first, putting more resources into removing those who may cause more harm to the public such as foreign national prisoners.
Her Majesty's Revenue and Customs (HMRC)	HMRC Detection used to operate at air, sea and rail ports. One of the legacy organisations that made up the UK Border Agency.
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
I	
Immigration Crime Team	A unit jointly staffed by seconded police officers and UK Border Agency staff to investigate Immigration related crime with the ultimate aim of a successful prosecution.
Immigration Group	The directorate within the UK Border Agency which is responsible for asylum, enforcement and compliance and nationality.
Immigration Removal Centre (IRC)	Longer-term, residential detention facility, formerly known as a detention centre.
Independent Chief Inspector of the UK Border Agency	The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.
Intelligence Constitution	The Constitution sets out nine key principles which govern how the UK Border Agency should go about the task of collecting, analysing and passing on intelligence. It is the key point of reference for staff working within the intelligence network.
International Group	The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas.
L	
Legacy customs functions	Term used to describe the customs detection functions undertaken by the UK Border Agency since integration.

Legacy immigration functions	Term used to describe the immigration functions undertaken by the UK Border Agency since integration.
Legacy organisations	The three organisations that formed the UK Border Agency: the Border and Immigration Agency, UK Visas and HMRC Detection.
Local immigration team (LIT)	A LIT is a local team undertaking as many functions as practicable at a local level in a defined area within a region. LITs build on the work carried out by the best local enforcement offices but have a wider remit to encompass community engagement beyond enforcement. They undertake key enforcement roles in their locality.
M	
Minister	The Minister of State for Borders and Immigration is a member of Her Majesty's Government with responsibility for matters relating to immigration.
Mycroft	Legacy immigration IT system used by UK Border Agency to collate and manage information and intelligence.
N	
National Intelligence Model (NIM)	An intelligence based business model used by British police forces to gather and manage information.
New Asylum Model (NAM)	The end to end case management system for processing asylum applications made after 4 March 2007. See also 'Case Owners'.
Nine Principles	These principles direct and guide the creation and delivery of the UK Border Agency Intelligence Service.
P	
POISE	The IT system/platform used by Immigration Group
Primary Checkpoint (PCP)	An initial border control point combining both customs and immigration functions.
R	
Race Relations (Amendment) Act 2000	The Race Relations (Amendment) Act 2000 was an Act to extend further the application of the Race Relations Act 1976 to the Police and other public authorities; to amend the exemption under that Act for acts done for the purpose of safeguarding national security; and for connected purposes. Section 19D sets out exceptions from section 19B for certain acts in immigration and nationality cases. Section 19B does not make it unlawful for a relevant person to discriminate against another person on grounds of nationality or ethnic or national origins in carrying out immigration and nationality functions.
Regional Director	Senior manager responsible for one of the six Immigration Group regions.
Regionalisation	The creation of six UK Border Agency immigration regions.
Removal	A person or person(s) who voluntarily, through assistance or through enforcement by UK Border Agency staff, physically leaves the UK after a failed asylum application.

Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UK Border Agency visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK.
S	
Screening interview	The process of establishing initial information from an asylum seeker in support of his or her claim. The interview is conducted by UK Border Agency staff at asylum screening units in Croydon and Liverpool. Applicants are then issued with an application registration card as identification whilst their claim is being considered.
Senior Case Worker / Case Owner	The UK Border Agency term for an official, usually at Senior Executive Officer level, responsible for a team of Case Owners and/or Case Workers.
Serious Organised Crime Agency (SOCA)	An Executive Non-Departmental Public Body of the Home Office responsible for pro-active operations against serious and organised crime.
Strategic Threat Assessment (STA)	This document describes and assesses the threats to the UK border from irregular migration, organised crime, terrorism and smuggling and considers how these threats might develop.
T	
Tasking and Coordination Group (TCG)	A system to prioritise threats, set objectives and plan resources and action at all levels of the organisation. In essence a business process supported by intelligence.
Transformation Journey	The strategic plan to deliver a Border Intelligence Service that transforms the collection, dissemination and use of intelligence, globally and locally in order to make the UK Border Agency an intelligence-led organisation.
U	
UK Visas	One of the legacy organisations that made up the UK Border Agency and is now known as International Group. UK Visas was previously responsible for visa operations at overseas locations.
United Kingdom Border Agency	The agency of the Home Office responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay in the UK, including nationality and asylum applications.

Acknowledgements

We are grateful to the UK Border Agency for its help and co-operation throughout the inspection. In particular we are grateful for the assistance in providing case-files and for arranging interviews with staff, sometimes at short notice.

We are also grateful to those organisations who gave their time to meet with us to discuss their experience of the UK Border Agency's use of intelligence.

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