

# Security in a Global Hub

Establishing the UK's new  
border arrangements

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# Foreword by the Prime Minister

The United Kingdom's border controls need to protect us against terrorism and crime, while encouraging the flows of people and trade on which our future as a global hub depends.

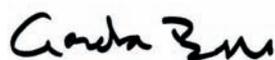
In the 21st century, the challenges are greater than ever before. We face new threats and new opportunities.

Our border agencies need to adapt. Day by day, dedicated front line officers work hard to ensure our safety, security and prosperity. We need to give them the structures and tools to enable them to continue to succeed in that task, and to work effectively together.

That is why in July I announced the Government would reform the UK's border arrangements, integrating the work of Customs, the Border and Immigration Agency and UKvisas, overseas and at the main points of entry to the UK, and establishing a unified border force.

This report sets out how this Government will establish a new border organisation - the UK Border Agency - with the resources and remit to improve the UK's security through strong border controls, while welcoming legitimate travellers and trade. As well as consolidating controls at the UK's points of entry and exit, it will work inside the UK and throughout the world to ensure that those who come to the UK and stay here do so legally, and where the law is broken, that action is taken to remove people swiftly.

Taken together with the progress that has been made since July, I believe these changes will lead to a far more effective border agency, which will both protect our country and promote its economic interests.



**RT HON GORDON BROWN MP**



# UK/EU Passports

Including Switzerland and the European Economic Area

## UK Border

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# Summary

## The big picture

1. The United Kingdom is one of the world's foremost trading nations. We are a leading member of a European Union whose success and advantages are underpinned by the movement of people and goods. In short, our economic and social well being depends to a great extent on the effectiveness and smooth operation of our international links.
2. At the same time, the UK faces threats, such as from organised crime and terrorism, of an unprecedented level of virulence, sophistication and variety. The determination and capability of such groups are greater than ever before and the potential consequences more serious. In a security context, border infrastructure can itself be a target.
3. The objectives are clear: the facilitation of legitimate travel and trade; security from the threats and pressures of crime, whether illegal migration, terrorism, or attacks on the tax base; and protection of the border itself, our international transport networks and the people using them and working on them.
4. Achieving these aims means more than just a strong border. Each requires a range of tools, applied in a coherent way. But border arrangements are nonetheless important, and it is right to consider how government work at the border can be most efficiently and effectively structured.
5. The scale of the task is considerable. Currently there are over 218 million passenger journeys<sup>1</sup> and 440 million tonnes of freight crossing the UK border every year. There are some key hubs. The twenty busiest airports handle 180 million of these passenger movements, with Heathrow accounting for a third. The 37 largest seaports deal with over 400 million tonnes of freight. But although the UK's 48 largest ports, the 30 major airports and the Channel Tunnel together handle 98% of freight movements and 99.5% of passenger traffic, there is a range of smaller ports and airports which also provide a point of entry to the UK.<sup>2</sup>
6. In terms of threats, controls and risks, 'the border' cannot be seen as a purely geographical entity. Airports represent inland borders. Flows of information, money and services are largely electronic.
7. Finally, the scale of the task is increasing. This is most easily seen in the forecast trade volumes. By 2030 the number of international passenger journeys is forecast to increase to 450 million.<sup>3</sup> Container traffic volume is forecast to be 174% higher<sup>4</sup> and the number of HGVs to have doubled over the same period. It is more difficult to forecast threats and pressures. But further migratory pressures could stem from climate change. The terrorist threat is likely to remain and evolve. Organised criminals will continue to seek and exploit opportunities, trafficking people and goods. The challenges are considerable.

## Managing the border

8. There is a range of government organisations that work at, or have an interest in the border.
9. Broadly speaking, activities at the border can be grouped into two:

<sup>1</sup>Passenger journeys represent the number of times an individual enters or leaves the UK.

<sup>2</sup>Source: Department for Transport

<sup>3</sup>Source: Department for Transport

<sup>4</sup>Source: Department for Transport

- border control, which deals with the processing of people and goods transiting the border; and
  - protective security at the border,<sup>5</sup> which protects airport, port and international rail facilities; the people working there; the planes, ships and trains that operate from them; and the people and goods in transit.
- 10.** The principal organisations involved in managing the flow of people and goods into and out of the UK are:
- the Border and Immigration Agency (BIA), employing 19,000 staff, including the Border Control Directorate which facilitates the millions of passenger journeys crossing the border every year;
  - HM Revenue and Customs (HMRC), employing 87,000 staff, of which the Detection Directorate staffs points of entry and exit, and deals with over £600 billion of goods movements;
  - UKvisas, processing 2.75 million applications to enter the UK annually; and
  - Special Branches (SB), part of the individual police forces, the ports work of which is coordinated at a national level by the National Coordinator Ports Policing (NCPD).
- 11.** Border control work consists of measures that are universally and systematically applied, such as passport controls and import/export declarations, together with selective risk based interventions such as search, seizure, examination, detention and arrest.
- 12.** In addition to the principal agencies there is a wide range of other bodies with an operational interest in border issues. These include: the Foreign and Commonwealth Office (through its network of overseas posts); the Department for the Environment, Food and Rural Affairs (Defra) (dealing with biosecurity, environmental protection and regulation, food safety and standards, and restricted goods of animal origin); the Vehicle and Operator Services Agency (VOSA) (dealing with the roadworthiness of vehicles travelling into and within the UK); the Department for Health, Port Health and local authorities (for public health and trading standards); the Serious Organised Crime Agency (SOCA) (tackling the most serious organised criminals causing harm to the UK); and the Identity and Passport Service (responsible for issuing UK passports). In Scotland, the Scottish Crime and Drug Enforcement Agency (SCDEA), and the Scottish Environment Protection Agency, and in Northern Ireland the Department of Environment Northern Ireland.
- 13.** The principal agencies involved in protective security are:
- the Transport Security and Contingencies Directorate (TRANSEC) of the Department for Transport (DfT), the UK transport industries' security regulator, responsible for establishing and maintaining the counter-terrorist protective security regimes at ports, airports and on the UK transport networks in close partnership with the police;
  - the police. In addition to the activities of SB, the NCPD coordinates the activities of police officers undertaking protective security, operating in both an armed and unarmed capacity. The 52 county and metropolitan police forces have direct responsibility for deploying and coordinating police officers engaged in general policing activities at the border, to prevent and detect crime; and

<sup>5</sup> Throughout this report, this activity is referred to as 'protective security'.

- private ports police. In addition to the county and metropolitan forces, there are ten independent ports police forces established by Act of Parliament carrying out limited, relevant policing functions in close cooperation with SB and the local police force at the port in question.<sup>6</sup>
14. There is a critical interface with the transport industries themselves. Regulated and vetted by TRANSEC, the industry recruits, trains and deploys the staff who control access to the transport infrastructure and undertake searching and screening processes for people (passengers and staff), items (baggage, cargo, catering, retail goods, catering etc.) and vehicles prior to embarkation.
- Developments to date**
15. The demands placed on the border from trade, migration, terrorism and crime are not new, but the level of intensity of those demands is. This is particularly as a result of:
- globalisation. Falling transport and telecoms costs are contributing to growth in a world economy that is forecast to be 40% larger over the next decade, with international trade increasing its share of this economy by 1% per annum;
  - the attacks on the World Trade Centre, Bali, Istanbul and Madrid, as well as the attacks in London in July 2005 and Glasgow in June 2007, which underlined the nature of the global terror threat; and
  - enlargement of the European Union, with ten new Member States acceding on 1 May 2004, and two others on 1 January 2007.<sup>7</sup>
- Enlargement has brought a number of benefits, not least to UK economic growth. It has also increased the number of intra-EU movements crossing the UK border. This enlargement created over 105 million new European citizens with increased rights to travel, and in most cases, to work in the UK.
16. In response, the Government has acted to reshape border controls by:
- “exporting the border”, moving a greater proportion of the UK border controls overseas. An important example of this approach is the introduction of juxtaposed immigration controls in France and Belgium to detect and deter clandestine illegal immigrants attempting to cross the Channel, which represented a step change in the management of immigration controls;
  - improving document integrity, tackling the forging of passports, identity documents and visas, particularly through use of biometrics. The development of the Government’s biometric identity scheme provides a future opportunity to underpin border controls with improved ‘defence in depth’;
  - better use of data, with more information being collected at an earlier stage in order to better inform risk profiling. The Government’s e-Borders programme, based on early analysis of electronic passenger data collected directly from carriers, will transform the way that data is used to support border operations; and

<sup>6</sup>Portland; Belfast; Falmouth; Larne; Bristol; Dover; Felixstowe; Tilbury; Liverpool; and Tees and Hartlepool.

<sup>7</sup>Those who joined on 1 May 2004 were: Cyprus; the Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; the Slovak Republic and Slovenia. Bulgaria and Romania joined on 1 January 2007.

- enhanced use of technology, both to improve risk profiling, and to improve protection against particular threats, for example detection of radioactive material or illegal immigrants concealed in freight.
  - 17. Protective security has been increased as a result of government action and substantial funding and further investment on the part of operators. It was further tightened in the wake of the alleged liquid explosives plot in August 2006 and the Glasgow attack in June 2007. The UK has vigorously promoted proposed EU aviation and maritime security legislation to raise standards across the EU. The concept and use of multi-agency threat and risk assessment (MATRA) has been successfully launched.
  - 18. This work has been taken forward through greater emphasis on closer working, and significant progress has been made. In particular, the Border Management Programme (BMP), established following the 2004 White Paper "One Step Ahead",<sup>8</sup> demonstrated the potential for improved performance resulting from a new approach.
  - 19. As a result, on 25 July, the Prime Minister announced that the Government would integrate the work of Customs, BIA and UKvisas and establish a unified border force. This review was established to report on implementation of this integration and the case for going further.
- Principles for the future**
- 20. The work has highlighted five key principles on which an effective system of border control should be based:
    - i. **act early.** The most effective – and efficient – way of addressing risks to the UK is to identify those movements which present a threat and to stop or control them before they reach the UK. Equally, low risk movements can be identified early to facilitate movement of legitimate goods and passengers. Increased activity upstream helps ease pressure on key bottlenecks further downstream;
    - ii. **target effort.** Border controls need to target activity to achieve both their control and facilitation objectives and minimise tension between the two. Control activity should be directed at those movements and in those locations that pose the greatest risk, while legitimate movements should be facilitated. This approach ensures maximum flexibility and efficiency, and has been adopted in other areas of government enforcement, as recommended by the Hampton Report;<sup>9</sup>
    - iii. **manage the bottlenecks.** High volumes of goods and people converge at the main points of entry to the UK. This makes them an attractive potential point of control, but also means that the accumulation of controls can cause real difficulties for legitimate movements. Striking the right balance is crucial. Getting it right enables the smooth flow of legitimate goods and people and the effective identification of threats; getting it wrong results in delays, inefficiency, duplication and the risk of overlooking threats;
    - iv. **maximise depth and breadth of protection.** For a given level of resourcing, border controls should be arranged so as to

<sup>8</sup>'One Step Ahead: A 21st Century Strategy to Defeat Organised Crime.' Home Office, March 2004

<sup>9</sup>Hampton, P. Reducing Administrative Burdens: Effective Inspection and Enforcement, March 2005

be able to recognise as many risks as possible and deploy the full range of powers necessary to address them, in as many places as possible, not just at the most visible or obvious locations; and

**v. reassure and deter.** A portion of border control work – such as the development of intelligence – will necessarily be behind the scenes. However, the UK border – and the officers working at the control points – need to project a clear, identifiable and professional presence. This is important in deterring those who wish to do harm as well as providing reassurance for the general public and business.

21. The challenge in achieving these aims will intensify in the future. The threat from organised crime and terrorism will become increasingly sophisticated. Continued economic growth will mean increasing volumes of people and goods entering and leaving.
22. An effective response to these future challenges means going beyond the cooperative work between parallel organisations that has been used to date. It will require international cooperation. It means recognising that the special nature of the border – with so many different aims being pursued, and the importance of ensuring that the work also achieves facilitation and reassurance – justifies a specific focus, which is planned and delivered accordingly.

### **Strategic direction and leadership**

23. To set a firm foundation, a single overarching border and risk management strategy is required that takes account of the full range of border objectives. That strategy needs to set out the right balance between control and

facilitation (including the acceptable levels of congestion at major locations), the look and feel of the border, and how protection can best be provided outside the main points of entry and exit. A specific piece of work within this should focus on the joining-up of data to support the physical checks and interventions at the border and inland.

24. Successful implementation of any strategy requires ministerial leadership, not just to provide consistency of direction and purpose but also to provide visibility and accountability. This leadership must reflect the balance of interests at the border. As a result, there should be a single responsible Minister, who should be a member of the ministerial teams of both the Home Office and HM Treasury. The work should be supported by a governance structure that properly reflects the wider range of departmental interests in the form of a Cabinet sub-committee. The way to achieve this is by revising the remit of the Domestic Affairs (Migration) sub-committee (DA(M)), chaired by the Home Secretary.

**Recommendation 1: a single responsible Minister, appointed to both the Home Office and HM Treasury, should take forward development, agreement and delivery of an overarching strategy for the UK border**

**Recommendation 2: collective ministerial agreement to the new strategy, the establishment of its priorities and monitoring performance against it should be achieved through a revised DA(M) Cabinet sub-committee**

### **Delivery mechanisms**

25. The analysis demonstrates a capability to deliver improvements to the effectiveness of controls at the border by exploiting

commonality of processes; better management of the flow of people and goods at the frontier; improved relationships with partners; the distribution of resources at a national level; and the effective and efficient deployment of resources on site.

**26.** Delivering this potential requires a step-change in the integration of management and process. It means:

- a single executive team, led by a chief executive, to translate the relevant parts of the border strategy into a business plan and then deliver it;
- a single command and control structure for each location, responsible for management and deployment of staff and resources and the interface with delivery partners such as port operators and the police, to achieve the range of objectives including control and facilitation, as well as input into broader security work;
- over time, the development of the skills and experience of staff so that they can deploy more flexibly between roles, identifying a wider range of risks and responding appropriately; and
- development and roll out of a unified approach at border points and a consistent approach to those crossing the border.

**27.** Such change requires a new organisation; but there are choices to be made as to the scope of that body.

**28.** As well as the case for integration of those functions carried out at the frontier set out above, there is a strong case for bringing under one management the end-to-end 'people processes', in the form of the work of UKvisas overseas, passenger-facing customs

work at the frontier, and the work of BIA. In seeking to achieve these aims however it is important that the ability of HMRC to continue to ensure tax compliance and provide a one-stop-shop for businesses is not affected.

**29.** The new organisation should therefore combine the whole of BIA and UKvisas with the frontier work of HMRC, but not the more general inland revenue collection and protection work, and be a responsive service provider to HMRC as required to ensure the integrity of the tax base.

**30.** Significant steps can be taken towards the establishment of this organisation in shadow form, on the basis of existing legislation. But new legislation will be required in due course to allow it to reach its full potential.

**Recommendation 3: the Government should legislate to establish a new organisation that takes on the work of BIA, UKvisas and the border control work of HMRC**

**31.** The new organisation will have to continue to balance the full range of aims being pursued through work at the border and should have the remit and resources to do so. It should improve the UK's security – defined broadly as security from the range of risks – through strong border control, responding collaboratively to the interests and needs of security, law-enforcement and revenue agencies. At the same time it must welcome, facilitate and encourage legitimate travellers and trade, forging close links with operators. Revenue-raising should have equal status to other objectives. This report does not seek to determine the right level of resource in the longer term, which is something that the new management will need to assess and discuss in the context of delivery planning. Because of

the importance of clarity and certainty in its budget, this should be negotiated and set within a ring-fence for each CSR period. In the immediate term, the transitional funding necessary to implement the plans can be made available within current departmental allocations.

**Recommendation 4: the new organisation should be given the resources and remit to improve the UK's security through strong border controls, while welcoming, facilitating and encouraging legitimate travellers and trade**

32. The new organisation will have a single chief executive and single board, the composition of which will need to reflect, in terms of its background, skills and experience, the full remit of the new organisation. The chief executive should be appointed by the Prime Minister on advice of the Cabinet Secretary and with the agreement of the Chancellor and Home Secretary.
33. Given the important contribution it will make to the UK's security, the necessity of close links with the policing community, and its responsibility for immigration control, the new organisation should be an Home Office agency.
34. However, the relationship between the new organisation and HMRC will be a critical one. HMRC will continue to provide a one-stop-shop for business, to own policy and to manage the systems and audits through which revenue is collected and the tax base protected. The integrity of this work is underpinned by an ability to conduct physical checks at the border to ensure the accuracy of manifests, licences and other documentation. The new organisation will carry out this role at the border on behalf of HMRC, as well as playing a crucial role in tackling smuggling and other activity that presents real risks to the integrity of the tax base. Going forward, HMRC will be the commissioning agent for such border work and the new organisation the service provider, and its business plan should therefore be agreed by the Chancellor as well as the Home Secretary. The relationship between the two organisations should be further strengthened by the inclusion of an HMRC Commissioner on the board of the new organisation, and a power for the Chancellor to direct the chief executive to take corrective action in the event of negative impact on revenue. The performance of the new arrangements with respect to revenue-raising should be examined after 18 months.
35. The FCO provides a platform for visa operations, and therefore has an important delivery interest in the proposed new structure. There should be a senior FCO official on the new organisation's board.

**Recommendation 5: the new organisation should be an agency of the Home Office, but with a dual and symmetrical reporting line to the Chancellor and Home Secretary in respect of its frontier work. Its board should include a Commissioner of HMRC and a senior official of FCO**

### Key elements of integration

36. The new organisation should use the potential offered by the change to improve the depth and breadth of protection provided to the UK, using the deployment of staff with a wider range of capabilities to improve coverage. To do so will require a particular focus and investment in staff training.
37. This should be complemented by further powers. In July, the Prime Minister announced that there will be new border officers, with

immigration, customs and police powers to investigate and detain people suspected of immigration, customs or criminal offences. Criminal law is a matter of devolved responsibility in Scotland. In the first instance, the review's recommendations relating to such matters bear only on England, Wales and Northern Ireland.

38. The UK Borders Act (which received Royal Assent on 30 October 2007) extends existing powers of immigration officers to cover a wider and appropriate range of police powers of detention. In tandem with arrest and detention, it is often important that criminal investigations are initiated as rapidly as possible after an incident, including the need to secure vital crime scene evidence and to obtain time sensitive information which could be needed to stop further criminal activity. To ensure that all appropriate investigatory powers are available to border officers in future, consideration will need to be given to the requirement for further legislative steps.
39. Controls on how such powers are used and deployed are important. Since a range of such powers will probably only be needed for a single officer in particular circumstances, and the new organisation will need to ensure that its people are properly trained before the powers can be safely used, a model should be adopted in which particular powers are designated to particular officers on a specific and time-limited basis.
40. Pending new legislation, there are additional steps that can and should be taken. Legislation provides for customs officers to be appointed immigration officers, and for immigration officers to have customs powers conferred on them. These provisions should be used to their full extent.

41. Equipping border officers with an appropriate range of powers will be important. But that is not to say that in the future all staff will be generalist. The nature of the business will inevitably mean that there is a place for both generalist and specialist staff, and a key role for management will be to ensure that an optimum balance is maintained.
42. The new organisation must be able to ensure that the visa regime is operated to provide a first line of defence outside the UK against the full range of threats. Airline Liaison Officers working overseas should be given the authority to revoke visas. Meanwhile, improved arrangements can be put in place to enable them to obtain authority from others to cancel visas 24/7.

**Recommendation 6: the Government should legislate to permit the controlled designation of customs, immigration and police powers to officers of the new organisation, and should reinforce powers to cancel visas outside the UK**

43. Because of the particular investigatory and casework nature of the work undertaken, both BIA and HMRC are subject to independent oversight. It is important the new arrangements do not dilute this scrutiny.
44. There is a strong case for a new organisation to have a single principal point of independent oversight. The recent UK Borders Act 2007 takes a significant step towards this by appointing a Chief Inspector of BIA, who will have statutory responsibility to oversee the efficiency and effectiveness of the organisation and make recommendations to the Home Secretary across the range of BIA functions. This will include a new capacity in relation to the exercise of enforcement functions, in particular any powers of arrest or detention.

The logical extension would therefore be to extend the breadth of remit of the Chief Inspector of BIA to become a more general Chief Inspector of the new organisation and to scrutinise the full range of its activities.

45. Beyond this, the Independent Police Complaints Commission (IPCC) should continue to oversee the handling of serious complaints against the new organisation, and Her Majesty's Inspectorate of Prisons (HMIP) should continue to scrutinise detention centres. The relevant devolved arrangements will apply in Scotland.

**Recommendation 7: the role and remit of the new Chief Inspector of BIA should be extended to provide independent scrutiny of the full range of activities of the new organisation**

46. There is a strong case for better coordination between the different official checks and processes at the port itself. The onus is on the Government to join-up and present a lead point of interface with operators.
47. That interface should, in the first instance, be a designated senior manager of the new organisation for the facility concerned. Their role will not be to manage the other agencies or to provide the only interface with operators, but they should be in a position to assess the total requirements of the official agencies on site to improve understanding in relation to the overall scale of official activity on site, its purpose and proportionately.
48. Once new arrangements are in place, except in emergency situations, civilian agencies should only work on site on border control matters with the agreement of this senior manager either on a case-by-case basis or within the context of a general pre-agreed framework as appropriate. The presumption should be that,

where practical, existing or new controls should over time be taken on by the new organisation, funded by the commissioning organisation. Where independent checks are maintained, the senior manager should lead cooperative work to examine whether such wider activities – for instance those relating to SB checks – can be located and conducted alongside those of the new organisation, or the flow between them made more efficient.

**Recommendation 8: a designated senior official of the new organisation for each facility should be the first point of liaison with operators and lead efforts to improve the interaction and efficiency of all official controls**

**Recommendation 9: except in emergency situations, civilian border control agencies should only work in the port environments with the agreement of the new organisation. Where practical, civilian controls at points of entry or exit should be undertaken by the new organisation, funded by the commissioning organisation**

49. Ensuring breadth of coverage across a range of locations and risks will be crucial. The unique nature of the Common Travel Area (CTA) requires particular attention to manage the special circumstances associated with free movement within this area. This is currently being addressed by BIA through the development of a comprehensive strategy for the CTA, working in partnership with the Irish Government. This work should be built into the overarching strategy of the new organisation.
50. There is a particular need for coordination and better joint working at smaller ports and airports. Delivery in this area should be a specific consideration for the new

organisation, working closely with the police. Elements of future work might include strengthening the system of compliance with the requirement to inform the authorities of international flights – coupled with General Aviation Reports that are accessible online and easier to complete; encouraging aerodrome managers and harbourmasters to play a stronger role in border control and security through community engagement initiatives; and discussion with the relevant trade associations and the general aviation and sailing communities to examine ways to further mitigate exposure to risk.

**Recommendation 10: the new organisation should give specific consideration to controls at small ports and airports, working closely with the police**

### The case for wider integration

51. Looking beyond UKvisas, HMRC and BIA, there are arguments for a single force that combines the work of all border related agencies including the police and protective security functions. A merger like this should not be ruled out in the longer term. However, as an initial step it carries real risks in terms of cost, scale and practicality of change. Particular issues about accountability, tasking and independence arise in any consideration of mergers involving the police and civilian agencies performing functions requiring close political oversight. There is a risk that too large an organisation at this stage would simply replicate old divisions under a new umbrella. The analysis suggests that the case for so wide a merger is not yet proven.
52. Consideration has been given to whether TRANSEC should be included in the new organisation. The mandatory requirements and compliance inspection regimes exist to mitigate
53. risk to the security of people and the infrastructure of the border. Such action strongly influences the experience of crossing the border, and is relevant to the relationships with the delivery partners. As a result, there is a strong argument that responsibility for those regimes – which is vested with TRANSEC – should be included. However, there are other significant considerations. TRANSEC integrates work on protective security at the border with the protection and regulation of other networks, such as the railways or London's underground network, and there would be a risk of dilution of cohesion and of management attention if it were moved at the same time as the other changes being described. As a result, TRANSEC should not form part of any initial restructuring, although in the longer term this issue should be kept under review.
54. The review has considered whether there is a case for the new organisation to take on some or all of SOCA's work and concluded that the balance of argument is against this. SOCA has been established to pursue organised crime, particularly through tackling the most harmful individuals. While such individuals often organise cross-border crimes, making the border an important source of information and potentially of intervention, the functional overlaps between the work of SOCA and those of the border organisations are small and the risk of diverting either the new organisation or SOCA from their core tasks is significant.

### The case for consolidating police resources

55. There are arguments in favour of consolidation of the existing policing functions at the frontier into a new police force that is separate from the new civilian organisation described above. These should be considered further, alongside the role of SB, which undertakes an important border control function with a remit for counter-terrorism and aspects of crime.
56. Nevertheless, the debate about the best use of police resource continues, because any proposals for change at the border also need to take account of the essential relationship between this work and inland policing. There are concerns that, although a single new force could deliver advantages for policing at the border, it could also create a separation between the information gathered at the border and the wider police intelligence picture, as well as complicating the interface between police actions and decisions within the port and any consequential impacts 'off-campus'. Concerns have been voiced that a national police force might find it harder to manage the ebb and flow of demand between ports due to geographical constraints. At this stage, the development of the new civilian organisation can proceed in parallel with further consideration of SB and wider policing options. They are not inter-dependent in terms of any restructuring, and the new organisation will have the capability to work effectively alongside the police as presently constituted, or any new force.
57. There will need to be close collaboration with the devolved administration in Scotland and the Association of Chief Police Officers Scotland (ACPOS) to discuss the recommendations in this report relating to matters of policing.

**Recommendation 11: the recommendations of this review are consistent with a potential path to further integration. But more work is needed on the best use of police resource at the border. The Home Office, on behalf of the Government, should lead a process with ACPO, the Scottish devolved administration and ACPOS to seek further views on this and the position of SB**

### Wider aspects of policing and border security

58. Whatever the longer term proposals for policing at the border, close collaboration between the new organisation and the police will be crucial. At the very least, the new organisation will need to draw upon the skills and experience of the police in its development. As a result, a senior police officer should be appointed to its executive board.
- Recommendation 12: a senior police officer should be appointed to the executive board of the new organisation**
59. Even without the establishment of a national police force, there are steps that can and should be taken to improve, strengthen and better coordinate police and protective security arrangements at ports and airports, including those relating to funding. Building on MATRA and current practice as it is now being developed, arrangements can be put in place that are effective, nationally consistent, and can be applied in a proportionate way across all modes and scale of facilities as necessary. These arrangements should be backed by statute. Their potential to be applied more generally should be explored.
60. The policy implication of this, and any consequences for the application of the new

framework to Scotland, will need to be discussed with the relevant Scottish authorities.

**Recommendation 13: a single framework for policing and protective security should be established on a statutory footing that can be applied across different transport modes and different sized facilities**

### Implementation

61. As set out above, the new arrangements for border controls that integrate UKvisas, BIA and the border work of HMRC will permit:
  - end-to-end management of passenger journeys, particularly as a result of combining BIA, UKvisas and those from HMRC dealing with passengers, meaning that the range of objectives can be better met; and
  - more effective and efficient delivery of activity at the border itself, for people and goods, and the ability to improve facilitation, and the projection of a clear, identifiable border presence.
62. Since July, progress has been made in integrating the work of BIA and HMRC through the development of trials of the single primary line concept for immigration and customs. Six locations covering 20% of passenger movements and 15% of freight were identified for these trials. Uniforms for all BIA staff have also been rolled out across the country. BIA and HMRC have also been working to improve intelligence sharing at the border.
63. Delivery of the new organisation will require a step change in activity and will involve a substantial programme of implementation. The planning of this at a detailed level must be a

priority for the management of the new organisation in its shadow form, alongside delivery of new programmes such as e-Borders and greater use of biometrics.

64. Input from front-line staff has shown support for the principles of greater integration, but has also flagged understandable concerns, such as those relating to the potential impacts of change on daily delivery; possible impacts on careers or terms and conditions; and important considerations of organisational culture and tradition that feed through into issues such as uniforms and ways of working.

**Recommendation 14: the first task for the future management of the new organisation should be the creation of the detailed implementation plan, making specific provision for further communication and involvement with staff and unions**

### Benefits

65. This is a substantial change in the machinery of government. Together, the new organisation will number around 25,000 people. By bringing border resources together under the Home Office, their effectiveness in participating in ensuring security will be improved.
66. The change should improve the ability to act early through:
  - more integrated use of the visa regime, ensuring that it takes account of the full range of risks and has a feedback loop incorporating the experience of work on arrival and inside the UK;
  - combining the efforts of visa Risk Assessment Units and HMRC and BIA

overseas work to “export the border”, to learn from each other and have more impact as a result; and

- more efficient interface with key partners – such as the SOCA liaison officer network.

**67.** It should enable more effective targeting of movements – both identifying high risk movements for greater scrutiny, and expediting legitimate movements – through:

- the single approach to information use flowing from a single business plan. The Immigration, Asylum and Nationality Act and related secondary legislation will oblige information sharing between the organisations concerned. The organisational change will allow for coherent planning of how to use that information to best effect;
- removal, over time, of duplication of staff effort examining the same movements in the same location and of unnecessary rework on arrival of checks done before arrival. The end-to-end control over passenger movements in particular should enable the development of improved watchlists as well as development and roll out of trusted traveller schemes designed to allow legitimate travellers to pass quickly through controls; and
- establishing a clear link with programmes already underway and ensuring maximum benefits are derived from these, for example the enhanced data capability delivered by the e-Borders programme, and the integrity of identity delivered by the biometric identity scheme.

**68.** It should enhance the ability to manage bottlenecks by:

- defining, through collective ministerial agreement, what checks should be

permitted at pinch-points and what the permissible acceptable levels of delay are as a result of those checks, and monitoring performance;

- providing additional flexibility to deploy staff resource to respond to changing priorities, for example surges in low risk traffic or a peak of high risk arrivals; and
- providing a single overview of flows at a given entry route, with a simpler and stronger relationship with delivery partners such as airport operators and the police.

**69.** It should improve breadth and depth of protection by:

- ensuring, through the border strategy, that the border challenges are seen and addressed as a whole, including outside the main points of entry and exit;
- allowing, over time, more efficient use of resources – in particular the removal of overlaps referred to above, permitting staff to be deployed to enhance checks either in the same location or elsewhere; and
- training individuals to identify and respond to a wider range of risks and making deployment decisions so that, wherever an officer is deployed, there is some coverage of the full range of risks.

**70.** It should deliver increased visibility of the UK border, improving confidence and enhancing deterrence. The single primary line will be the focal point for border activity on arrival, and UK Border signage and instructions to passengers should be rolled out, combining immigration and customs messaging, to all major passenger arrival points by June 2008.

71. The new organisation should wear a single uniform, which should be designed with staff involvement.
72. There will be costs, including IT, training and accommodation, but these are manageable within existing budgets. The extent of the costs depends on the approach that the management of the new organisation takes to terms and conditions and the speed of implementation.
73. Closer alignment or potential role-sharing between border agencies should allow for more efficient use of people, but the overriding motivator for the work is to enhance effectiveness and not cost saving
74. As with any change, this project entails risk. In this case effective risk management should be provided by the ability of the new management to plan the introduction of new arrangements location by location and set the pace. Governance arrangements should ensure that control objectives are balanced with those of revenue protection and facilitation.
75. The detailed timetable for creation of the new organisation will be set by its new management, but a number of major milestones will need to be met to maintain momentum. These include:
  - the creation of a single executive team to oversee the new organisation in place;
  - the appointment of a senior police officer to advise on the formation and development of the new organisation;
  - a single overarching strategy for the UK border;
  - lead officials in place for all major air and sea ports;
  - the national roll out of the single primary line at the border, with the designation of powers extending customs and immigration coverage;
  - the roll out of UK Border signage and instructions to passengers to all major passenger arrival points;
  - the e-Borders programme underway to count every person in and out of the UK;
  - all visa applicants providing fingerprints as part of their application process; and
  - completion of the Visa Waiver Test review, leading to modernised visa requirements.

## Legislation

76. Legislation will need to change as a result of the report's recommendations on new structures, powers and accountabilities, as stated earlier in the summary.
77. EU treaty obligations govern customs control and the movement of goods and people, as well as the right of establishment and obligations concerning human rights. In the case of customs, there are particularly extensive and detailed EU requirements including raising revenue for the central EU budget. The recommendations of this report take these obligations into account, and should enable them to be more effectively met.

## Conclusions

78. The border protects the UK from threats such as organised crime and terrorism, while at the same time facilitates the legitimate movement of goods and people on which our economy depends. The pressure to meet these two aims – and to find the appropriate balance between

them – has become more acute and will continue to intensify with globalisation, increased volume of traffic, and increasing frequency and sophistication of attacks on our borders.

- 79.** The challenges of managing the border in the 21st century are great. The business of border control has evolved significantly over the past decade in the face of new pressures and new opportunities, and the agencies operating at the border have had to transform their processes and systems to keep pace with that change.
- 80.** This review has found that the border control agencies have made significant strides in recent years to meet this challenge, working in new ways, harnessing new technologies, and enhancing joint working, all built on a foundation of the commitment and hard work of staff. But there is a limit to what can be achieved within existing structures. It is necessary now to take steps to ensure that the system is sufficiently flexible, coherent and accountable to meet the challenges of the future.
- 81.** To deliver the Prime Minister's intention of integration, the review therefore recommends a number of fundamental changes to the machinery of border control, some of which can be put in place relatively quickly, and which will deliver significantly improved performance for effective border control: acting early; effective targeting; ability to manage the bottlenecks; enhanced depth and breadth of protection; and reassurance/deterrence. There are arguments for additional reforms to arrangements for policing at the UK's borders, but these are complex and require further consideration before recommendations on a way forward can properly be made.
- 82.** The review recognises the strengths of the UK's current protective security mechanisms and requirements but also endorses ongoing work on multi-agency threat and risk assessments (MATRA) and the policing of airports to reinforce the arrangements for managing protective security at our borders. These will be crucial to ensure we address the evolving threat and are able to respond to emerging risks.
- 83.** Taken together, the recommendations of this review represent a fundamental package of reforms to the management of our borders. This is a challenging programme of change that will require robust management, and the review identifies a number of supporting steps which must be taken to ensure it can be delivered. The time is right to make these changes, to deliver enhanced security and controls, improved facilitation of legitimate goods and services, and greater efficiency and flexibility of operations. They will provide the foundations to take our border control forward to meet the challenges of the future.

# Chapter 1:

## Government objectives

The Government has controls at the border for a wide range of reasons, including to: provide immigration controls, safeguard the UK's tax base, protect against organised crime, protect against terrorism, exclude and control prohibited and restricted goods, such as firearms, as well as fulfilling the UK's obligations as a member of the EU. Each of the risks that the border seeks to manage is important in its own right. In each case, because of the nature of the threats to be countered, border controls do not work in isolation, but as part of wider strategic responses.

At the same time, the facilitated movement of people and goods is essential to the health of an economy underpinned by trade and with significant earnings from tourism and education. Managed migration makes an important contribution to our economic health. Controls have to be exercised in a way that minimises the delay and costs to legitimate travellers and businesses.

As a result, future arrangements must ensure that the full range of interests are considered and balanced.

This chapter covers:

- the risks being addressed through border control;
- the importance of facilitation of legitimate travel and trade;
- the importance of public perception of controls; and
- balancing security and facilitation.

### Risks being addressed

- 1.1** This chapter examines the objectives behind controls at the border:
- providing effective and robust immigration controls;
  - protecting the UK tax base;
  - maximising protection against organised crime;
  - maximising protection against terrorism; and
  - excluding prohibited and controlling restricted goods.
- 1.2** For each of these risks, effective border controls increase the likelihood of discovery and detention, as well as increasing the difficulty and costs to criminals and terrorists

of planning and organising operations that involve border crossings. The border provides an opportunity to track high risk individuals or freight, identify suspicious movements, and monitor travel patterns. Border controls can also be used to deny entry or detain suspicious passengers or freight.

- 1.3** A visible, robust system of checks at the border may have a deterrent effect on some: a border crossing represents a risk, a point at which an individual's details and identity may be checked and movements are recorded. In the same way, the border facilitates the scanning of freight and postal packages for explosives and other dangerous or illegal substances – for example, equipment is already in place at ports and airports to enable HMRC to scan for radioactive material.

## Immigration crime

- 1.4** The UK is an attractive destination for those wishing to come here legitimately to visit, work and study, and migration brings many benefits to the economy and to society. However, the same factors which attract genuine visitors, also act as a 'pull-factor' for those wishing to abuse the migration system. The UK is a target for criminal gangs seeking to exploit vulnerable groups for trafficking to the UK.
- 1.5** The border provides an important opportunity to monitor and measure the flow of immigrants, track points of origin and identify sponsors, and to intervene if necessary. The system of overseas checks, including the existing visa regimes and the Airline Liaison Officer (ALO) network, allows border agencies to filter out high risk or inadequately documented individuals before they arrive in the UK.
- 1.6** The future threat of illegal immigration is high: world population growth over the next 30 years is predicted to be two billion – with 95% of the increase in the developing world. More than 60 states have per capita incomes lower today than 10 years ago.<sup>10</sup> Climate change may accelerate trans-national migration.
- 1.7** The UK's strategy for tackling illegal immigration at the border is set out in the Border and Immigration Agency's (BIA) "Securing the Border" strategy, published in 2007.<sup>11</sup> Tackling serious organised immigration crime also falls within the remit of the Serious and Organised

Crime Agency (SOCA).<sup>12</sup> New legislation, regulation and improved immigration controls have made it harder for people to enter the UK illegally in recent years, but the resilience and adaptability of criminals means that tackling immigration crime remains a key priority.

## Protecting the UK tax base

- 1.8** The border plays an important role in helping to identify taxable goods and services, and securing revenue from these for both the UK and the EU. The UK Government receives around £22 billion from tax revenue at the border – and it is increasing each year. This represents around 5% of the total tax take of £420 billion.<sup>13</sup> As part of this, HM Revenue and Customs (HMRC) collects more than £2 billion in customs duty on behalf of the EU, £600 million of which is retained by the UK Government.
- 1.9** The risk to revenue from cross-border fraud is high, for example estimated losses from VAT Missing Trader Intra-Community (MTIC) fraud in 2006-2007 were between £1 billion and £2 billion.<sup>14</sup> Overwhelmingly, such activity is undertaken by organised criminal gangs operating on a commercial scale. Current criminal activity focuses on excise cross-border fraud and VAT MTIC fraud, but it is likely that such gangs will seek to exploit other opportunities in future.
- 1.10** HMRC has developed a number of strategies in response to such attacks, such as the Tackling Tobacco Smuggling Strategy, the Spirits

<sup>10</sup>Source: 'One Step Ahead: A 21st Century Strategy to Defeat Organised Crime.' Home Office, March 2004

<sup>11</sup>"Securing the Border: Our Vision and Strategy for the Future" – Home Office March 2007

<sup>12</sup>Source: SOCA Annual Report 2006/07

<sup>13</sup>Source: HMRC Departmental Report: Integrating and growing stronger. Spring 2007

<sup>14</sup>Source: Pre-Budget Report and Comprehensive Spending Review, October 2007

Strategy and the MTIC Strategy. These strategies seek to tackle the threat across the compliance spectrum for each regime – rather than focusing on one aspect of it in isolation. This approach is based on accurately assessing the size and nature of the problem: estimating the size of revenue losses and undertaking analysis to gain a clear, evidenced-based understanding of the problem and what responses will be most effective; setting quantified outcomes, enabling the department to monitor and manage delivery; and pursuing relevant outputs and operational interventions to target resources where they will be most effective. By tackling the problem in this holistic way the strategies have proved effective at initially stemming, and then reversing, illegal activity.

### Serious organised crime

- 1.11** The potential scale and consequences of serious organised crime on the UK are considerable. The majority of organised crime involves the illicit movement of commodities or people in and out of the UK. This international dimension means that border controls can influence the success or failure of the particular crime.
- 1.12** An estimated 25–35 tonnes of heroin enters the UK annually, while the cocaine market is estimated at 35–45 tonnes of cocaine powder a year. The impact of drugs on the UK economy (including enforcement, health and associated crime costs) is estimated at £15.4 billion a year.<sup>15</sup>
- 1.13** Criminals smuggle cash and other monetary instruments out of the UK across the border. The border provides an opportunity to seize

the proceeds of crime and so have a significant impact on organised criminal groups. Law enforcement is increasingly focusing on targeting outward flows of cash.

- 1.14** The Government's response to organised crime is set out in the UK Control Strategy, developed by SOCA in collaboration with partners.<sup>16</sup>

### Terrorism

- 1.15** Preventing terrorism is a key priority for the Government. Terrorism, and the threat of terrorism, have immediate and direct effects as well as indirect effects that can have an impact on the population's quality of life and sense of security. The threat from international terrorism, in particular from Al Qaeda or its spin-offs, is serious and sustained.
- 1.16** The UK's counter-terrorism strategy (CONTEST) involves a range of different agencies operating domestically and internationally. These include the security and intelligence agencies operating alongside the police and key partners. Whilst terrorist-related movements account for a substantially smaller proportion of border traffic than movements relating to other threats, the potential impact of terrorism is very high. Border control efforts have an important role to play in the overall UK counter-terrorist effort.
- 1.17** Improvements in the UK's ability to tackle terrorist plots, including through better border controls, will inevitably cause the terrorist threat to mutate. Activity at the border must therefore continue to be integrated with wider counter-terrorism responses, and where possible anticipate and respond to the developing threat.

<sup>15</sup>Source: Home Office.

<sup>16</sup>Source: SOCA Annual Report 2006/2007

## Prohibited and Restricted Goods (P&R)

**1.18** HMRC, on behalf of several government agencies (such as the Home Office and Defra), operates a range of controls at the border which are assigned in EU and national law. These include sanitary and phytosanitary import controls on products of animal origin and live animals; plant products; feed and food

controls; and forestry and wood packaging and Common Agricultural Policy (CAP) controls. HMRC also operates controls on the flows of potential dangerous chemicals and items into and out of the country. In total HMRC has more than thirty assigned matters which underpin a range of regulatory measures designed to protect public and animal health and fulfil EU and wider international obligations.

### HMRC prohibitions and restrictions regime profiles

1. Controls on Ammonium Nitrate	12. Control on the importation of Hops	21. Control of Radioactive Materials
2. Controls on the importation of animal furs	13. Control on Intellectual Property Rights (IPR)	22. Radio Transmitters and certain other broadcasting equipment
3. Animal pathogens	14. Control on the import and export of rough diamonds	23. Sanctions and Arms Embargoes
4. Control on the import and export of dangerous chemicals (Prior Informed Consent – PIC regime)	15. Control to prevent trade diversion of medicines – Tiered Price Products (TTP)	24. Controls on the exports of strategic goods and technology
5. Chemical weapons, Toxic Chemicals, and Precursors	16. Controls on Offensive Weapons	25. Controls to prevent unsafe products being imported into the UK
6. Convention on the International Trade in Endangered Species (CITES)	17. Ozone Depleting Substances	26. Trans-frontier shipment of waste
7. Cultural objects	18. Toothfish and Tuna Controls	27. Control on Obscene and Indecent Material
8. Explosive Controls	19. Control on the importation on Plant Products/Plant Based Goods including Forestry/Wood Packaging	28. Goods bearing a false or misleading indication of origin
9. Control on Firearms	20. Animal health checks on Products of Animal Origin (POAO)	29. Horse Docking
10. Control on Fireworks		30. Control to prevent the importation of prison goods
11. Control on the importation of fruit and vegetables		

### Tackling firearm smuggling

In the year ending March 2007, HMRC seized 364 firearms and 71 parts of firearms, along with 4,479 rounds of ammunition. To strengthen controls further, HMRC has taken a number of steps since July 2007. These include:

- developing a firearms strategy and action plan;
- creating a Firearms Coordination Centre to direct operational effort as well as to develop and share intelligence;
- deploying the HMRC National Strike Force to postal hubs to conduct in depth detection exercises; and
- reinforcing its links with local police forces.

**1.19** The importance of effective controls is illustrated by the impact of the outbreak of Foot and Mouth disease in 2001. The outbreak is believed to have been caused by the illegal import of infected meat, and is estimated to have cost the UK economy £8 billion.<sup>17</sup>

**1.20** HMRC also works to prevent the illegal import of firearms and ammunition into the UK. While the flow of guns into the UK tends to be on a small scale and the direct economic impacts of gun crime may be relatively low in comparison with some other threats, the social impact on communities and public perception of safety is considerable. Border arrangements have a role to play in stemming this flow by enabling the interception of smugglers and smuggled hardware, as well as deterring movements into the UK.

**1.21** Risks from other prohibited and restricted goods are more difficult to quantify in monetary terms. The size of the UK market in intellectual property crime is estimated at £1.3 billion a year.<sup>18</sup> The risk to society from counterfeit medicines, toiletries and other

consumables, purchased unwittingly by the consumer, is also potentially significant.

## The importance of facilitation and the international movement of goods

### Flows of people and goods

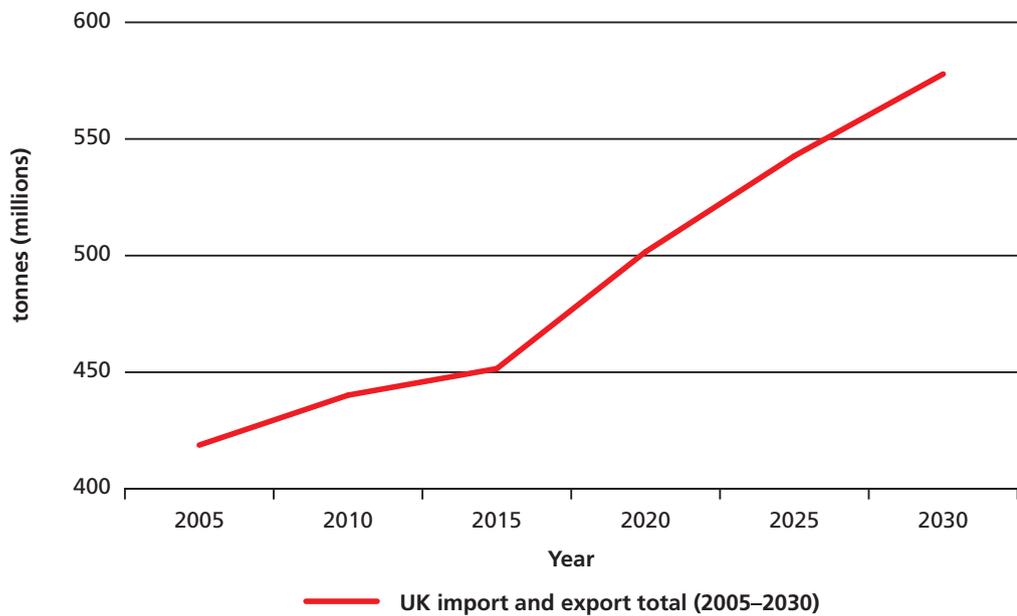
**1.22** The UK's border controls need to provide rapid and well-policed transit for huge quantities of legitimately traded goods in and out of the country, and the large numbers of people on whom our successful position in the world economy depends. If we are to maintain our prosperity and our way of life, the UK cannot afford to damage its attractiveness as a global hub.

**1.23** Flows of people and goods in and out of the UK are large and growing. The majority of freight and passenger flows are concentrated on a limited number of ports and airports: the UK's 48 largest ports, the 30 major airports of

<sup>17</sup>Source: *Economic costs of the foot and mouth disease outbreak in the United Kingdom in 2001*. Joint Defra and DCMS working paper.

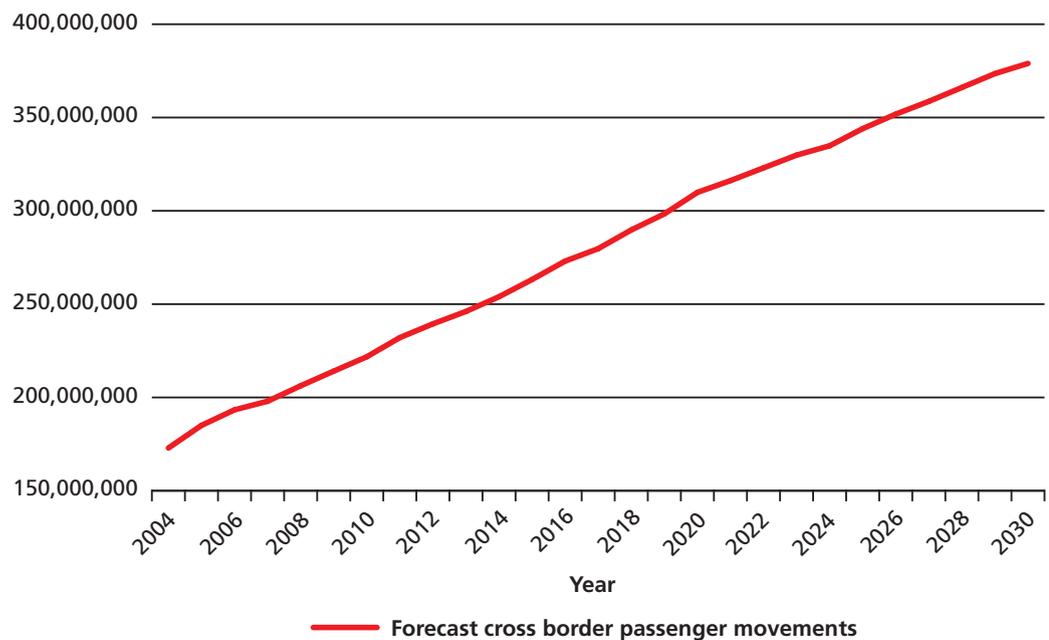
<sup>18</sup>Source: *The UK Threat Assessment of Serious Organised Crime, SOCA 2007/08*

### UK ports: international freight traffic forecasts to 2030



Source: Department for Transport

### Forecast cross border passenger movements by air to 2030



Source: Department for Transport

the UK, and the Channel Tunnel, together handle almost all movements of freight (98%) and people (99.5%) in and out of the country.<sup>19</sup>

- 1.24** Although most of the flows pass through a relatively small number of locations, the total number of potential points of entry is large. The contrast in numbers between the largest and smallest is noticeable, particularly in relation to airports, where Heathrow and Gatwick combined account for around 50% of international passenger movements in and out of the UK. Heathrow in particular, with over 60 million international passenger journeys a year, is considerably larger than other airports.
- 1.25** Overall there are currently in excess of 218 million passenger journeys that cross the UK border each year. Total freight flows across the border are in excess of 440 million tonnes.<sup>20</sup> Both these figures are expected to grow, to over 450 million passenger journeys<sup>21</sup> and 580 million tonnes of freight by 2030.<sup>22</sup>

## Trade and tourism

- 1.26** Trade has become an increasingly significant component of prosperity. Total trade (exports plus imports) has risen from accounting for 25% of GDP in 1970 to 60% in 2006, or £735 billion
- a year.<sup>23</sup> Intra-EU trade represented just over half of this figure in 2006.<sup>24</sup> UK trade is predicted to grow at 5-5.5% a year, compared with GDP growth at 2.5-3%.<sup>25</sup> Port traffic by weight is predicted to grow by 37% between 2004 and 2030.<sup>26</sup> Freight traffic is growing at 2.9% a year (and around 6% through the major Kent ports).<sup>27</sup> This presents a significant challenge, and border crossings will need to become more efficient to cope with this increase.
- 1.27** The continued development of Just-In-Time international supply chains, as well as the growth of trade in perishable goods, places an increasing emphasis on the reliability and predictability of our controls. The costs of delays in transiting goods through customs can be significant, possibly as high as 2% of the value of the goods.<sup>28</sup> For business, the costs may relate to the need to hold more inventory, supply information and documentation to authorities, or lost business opportunities. Ultimately, these costs are passed on to consumers and can have a negative impact on overall economic growth.
- 1.28** The UK is committed, through its membership of the EU and the World Customs Organisation (WCO), to working with other countries to modernise international trade

<sup>19</sup> Source: Department for Transport

<sup>20</sup> Source: Department for Transport: MDS Transmodal 'Overall Forecast Growth in UK Port Traffic in Tonnes, including updated GB figures

<sup>21</sup> Source: Department for Transport

<sup>22</sup> Source: Department for Transport: MDS Transmodal 'Overall Forecast Growth in UK Port Traffic in Tonnes, including up-dated GB figures

<sup>23</sup> Adjusted for MTIC VAT fraud; Source: HMT Macroeconomic Brief, August 2007. Note that net trade (exports minus imports) is currently -1% of GDP.

<sup>24</sup> Source: Balance of Payments 2007 Q2, First Release

<sup>25</sup> Source: IMF April 2007, World Economic Outlook

<sup>26</sup> Source: UK Port Demand Forecasts to 2030. Department for Transport, 2006

<sup>27</sup> Source: UK Port Demand Forecasts to 2030. Department for Transport, 2006

<sup>28</sup> Source: OECD: (i) The Economic Consequences of Terrorism. Economic Department Working Papers No. 334. July 2002. Patrick Lenain, Marcos Bonturi and Vincent Koen. ECO/WKP (2002)20; (ii) The Costs and Benefits of Trade Facilitation. OECD Policy Brief. October 2005

### Secure and smart trade initiatives

The UK is one of two EU Member States (the other being the Netherlands) engaged in a smart and secure trade lanes pilot project with China. The overall objective of the project is to test, refine and agree the principles for securing and facilitating end-to-end supply chains between Asia and Europe, beginning with sea containers moving between China and the Netherlands and China and the UK. The ports involved in this pilot are Felixstowe, Rotterdam and Shenzhen.

rules and procedures as well as enhancing safety and security. For example, HMRC is currently setting up the UK's Authorised Economic Operator (AEO) process, which authorises businesses that meet certain set EU criteria.<sup>29</sup> Depending on the type of authorisation certificate awarded, such businesses will benefit from facilitations for customs controls relating to security and safety of the goods at the entry to or exit from the customs territory of the Community, or simplified customs rules, or both. It is an EU-wide initiative, and the system will be effective from 1 January 2008.

- 1.29** Last year, 32 million tourists visited the UK and spent more than £15 billion. The tourism industry directly supports 1.4 million jobs, representing around 5% of total UK employment.<sup>30</sup>
- 1.30** Britain remains the destination of choice for many visitors from overseas. In 2005, 11.8 million non-EEA travellers entered the UK – 3.9 million from the USA, the majority as tourists or on short business visits.<sup>31</sup> International travel is increasing: total

passenger journeys across the UK border could reach 450 million by 2030.<sup>32</sup> The costs of delaying passengers can be significant. A ten minute increase in the transit time for clearing UK border controls would have an opportunity cost of almost £400 million per annum based on current flows.<sup>33</sup>

- 1.31** The UK is second only to the USA as an international provider of education. Further and higher education colleges, English language and independent schools contribute an estimated £5 billion annually to the UK economy, with students as individuals also contributing substantially.<sup>34</sup>
- 1.32** Continued growth comes, in part, from international trade and investment, and from the ability of business to fill gaps in the UK labour market that cannot be filled from the domestic workforce. Engineers, teachers and other experts from abroad fill these gaps, making important contributions to the UK through tax and revenue, as well as developing links with foreign countries.

<sup>29</sup> Criteria include an appropriate record of customs compliance, satisfactory management systems that allow appropriate customs controls and proven solvency. Additionally, for security and safety, it will include details of the standards to be met

<sup>30</sup> Source: [www.visitbritain.com](http://www.visitbritain.com)

<sup>31</sup> Source: *Securing the UK Border: Our vision and strategy for the future*. Home Office March 2007

<sup>32</sup> Source: Department for Transport

<sup>33</sup> Source: Department for Transport

<sup>34</sup> Source: *Securing the UK Border: Our vision and strategy for the future*. Home Office, March 2007

## Public perception

- 1.33** External perception (business and personal, domestic and foreign, legitimate and non-legitimate) of risks from threats such as terrorism, as well as the overall effectiveness of our border controls, may differ from the actual level of the risk and our effectiveness, and ability, to tackle it at the border. For example, if the threat of a terrorist attack is perceived to be high or the government response perceived as inadequate, then business and tourists abroad may avoid the UK, and travel associated with business and tourism from and within the UK may also fall, even if the actual threat is lower than perceived. Equally, if businesses perceive the UK border to be inefficient and costly in time and resources they may choose to locate elsewhere. Conversely, if border controls are perceived to be strong and effective this can provide a level of deterrence against potential wrongdoers and increase the travel confidence of other travellers.
- 1.34** The fear of crime and terrorism can also have an impact on people's perceptions of well being and safety and so undermine their quality of life. Border controls have a part to play in providing reassurance. It is important that border controls are visible and dynamic, and that staff are professional in their appearance and performance.

## Balancing security and facilitation

- 1.35** The UK needs strong and effective border controls to combat existing and new threats. However, this should not unnecessarily increase travel times for legitimate travellers and goods, and the disruption caused by intercepting those that represent a higher risk should be

minimised. The goal is to find the optimal relationship between an appropriate degree of security, and the free flow of people and goods.

- 1.36** Measures that discourage, or slow, movements of people and goods risk limiting the opportunities presented by trade and travel and will therefore incur a cost. However, the two objectives of security and prosperity in a global hub are not necessarily in conflict. There is significant potential for general wins through improved targeting (through better use of better information), which can lead to minimising contact and burdens on the legitimate traveller or trader while focussing impact on the illegitimate. For example, new systems that use new technology may provide a means for border control agencies to identify and fast track lower risk travellers, as well as to detain and deter higher risk passengers or goods.

# Chapter 2: Relevant organisations

Border control work – managing the flow of people and goods in and out of the country – is largely carried out by the Border and Immigration Agency (BIA), HM Revenue and Customs (HMRC), Special Branch (SB), and UKvisas.

This work comprises some systematic work applied to certain movements – such as passport control and customs declarations – as well as work that is performed in response to specific risks, which varies in intensity and location.

The key sea, air and rail ports are a vital element of the national infrastructure, as well as providing a concentration of people and goods. They can therefore also be potential targets for terrorism, as well as convenient locations for other regulatory checks.

Protective counter-terrorist security for these locations is a joint effort, led on the public sector side by the Department for Transport's Transport Security and Contingencies Directorate (TRANSEC) as the regulator, with industry undertaking and resourcing necessary measures. TRANSEC also consults with the Centre for the Protection of National Infrastructure (CPNI), which provides specialist protective security advice. The police provide a visible uniformed presence at ports both in an armed and unarmed capacity.

This chapter covers:

- work at the border; and
- relevant government organisations involved in this work.

## Work at the border

**2.1** There are two interrelated aspects to work at the border, border control and protective security:

- **border control** relates to facilitating legal movements of both goods and people across the border and law enforcement – preventing and detecting illegal movements;
- **protective security at the border**<sup>35</sup> relates to protecting airport, port and international rail facilities; the planes and ships and trains that operate from them; the people and goods in transit; and the people working there.

## Border control

**2.2** Border control work incorporates the work overseas prior to people and goods arriving in the UK (issuing and refusing visas and the work of Airline Liaison Officers (ALOs), gathering intelligence and working in partnership with other administrations to strengthen their controls); the work at the physical border (checking identification, checking goods, intervening where appropriate, gathering intelligence, investigation of border crime, removal of inadmissible passengers, and administering civil penalties and sanctions on carriers); and the work within the UK (inland compliance, investigation of purely border related crime, managing export control). Some work which

<sup>35</sup> Throughout this report, this activity is referred to as 'protective security'.

might be assumed to be at the physical border is in fact elsewhere: for example the HMRC National Clearance Hub at Salford, through electronic systems, provides real-time goods clearance around the clock.

- 2.3** The work includes both regulatory controls carried out at the border that apply to all movements of a certain type (such as passport control and import/export declarations), and selective, risk based interventions to target specific threats. The former should be as predictable and well-established as possible.

### **Protective security**

- 2.4** Protective security aims to prevent acts of violence being perpetrated against transport infrastructure and vehicles and vessels at ports, airports and railway stations; those who use them; and those working within them.
- 2.5** The current protective security regime brings together all key stakeholders to ensure that measures are put in place to respond to the assessed security threat. The measures must be holistic (i.e. no vulnerabilities are overlooked), effective, practical to implement and sustainable for as long as proves necessary.
- 2.6** TRANSEC is the transport industry's regulator for protective security. It is responsible for establishing appropriate National Aviation, Maritime and Channel Tunnel Security Programmes and ensuring that they are maintained.
- 2.7** The presence of armed and unarmed uniformed police provides a capability to respond proportionately to incidents, as well as additional reassurance and deterrence as part of their responsibilities to preserve the peace and ensure public safety.

### **EU dimension to border work**

- 2.8** As a member of the EU, the UK is part of a single market establishing the free movement of goods, people, services and capital within the EU. This has significant implications for the UK's border controls.
- 2.9** In relation to movements of people, a protocol to the EU Treaty enables the UK to exercise at its frontiers those controls on persons seeking to enter the UK that it considers necessary for the purpose of verifying the right to enter the UK of EU or EEA citizens and their family members; and to determine whether or not to grant other persons permission to enter the UK. Consistent with this, the UK can and does operate systematic identity – and, as appropriate, immigration – controls on people crossing the UK's border with other EU and EEA Member States. The Common Travel Area with Ireland and the Crown Dependencies is a special case, which is examined in chapter 4. In line with the EU Treaty and applicable legislation, and notwithstanding the border controls on people, EU and EEA citizens have the right of free movement into and out of the UK and 65% of all visits to the UK are from within the EU.
- 2.10** In relation to movements of goods, the UK is part of the EU common customs area. This is regulated by a range of EU Treaty and secondary legislative provisions, in particular the Community Customs Code. It is important to note that:
- UK customs control – whether on goods from third countries, or intra-EU traffic – is regulated according to a set of common EU standards;
  - in relation to third country goods traffic, the UK has discretion to apply a range of both

systematic and targeted checks at the border, including fiscal and security checks;

- in relation to intra-EU goods traffic, no systematic customs control is permitted. However, certain selective and risk targeted checks, such as for excise fraud and illegal goods, can be conducted at the border, in the same way that such controls are exercised anywhere within the UK; and
- customs declarations are not required in respect of passengers' baggage on intra-EU routes. Where such declarations are required for third country routes, the passenger must present their baggage physically to the customs authorities – usually by passing through a red or green channel, or otherwise by oral declaration.

**2.11** The links with the EU are extensive for customs operations and procedures. As noted earlier, the UK currently retains over £600 million of revenue collected on behalf of the EU. UK customs activities must therefore comply with the relevant EU obligations and this is scrutinised by the European Court of Auditors. Any future customs arrangements will have similarly to comply with these obligations.

## Relevant government organisations

**2.12** The following material briefly describes the main organisations relevant to border control and protective security.

### Border and Immigration Agency (BIA)

**2.13** BIA's border responsibilities relate to all people entering or leaving the country. The agency is responsible for:

- maintaining secure borders. This involves detection and intervention against those on the multi-agency watchlist and action against those attempting to break the rules by bypassing controls; and
- ensuring that those who do not comply with immigration rules are removed.

**2.14** BIA operates within a policy framework set by Ministers which covers: immigration; nationality; border control and entry clearance; enforcement and compliance; and asylum and appeals.

**2.15** In respect of border control and entry clearance, BIA carries out passport and immigration checks on travellers overseas and at the physical UK border. BIA shares responsibility with the Foreign and Commonwealth Office (FCO) for UKvisas, covered below.

**2.16** In response to recent growths in passenger numbers and increased threats, BIA has strengthened the border with tougher checks abroad, including the introduction of juxtaposed controls, as well as changes to arrangements at the physical border. The aim is to create a new offshore line of defence to check individuals as far from the UK as possible and through each point of their journey. This includes using new technology (such as biometrics) and stationing ALOs overseas to prevent inadequately documented passengers from travelling.

**2.17** BIA is headed by a chief executive who is responsible for the day-to-day management of the Agency and is accountable to the Home Office Permanent Under-Secretary of State for effective and efficient delivery of the objectives and responsibilities assigned to the Agency.

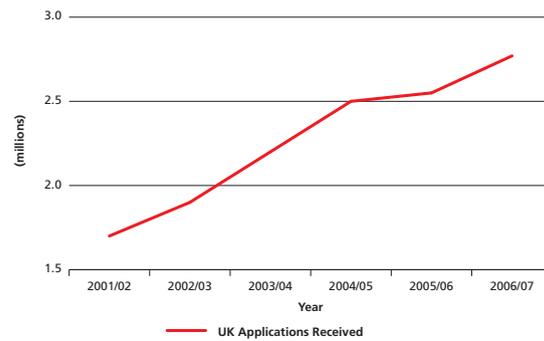
Ministerial accountability rests with the Home Secretary and the Minister of State for Borders and Immigration.

### UKvisas

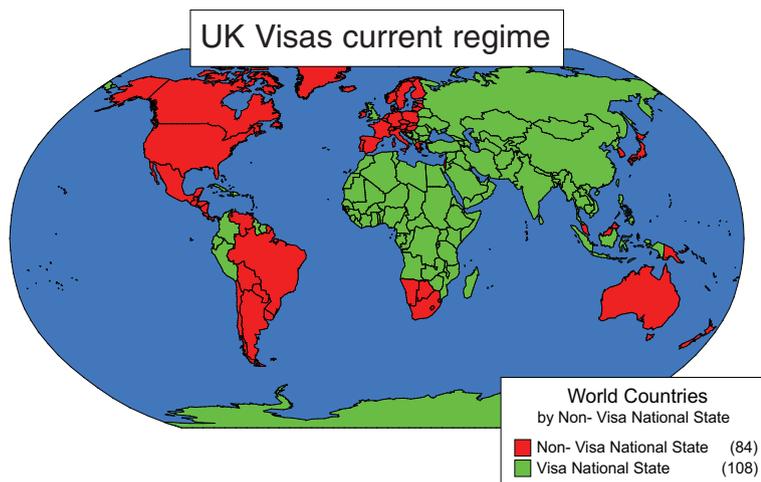
- 2.18** UKvisas is a joint directorate of the FCO and the Home Office. It is responsible for assessing, granting or refusing visa applications.
- 2.19** UKvisas manages 150 visa-issuing operations around the world.<sup>36</sup> Decision-making takes place in visa sections in UK diplomatic missions, but the majority of applications are now received and despatched through UKvisas' commercial partners. UKvisas is self-funding through the collection of visa fees: it receives no taxpayer subsidy for its operations. Currently, over 100 nationalities require a visa to come to the UK for any purpose, covering three-quarters of the world's population. In addition, non-EEA and non-visa nationals (e.g. US, Australia) require a

visa to work, study or settle in the UK or to stay for more than 6 months.

### Visa applications



- 2.20** UKvisas is introducing biometric data collection as part of the visa application process. Biometrics lock visa applicants into an identity at the earliest possible point in their journey, allowing authorities to track more easily their



Source: Home Office

<sup>36</sup>Source: UKvisas Annual Report 2006/07: Making Travel and Migration work for Britain

previous and future dealings with the UK.

On application for a visa, the biometrics are checked against the Immigration and Asylum Fingerprint database to identify if prospective travellers have already been fingerprinted by UK immigration authorities, in what identity and for what reason. Similarly those arriving in the UK undocumented, or making applications for asylum, can be traced back to any visa application they have made.

- 2.21** The Director of UKvisas is a board member of BIA and answers to the Permanent Under-Secretaries of State at the Home Office and FCO. Ministerial accountability rests with the Home Secretary and Foreign Secretary, supported by the Minister of State for Borders and Immigration (Home Office) and the relevant Minister of State at the FCO.

### HM Revenue and Customs (HMRC)

- 2.22** HMRC's border responsibilities relate to all goods entering or leaving the UK, whether carried by freight, passengers or any other method such as post. HMRC combines tax gathering, regulatory control and law enforcement. It ensures the legality of the flows of goods in and out of the UK, facilitates trade in both directions across the border, and carries out law enforcement operations against the illegal import and export of goods, including those associated with serious organised crime and terrorism. HMRC operates as an integral part of the EU effort for the collection of customs duty and enforcement of international trade agreements between the EU and other nations. EU legislation also governs third country customs controls operated by HMRC at the border.

### Revenue collected at the border

ALL DUTIES (2006)	£22.8bn
Import VAT	£19.3bn
Customs Duty	£1.9bn
Excise Duty	£1.17bn
Other charges	£456m
<i>Anti dumping duty, retaliatory rates etc</i>	

Source: HM Revenue and Customs

- 2.23** Annually, HMRC collects over £22 billion in customs duties, excise and import VAT from legitimate international trade activities. It facilitates the movement of £600 billion worth of goods, processing around 22 million import declarations and 5 million export declarations (using the Customs Handling of Import and Export Freight (CHIEF) system). As well as facilitating legitimate trade and collecting tax, HMRC operate revenue controls at the border (relating to alcohol and tobacco products for example) which result in significant numbers of seizures of illegal product each year, with a corresponding protection of the excise duty regimes. For example, there are over 65,000 seizures of excise goods at the border each year. Seizures in 2005-2006 totalled 1.2 billion cigarettes, 600 tonnes of hand rolling tobacco and 238,000 litres of spirits.<sup>37</sup>
- 2.24** Working in partnership with other enforcement partners (e.g. the police, Trading Standards and Animal Health) and licensing authorities (Home Office and the Department of Business, Enterprise and Regulatory Reform), HMRC is also responsible for enforcing a range of prohibitions and restrictions that apply to freight, passenger and postal traffic into and out of the UK. In total, HMRC has more than 30 assigned matters for which it operates a range of anti-smuggling and regulatory

<sup>37</sup> Source: HM Revenue and Customs

controls at the border (for example drugs and radioactive materials). These underpin a range of regulatory measures designed to protect public and animal health, prevent crime, and fulfil the UK's EU and wider international obligations.

**2.25** HMRC's work at the border is risk and intelligence led. It has a permanent presence at major ports and airports, supplemented by flexible, intelligence-led mobile detection teams and maritime operations patrolling the coastline. In addition, it deploys officers to the main postal depots, such as Coventry and Mount Pleasant, overseas (such as fiscal crime liaison officers) and inland (criminal investigation, detection and compliance officers) in support of its work.

**2.26** HMRC is headed by a Permanent Under-Secretary of State. Ministerial accountability rests with the Chancellor of the Exchequer and the Financial Secretary to the Treasury.

## Police

**2.27** There are 52 geographic police forces distributed across the three separate legal jurisdictions of England and Wales, Northern Ireland and Scotland. In addition, there are a number of specialist forces that are managed by separate government departments, including British Transport Police and Ministry of Defence Police. A small number of ports operate and fund private police forces under powers of specific legislation, including major ports such as Dover and Felixstowe. These forces work in close collaboration with the local police force, whose chief constable retains overall responsibility for policing of the border in that region.

**2.28** The police have three roles at the border: intelligence gathering (primarily relating to national security issues); protective security; and general policing (including the management of major and critical incidents).

**2.29** Each force has SB made up of local officers and staff who are answerable to the chief constable. SB is the primary partner of the Security Service in the UK in respect of gathering intelligence at ports and the border. SB officers' responsibilities are set out in Home Office guidelines<sup>38</sup>. They cover: protection of national security (including protection from terrorism; espionage; sabotage; proliferation of weapons of mass destruction; and public disorder intended to overthrow or undermine parliamentary democracy); serious organised crime; and child abduction. Protective security and general policing are carried out by uniformed police officers, supported by detectives and police support staff.

**2.30** With the exception of general policing duties, the policing responsibilities at ports and the border are coordinated through the office of the National Coordinator Ports Policing (NCPP), who acts under the governance of the Association of Chief Police Officers (ACPO). The strategic objectives for NCPP include: more effective border controls; the collection and development of intelligence; support to investigations; and creating a hostile environment for terrorists and criminals. Direction and control always remains with the relevant chief constable who is ultimately accountable for the work of SB and other police teams.

<sup>38</sup>Source: Home Office

- 2.31** ACPO Terrorism and Allied Matters (TAM)<sup>39</sup> is responsible for the development of SB's national strategy and policy, advising Ministers and responding to issues on legislation and guidance. ACPO (TAM) coordinates the police counter-terrorism effort and provides advice on specific operational issues.
- 2.32** Ministerial accountability rests with the Home Secretary and the Minister of State for Security, Counter terrorism, Crime and Policing.

### TRANSEC

- 2.33** The Secretary of State for Transport is responsible for establishing the counter-terrorist protective security regime in respect of transport networks. As well as covering a range of domestic transport systems, this includes points of entry and departure into the UK. This is executed on their behalf by TRANSEC. TRANSEC consults with industry representatives to assess industries' vulnerabilities to, and the consequences of, such attacks. On that basis they devise an agreed hierarchy of physical, procedural and personnel security measures to mitigate the identified risks. Statutory directions are issued to industry on behalf of the Secretary of State, containing the minimum protective security standards and measures they must employ. Industry compliance is inspected and enforced by TRANSEC.

- 2.34** TRANSEC consults with the Centre for the Protection of National Infrastructure (CPNI), which supports its work by providing specialist protective security advice through TRANSEC or, with TRANSEC agreement, to the transport sector. TRANSEC and CPNI also work in partnership in developing relevant protective security technologies and strategies.
- 2.35** TRANSEC develops specific strategies for each travel mode – rail, air and maritime. For example, the strategy for aviation security is contained in the National Aviation Security Programme (NASP). Aerodrome managers, airline operators, the providers of in-flight catering and air cargo agents are directed as to the minimum standards they must employ to counter the security threat. The standards apply to such matters as controlling access to the restricted zone from which all qualifying aircraft must operate, and the searching of passengers, staff, their belongings and all other items before they enter the zone. They are supplemented by guidance on how to comply with these standards and additional advice on security best practice (e.g. in the design of new facilities).

### Identity and Passport Service (IPS)

- 2.36** The IPS is an executive agency of the Home Office. It is responsible for assessing, granting or refusing passport applications and in the future, implementing the National Identity Scheme. The IPS receives most of its income from passport fees.

<sup>39</sup>The Association of Chief Police Officers (ACPO) brings together all chief constables across England, Wales and Northern Ireland (there is a separate, but similar, representative grouping for Scotland) for collective decision making and to set the strategic objectives for policing. ACPO TAM is a sub-group of ACPO, looking specifically at issues relating to terrorism and associated matters.

**2.37** The IPS works closely with the BIA, UKvisas and the FCO in order to deliver consistent service standards for identity documents across these organisations. The IPS has a role in transforming the way government interacts with UK citizens and businesses by developing common standards in identity management.

**2.38** The IPS issues more than 6 million British passports in the UK each year. There are currently almost 39 million adult passport holders.<sup>40</sup> In March 2006, biometric passports were launched as a measure to protect the identity of the passport carrier and reduce fraud. The second generation of biometric passports is due to be released soon, containing further biometric information in order to make the passport more secure.

**2.39** The chief executive of the IPS sits on the Home Office management board and is accountable to the Permanent Under-Secretary of State at the Home Office. Ministerial accountability rests with the Home Secretary.

### **Serious Organised Crime Agency (SOCA)**

**2.40** SOCA is an Executive Non-Departmental Public Body sponsored by, but operationally independent from, the Home Office. It was established in April 2006 as a new law enforcement agency, from an amalgamation of the National Crime Squad (NCS), National Criminal Intelligence Service (NCIS), that part of HMRC dealing with drug trafficking and associated criminal finance, and a part of UK Immigration Service dealing with organised immigration crime.

**2.41** SOCA is an intelligence-led agency with law enforcement powers and a remit for reducing the harm caused to people and communities in the UK by serious organised crime. It is funded by and reports to the Home Secretary, who also sets the Agency's strategic priorities. In Scotland, the Scottish Crime and Drug Enforcement Agency (SCDEA) has a similar remit.

**2.42** SOCA deploys to the border if this is the most appropriate place for it to achieve a selected intervention – in the same way it will intervene overseas or inland when this will best achieve the objective.

### **Royal Navy and the Maritime and Coastguard Agency (MCA)**

**2.43** Both the navy and coastguard play an important role working in cooperation with border agencies on a wide range of control and security functions.

**2.44** For instance, in relation to counter-terrorism, the Royal Navy uses fleet assets around the UK to assist police forces and SB with maritime intelligence requirements nationally. This incorporates work that is already being undertaken by the Royal Navy's Fisheries Protection Squadron. A memorandum of understanding has been drawn up between the National Coordinator Ports Policing and the Royal Navy to allow effective communication between the National Ports Analysis Centre (NPAC)<sup>41</sup> and operational naval assets. This allows for the effective briefing of naval resources towards counter-terrorism issues and provides for direct communication between

<sup>40</sup>Source: Identity and Passport Service

<sup>41</sup>NPAC was established by the police to collect and develop intelligence submitted mainly from SB officers at ports throughout the UK. The unit provides research and analysis in support of national counter-terrorist operations, as well as providing intelligence products for a range of customers. Currently NPAC has representatives from SOCA and the British Transport Police.

the Royal Navy and relevant UK forces where police action is required. Similar assistance and cooperation exists in relation to customs and, less commonly, immigration.

- 2.45** The MCA does not patrol, but provides a responsive rescue and coordination service. It has access to the Automatic Identification System which shows the identification and movement of vessels in UK waters. MCA inspectors conduct inspections of both UK and foreign flagged vessels in UK ports. They are in close liaison with the border agencies and pass on details of any suspicious activity to the police, HMRC or BIA, as appropriate.

### Others

- 2.46** There are a number of other agencies that operate in and around the border and have specific interests in the border. These include Animal Health and the Plant Health and Seeds Inspectorate (executive agencies of Defra), the Marine and Fisheries Agency (MFA), UK Trade and Investment, the Food Standards Agency, the Vehicle and Operator Services Agency (VOSA), the Department of Health, Port Health and local authorities, the Environment Agency, the Scottish Environment Protection Agency, and the Department of Environment Northern Ireland.
- 2.47** These agencies may operate in conjunction with HMRC or separately. For example, animals (other than those subject to rabies quarantine requirements) and animal products must enter the EU through a Border Inspection Post (BIP). BIPs are run and maintained by the port or airport operator, but the controls are implemented by Animal Health for live animals, and by the local authority or Port Health for animal products.

- 2.48** At the EU level, Frontex was established in 2005 as a specialised body tasked with coordinating and improving operational cooperation between Member States at the EU external border (responsibility for border control rests with the individual Member States concerned). The UK is currently excluded from full participation in Frontex, due to legal interpretation of its position in relation to the Schengen Agreement; this interpretation is being challenged before the European Court of Justice. However the UK takes part in operations on a case-by-case basis as well as seconding staff to the Frontex HQ in Warsaw. This provides opportunities to exchange experience, knowledge, best practice, technology, and share and develop intelligence.
- 2.49** Frontex is relatively young and the Government looks forward to contributing to the Frontex reviews in early 2008 which will be a chance to take stock of its achievements and development needs. In particular, the UK is keen to see Frontex deepen cooperation with countries beyond the external border to complement the EU's global approach to migration and maximise the effectiveness of its existing operations.

# Chapter 3: Development of border arrangements

The UK's border arrangements have evolved considerably over the last few years in response to a changing landscape of travel, trade and threats. A series of initiatives have been designed to increase capabilities, taking advantage of opportunities provided by the development of new technologies. The changes also fit within a wider security programme which is being pursued by the Government, including the identity management programme.

Significant progress has been – and continues to be – made. Increased activity overseas has prevented some threats from ever reaching the UK, and the advent of new technology, particularly in the field of targeting and selection, has enabled border agencies to improve their ability to risk assess efficiently and effectively. The last three years have witnessed unprecedented cooperation of the main border agencies under the auspices of the Border Management Programme. Yet whilst this initiative has yielded some tangible benefits, the experience has also demonstrated that there is a limit to how much further progress can be made within existing arrangements.

This chapter summarises the key themes running through these developments:

- “exporting the border”
- new technology;
- identity management;
- closer working; and
- developments in relation to protective security

## Border control

### “Exporting the border”

- 3.1** The UK has developed ways to move more border controls overseas, to prevent those who pose a risk to the UK from travelling.
- 3.2** A key element of this was the further introduction, starting in 2001, of juxtaposed controls in France and Belgium, building on the experience of such controls gained at the Channel Tunnel terminal at Coquelles since 1994. The purpose of these controls is to move aspects of the UK border to ports across

the Channel, to detect and deter potential clandestine illegal immigrants before they are able to set foot on UK soil, fundamentally altering the way the UK operates at its border. This development has been coupled with the use of new detection technology – for example CO<sub>2</sub> probes and X-Ray scans – to detect people concealed in freight. In the last year the Border and Immigration Agency (BIA) stopped 15,200 people from crossing the channel illegally in trucks and refused 6,800 people entry as a result of its juxtaposed controls in France.<sup>42</sup>

<sup>42</sup>Source: Border and Immigration Agency

### UK AIRLINE LIAISON OFFICER NETWORK



Source: Home Office

**3.3** BIA has also established a network of Airline Liaison Officers (ALOs) who operate in support of carriers overseas to help detect and deter inadequately documented passengers. They provide training to carriers and gather regional intelligence around the illegal movement of people. They were introduced to address issues at nexus points for illegal movements and they assist carriers with their obligations under the Carriers Liability Regulations, which impose charges of £2,000 per person on carriers who bring people without proper documentation to the UK. The ALO network has prevented more than 180,000 people with inadequate documentation boarding aircraft to UK in last five years.<sup>43</sup>

**3.4** HM Revenue and Customs (HMRC) has mounted operations such as 'Airbridge' and

'Westbridge' targeting drug smuggling (in particular by 'swallowing' packages of drugs) in high risk countries such as Jamaica and Ghana. Both have resulted in significant reductions in 'swallowing' incidents.

**3.5** HMRC also has a network of fiscal crime liaison officers posted to strategic locations overseas. These officers undertake a range of activities in support of achieving HMRC's objectives, including encouraging closer bilateral cooperation with the host country on law enforcement; gathering and exchanging information on fraud, major criminals and criminal organisations impacting on the UK and the host country; liaising with the host country on joint operations; and providing advice and helping to coordinate capacity-building in the host country (with the support

<sup>43</sup>Source: UKvisas Annual Report 2006/07: Making Travel and Migration Work for Britain

### Airbridge

In Jamaica, HMRC's Operation Airbridge has reduced the numbers of drug 'swallowers' or 'mules' from just under 1,000 detected in the UK in 2001 to fewer than 10 last year. HMRC has worked closely with the Jamaican authorities to detect perpetrators before embarkation, enhance the skills of Jamaican officers, and educate people about the risks and consequences of attempting to smuggle drugs. Because of its success, the approach has been extended to Ghana.

of HMRC's International Relations & Capacity Building team).

- 3.6** In parallel, the Government has taken steps to improve the robustness of the visa system. The process of assessing visa applications has been strengthened to draw on more detailed intelligence material. Identity management and risk assessment provide the cornerstone of a robust control overseas, allowing the targeting of controls on those who pose most risk. Following successful pilot operations, in 2006 UKvisas started to roll out biometric collection from visa applicants: currently visa applicants in 112 countries are required to provide biometric data.<sup>44</sup>
- 3.7** Risk Assessment Units have now been embedded in all high-volume, high-risk posts. They are increasingly working with local police to deter fraud and forgery by prosecuting those who submit forged documents in support of visa applications. In Ghana, for example, the number of applications containing forged documents has fallen by 75% since the introduction of an arrest programme.<sup>45</sup>
- 3.8** Illegal migrants often travel through other European states on their way to the UK so

border agencies are keen to continue working closely with EU partners to ensure more structured and effective management of the EU external borders. Frontex provides an opportunity, notwithstanding the legal issues discussed in Chapter 2, for the UK to support EU efforts in this area and to respond to illegal migration by identifying needs, planning disruption of illegal operations and assisting in building capacity both in Member States at the external EU borders and in the third countries of embarkation.

### New technology

- 3.9** The border agencies have all sought to use developments in technology to develop new approaches to their business. Pilot projects have been delivered to prove the concept – ensuring both that the technology is reliable and can deliver the performance levels required in a busy operational environment, and that it can be properly integrated into existing controls.
- 3.10** The e-Borders programme, currently being developed by BIA, will ultimately deliver a modernised, integrated secure border control system for passengers across all modes of transport. It will work by capturing electronic

<sup>44</sup>Source: UKvisas, including UKvisas Annual Report 2006/07: Making Travel and Migration Work for Britain

<sup>45</sup>Source: UKvisas

Advanced Passenger Information (API) data and some Other Passenger Information (OPI) direct from carriers on passenger movements in and out of the UK. A multi-agency unit – the e-Borders Operations Centre (eBOC) – staffed by officers from key border control and law enforcement agencies such as BIA, HMRC, SOCA, the police and UKvisas, will collect the data and compare it with border agency watchlists while travel is still in progress, allowing for early risk-profiling against immigration, customs, serious organised crime and counter-terrorism risks before travellers reach the UK.

- 3.11** As a result of e-Borders, departure information will be collected from carriers ensuring that people are counted out of the country and not just in. This will also provide immigration compliance data on passenger movements. This will be used to inform future decision making and risk assessment both overseas and at the border.
- 3.12** e-Borders represents a major change programme, and will transform the way data is

used to support border control operations. The programme will be implemented progressively between 2008 and 2014.

- 3.13** Project Semaphore, launched in 2004, is the ‘proof of concept’ project for e-Borders, operating the multi-agency e-Borders approach on a number of key routes in and out of the UK through a Joint Border Operations Centre (JBOC). Semaphore has delivered significant successes in its own right. It currently receives API for 27 million passengers per annum from 84 carriers, serving a total of 131 arrival/departure points. Over 16,000 alerts have been issued to date, resulting in over 1,300 arrests of subjects wanted for offences including murder, rape, assault and drug smuggling, as well as a significant number of other agency interventions.<sup>46</sup>
- 3.14** For freight, HMRC has developed the Freight Targeting System (FTS) to provide real-time risk assessment of freight movements. It allows all freight movements to be electronically checked against intelligence databases before the freight arrives in the UK. It draws together data from

#### Project Semaphore case studies

HMRC stopped a passenger on receipt of a Semaphore alert and on examination found her to be in possession of 1.5 kg of cocaine. The drugs were seized and the individual was sentenced to seven years imprisonment at Croydon Crown Court.

A police alert led to the arrest of a person attempting to board a flight who was wanted for seven offences including theft and burglary. Whilst in custody his house was searched and his partner was found dead. The individual was charged with murder and prosecuted.

A BIA alert resulted in the seizure of 170 counterfeit blank EU French passports. The offender was jailed in April this year for two years at the High Court in Edinburgh.

<sup>46</sup> Source: Border and Immigration Agency

ferry operators and shippers with a range of other information to identify travel movements of interest to the border agencies, allowing more effective targeting of cross-border criminality, whilst expediting legitimate traffic. Based on its initial successes in the roll-on-roll-off freight environment, FTS has already been extended to cover ferry passenger traffic and will be extended further to cover other modes of transport. This will mean that the vast majority of goods and freight entering the UK will be risk assessed by a single, coherent and effective system.

- 3.15** FTS, when fully implemented, will deliver a step-change in the ability to identify suspicious movements and target resources accordingly, enhancing capability in spite of the growth in freight movements.
- 3.16** Project IRIS (the Iris Recognition Immigration System) delivers a biometrically controlled automated border entry system for pre-registered travellers at selected ports in the UK. It provides a secure method of recognising someone from the pattern of their iris. Travellers who have pre-registered with IRIS are able to proceed through automated gates at

the border, rather than queuing to present their passport to an officer at the control. For passengers, IRIS has been designed to be a quick, convenient and secure way to clear immigration controls, open to British citizens and foreign nationals with permission to enter the UK. IRIS now has 143,000 registered users and operates at nine terminals at Heathrow, Manchester, Gatwick and Birmingham.<sup>47</sup> There have been over 616,000 crossings since the first installation. IRIS has tested the technology and provides a basis for the further development of automated entry clearance using biometrics.

- 3.17** The miSensePlus trial, which ran from December 2006 to March 2007, successfully tested elements of the International Air Transport Association's Simplifying Passenger Travel (SPT) initiative. This seeks to improve passenger movement and enhance security by capturing biometrics for identity verification at key points in the departures and arrivals process. BIA is now exploring options for developing and implementing a new legitimate traveller programme, capitalising on the success of the trial and the lessons learnt.

<sup>47</sup>Source: Border and Immigration Agency

## Programme Cyclamen



**3.18** Programme Cyclamen is a counter-terrorism initiative which seeks to prevent the importation of radioactive material into the UK. It screens air, sea and Channel Tunnel traffic, including containers and freight, post and fast parcels, vehicles and passengers, for the illicit movement of radioactive materials. It is being rolled out across the UK. The Home Office has the lead responsibility for the implementation of Programme Cyclamen at UK ports, airports and international rail terminals. HMRC is responsible for operating the equipment at UK points of entry and for the initial detection of any imported nuclear or radiological material. If an alert is triggered, then ongoing investigations are dealt with by specially trained police officers.

## Identity management

- 3.19** The development of new biometric technologies has enabled the Government to put in place a comprehensive biometric identity programme to enhance identity security within the UK. This programme is intrinsically linked to border management. Integrity of identity is fundamental both to identifying risk and facilitating legitimate travel. It is only through effective identity management of British and foreign nationals that relevant entitlements, including entitlements to live and work in the UK, can be verified.
- 3.20** BIA first began collecting biometrics in 1993, to fix the identity of all asylum applicants. UKvisas now secures the identities of visa

applicants in 112 countries by collecting their biometrics and checking them against existing databases. This data provides Entry Clearance Officers with significant additional intelligence on which to base the visa decision. By checking a live biometric against government databases it can be discovered if a prospective traveller has already been fingerprinted by the immigration authorities, for what reason and with which identity. A biometric fix also allows the UK authorities to identify visa applicants at any appropriate future time.

**3.21** By October 2007, 890,000 fingerscans had been taken for visa applications, and 9,200 of these matched fingerprints taken in connection with a previous immigration matter. In the three months to October 2007, over 300 applicants

have been discovered making an application in a second identity.<sup>48</sup> A memorandum of understanding between UKvisas and the National Police Improvement Agency (NPIA) was put in place on 31st August 2007 to further bolster biometric checks by enabling fingerprint data to be checked against criminal and counter-terrorist records. Implementation of the £27.4 million five-year contract is planned for early January 2008.<sup>49</sup>

**3.22** The next phase of the programme will be biometric immigration documents for foreign nationals living in the UK, starting in 2008. Identity documents for all UK citizens will be rolled out progressively from 2009. Running concurrently, the second generation of biometric passports, which will contain

### Biometric case studies

A Nigerian visa applicant claimed he had not visited the UK before. However a biometric check revealed he had been in the UK under a different identity, had been arrested for shoplifting and had completed an eight month prison sentence. At the conclusion of his sentence he was deported to Nigeria. His application for a six month visit visa was refused.

A Turkish national applied for a visa in Cyprus to visit a friend in the UK for two weeks. A biometric check revealed that he had previously sought asylum in 2001 under a different identity. The applicant failed to declare this when asked and rejected the results of the biometric check. The application was refused.

A female Peruvian, married to a British National, applied for a UK settlement visa in Spain. She said that she had not applied for a UK visa before, however a biometric check revealed a match to a male applicant for a visa in Madrid earlier in the year. When interviewed she said the male applicant was her brother but was unable to explain the fingerprint match. Further examination of travel documents revealed that she had made a previous application, which had been refused, using her brother's passport but replacing his photograph with hers. The second application was also refused.

<sup>48</sup> Source: UKvisas

<sup>49</sup> Source: UKvisas

fingerprint data, will start to be rolled out in EU countries from 2009.

- 3.23** By 2011, all non-EEA nationals travelling to the UK will be required to have a unique, secure ID. Those who do not have a biometric travel document, or have not previously registered their biometrics with the government, will have to register a biometric on arrival.
- 3.24** Biometric checks at the UK border will ensure the person travelling is the same one to whom the travel document was issued. Previously registered biometrics will be stored on a shared immigration database making it easier to detect, detain, document and remove people who should not be in the UK.
- 3.25** BIA has also recently increased checks on passengers leaving the UK. These are currently carried out on a targeted basis according to risk, with increasing coverage now in train.
- 3.26** Taken together, these measures will ensure that all individuals will be locked into a secure biometric identity, allowing the Government to reliably track an individual's movements across the UK border and confidently identify their entitlements in-country. This will reinforce the UK's strategies for tackling illegal immigration, provide more information to improve targeting of border controls and help to detect wrongdoers at an earlier stage on their journey to the UK. From a facilitation perspective, identity management will also allow quicker processing of legitimate travellers, by using automated entry systems like IRIS.

### Closer working

- 3.27** In 2004, the Government White Paper 'One Step Ahead: A 21st Century Strategy to Defeat

Organised Crime' tasked HM Customs & Excise (now HMRC), the Home Office Immigration & Nationality Directorate (now BIA) and the police to work together to develop options for providing more effective border controls through enhanced inter-agency cooperation.<sup>50</sup> The agencies subsequently established the Border Management Programme (BMP).

- 3.28** In addition to BIA, HMRC and the police, SOCA, UKvisas and the Office for Security and Counter-Terrorism (OSCT) are represented in the programme.
- 3.29** Through the BMP, the agencies concerned have improved closer working by:
- increasing intelligence sharing in support of border operations;
  - jointly identifying and managing risks; and
  - enhancing border controls, by capturing and sharing data, joint profiling and targeting, and trialling a comprehensive primary line of border controls combined with deeper targeted activity by each individual agency.
- 3.30** Based on the conferral of powers between agencies at some trial sites and cross-agency training, improvements in coverage were achieved. Successful examples include:
- several detections of illegal immigrants hidden in freight, found by HMRC acting on behalf of BIA at Immingham and Poole;
  - the detection of nearly 300,000 smuggled cigarettes at Blackpool Airport by Special Branch (SB) officers on behalf of HMRC; and

<sup>50</sup> One Step Ahead: A 21st Century Strategy to Defeat Organised Crime'. Home Office, March 2004.

### Improving facilitation

A BMP trial at Poole involved HMRC officers assisting BIA with searches of freight vehicles. Prior to the trial, concerns were expressed by one of the ferry companies about the potential impact on vessel unloading rates due to a greater level of control authority intervention, which would potentially create a loss of competitiveness against rival routes. However, when the trial was underway, the port's terminal manager stated that traffic flow had actually improved and drivers were delayed less due to the new processes.

- the detection of several importations of cocaine by BIA identifying HMRC targets through the electronic warnings index.

**3.31** However, the rate of progress possible under the BMP model has been constrained by a series of operational difficulties. For example:

- closer working has been undermined by the difficulties in establishing joint teams when different agencies have different terms and conditions and shift patterns; and
- without a single point of operational command it has proved difficult to deliver a single plan for rolling out new arrangements.

**3.32** These tensions and operational issues have proved to be difficult and time consuming to resolve. The BMP has delivered a step forward in border controls through closer working, and provided a platform for increased cooperation between the border agencies going forward. However, it has been limited by differing organisational priorities and operational difficulties.

### Protective security

**3.33** On 11 September 2001, attacks on the World Trade Centre redefined the threat from international terrorism. Western nations looked afresh at how best to secure themselves against such attacks and effectively combat the

threat. This and subsequent attacks, particularly the home-grown attacks of 7 July and 21 July 2005 on the London transport system, the alleged liquid explosives plot of the summer 2006 and the June 2007 attack at Glasgow Airport have continued to focus attention on the varied and significant terrorist threat.

**3.34** The Government has introduced new measures to combat terrorism, such as implementing radiation detection devices at ports and airports, anti-terror legislation (including the ability of immigration and customs officers to act as designated officers, in exceptional cases, in the absence of a SB presence), and additional measures such as hostile vehicle mitigation measures. TRANSEC's research and development team continues to work closely with domestic and international government and industry partners and manufacturers to ensure emerging technologies are developed, trialled and deployed to mitigate threats effectively. Recent examples include work on millimetre wave body scanners and techniques to detect liquid explosive threats.

**3.35** Enhancements have also been made to the wider protective security regime at our border. In 2002, Sir John Wheeler was asked to undertake a comprehensive review of airport security. Whilst endorsing the UK National Aviation Strategic Programme (NASP), the

review concluded that there was a need for enhanced inter-agency cooperation at airports. As a result, a methodology for multi-agency threat and risk assessment (MATRA) was devised jointly by the Home Office and TRANSEC, and launched in 2003 with a strong recommendation that it be employed at all airports hosting NASP qualifying flights. MATRA is designed to allow all control agencies and industry security stakeholders collectively to examine the range of threats at a given location, prioritise these, and agree mitigating actions.

- 3.36** All airports covered by the NASP currently have MATRA risk registers, the process is being followed at the Channel Tunnel and has been trialled at four major ports - Milford Haven, Dover, Harwich and Rosyth.
- 3.37** Further work has sought to build on MATRA processes. Recent work and discussions between the Government, police and operators has looked at the role of police at airports and how those activities should be funded, and proposals have been made for the requirement for airport policing to be based upon an enhanced MATRA process. TRANSEC and the Home Office are leading work with stakeholders to take this forward.
- 3.38** For shipping, the protective security framework has been set out in recent years in EU Regulations, which will require port operators to undertake a similar type of risk assessment to MATRA at airports.

# Chapter 4: Analysis of effective border operations

A number of functions underpin the delivery of effective border controls. Although a variety of specialist skills are required, there is a degree of commonality and overlap between the work of the key border agencies.

Five key principles of an effective system of control can be drawn from considering these functions. They are: act early; target activity; manage bottlenecks; maximise the depth and breadth of protection; and reassure and deter.

This chapter examines:

- gathering information about the people and goods entering and leaving the country, and using that information to decide the treatment of a given movement or to inform action by others;
- intervening to investigate a given movement to see whether it presents a threat or to prevent an established threat, and enforcement action in relation to any unlawful activities uncovered;
- border controls focussing on outbound journeys;
- controlling small ports of entry and Common Travel Area (CTA) ports;
- deterring potential wrongdoers and reassuring the public; and
- reducing the impact of controls on legitimate movements.

## Gathering information

**4.1** The aim of border control is to sort traffic into legitimate and non-legitimate and maximise the effort directed against movements that would, without action by the state, be detrimental to the UK, while minimising the burden on those that would not. Gathering and use of information is at the heart of this.

**4.2** To secure the necessary information, a wide array of activity takes place, including analysis of data, the use of technology, and physical assessment. These are undertaken by the different agencies operating in relation to their respective objectives. In practice, similar arrangements are needed to achieve each of the elements for each of the objectives being pursued. So it makes sense to consider how

the various requirements for border work identified through the sector specific strategies can be most efficiently and effectively met.

## Information before travel starts

**4.3** The work of the border agencies begins long before a person or consignment arrives at the physical UK border. Visas are issued (or refused) overseas, some specific HM Revenue and Customs (HMRC) checks are undertaken, and data relating to passengers and goods due to travel to the UK are analysed to determine whether they should be subject to intervention on arrival or even be allowed to undertake travel at all. The earlier that risk is identified and can be acted upon, the greater the chance of it being successfully resolved, and the less it usually costs to do so.

- 4.4** Prohibited items, such as drugs, may be illegal throughout their entire journey. The end-to-end illegality of the consignment means that any check at any point may detect the criminality. Fiscal controls are more difficult. Checks cannot necessarily provide a basis for earlier intervention as they do for drugs, as a crime is not committed until the border is crossed, or even afterwards.
- 4.5** Some individuals are known to represent a risk. Others seek to travel under identities that are known to be unreliable. Early action is possible in both situations. The infrastructure needed to address this risk is shared: a single pool of information about suspect identities and risky individuals; fast and secure access to that information by authorised officers; and comprehensive coverage of those individuals travelling to the UK.
- 4.6** The UK already collects data on those travelling from countries judged to present the highest risk through visa regimes. This is supplemented by, for instance, advance passenger information and reservation data on routes via Project Semaphore.
- 4.7** Currently, the Border and Immigration Agency (BIA) works with a single watchlist for passport control, which is also used by UKvisas for visa applications. It includes an increasing number of targets from the other agencies. The entire watchlist system, including the technology to support it, will be replaced through e-Borders with an improved and modernised version.
- 4.8** For freight, from July 2009, under new EU rules, details of all cargo being imported into the EU will have to be provided to the customs organisation operating at the first port of entry into the EU 24 hours before departure. This will allow all consignments into the EU to be risk assessed prior to arrival. However, under EU law, companies are not obliged to provide bulk consignment data relating to goods on intra-EU routes.
- While travel is in progress**
- 4.9** Once travel commences, new information often becomes available, including specific routes and timings, associated travellers, or perhaps the nature of declared cargo. This allows further checks to be made, enabling risk based pre-selection by the time of arrival in the UK. This is used increasingly at the border, and will become more important with increasing richness of information combined with greater passenger and goods flows. A great strength of this 'pre-selection' is that it allows skilled staff to sift through large numbers of movements.
- 4.10** To allow the selection to take place, the shared requirements include:
- comprehensive, accurate and timely data;
  - time and skills to examine that data, to make the selection. Automation will allow for greater leverage of staff time; and
  - a point to systematically identify and remove targeted movements for attention. For people arriving in the UK, this is naturally passport control.
- 4.11** There are similarities between the ways in which the border control agencies use the data and the skills being applied. The process of cross-checking data against an existing system – now largely done technologically in the form of watchlists – can be done in the same way, regardless of the reason for eventual intervention. The process can be undertaken equally effectively regardless of the nature of the threat posed by that person or consignment. There is also some commonality

### Risk assessment of passengers

Officers from across the agencies are experts at using profiling systems to identify suspicious patterns of behaviour, often regardless of the type of criminality.

HMRC officers at Gatwick, while looking for suspected drug couriers, identified a travel pattern which, although not significant from their perspective, alerted suspicion from an immigration perspective, based on cross-agency awareness training that had been recently introduced. The information was referred to BIA, which subsequently intercepted the passenger on arrival for intervention and questioning. Investigations subsequently established that the individual was illegally facilitating the entry of children to the UK.

with the process of profiling systems for suspicious trends. Profiling, which is of value in countering a number of different threats (although not necessarily all threats), can often be done by any skilled operator with knowledge of the profile being sought. That said, specific profiles vary, and experience of working on a particular matter helps to build effectiveness. Some joint profiling and targeting has already been successfully developed at certain key locations.

### On arrival

- 4.12** On arrival in the UK, another important, but different source of information becomes available – the way things look and people behave. This allows officers to undertake further assessment of passengers or goods, and subsequently ask questions of an individual, either about that person or to investigate the goods.
- 4.13** Any lack of pre-arrival data puts further pressure on the border, as it may become the first or only opportunity to assess risk. The pressures and economic costs of queuing mean that this assessment often takes place within a matter of seconds, which thus constrains the depth of any assessment. However, the frontier itself must always be the

final check of identity, even if this increases checking times at the most critical point. Some overseas issuance regimes are subject to abuse, increasing the risk even from legitimate documentation.

- 4.14** There is a parallel between the use of visual assessments and the profiling of system data. Officers, regardless of agency, generally possess the skill to detect suspected criminality rather than the skill to detect a certain commodity or matter. A competent officer is generally proficient across the range of commodities, from drugs to cigarettes to cash. This concept can and has been extrapolated to a limited degree across agency boundaries under the Border Management Programme (BMP).

### Intervention

- 4.15** Intervention can take place at a number of places. The obvious place is at the UK border itself, and sometimes that is the only option. However, if effective action can take place earlier this is generally preferable. Intervention at the point of arrival in the UK serves three purposes: a systematic check where possible or appropriate; a means of identifying a pre-selected target; and the opportunity to investigate further by, for instance, asking questions or conducting a search.

### Selection and search of freight

HMRC officers at Immingham have been successful in detecting illegal immigrants hiding in lorries, seeking to enter the UK by evading controls.

Previously, officers from both HMRC and BIA assessed traffic arriving at Immingham, and then selected and searched targeted traffic for prohibited and restricted goods and illegal immigrants respectively. Under the BMP, powers were conferred from BIA to HMRC officers, enabling them to use their skills of selection and search of vehicles to detect illegal immigrants at the same time as conducting their own checks. This provided increased coverage at the border by releasing BIA resource from Immingham to address other risks, whilst HMRC's work resulted in several detections of illegal immigrants.

- 4.16** Truly effective interventions at the border rely on high quality specific or profile intelligence enabling border officers to make the right decisions on who or what to single out for secondary checks from the immense flows of people and goods. Some of the intelligence which results in successful interventions at the border is generated at the border itself. However, a large amount of useful intelligence is also generated by intelligence capabilities elsewhere in the same organisation, or in external organisations, that take a more holistic intelligence approach to crime and criminality of which the border is only one dimension. For instance, in combating specific organised fiscal crimes such as tobacco smuggling, Missing Trader Intra-Community (MTIC) fraud and alcohol diversion fraud, HMRC concentrates its intelligence efforts on an end-to-end understanding of the problems in each field, understanding criminal markets, behaviours and trading patterns. Such an end-to-end intelligence picture enables border officers to target their interventions selectively, focusing on movements of higher risk.
- 4.17** The importance of identifying any pre-selected targets will grow with increasing reliance on the pre-selection technique. For people, passport control is the natural point for identification, ideally enabled by a single watchlist as the method of identifying selected targets. For freight, the situation can be similar, although there are some mandatory checks and interventions. The use of technology such as Automatic Number Plate Recognition (ANPR), which alerts the operator when a target number plate registers at a given point at the port, has been a powerful tool in this respect.
- 4.18** Once an intervention has been made, a factor common to all agencies is the questioning of a traveller, or of an individual associated with a consignment of goods. A similar commonality is apparent in searches of both people and goods. Although the challenge of finding a small concealment of drugs in a vehicle is different to finding people concealed in a vehicle, with the former requiring specialist techniques not necessary for the latter, searching for the former will invariably find both concealments.
- 4.19** Cooperation between the agencies at an operational level exists and helps to exploit some of these synergies. HMRC officers regularly search passengers' baggage for BIA when available, and referrals between

operational staff from different agencies on the basis of questioning are a regular occurrence. Knowledge of other agency priorities relies to a large extent on cross-agency awareness training. This is largely welcomed by operational staff, and has generated positive results.

## Outbound controls

- 4.20** Outbound controls are an important part of the overall border effort. Perhaps understandably, the public is more concerned with who and what arrives in the UK than it is about who and what leaves it. But outbound activity is crucial, and again there are similarities of process between the agencies.
- 4.21** On departure from the UK, largely the same information becomes available as for people and things arriving, notably data about the person and journey and the opportunity to visually assess the passenger or goods.
- 4.22** The outbound opportunity to intervene is also largely similar – the border provides a physical and administrative pinch point. Joint agency operations have achieved successes in identifying suspect inbound and outbound freight movements related to crime and terrorism.
- 4.23** Blanket immigration embarkation controls for passengers were withdrawn progressively from

1994, as the manual process became increasingly ineffective, and resource was redeployed to focus on inbound controls.

- 4.24** However, BIA has retained the capability to deploy embarkation controls on a targeted, intelligence-led basis to respond to specific threats. Following the terrorist events of 7 July and 21 July 2005, temporary embarkation controls were conducted at major ports to support police activity. There has also been a continued increase in targeted embarkation controls to identify failed asylum seekers and other immigration offenders leaving the UK. These targeted controls identified 654 failed asylum seekers and 3,452 non-asylum immigration offenders leaving the UK in 2007.<sup>51</sup>
- 4.25** With the implementation of the e-Borders programme, the intention is that passengers arriving and leaving the UK will be monitored electronically, providing a comprehensive picture covering all modes of transport.
- 4.26** The detection of criminal cash is an important objective in operating outbound controls. Cash is used to fund illegal operations, ranging from drugs to terrorism to illegal immigration, and accumulation of cash is generally the ultimate goal of serious organised crime. Both HMRC and SB target criminal cash leaving the UK.

### Automated identification of targets

At Gatwick and Heathrow, HMRC targets have been incorporated into BIA's single electronic watchlist. This enables a more reliable method of target identification, replacing a resource intensive manual system. It also means that targets arriving unexpectedly on a different flight can be identified by BIA, a benefit which has already resulted in several detections of cocaine which might otherwise have evaded the controls.

<sup>51</sup>Source: Border and Immigration Agency

**4.27** One element of border activity that is more significant outbound than it is inbound is that relating to the security of the mode of transport and the port infrastructure. This is because of the internationally accepted principle of host state responsibility and is discussed in more detail below. There are synergies between the protective security and border control aspects of outbound activity. Operators conducting outbound physical security checks often detect items of interest to the border control agencies.

**4.28** In addition to enforcement activity, processing and control of exports requires significant levels of activity outbound – undertaken by HMRC. This includes Common Agricultural Policy checks (mandated by EU law), a raft of different licensing functions, and the collation of export statistics. Crucially, HMRC officers also validate exports (involving physical checks) to enable the correct payment and reclaim of tax and duty, an activity essential to the overall import/export cycle and for security of the UK tax base. HMRC outbound checks also focus on strategic exports (weapons). This activity plays a vital role in the overall counter-terrorism agenda.

### Ensuring coverage of all points of entry

**4.29** As previously noted, 99.5% of passengers and 98% of freight moves through the top 30 airports, 48 ports and the Channel Tunnel. These locations are naturally the focus of existing HMRC, BIA and SB resources.

**4.30** However, ensuring the right level of coverage at other, smaller points of entry is also important, particularly if strengthened controls at the major points of entry result in a displacement of illegal activity. For example,

if major sea and air ports become more unattractive to smugglers, then they will begin to look at new and innovative ways of getting products into the UK, possibly via smaller aerodromes or the coastline.

**4.31** A further feature of the UK's border is the Common Travel Area, which consists of the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland. CTA nationals have free movement within this area without immigration clearance. Intelligence-led enforcement operations are conducted, often jointly with the Irish authorities, and have successfully prevented foreign nationals attempting to cross the border illegally in both directions. BIA is in the process of developing a comprehensive strategy to mitigate risk from the CTA.

### Deterrence and reassurance

**4.32** In addition to the opportunities to collect data and intervene, border controls represent an important opportunity to deter criminality. Related to this is the capacity to provide a level of reassurance to the public that the border controls are successfully tackling the perceived threats.

**4.33** Where possible, it is better to deter illegal immigrants from attempting to get to the UK. Overseas arrest programmes have led to a significant reduction in the number of forged documents in support of visa applications and marketing campaigns are regularly run throughout the world to highlight the dangers of illegal immigration, the risks associated with using unscrupulous agents and the depth of visa checks.

**4.34** Deterrence is often an indirect effect of the overall control regime. Even the simple

### Deterrence – overseas arrest programmes

Since October 2004, the visa section in Accra has been working closely with local police to arrest and prosecute those submitting forged documentation in support of their visa applications. Around 2,500 individuals have been arrested and their applications refused. This has had a significant deterrent effect, reducing the number of applications containing forged documentation by 75%. This programme has been expanded in the past year to cover three additional key markets and UKvisas will continue to roll out this initiative to other posts where there are identified patterns of fraud.

presence of border control officers contributes towards this. However, there are also measures that can be taken – such as improving visibility of controls – which act as a direct deterrent in themselves whilst reassuring legitimate travellers.

- 4.35** Deterrence is extremely difficult to measure. Yet the indirect deterrent effects may, for some cases, be more significant than the direct effects of intervention. Border controls should therefore strike a balance between actions to improve effectiveness behind the scenes – such as information and intelligence sharing leading to targeted activity – and actions that provide a visible presence at certain key locations.

### Expediting legitimate movements

- 4.36** Border agency control activity seeks to increase effective control whilst expediting legitimate traffic and enhancing the customer experience. This is clearly a difficult balance, but achieving one does not always need to be at the expense of the other. There are two ways in which the flows of legitimate people and goods might be improved:
- improving the efficiency with which a given control can be exercised, and the likelihood of it being targeted at illegitimate movements; and

- managing the number of controls applied in a given location, and ensuring that these have the smallest possible effect on flows.

### Improving the targeting of controls

- 4.37** Biometrics will increasingly make a key contribution to border controls. An effective system must have the ability to register and read the biometrics quickly and with a high degree of accuracy, since false readings also add delay.
- 4.38** To minimise the delays at points of arrival, data collection needs to be pushed ‘upstream’ as far as possible: clearing the majority of movements by pre-selection prior to the frontier control, and limiting the processing undertaken at the most critical point.
- 4.39** Such an approach would mean travellers and traders committing time when it is more convenient (i.e. providing initial information once or infrequently, pre-travel) rather than at the frontier itself. More (legitimate) travellers would be expedited, whilst certain categories of pre-selected travellers would know that they will have to queue or will be denied entry. It must however be noted that this will not remove the legal requirement that a customs declaration can only be accepted when the passenger has their goods with them on arrival in the UK.

### Applying for visas

Visa4UK, the online visa application system, is now available in over 100 countries. UKvisas Europe region is the first region to offer this service to all applicants and by 2008 the service will be available to all customers, irrespective of where they apply. The network of Visa Application Centres has also been extended and standardised to provide an increased number of locations where people can apply, with extended opening hours. Both initiatives have allowed UKvisas to maintain high customer service standards while dealing with significant increases in application volumes and the implementation of new processes such as biometrics.

- 4.40** The effectiveness of such an approach is heavily dependent on the speed of decision-making, involving developments such as the use of watchlists and speedy interrogation of large amounts of data. Decisions about profiles must continue to be taken by experienced operators acting in a coordinated way; but the speed of processing and communicating the outcomes of this become increasingly important.
- 4.41** Effective targeting, by making better use of better information, does not mean focusing just on the illegitimate, but placing a different focus on the clearly legitimate as well. Recognising that border controls potentially create bottlenecks, work is ongoing on the principle of supply chain security – taking security measures upstream to points of manufacture, consolidation and packing so that freight is “known” in terms of not posing a security or criminal threat on arrival in the UK. From January 2008, the Authorised Economic Operator (AEO) scheme will allow the freight of approved organisations to be fast-tracked through border controls. Similarly, legitimate traveller schemes such as IRIS will expedite appropriate travellers through immigration controls.

### Managing controls in a given location

- 4.42** The attractions of the border as a place to exercise controls is obvious: it presents a controlled environment in which physical access to the people or goods can be obtained in a regulated manner. But the problems this poses are equally obvious: it means that a large number of people and goods must be processed through a variety of stages where both space and time are at their most constrained.
- 4.43** The border has traditionally been the first point of focus for a variety of additional government initiatives. Such initiatives, although they are commonly justified in and of themselves, nevertheless combine to present a compound pressure on costs (both direct and economic) and facilities which must be carefully managed.
- 4.44** The multitude of checks can be a source of frustration to delivery partners such as port and airport operators. Border agencies have often tried to be joined up in their approach to industry and, although there is still work to do to optimise these relationships, the joint planning of how the infrastructure can best meet the operational requirements at

minimum cost and disruption should be a key feature going forward.

## The principles of an effective control system

**4.45** Whilst there is a range of specific supporting objectives for border controls, there are significant commonalities between the activities carried out. From these, it is possible to identify five key principles that can be used to guide the development of future arrangements. There are clear inter-dependencies between them; improvements in one area are likely to have positive knock-on effects in others.

### (i) Act early

**4.46** Maximising activity 'upstream' is a key element to effective border management. The most effective – and efficient – way of addressing risks to the UK is to identify the threats early and to control their movement before it takes place. For example, it is better to prevent illegal immigrants from travelling to the UK, than to remove them once they have arrived.

**4.47** Upstream activity can also help facilitate the legitimate movement of goods and passengers. Just as high risk movements can be targeted before travel, so low risk movements can be cleared, leading to expedited processing on arrival – for example through legitimate traveller schemes for passengers (such as IRIS) or freight (the AEO scheme). This effective risk assessment can help to ease pressure at bottlenecks at points of entry, enabling attention to be focused on high risk targets.

**4.48** There are a number of pre-requisites for effective upstream activity. The first is clarity around the criteria for assessing risk – a single

view on what constitutes a threat. The second is comprehensive data from which to make the assessment of risk. Both of these rely on the third requirement: effective links with the agencies delivering downstream controls.

**4.49** The drive to push as much border control activity as possible overseas has been a key theme in the development of border management over the past decade. This includes: a strengthening of the visa system (with the introduction of biometrics and systematic risk assessment); juxtaposed controls (moving the UK border over the Channel to France and Belgium); a significant expansion of the overseas Airline Liaison Officer network (preventing inadequately documented passengers travelling to the UK); and activity overseas to tackle drug smuggling.

### (ii) Target activity

**4.50** It is not practical, or desirable, to subject every passenger or goods movement – or movements through different locations – to the same level of scrutiny. Through better use of better information, border controls need to target their activity to achieve both their control and facilitation objectives and minimise tension between the two. Maximum control activity should be directed at that which poses the greatest risk, while legitimate movements should be facilitated. A targeted approach delivers greater flexibility and efficiency as resource is applied where most needed, with specialist resource directed to particular problems. Effective profiling and targeting may therefore help to ease the pressure at bottlenecks, facilitating legitimate trade and travel. This risk based approach has been adopted elsewhere as a result of the Hampton Report, which proposed that intervention be

carried out in a risk based and targeted manner.<sup>52</sup>

- 4.51** Effective targeting relies on the full range of relevant data and information. This necessitates cooperation between those agencies operating at the border and the infrastructure to enable them to share data. It is also vital for those making the judgements to have the necessary tools, skills and experience to identify targets effectively.
- 4.52** Extensive use is already made of targeting, and this is increasingly happening further upstream. The Freight Targeting System (FTS) provides advance data on the movement of freight, enabling risk profiling to take place early in the process. Project Semaphore provides advance passenger information on key routes into the UK, which is used by the Joint Border Operations Centre (JBOC) for pre-selection of targets; with the introduction of e-Borders this will be expanded progressively to cover all routes. A review of the Visa Waiver Test, by which the Government will assess which countries require a visa to visit the UK, is currently being undertaken, with results expected in 2008. It assesses the risk posed by all non-EEA countries to ensure the control provided by a visa regime is targeted to those nationals posing the greatest threat. Legitimate traveller and AEO schemes target passenger and freight respectively, but with the object of facilitation rather than control.

### **(iii) Manage the bottlenecks**

- 4.53** The main points of entry to the UK – where high volumes of goods and people converge upon multiple border controls – form pinch

points within the system. Managing these pressures, and therefore facilitating legitimate trade and travel and improving the customer experience, is fundamental to effective border control. Getting this right enables the smooth flow of legitimate goods and people and the effective identification of threats; getting it wrong results in delays, inefficiency, duplication and the risk of overlooking threats.

- 4.54** Managing the bottlenecks effectively depends on more activity being undertaken upstream to ease the pressure on arrival, and better use of targeting. It also relies on a single, clear set of priorities for the border, delivered through a clear governance structure to reduce duplication and increase flexibility.
- 4.55** Much of the activity already underway within the border agencies will help to ease pressure at bottlenecks, strengthening controls upstream through more robust visa processes and an expanded Airline Liaison Officer network reduces pressure on arrival, as does pre-selection through FTS and Project Semaphore. Closer working initiatives under the BMP have led to agencies successfully conducting profiling and interventions on behalf of one another to some degree.

### **(iv) Maximise the depth and breadth of protection**

- 4.56** Effective border controls need to have sufficient depth of protection. The range of appropriate powers must be available effectively to address the threats faced. Equally, it is important to establish breadth of protection: ensuring coverage in as many places as possible.

<sup>52</sup> Hampton, P. *Reducing Administrative Burden: Effective Inspection and Enforcement*, March 2005

**4.57** Border control arrangements are relatively comprehensive at the larger points of entry in terms of the breadth of protection offered. The ability to confer powers between agencies exists, and is already used in limited circumstances. The depth of protection – for instance, the resource to provide a robust level of secondary checks – must always be carefully monitored. The border agencies must continue to focus on the whole picture to maintain an optimum level of comprehensive coverage against ever-changing threats.

### **(v) Reassure and deter**

**4.58** In addition to tangible activity, an effective border must deter potential wrongdoers and reassure the legitimate public and business. The UK border, and the officers working on it, need to have a clear, identifiable presence.

## **Policing and protective security**

**4.59** The objectives of protective security are to protect the transport infrastructure and the vehicles, vessels and people related to it from violence. This differs from border control which focuses on the processing of movements of people and goods.

**4.60** There are two broad functions within the protective security regime: the comprehensive assessment of risk, and the identification, implementation, inspection and enforcement of measures to mitigate these risks. These processes need to happen at both national and local (port) level.

**4.61** TRANSEC develops specific strategies for each travel mode to address these risks, setting out minimum standards and measures which must be employed to safeguard security. Implementation of these measures is the

responsibility of industry, with TRANSEC charged with monitoring and enforcing compliance.

**4.62** The framework described above provides an assessment of risk and compulsory measures to mitigate it which must be applied at a national level. However, in order to ensure the protective security architecture is effective, this national framework must be supported by arrangements at a local level to identify and assess specific threats to the airport or port in question, and to bring together local stakeholders from inside and outside government to agree and deliver a programme of mitigating actions.

**4.63** In respect of airports, this local coordination is provided through the multi-agency threat and risk assessment (MATRA) process, which aims to bring together control agencies and industry stakeholders to:

- identify the full range of criminal threats at the airport in question – such as hijacking; attack by ground-to-air weapons; theft; smuggling; trafficking etc. and to prioritise these (based on likelihood and consequence); and
- examine current mitigating controls and residual risk and to agree what if any further action is necessary and which agency or agencies will undertake that work.

**4.64** At present, while MATRA methodology has been established at all NASP-qualifying airports, the process remains voluntary. Moreover, questions remain around the funding of police activity. The conclusion of recent work was that:

- an enhanced MATRA process should be used as the basis upon which to identify the requirements for policing at each airport in

the context of the activities of all other security stakeholders at that location;

- the activities and action points emanating from MATRA should be codified in an integrated airport security plan with a senior multi-agency body responsible for the execution of that plan; and
- such arrangements should replace the current system of airport designation.<sup>53</sup>

**4.65** Ministers accepted the broad thrust of these recommendations and TRANSEC and the Home Office are leading work with national stakeholder representatives to implement them.

**4.66** For shipping, the International Ship and Port Facility Security (ISPS) Code has been introduced in the UK via EU regulation 725/2004. The Code applies to shipping on international voyages over 500 gross tonnage, but its coverage has been extended under EU regulations to include domestic traffic, at the same tonnage threshold. Additional regulations have been included to ensure the implementation of protective security measures at maritime ports.

**4.67** The regime is being further enhanced by EU Directive 65/2005, which introduces Port Security Authorities. These authorities will be required to undertake a MATRA type risk assessment process and maintain a risk register similar to that used at airports.

**4.68** The Police National Maritime Security Strategy has also introduced strategic partnerships across the UK that enable the police, the other enforcement agencies and the industry to work together to protect maritime ports using all agency resources.

<sup>53</sup>9 Airports (LHR, LGW, STN, GLA, EDN, ABZ, PIK, BHX and MAN) are currently designated under s.25 of the Aviation Security Act 1982, amended by the Civil Aviation Act 2006. The managers of these aerodromes are required to pay an agreed sum to the relevant police authority towards the cost of identified policing that aerodrome. Following mandatory consultation with other stakeholders, these arrangements must be set out in a Police Services Agreement.

## Chapter 5: Putting analysis into action: establishing new border arrangements

Government should develop a single strategy for border work that ensures it achieves the cross-cutting aims – such as the right balance between the aims of control and facilitation – as well as the achievement of particular controls.

Such a strategy must be supported by appropriate delivery mechanisms. The Prime Minister has made it clear that the Government will integrate the work of the Border and Immigration Agency (BIA), UKvisas and HM Revenue and Customs (HMRC) at the border. Such integration has to be far-reaching in order to secure the benefits of consolidated border controls and of end-to-end control of people entering and leaving the UK, and, as a result, a new organisation should be established.

As the new organisation will be responsible for balancing – and delivering – a wide range of objectives, it should be given a balanced remit to improve the UK's security through strong border controls, while welcoming, facilitating and encouraging legitimate travellers and trade, and give specific consideration to risk management at small ports and airports. The concept of security is a wide one, encompassing the integrity of the UK's tax base and immigration regime, as well as more traditional interpretations of security.

There are arguments for gathering the police resource at the border into a national organisation, subject to the views of the relevant devolved administrations. Such a police organisation might also be combined in time with the new organisation. But there are also arguments against such moves, and further work and discussion would be required before drawing firm conclusions. This work will be led for the Government by the Home Secretary.

Meanwhile, the new organisation should be established to work in new ways with police forces and benefit from the advice of a senior police officer as it is developed, and further steps taken to enhance the UK's framework for policing and protective security arrangements.

This chapter covers:

- the development of an overall border strategy and basis for future ministerial accountability and leadership;
- the establishment of the new organisation, its scope, remit and governance;
- the skills, and powers with which it should be vested, the role it should play in coordinating work at the border itself, including at smaller ports and airports, and the independent scrutiny arrangements that should apply;
- the case for a consolidation of police resource at the frontier and how this debate should now be progressed; and
- further arrangements to improve the coordination, management and funding of policing and protective security at the border.

- 5.1** In July, the Prime Minister committed to the integration of the work of BIA, HMRC and UKvisas overseas and at the main points of entry to the UK and the establishment of a unified border force. This chapter recommends how this should be taken forward, in the light of the analysis in previous chapters.

## Strategic direction and leadership

### An overall strategy

- 5.2** As set out in previous chapters, the characteristics of work at the border include:
- a wide range of different aims being pursued by work in a particular location, through parallel processes and the application of skills that can be shared;
  - the importance to success of the relationships with delivery partners such as port operators;
  - the importance of ensuring that the totality of government activity achieves cross-cutting aims, such as reassurance and deterrence; and
  - the potential, through a combination of government activity, inadvertently to create difficulties for individuals and businesses.
- 5.3** The work needs to be planned and delivered as a whole. As a foundation for further development, a single overarching border strategy is required that recognises the unusual nature of the border and takes account of the full range of border objectives. Although it is useful to group border work into separate categories of control and protective security, this should not detract from a need to embrace collective border strategies around risk management. The strategy should cover not
- only the role of the border in achieving particular aims – such as fiscal controls or counter-terrorism – and how they can most effectively be met, but also issues such as the right balance between control and facilitation, the look and feel of the border, and how protection can best be provided outside the main points of entry and exit.
- 5.4** The strategy should address queuing times, which can be highly variable. Official agencies at the border need to be sensitive to delays, as are the operators and passengers themselves. Over time, queuing standards need to be established, measured and enforced.
- 5.5** Although there are inevitable tensions to be resolved, there are also opportunities for synergy. Only a strategy that considers the full range of border activities and actions can do this. It should ensure that the right links are made to other issues, such as inland work like ID cards, and that overall resourcing for border work is appropriate to deliver agreed requirements.
- 5.6** Key to future effectiveness will be the management of the information and intelligence flows between those with an interest in the border. There are opportunities to enhance information flows, which will require more wide-ranging and structured coordination than to date, including:
- identifying and addressing any remaining information gaps – either on an organisational or location-specific basis;
  - collecting and storing information;
  - continuing to improve the analysis and processing of information;
  - passing information quickly to the right people;

- embedding a coordinated and cross-governmental approach to biometrics;
- consolidating or linking systems and databases where appropriate; and
- continuing development and alignment of intelligence structures and processes.

**5.7** Such improved coordination and management of data will be essential to the effectiveness of border controls will not be easy or cheap. The information elements of any strategy need to make explicit reference to how data is to be collected; any associated costs; and to the potential impacts and proposed safeguards in relation to the use of personal data.

### Ministerial leadership

**5.8** Such strategies will not be effective unless they are given senior ministerial impetus and ownership. Ministerial leadership is necessary not just to provide consistency of direction and purpose but also to provide visibility and accountability. Whilst there are a range of departmental interests in border work, the two most significant are those of the Home Office and HM Treasury. Because the submersion of either security concerns or economic and fiscal concerns would not be acceptable, work to develop this strategy should be jointly led. As a result, there should be a single responsible Minister, who should be a member of the Ministerial team of both the Home Office and HM Treasury.

**5.9** However, this role needs to be supported by a governance structure that properly reflects that full range of wider interests. One of the principal tasks of strategic development must be the prioritisation of competing objectives. A strategy that does not do this risks ducking the issues. However, for such prioritisation to be effective, it must have the buy-in of all concerned.

**5.10** To achieve this, there is a strong case to set up a Cabinet sub-committee. This should consist of Home Office and HM Treasury Ministers, along with those who have a strong interest in the full range of the organisation's new work, including prohibitions and restrictions and facilitation. Notably this includes the FCO, due to the impact of policy developments and delivery on the UK's network of posts overseas, along with BERR, DCMS, Defra, DfT and DoH. The simplest way to achieve this is by revising the remit of the Domestic Affairs (Migration) sub-committee, (DA(M)), chaired by the Home Secretary.

**Recommendation 1: a single responsible Minister, appointed to both the Home Office and HM Treasury, should take forward development, agreement and delivery of an overarching strategy for the UK border**

**Recommendation 2: collective ministerial agreement to the new strategy, the establishment of its priorities and monitoring performance against it should be achieved through a revised DA(M) Cabinet sub-committee**

## Delivery mechanisms

### Organisational integration

**5.11** The analysis of previous chapters has highlighted the potential benefits that could be achieved through increased integration of work at the border. These include:

- exploiting commonality of process;
- better management of the flow of people and goods at the frontier;
- improved relationships with partners;
- more flexible distribution of resources at a national level; and

- the effective and efficient deployment of resources on site.
- 5.12** Previous efforts towards such integration under the auspices of the current Border Management Programme (BMP) have made some important strides, but impetus has been stalled by organisational practicalities. Difficulties have included making resources available when several cross-organisational budgets need to be used; the rostering and deployment of staff; and the practicalities of coordination of deployment and tasking when operational command is shared between agencies on site.
- 5.13** More radical change is necessary to realise the greater potential for improvement and the necessary pace of such improvement as anticipated in the Prime Minister's statement. The nature of integration necessary to achieve the aims described above will entail:
- a single executive team, led by a chief executive, to translate the relevant parts of the border strategy into a business plan and then deliver it;
  - single command and control structure for the new organisation for each location, responsible for management and deployment of staff and resources and the interface with delivery partners such as port operators and the police, to achieve the range of objectives including control and facilitation, as well as input into broader security work;
  - over time, the development of skills and experience of staff so that they can deploy more flexibly between roles, identifying a wider range of risks and responding appropriately; and
- development and roll out of a single approach to border points, including the single primary line.
- 5.14** Fundamentally, such change is about creating a single operational command and control structure. This should be welcome to business and operators as further clarifying liaison and operational direction on-site, and should feed through into public reassurance by providing a greater consistency of approach.
- 5.15** The extent of this change can only be achieved through the development of a new organisation but there are choices to be made as to the scope of that organisation, in particular which elements of HMRC and BIA should be included in addition to UKvisas, and the case for going wider.
- 5.16** The scope of the new organisation should extend to both passengers and goods. Whilst there is a clear delineation between a passenger on the one hand and an unaccompanied container on the other, in practice the work related to people and goods overlaps, with goods being accompanied by people in a variety of forms whether by way of luggage, the content of car boots, or even vans and HGVs. The overlap between locations with goods and people flows is large. Not all HMRC staff are stationed at particular ports, but of those who are around 80% are at a port where not only is there a significant movement of goods, but also of people, and therefore a permanent BIA presence. Integrating the border work of BIA with the frontier detection work of HMRC in relation to freight and goods would provide a coherent command structure and a flexible workforce at key points of entry that have significant flows of both people and goods.

- 5.17** There is a strong case for joining-up the end-to-end ‘people processes’, and in particular bringing together the passenger-facing HMRC work at the frontier, the work of UKvisas overseas, and the work of the BIA. Fundamentally, the information sought at each stage and the associated decision-taking is closely related, as are some of the skills, systems and processes.
- 5.18** Achieving these aims would however mean the move of some resource out of HMRC, which could make it more difficult to achieve end-to-end control of goods. In making the change to achieve one set of aims, it is important that the effectiveness of HMRC in ensuring tax compliance or providing a one-stop-shop for businesses is not affected.
- 5.19** The greater part of the fiscal work of HMRC does not happen at the border itself. Goods are automatically logged and registered and the revenues levied. The majority of this work forms part of the usual arrangements of company accounting. Similarly, much anti-fraud work (particularly Missing Trader Intra-Community (MTIC) or Carousel and spirits fraud) takes place inland. The border component of tax work is however a crucial part of the overall fiscal effort, and as a result, it will be important for the new organisation to be a responsive service provider to HMRC.
- 5.20** The new organisation should therefore combine the whole of BIA and UKvisas with the frontier work of HMRC, but not the more general inland tax collection and protection work. The case for wider integration is returned to below.

**Recommendation 3: the Government should legislate to establish a new organisation that takes on the work of BIA, UKvisas and the border control work of HMRC**

## Remit

- 5.21** The remit of the new organisation needs to reflect the range of objectives for the border, that is to say the facilitation of trade and travel in a way that manages the risks this can pose to society, whether from crime, uncontrolled migration, the smuggling of people or restricted materials, or attacks on the tax base. Revenue-raising should have equal status to other objectives. As this implies, it must reflect a role that deals with both people and goods. But it also needs to acknowledge the importance – underlined by the analysis in this report – of close cooperation with the police and those agencies dealing with physical or terrorist threat; this argues for a remit that makes reference to security in its broadest sense.
- 5.22** This report does not seek to assess the right level of resource in the longer term, which is something that the new management will need to assess and discuss in the context of delivery planning. Because of the importance of clarity and certainty in its budget, this should be negotiated and set within a ring-fence for each CSR period. In the immediate term, the transitional funding necessary to implement the plans can be made available within current departmental allocations.

**Recommendation 4: the new organisation should be given the resources and remit to improve the UK’s security through strong border controls, while welcoming, facilitating and encouraging legitimate travellers and trade**

## Governance and role in revenue protection

- 5.23** The new organisation will have a single chief executive and single board, the composition of which will need to reflect, in terms of its

background, skills and experience, the full remit of the new organisation. The chief executive should be appointed by the Prime Minister on the advice of the Cabinet Secretary and with the agreement of the Chancellor and Home Secretary.

- 5.24** Given the important contribution it will make to the UK's security, the necessity of close links with the policing community, and its responsibility for immigration control, the new organisation should be a Home Office agency.
- 5.25** As indicated above, HMRC will continue to lead on revenue collection and the management of the tax base. It will continue to provide a one-stop-shop for business; to guide the development of the customs regime; and to promote international trade. As a result, whilst HMRC will transfer its border work and those processes most closely associated with it to the new organisation, it will retain these inland and other revenue functions.
- 5.26** An effective relationship between the new organisation and HMRC will therefore be essential, since the integrity of HMRC's inland and automated systems is underpinned by the ability to continue to conduct physical checks at the border to ensure the accuracy of manifests, licences and other documentation. In essence, HMRC will remain the 'guiding mind', not just on issues of fiscal policy, but in the ability to commission (and resource) the new organisation in respect of any additional detection work it wants undertaken for these purposes. The relationship will become one of commissioning agent and service provider, and the business plan for the new organisation should therefore be agreed by the Chancellor as well as the Home Secretary.
- 5.27** This kind of relationship is already captured in internal agreements between HMRC directorates, which can form the basis of the future arrangements between organisations. Nevertheless the relationship is such an important one it should be supported by the appointment of an HMRC Commissioner to the board of the new organisation and by a dual reporting line, in respect of its frontier work, to the Chancellor and the Home Secretary. The Chancellor should have a power to direct the chief executive to take corrective action in the event of a negative impact on revenue. The performance of the new arrangements with respect to revenue-raising should be examined after 18 months.
- 5.28** The FCO provides a platform for visa operations, and therefore has an important delivery interest in the proposal new structure. As a result, there should be a senior FCO official on the new organisation's board.

**Recommendation 5: the new organisation should be an agency of the Home Office, but with a dual and symmetrical reporting line to the Chancellor and Home Secretary in respect of its frontier work. Its board should include a Commissioner of HMRC and a senior official of FCO**

### Skills and powers

- 5.29** A key task for the new organisation will be to use the potential offered by the change to improve the depth and breadth of protection provided to the UK. It takes significant time and investment to equip officers working at the border with the skills needed to identify and address the range of issues that they may confront in their work. Whilst a general awareness of the range of border work can be relatively quickly conveyed and will help cross-

working, to be fully effective across this range of functions will require a particular investment in staff training. Once a critical mass of trained officers is in place, the new organisation will also be able to use deployment and training decisions to improve coverage.

- 5.30** This is not to say that in the future all staff will be generalist. The nature of the business will inevitably mean that there is a place for both generalist and specialist staff, and a key role for the new management will be in ensuring that the best balance is maintained.
- 5.31** Investment in skills needs to be complemented by further appropriate powers. Such a move was set out by the Prime Minister in the House of Commons on 25 July 2007, when he announced that there will be new border officers, with immigration, customs and police powers to investigate and detain people suspected of immigration, customs or criminal offences.
- 5.32** Availability of such powers can help not only reinforce border control efficiency and effectiveness at the main points of entry, but also increase the coverage of border protection to a wider range of points of entry, where all three agencies are not necessarily present or do not maintain round-the-clock coverage. Given the likely future growth of general aviation, and the increasing intelligence focus on smaller ports and aerodromes, there are circumstances in which border officers could be deployed to otherwise entirely unstaffed locations (including unstaffed by any police presence) or as part of a deterrence effort. It would not be proportionate or cost effective to send large multi-functional teams to such locations, and yet the range of possible risks remains broad. In these circumstances, the officers concerned should be equipped with

the appropriate range of powers necessary to respond to that spectrum of risk.

- 5.33** The UK Borders Act (which received Royal Assent on 30 October 2007) extends powers of detention for immigration officers. Under the provisions of the Act, a designated immigration officer at a port in England, Wales or Northern Ireland is able to detain an individual if the immigration officer thinks that the individual may be liable to arrest by a constable under the relevant sections of the Police and Criminal Evidence Act 1984 (or, in Northern Ireland, the Police and Criminal Evidence (Northern Ireland) Order 1989), or is subject to a warrant for arrest.
- 5.34** In tandem with arrest and detention, it is often important that criminal investigations are initiated as rapidly as possible after an incident, including the need to secure vital crime scene evidence and to obtain time sensitive information which could be needed to stop further criminal activity. Resources are limited. It is important that an optimal combination of high professionalism, flexible deployment and speedy, effective response to incidents is available at the border making best use of border officers and police officers. The powers made available to immigration officers by the UK Borders Act include certain search and seizure provisions which cover some essential investigatory activity. To ensure that all appropriate investigatory powers are available to border officers in future, consideration will need to be given to the need for further legislative steps.
- 5.35** In addition to these and certain police powers already available, other current legislation provides for customs officers to be appointed immigration officers, and for immigration officers to have customs powers conferred on

them. In advance of any further legislation, these provisions should be used to their full extent.

- 5.36** Training is clearly crucial in relation to the use and deployment of any such wider powers. It will take time to raise skill levels to the point at which the new organisation will be fully functional in this regard. Since the full range of such powers will probably only be needed for a single officer in particular circumstances, and the new organisation will need to ensure that its people are properly trained before the powers can be safely used, a model should be adopted in which particular powers are designated to particular officers on a specific and time-limited basis.
- 5.37** It is important that the designation and use of powers is backed by independent scrutiny and this is discussed below.
- 5.38** The new organisation must be able to ensure that the visa regime is operated to provide a first line of defence outside the UK against the full range of threats. Airline Liaison Officers (ALOs) working overseas should be given the authority to revoke visas. Meanwhile improved arrangements can be put in place to enable them to obtain authority from others to cancel visas 24/7.
- 5.39** Immigration, customs and national security functions are reserved matters. But in Scotland responsibility for the criminal law is, in general, devolved. As a result elements of this report as they relate to criminal law are intended, in the first instance, to refer to England, Wales and Northern Ireland. In respect of conferral of police powers or other changes to policing, any extension to Scotland would require consideration to be given to whether a legislative consent motion would need to be passed in the Scottish Parliament.

**Recommendation 6: the Government should legislate to permit the controlled designation of customs, immigration and police powers to officers of the new organisation, and should reinforce powers to cancel visas outside the UK**

### Independent oversight

- 5.40** Because of the particular investigatory and casework nature of the work undertaken, both BIA and HMRC are subject to independent oversight. The new arrangements should not dilute this scrutiny.
- 5.41** BIA undertakes a range of activities. In addition to the operational work carried out at the border and inland, significant numbers of inland BIA staff are engaged in immigration casework activities, either in relation to managed migration or to asylum applications. BIA is currently subject to a number of different oversight regimes, including the BIA independent race monitor, the monitor of certification of asylum claims as unfounded, the accommodation centre monitor, and the Advisory Panel on Country Information. UKvisas works with one dedicated statutory oversight body, the Independent Monitor for Entry Clearance Refusals, with limited rights of appeal.
- 5.42** The enforcement functions of HMRC at the border are bound by standards and procedures for investigation prescribed in legislation, such as the Police and Criminal Evidence Act 1984. Accordingly, HMRC is currently subject to inspection by Her Majesty's Inspectorate of Constabulary (HMIC) which has specialist skills and expertise in examining this type of activity. HMIC also oversees the investigatory activity carried out by BIA, such as the Criminal Investigation Teams within its Enforcement Directorate.

- 5.43** There is a strong case for the new organisation to have a single principal point of independent oversight. The recent UK Borders Act 2007 takes a significant step towards this appointing a Chief Inspector of BIA, who will have statutory responsibility to oversee the efficiency and effectiveness of the organisation and make recommendations to the Home Secretary across the range of BIA functions. This will include a new capacity in relation to the exercise of enforcement functions, in particular to any powers of arrest or detention.
- 5.44** The new border organisation will retain the operational functions of BIA, and will include the border control functions of HMRC. The logical extension would therefore be to extend the breadth of remit of the Chief Inspector of BIA to become a more general Chief Inspector of the new organisation and to scrutinise the full range of its activities. This holistic view will be important in allowing the Chief Inspector to consider the different functions of the new organisation not in isolation, but within the context of the governance and decision-making structures that underpin them. In doing so, the Chief Inspector may draw on the expertise of the HMIC in relation to oversight of law enforcement activities.
- 5.45** There will be two exceptions to this single point of scrutiny. The Independent Police Complaints Commission should continue to oversee the handling of serious complaints against the new organisation (the Police and Justice Act 2006 provided for the operational functions of BIA to be brought under the IPCC, in addition to its existing remit in relation to HMRC). And Her Majesty's Inspectorate of Prisons (HMIP) should continue to scrutinise detention centres. The relevant Scottish arrangements will apply in Scotland, subject to the views of the relevant authorities.

**Recommendation 7: the role and remit of the new Chief Inspector of BIA should be extended to provide independent scrutiny of the full range of activities of the new organisation**

**Better coordination on site**

- 5.46** Port operators express concerns about the wide range of officials who can be present on-site. There can sometimes be poor coordination between these different checks and processes and the cumulative impact of the large number of separate checks can be significant, even if these are individually justified. The first response to this has to be through the new border strategy, setting out what the controls that might be carried out at the frontier actually should be.
- 5.47** There is a case for better coordination at the port itself. This should take into account the overall impact of adding individual controls on the smooth flow of people, goods and vehicles at a point of arrival or departure. The creation of new arrangements provides an opportunity to address this. While some activity, such as policing or security operations must always be pursued and may not be predictable, the onus is on the Government to join-up and present a single point of interface with operators.
- 5.48** That lead coordination role should, in the first instance, be a designated senior manager for the new organisation for the facility concerned. This is not to give them control over the other agencies on site. Nor is it to say that they should provide the only direct contact with operators. But they should be in a position to assess, in the light of the border strategy, the total requirements of the official agencies on site including the police and agencies contributing to protective security (such as the Transport Security and

Contingencies Directorate (TRANSEC)), as well as other civilian agencies, such as local authorities or the Vehicle and Operator Services Agency (VOSA), and to agree with them and the operators how those requirements can be met. As indicated, the new organisation will not always manage these functions but this should at least improve understanding and provide a first point of engagement with operators in relation to the overall scale of official activity on site, its purpose and proportionality.

- 5.49** They should also play a stronger role in the coordination of existing controls and the management of the introduction of new ones. This relates particularly to the civilian border control functions once new arrangements are in place, except in emergency situations, such agencies should only work on border control matters on site with the agreement of the new organisation, either on a case-by-case basis or within the context of a general pre-agreed framework, as appropriate. The purpose of such an approach is not to halt or stifle work that is already happening, but to establish over time a clearer and more formal agreement about the various border control activities happening on site and the process by which significant variations to these can be agreed.
- 5.50** The aim should be to consolidate the delivery of these border control checks as much as possible. As a result, the presumption should be that, where practical, existing or new controls should over time be taken on by the new organisation, funded by the commissioning agency. In some areas it may not be possible for the new organisation to develop the skills itself, and secondment of the relevant expertise may not be practical. In such situations, the new organisation should lead

efforts to explore ways in which the official processes – whether new or established – can be streamlined or made more efficient in their introduction or interaction. Such efforts to coordinate work to explore, on a cooperative basis, whether checks and processes can be streamlined or work better together, should look at the totality of official frontier requirements, and not just border control. In particular, consideration should be given as to whether such wider activities – for instance those relating to SB checks – can be located and conducted alongside those of the new organisation, or the flow between them made more efficient. In this respect the evaluation and further development of the single primary line pilots will be important, not least to assess the capability of taking such steps without compromising the operational effectiveness of the agencies concerned.

**Recommendation 8: the designated senior official of the new organisation for each facility should be the first point of liaison with operators and lead efforts to improve the interaction and efficiency of all official controls**

**Recommendation 9: except in emergency situations, civilian border control agencies should only work in the port environments with the agreement of the new organisation. Where practical, civilian controls at points of entry or exit should be undertaken by the new organisation, funded by the commissioning organisation**

### **Coverage of the Common Travel Area and smaller ports and airports**

- 5.51** The new organisation will need to provide a breadth of coverage for border controls across

a range of locations and risks. The unique nature of the Common Travel Area (CTA) requires particular attention to manage the special circumstances associated with free movement within this area. This is currently being addressed by BIA through the development of a comprehensive strategy for the CTA, working in partnership with the Irish Government. This work should be built into the overarching strategy of the new organisation.

**5.52** Coordination and direction at smaller ports and airports in the UK will be a key consideration. The principal issues at smaller facilities are currently those of border control, and the border control elements of counter-terrorism. This is important because, whilst nearly all international traffic uses the major ports and airports, the risk remains that those seeking to circumvent such controls may use other points of entry; this may be particularly attractive for high value goods or high-risk individuals.

**5.53** Currently coverage of these facilities is mainly undertaken by SB or local police, supplemented by mobile teams from HMRC and / or BIA. Over time, this is likely to become an increasingly important area as general aviation continues to grow faster than the mean trend in international travel; it is important that effective controls are maintained. At the same time, and recognising the large number of potential points of entry, both established and improvised, any response needs to be practical and proportionate to the level of threat.

**5.54** Delivery will require:

- an improved understanding of the use of these facilities;

- closer cooperation and communication with the relevant communities; and
- the exploration of new ways which might help reduce exposure.

**5.55** There is a case for strengthening the system of compliance with General Aviation Reports (GARs) – the requirement to inform the authorities of international flights. This could improve understanding and enable risk to be better assessed and controlled. Observance of these requirements is patchy and there is a case for increased enforcement of pilot cooperation (with prosecutions pursued) and for working with aerodrome managers to engage their communities in compliance and require them to log (in simplified fashion) all international movements of which they are aware. However, before such action could reasonably be pursued, the agencies themselves would have to take steps to make compliance easier. This might include consolidating the current forms (which vary according to agency, route and/or purpose of flight) into one simpler document; and providing the means to submit the notification (and have it acknowledged) online.

**5.56** The first point of contact with the flying and sailing communities is often via aerodrome managers, harbourmasters or relevant trade associations. Often, they have the best understanding of local activities and, with improved engagement from the new organisation and the police, could play a stronger role in border control and security. This is essentially an effort in community engagement aimed, once again, at raising awareness, some training and education, the maintenance of regular contacts and threat/risk updates and providing easy

channels of communication with the authorities. Police forces such as Wiltshire and Hampshire have provided examples of innovative ways of working with their Small Ports Policing Officers and community awareness campaigns like “Project Kraken”.

- 5.57** There are likely to be other worthwhile opportunities if the new organisation and the police can work jointly with the trade associations, the aerodrome and harbour operators, yachting and general aviation community to examine further ways to mitigate the exposure to risk. Over time such considerations might include extending the GAR process to sea travel; the designation of particular facilities as allowable for international travel (other than by pre-registered “trusted travellers”); and the fitting of basic transponders to planes, and, potentially, boats. But there is an important balance to be struck in the proportionality of any additional regulatory burden which any future strategy must reflect.

**Recommendation 10: the new organisation should give specific consideration to controls at small ports and airports, working closely with the police**

## The case for wider integration

### Overarching options

- 5.58** As noted previously, whilst the core of the new organisation will comprise UKvisas, BIA and the work of HMRC at the border, this review has also considered the case for wider integration. The most radical model would be for a single force that combines the work of all border-related agencies including the police and protective security functions.

**5.59** Arguments in favour of this include: ease of liaison with industry; providing a single passenger-face; improved geographical coordination; and bringing under one roof all official work at the border.

**5.60** A merger like this should not be ruled out in the longer-term. However, as an initial step it carries real risks in terms of cost, scale and practicality of change. There is a risk that the focus of front-line officers as well as management becomes dissipated in trying to amalgamate too broad a range of functions too quickly, especially in trying to straddle the interests of control, protective security and policy. This in turn may lead to a risk that, instead of unifying delivery, old divisions would simply become re-established within an organisation of this scale.

**5.61** Particular issues about accountability, tasking and independence arise in any consideration of mergers involving the police and civilian agencies performing functions requiring close political oversight. Merging police and non-police functions would introduce an additional layer of costs around terms and conditions and challenges in relation to recruitment, training, management and powers. But the considerations are not just the practical ones of operational delivery and employment, they are also ones of constitution, culture and purpose. It is unclear whether an essentially civilian agency working closely to Ministers could attract and retain police officers and manage their skills effectively. Equally, questions arise as to whether an organisation as independent as a police force would be best positioned to take on responsibility for facilitation, tax and immigration.

**5.62** At this time the analysis suggests that the case for so big a merger is unproved, whilst the

potential risks of disruption and costs of too wide a change are substantial.

- 5.63** The position in relation to general policing is returned to below.

### Protective security

- 5.64** Short of any general merger, there is a question as to whether TRANSEC should be included in the new organisation in its own right.
- 5.65** The mandatory protective security requirements and compliance inspection regimes exist to mitigate risk to the security of people and the infrastructure of the border. Such action strongly influences the experience of crossing the border, and is relevant to the relationships with the delivery partners. From a passenger perspective, there is little cause to distinguish these outbound checks and queues from the inbound ones relating to customs and immigration. They are all part of the same overall process of getting through a port and, arguably, should look and feel the same and work to consistent effect. As a result, there is a strong argument that responsibility for those regimes should be included in the new organisation.
- 5.66** However, a substantial part of TRANSEC's work deals, not with the border or functions related to it (such as in-flight catering services or airline staff training), but with inland transport networks, such as the railways or London's underground system. Integration into the new border organisation at this stage would therefore introduce several risks:
- that TRANSEC would be separated into two elements neither of which had critical mass and with a reduction in the synergies that exist between the inland and international regimes;

- alternatively, that an important element of the inland counter-terrorism effort would be incorporated into an organisation with which it had little affinity and within which it would face a uphill struggle to secure the necessary prioritisation of resources; and
- that there would be at least a transitional risk of dilution of management attention if it were moved at the same time as the other changes being described.

- 5.67** As a result, TRANSEC should not form part of any initial restructuring, although in the longer term this issue should be kept under review.

### Other agencies

- 5.68** The review has also considered whether there is a case for the new organisation to take on some or all of SOCA's work and concluded that the balance of argument is against this.
- 5.69** The new organisation will provide greater coherence and effectiveness by bringing together agencies involved in managing the end-to-end passenger journey, and by providing a single command and control structure for agencies undertaking similar activities at the border. SOCA has been established to pursue organised crime, particularly through tackling the most harmful individuals. While such individuals often organise cross-border crimes, making the border an important source of information and potentially of intervention, the functional overlaps with other agencies are small. The majority of SOCA's activity is based inland; it focuses its intelligence gathering and enforcement activity on key individuals and is not involved in routine processing of large volumes of either goods or people at ports. The risk of diverting either the new

organisation or SOCA from their core tasks by including it in a new organisation is significant.

- 5.70** The review has also concluded that the Identity and Passport Service (IPS) should not be included within the new organisation. The IPS does not operate at the border, nor does its remit extend to those seeking entry to the UK. Rather its focus is to enable UK nationals to travel outside of the UK.
- 5.71** Similar issues of remit apply to the Maritime and Coastguard Agency which, although it plays a valuable ‘eyes and ears’ function, is focused on search and rescue and safety regulation, rather than border protection or control.
- 5.72** Where other government departments have an interest in the border, such as Defra, HMRC generally already performs their work for them, but this is not universally the case. Additionally, and separately to HMRC, VOSA carries out a large number of vehicle checks at port facilities with a particular focus on scrutinising driver hours and the roadworthiness of foreign vehicles which continue to show very high rates of non-compliance.
- 5.73** The review has concluded that in terms of scope, disruption and the dilution of management focus, it would be a step too far – at least for the foreseeable future – to try to merge these activities into the new organisation. However, the aim over time should be for the progressive consolidation of these functions, as practicable.

### Special Branches (SB)

- 5.74** SB is an integrated part of the police service with a remit for both counter-terrorism and certain aspects of crime. Its primary focus at ports – intelligence gathering – is generally regarded by the police as a border control

function. Accordingly, consideration has been given to the potential integration of SB at ports and airports with the new organisation. A further option would be to stop short of integration with the new organisation, retaining the employment of SB officers by local forces but giving SB officers more of a national identity and the National Coordinator Ports Policing more control over their deployment.

- 5.75** There could be some benefits to either approach, not least the synergies in process at the border itself such as visual profiling, or the flexibility of resource deployment to better match emerging risk. However, there are also difficulties. As noted above, particular issues about tasking, accountability and independence arise in consideration of mergers involving the police and civilian agencies performing functions requiring close political oversight. There are also arguments that to separate ports SB from inland police would undermine the coherence of the wider constabulary intelligence picture in relation to counter-terrorism and crime. For these reasons, the future options in relation to SB should be reviewed alongside the case for consolidating Police resources at the border more generally.

### Policing at the border

- 5.76** Policing at the border is undertaken by the 52 police forces and metropolitan forces (including their Special Branches), as well as the small number of private ports police forces. It encompasses a range of functions, principally:
- national security intelligence and interdiction (SB);
  - protective security; and
  - general policing.

- 5.77** There are arguments in favour of consolidation of the existing policing functions at the frontier into a new police force that is separate from the new civilian organisation described above. The Association of Chief Police Officers (ACPO) has said that the arguments in favour include the ability to establish a single command and control structure, accountable to its own chief constable and police authority, and to provide a single, specialist resource focused on activity at ports. This could ensure consistency of role, standards, skills training and deployment of police resource. It could boost public reassurance and enhance the border's deterrent effect. Operators would have a simpler way to deal with the police. Similarly, it could simplify the police's dealings with other agencies, improving the interface for information and intelligence sharing. In many ways these are similar arguments to those set out for creation of the new organisation on the civilian side.
- 5.78** Nevertheless the debate about the best use of police resource continues, because any proposals for change at the border also need to take account of the essential relationship between this work and inland policing. The relationship between SB at the ports and with the community and police intelligence picture is also critical.
- 5.79** One of the main considerations is that, in many instances, the impacts of policing or security actions taken 'on-site' are actually felt to the greatest extent outside the port or airport boundaries. So the consequences of changes in procedures at Dover may be most acute on the M20 (and so fielded by Kent Police) and at Heathrow on the work of the BTP or Metropolitan Police, via the M4 or Piccadilly Line. This issue of operational flexibility for the police needs further consideration. The police balance their role at the ports with their wider territorial responsibilities, and respond rapidly as threats move between the border and inland within their regions. Arguably, this flexibility is at its most critical in responding to an emergency. This was demonstrated in the recent attack at Glasgow airport which required a significant and immediate response from the wider Strathclyde force. Concerns have also been voiced that a national police force might find it harder to manage the ebb and flow of demand between ports due to geographical constraints.
- 5.80** This is not to argue that such interfaces could not be managed in cooperation between the new organisation and the local police force 'off-campus'; indeed the existence of a number of private ports police forces, and the general success of their relationships with the local police forces suggest it could. But it does serve to illustrate that the case for consolidation of police resources is a question of assessing the balance of advantage between 'subject specialism' and 'local cohesion'.
- 5.81** A greater degree of consensus is necessary before change can be recommended with confidence as to its delivery and outcome. Debate on this continues within the police service and firm conclusions at this stage would be premature.
- 5.82** At this stage, the development of the civilian side can proceed in parallel with further consideration of these policing options. They are not inter-dependent in terms of any restructuring and the new organisation will have the capability to work effectively alongside the police as presently constituted,

or any new force. The scope of this Home Office led review will need to consider the issues relating to devolution and the role and relationship with the private ports police forces.

**Recommendation 11: the recommendations of this review are consistent with a potential path to further integration. But more work is needed on the best use of police resource at the border. The Home Office, on behalf of the Government, should lead a process with ACPO, the Scottish devolved administration and ACPOS to seek further views on this and the position of SB**

## Wider aspects of policing and border security

### Closer working between the police and the new organisation

- 5.83** Whatever the longer term proposals for policing at the border, close collaboration between the new organisation and the police will be crucial and there are a range of steps which should be taken now to forge close links. Operational coordination with the police should be simplified at ports and airports, as a single official will be in charge of the new organisation at these locations. At a strategic level, it will be important for the chief executive to ensure clear connectivity with ACPO and for the new organisation to take account of the police role, skills and experience in its development. A senior police officer should be appointed to the executive board of the new organisation to assist this.

**Recommendation 12: a senior police officer should be appointed to the executive board of the new organisation**

## Management and funding

- 5.84** Nevertheless, even without the establishment of a national police force, there are steps that can and should be taken to improve, strengthen and better coordinate police and protective security arrangements at ports and airports. These build on recent proposals and current practice as it is being developed.
- 5.85** A general framework exists under the auspices of the National Aviation, Maritime and Channel Tunnel Security Programmes to bring industry and official security stakeholders together to discuss security issues. A methodology for doing this has been developed in the form of the multi-agency threat and risk assessment process, or MATRA.
- 5.86** One of the outputs of MATRA is intended to be the basis for subsequent funding agreements between operators and the police. A similar methodology – the Border Agency Risk Assessment Tool, or BARAT – is being developed for border control purposes.
- 5.87** However, two weaknesses have been identified with the present operation of these structures. MATRA is a strongly recommended but voluntary process. Whilst airports in the National Aviation Security Programme (NASP) are engaged with it, the process has not always been accurately or completely undertaken or with the full engagement of all agencies or with the necessary sharing of threat information between them.
- 5.88** Of particular contention is the extent to which the actions resulting from MATRA are fully implemented and to which the analysis feeds through into a practical and sustainable basis for the agreement of funding between the police and operators. This was, in part, addressed in the Civil Aviation Act 2006 that

provided for the production of Police Service Agreements and a dispute resolution procedure overseen by the Secretary of State for Transport. However, such provisions only apply at the nine airports designated under the Civil Aviation Act 1982. Operators are similarly concerned to continue to develop and engage in effective dialogue for resolving discussions over the necessary level of any funding or investment requirements relating to border control functions.

**5.89** Arrangements need to be put in place that are effective, nationally consistent, and can be applied in a proportionate way across all modes and scale of facilities as necessary. These arrangements should be backed by statute.

**5.90** The Home Office and DfT are already engaged with senior police and industry representatives to identify the most appropriate way to deliver this. This could involve the Secretary of State for Transport designating other airport facilities (either singly or collectively) under existing legislation or that linked to this review, as well as the possibility of seeking alternative powers to require specific action at named ports and airports.

**5.91** It could also include requiring the operator at such a designated port or airport to chair a security committee to be attended by the relevant agencies. The purpose of such a committee would be to produce a security plan which is based on relevant threat and risk information and collective analysis; identifies and prioritises mitigating actions and facilitates the production of an agreement on the services the police will provide at a facility, in the context of the security activities of other parties, and how much the airport operator will pay for such services. Again this could be done by extending the funding provisions of

the Civil Aviation Act 2006 beyond the original nine designated facilities or via new primary legislative powers.

**5.92** Within this:

- MATRA itself (or at least the need to establish a committee of the named agencies and the production of an agreed security plan, leaving the methodology to be determined by local agreement) should be established across all modes on a statutory basis; and
- provision should be made for this approach to be applied, if and as necessary, on a proportionate and collective basis to cover smaller facilities as part of the general awareness raising and community policing effort.

**5.93** Once these arrangements bed down, the new organisation and operators should explore whether the MATRA approach could be developed as a more general model for resolving any wider funding discussions.

**Recommendation 13: a single framework for policing and protective security should be established on a statutory footing that can be applied across different transport modes and different sized facilities**

# Chapter 6: Implementation: benefits, costs, risks, and next steps

Since July, action has been taken and progress made towards the Prime Minister's objective of improving border arrangements for people arriving in and departing from the UK.

The proposals in this review set out the next steps in this work. The organisational change recommended will allow better achievement against each of the five key principles: act early; target effort; manage bottlenecks; maximise breadth and depth of protection; and reassure and deter.

There will be some cost and risk to this work, but the extent will depend on key implementation decisions, the pace of change, and mitigating actions put in place.

The management of the new organisation will now prepare detailed plans and timetables. Some milestones will need to be in place to maintain momentum, and suggestions for these are outlined in this chapter.

This chapter therefore:

- details progress made since the Prime Minister's statement on security on 25 July;
- covers implementation planning for the creation of the new organisation; and
- discusses the benefits, costs and risks associated with the main changes.

## Progress since July

- 6.1** Since the Prime Minister's statement on 25 July, work to improve arrangements for people arriving in and departing from the UK has continued. This has focussed on integrating the work of immigration and customs at the border, improving the targeting of effort, acting earlier and improving the visibility of border controls.
- 6.2** Since July, BIA and HMRC have commenced trials at five out of the six sites (namely: Gatwick, Aberdeen, Immingham, Portsmouth, Coquelles and Purfleet) to test approaches to providing a single primary line for passengers and goods. Under this model, customs and immigration duties for UK arrivals are shared by conferring powers between staff, and reciprocal training programmes are being implemented. The six trials cover approximately 20% of passenger arrivals and 15% of freight. Visibility of the border has been increased with new signage, and the rollout of uniforms to all BIA border officers in Great Britain which started in August has now been completed.
- 6.3** Progress under the trials is being evaluated. The intention is to use this evaluation to inform how a single primary line might best be implemented across the country.
- 6.4** Further steps have been taken to improve the targeting of border controls. Additional customs data is being inputted onto the Home Office watchlist, and BIA and HMRC are piloting joint profiling operations at Heathrow. In tandem with the Joint Border Operations Centre (JBOC), the Heathrow operation delivers enhanced profiling capability and pre-selection of passengers for further checks.

### Automated identification of targets

At Gatwick and Heathrow, HMRC targets have been incorporated into BIA's single electronic watchlist. This enables a more reliable method of target identification, replacing a resource-intensive manual system. It also means that targets arriving unexpectedly on a different flight can be identified by BIA, a benefit which has resulted in several detections of cocaine which might otherwise have evaded the controls.

- 6.5** The Freight Targeting System (FTS) was extended to cover all UK roll-on roll-off traffic in September 2007. The FTS checks all freight movements electronically before arrival in the UK, allowing more effective targeting of suspicious movements. This has led to a number of successes.
- 6.6** Contractual arrangements for the delivery of the e-Borders programme are now well in hand. Building on the success of the Semaphore pilot project, e-Borders represents a significant investment to deliver a modernised, integrated secure border control system for passengers across all modes of transport. It will enable passenger data to be collected from all carriers in advance of arrival in the UK, allowing all passengers to be pre-screened and risk assessed before arrival. This will further enhance the ability of border control officers to target higher risk passengers and facilitate the movement through controls of legitimate travellers.
- 6.7** UKvisas signed a memorandum of understanding with the National Police Improvement Agency (NPIA) at the end of August 2007 to allow it to check the fingerprints of UK visa applicants against criminal and counter-terrorism records. This will supplement the existing checks carried out against existing immigration and asylum records. By April 2008, all visa applicants will have their biometrics collected wherever they apply – by October 2007, 890,000 fingerprints had been taken. These developments further enhance the effectiveness of the visa regime, enabling earlier action to detect and deter high-risk individuals.
- 6.8** The UK Borders Bill, a comprehensive package of measures designed to help the BIA better control the border and tackle immigration crime, received Royal Assent on 30 October 2007. The Act includes new powers for immigration officers, creates statutory gateways to allow enhanced information

### Freight Targeting System

In the month following its launch in September 2007, the FTS has contributed to the seizure of more than nine million cigarettes, 20kg of heroin and over 2½ tonnes of cannabis.

On the basis of manifest data, and a variety of other information sources including intelligence databases, FTS contributed to the selection of a vehicle for examination in Harwich. The vehicle was scanned, and anomalies were noticed near the trailer doors. A subsequent search detected two holdalls containing 14kg of cocaine.

exchange between agencies and allows for the automatic deportation of non-EEA nationals convicted of serious crime.

- 6.9** Taken together, these changes already represent a significant step forward in the capability and presence of the border controls.
- 6.10** Building on the progress outlined above, the recommendations contained in this report represent a substantial change in the machinery of government. Together, the new organisation will number around 25,000 people.
- 6.11** The new arrangements will permit:
- end-to-end management of passenger journeys, particularly as a result of combining BIA with UKvisas and those from HMRC dealing with passengers, meaning that the range of objectives can be better met; and
  - more effective and efficient delivery of activity at the border itself, for people and goods, and the ability to improve facilitation and the projection of a clear, identifiable border presence.

## Further implementation

- 6.12** Establishing the new organisation will be a major change programme requiring careful management to ensure a smooth transition. The planning of this at a detailed level must be a priority for the designated management of the new organisation in its 'shadow' form. In moving ahead with the implementation, it is crucial that the continuity of border operations is maintained and disruption minimised. This will require a phased approach to implementation: it may take a number of years to complete. The implications for staff will need particularly careful consideration and there will need to be consultation with the unions.
- 6.13** The key elements of this implementation programme are likely to include:
- **governance.** The new executive board will need to be constituted and a Programme Board established to oversee implementation as quickly as possible;
  - **single management lead.** The appointment of a single lead official for each key location. This official will need to have responsibility for:
    - delivery of a plan for resourcing and rolling out the new arrangements, including the single primary line, alongside delivery of existing responsibilities;
    - contributing to the development of the wider counter-terrorism and law enforcement agenda at each location, including liaison with SB; and establishing effective local arrangements for joint working with the police, in line with an agreed national framework;
    - contributing to the physical security arrangements, including representation on the relevant protective security committees;
    - strengthening the relationships with delivery partners (including port operators and other government agencies); and
    - managing overall flows of people and goods including flexing resources between tasks or to target specific risks;
  - **corporate support.** The new organisation will need quickly to establish effective corporate support. A fully costed HR integration plan, supported by a staffing protocol, will need to be developed and similar plans created for other corporate

support services such as IT, estates and finance. A comprehensive and long-term staff training plan will need to be developed;

- **operations.** The goal has to be that wherever an officer is deployed, protection is offered against a range of immigration and customs risks. Early priorities here will be to ensure the ability to profile for risk and to make the full range of powers available. There will be a need to ensure that cross-training and awareness-raising are taken forward rapidly to ensure that officers have the appropriate ability to intervene in a legally accountable manner;
- **legal issues.** To achieve the above for the key ports quickly and on an interim basis, legal powers can be conferred between the agencies, under existing legislation;
- **consistent border arrangements.** Consistent UK Border signage and instructions to passengers, integrating immigration and customs messaging, should be quickly rolled out to all major passenger arrival points. Operators should be engaged in the work relating to the design, infrastructure and branding of the border zone at each location. In consultation with border staff, there is a need to implement a single uniform in due course.

**Recommendation 14: the first task for the future management of the new organisation should be the creation of a detailed implementation plan, making specific provision for further communication and involvement with staff and unions**

## Benefits

- 6.14** The changes recommended in this review should deliver substantial benefits, improving performance against the five key principles of effective border control. By bringing border resources together under the Home Office, their effectiveness in participating in ensuing security will be improved.
- 6.15** The change should improve the ability to **act early** through:
- more integrated use of the visa regime, ensuring that it takes account of the full range of risks and has a fast and effective feedback loop in place to benefit from the experience of immigration and customs officers at the border and those enforcing immigration law inside the UK;
  - combining the efforts of visa risk assessment units and HMRC and BIA overseas work to export the border, so that they can learn from each other and increase impact; and
  - more efficient interface with key partners – such as the SOCA liaison officer network.
- 6.16** The new organisation should enable more **effective targeting** of movements – both high risk movements for greater scrutiny, and legitimate movements to expedite. In particular, this will be achieved through:
- the single approach to information use flowing from a single business plan. The Immigration, Asylum and Nationality Act and related secondary legislation will oblige information sharing between the organisations concerned. The organisational change will allow for coherent planning of how to use that information to best effect, increasing coverage and reducing duplication and associated costs;

- removal, over time, of duplication of staff effort examining the same movements in the same location and of unnecessary rework on arrival of checks done before arrival. For example, there is already potential duplication between the work of UKvisas in assessing visa applications, Airline Liaison Officers (ALOs) in checking documentation prior to departure and by BIA officers on arrival in the UK. The end-to-end control over passenger movements in particular should also enable the development of improved watchlists as well as the development and roll out of trusted traveller schemes designed to allow legitimate travellers to pass quickly through controls; and
  - establishing a clear link with programmes already underway and ensuring maximum benefits are derived from these, for example the enhanced data capability delivered by the e-Borders programme, and the integrity of identity delivered by the biometric identity scheme.
- 6.17** The change will significantly enhance the ability to **manage bottlenecks** and improve the facilitation of legitimate trade and travellers by:
- defining, through collective ministerial agreement, what checks should be permitted at pinch-points and what the permissible acceptable levels of delay are as a result of those checks, and by ensuring the monitoring of performance;
  - providing additional flexibility to deploy staff in response to changing priorities, for example surges in low risk traffic or a peak of high risk arrivals; and
  - providing a single overview of flows at a given entry route, with a simpler and stronger relationship with delivery partners such as airport operators and police.
- 6.18** It will improve the **breadth and depth of protection** by:
- ensuring, through the border strategy, that the border challenges are seen and addressed as a whole, including outside the main points of entry and exit;
  - allowing, over time, more efficient use of resources – in particular the removal of overlaps referred to above, permitting staff to be deployed to enhanced checks either in the same location or elsewhere; and
  - training individuals to identify and respond to a wider range of risks and making deployment decisions so that wherever an officer is deployed, there is some coverage of the full range of risks.
- 6.19** The new organisation will deliver increased visibility of the UK border, to increase **reassurance** and enhance its **deterrence**. The single primary line will be the focal point for border activity on arrival, and UK Border signage and instructions to passengers should be rolled out, combining immigration and customs messaging, to all major passenger arrival points by June 2008. The new organisation should have a single uniform, which should be designed with staff involvement.
- 6.20** There will be significant benefits for business. The single lead for each main airport and port will improve relationships with operators and carriers, lead efforts to improve the interaction and efficiency of official controls, and allow changes to controls and associated infrastructure to be better coordinated and planned. This should reduce costs and disruption. The new organisation will also have

as an objective the facilitation of legitimate travel and trade. Going forward there will also be greater clarity over the arrangements for determining the funding of policing at the main points of entry.

## Costs

- 6.21** A change programme of this scale is clearly not without some cost but this is manageable within existing departmental budgets. The costs will include training (to get the maximum cross-working benefits), IT infrastructure, and some accommodation costs. The latter should be limited as the great majority of staff will not move location. The extent of the costs depends on the approach that the management of the new organisation

takes to terms and conditions and the speed of implementation.

- 6.22** Closer alignment or, potentially, role sharing between border agencies should allow for more efficient use of people, but the overriding motivator for the work is to enhance effectiveness rather than cost saving.

## Risks

- 6.23** Any major organisational change incurs a level of risk that needs to be mitigated. It will be important that risk management is begun at an early stage and built into the implementation plan. The risks associated with the creation of the new organisation, and some of the possible mitigating actions include:

Risk	Possible Mitigating Actions
Disruption to border activity while new organisation beds down	Management of the new organisation plan the introduction of new arrangements location by location and set the pace; a programme board is appointed to oversee the implementation; staff, business and the public are kept well informed of forthcoming changes and progress.
The new organisation struggles to balance the numerous, and sometimes conflicting, objectives of border work	Development and agreement of strategy and business plan, taking all of the border objectives into account.
The new organisation does not integrate seamlessly with the police work at the border	Operational coordination is simplified, as a single official is in charge of the new organisation's activity at each main point of entry; designated security teams are established at all main points of entry, responsible for liaison with the CT community; a senior police officer is appointed to the executive board of the new organisation.
The new organisation does not integrate seamlessly with HMRC inland activity	A service level agreement is established between the new organisation and HMRC, clarifying levels of resourcing and the quality of service; governance safeguards, including reporting lines to HMT Ministers and the presence of an HMRC Commissioner on the board of the new organisation.
Staff lack the skills to undertake roles to current levels	The pace of change and integration of staff from existing agencies reflects the roll out of training across the new organisation. Specialist roles are identified and preserved.

## Next steps

**6.24** The detailed timetable for creation of the new organisation will be set by its new management, but a number of major milestones will need to be met to ensure implementation momentum. To this end, the review anticipates that:

### By end of December 2007

- lead Home Office and HM Treasury Minister takes on new responsibilities and the new Cabinet sub-committee is in place;

- a single executive team of the new organisation is in post, with a clear reporting line to the Home Office and the Treasury;
- a senior police officer is appointed to the executive board;
- a programme board is established by the new organisation to oversee implementation; and
- lead officials are in place for all airports and Eurostar, on an interim basis initially, responsible for management and

deployment of staff and resources and the interface with delivery partners such as port operators and the police;

### **By March 2008:**

- short to medium term objectives are established for the new organisation;
- a detailed implementation plan is prepared by the new organisation, covering governance, management and operations, corporate support, legal considerations and branding;
- an action plan is agreed and initiated to provide front line officers with shared information, skills, powers and incentives, to underpin conferral of powers; and
- the Home Office should establish a process with ACPO, the Scottish devolved administration and ACPOS to seek further views on the case for a national police force and the position of Special Branch;

### **By June 2008:**

- a fully costed HR integration plan, supported by a staffing protocol, is agreed and implementation begun. The training plan carefully considers the need to balance generalist and specialist staff within the organisation and enables the development of skills across staff so that they can be deployed more flexibly between roles;
- other corporate support services plans, such as IT, estates and finance, are also agreed and underway;
- UKvisas is fully integrated into the new shadow organisation;
- UK Border signage and instructions to passengers are rolled out, reflecting the

new organisation, to all major passenger arrival points; and

- an integrated national watchlist for all border targets is in place;

### **By December 2008:**

- a long term strategy for the UK border is agreed in association with agencies in related areas of work such as the police and TRANSEC, which sets out the right balance between control and facilitation, the approach to border controls, the collection and sharing of information, and how protection can best be provided outside the main points of entry and exit;
- new arrangements for passport control and customs have been rolled-out nationally;
- legislation is introduced to allow for the sharing of immigration, customs and police powers; and
- access to the Interpol Lost and Stolen Passport Database is established. This will further enhance the ability of border officers to target interventions on high-risk individuals.

**6.25** In the course of the review, a number of specific proposals for further improving the effectiveness of the UK border were identified. These are listed at Annex C and will be considered by the management of the new organisation and built into future arrangements as appropriate.

# Annex A:

## Terms of reference

1. The Prime Minister announced the Government's decision to integrate the vital work of the Border and Immigration Agency, Customs and UKvisas overseas and at the main points of entry to the UK and establish a unified border force. As a result, starting from August 2007, people arriving in Britain would be met at the border – either sea port or airport – by a highly visible uniformed presence as over the next period the UK moves to one single primary checkpoint for both passport control and customs.
2. The Prime Minister asked the Cabinet Secretary to report by October on the stages ahead in implementation and whether there is a case for going further while ensuring value for money. This note provides additional terms of reference for that work.
3. Some action to deliver the changes set out in the Prime Minister's statement can be taken early, and without the need for further collective ministerial discussion or prejudice to the longer term work. As part of the work, the Cabinet Secretary should ensure that those steps are taken swiftly.
4. The public will expect the Government to ensure that any further steps will secure real improvements, and that their benefits will outweigh their costs and risks. The review should therefore start from the Government's objectives for securing the border and how effectiveness or efficiency in achieving them can be enhanced, examining in particular:
  - maximising the protection offered by the border against terrorism and organised crime;
  - providing effective and robust immigration controls;
  - protecting the UK tax base; and
  - excluding prohibited and restricted goods; while
  - facilitating legitimate travel and trade and complying with EU obligations.
5. The need to provide public reassurance – and deterrence to potential wrongdoers – was a key factor in the Government's decision to implement a single primary checkpoint for people arriving in the UK. The review should consider how this can be best achieved.
6. The review should set out specific options and further steps for the Government to consider including, as far as possible, costs, risks and benefits. Whilst the Prime Minister expects the focus of the work to be around the organisational arrangements necessary to deliver enhanced border security, it should also cover any linked policy, legislation, or process changes necessary to underpin them. As the Prime Minister said in the House, the review should be informed by proposals put forward by those outside Government.

# Annex B: Conduct of the review

## Engagement with stakeholders

1. There is a wide range of stakeholders with an interest in the operation of the UK border, widely defined, all of whom may provide insight into how UK arrangements could be improved and whose cooperation may be important in the success of future developments. Equally, the timetable set for the work did not allow for a general consultation. As a result, the review took an approach that sought to achieve input from a range of interested parties, while focusing effort on those where insight and influence were likely to be greatest.
2. This led to the identification of a **core group**<sup>54</sup> of organisations central to the delivery of any proposed solution. These stakeholders needed to be closely involved in the work and direction of the review. As well as having regular contact with the review team, these organisations were represented on the steering group and the project board and seconded staff onto the team. In addition, the views of their front line staff were sought via the communications work and review mailbox, as well as through workshops.
3. There was then a second tier of organisations<sup>55</sup> that may either have had specific knowledge and insight regarding border functions, or that would potentially play a central role in the delivery of any proposed solution. For these organisations the review arranged one-to-one meetings and ongoing engagement as necessary.
4. Remaining stakeholders were those likely to be interested in the outcome of the review, or who wished to input into the work itself, but where it was judged possible to provide a group service. To cover these groups, the review convened a number of events:
  - a briefing and opportunity for input for other government departments<sup>56</sup> on 4 September, with a follow-up meeting held on 25 October;
  - meeting representatives of the **Devolved Administrations**: Scotland, Wales and Northern Ireland on 12 September, with a follow-up on 25 October;
  - attending and briefing the **Border Management Programme** Industry and Stakeholder group (11 September) and the Joint Customs Consultative Committee (29 September);<sup>57</sup>

<sup>54</sup>The core group was: the Border and Immigration Agency, the Department for Transport (including TRANSEC), the Foreign & Commonwealth Office, HM Revenue and Customs, HM Treasury, the Home Office, UKvisas, the Association of Chief Police Officers and the Confederation of British Industry

<sup>55</sup>The second tier organisations included: BAA, the Civil Contingencies Secretariat, Dover Harbour Board, HM Inspectorate of Constabulary, the Identity & Passport Service, the Intelligence Agencies, the Maritime & Coastguards Agency, SOCA, and the Trade Unions; as well as the French and Irish authorities and the European Commission

<sup>56</sup>Other departments included: the Attorney-General's Office, Business Enterprise and Regulatory Reform (including UK Trade and Investment and Export Credit Guarantees Department), the Department for Culture Media and Sport, the Department for the Environment Food and Rural Affairs, the Department of Health, the Department for Innovation Universities and Skills, the Department for International Development, the Department for Work and Pensions, the Greater London Authority, the Ministry of Justice (including interests of the Crown Dependencies), the Ministry of Defence, and the Office of National Statistics

<sup>57</sup>This included: Airlines, the Airport Operators Association, the Board of Airline Representatives in the UK, the British Chamber of Commerce, the British Port Association, the British Air Travel Association, the British International Freight Association, the British Retail Consortium, the Confederation of British Industry, the Chamber of Shipping, and the Road Haulage Association

- meeting those with a more general interest in the interface between the UK economy and border arrangements, who were not covered in other ways (14 September);<sup>58</sup> and
- meeting those with a specific interest in cross-channel activity who were not picked up in other ways, such as Eurostar, EuroTunnel and Ferry operators (meetings held separately over September).

### Frontline staff

5. The views of staff involved in border-related activity have been vital in informing the review. In particular, the review has benefited from, and is grateful for, input from:
  - BIA, HMRC and police teams at Heathrow and Southampton;
  - staff at a number of front-line locations across the UK, including: Aberdeen, Coquelles, Dover, Folkestone, Gatwick, Harwich, Manchester and Portsmouth;
  - UKvisas staff across Europe and in Delhi; and
  - all staff who took the time and effort to share their views via the border review mailbox or through their managers.

### Review team

6. The Cabinet Secretary thanks those working in the Cabinet Office who supported him in this work, for some or all of the period:

Kristian Armstrong;	Sonia Irim;
Paul Arnold;	Andrew Levi;
Nick Crouch;	Tony McCarthy;
Sophie Dean;	Imogen Ormerod;
Mary Farrell;	Angela Perfect;
John Fiennes;	Laurence Rockey;
Jeremy Heywood;	Gareth Williams;
Matt Heath;	Phil Williams
Kate Hipwell;	

<sup>58</sup>This included: the British Council, the City of London, the Institute of Directors, Universities UK, and Visit Britain

## Annex C: Additional action

1. In the course of the review, a number of specific proposals for further improving the effectiveness of the UK border were identified. These are listed below and will be considered by the management of the new organisation and built into future arrangements as appropriate
2. Specifically, they include:

### Acting early

- UKvisas routinely collects a range of data as part of the visa application process. This potentially offers other agencies an early opportunity to gather additional information for their purposes. The data collected by UKvisas should be reviewed to ensure that it meets requirements of the police, SOCA and HMRC;
- contacts between Airline Liaison Officers (ALOs) and visa Risk Assessment Units should also be strengthened to improve the speed and quality of information and intelligence flows between them. The ALO network has proved to be a cost effective means of preventing inadequately documented, and individuals from reaching the UK. Further consideration should therefore be given to expanding the ALO network, including to other modes of transport; and
- recognising the success of Operations Airbridge and Westbridge, further consideration should be given to extending the approach to other key transit points for class A drugs into the UK.

### Managing bottlenecks

- Operators should be engaged in the design and branding of the whole border zone at each location – there are opportunities in

moving to a new organisation to improve and rationalise border controls and improve the overall experience for passengers in navigating border controls and other security checks.

### Target effort

- The scope for increased use of technology, such as Automatic Number Plate Recognition, data mining technology and forgery detection technology should be examined.

### Maximise depth and breadth of protection

- the cost and feasibility of rolling out airwave radio communication should be considered. This will improve operational communication between the new organisation and the police; and
- consideration should be given to introducing cameras at the primary line and at arrival gates to improve targeting and help establish the travel identities of asylum applicants.

### Reassure and deter

- As an additional deterrent to smugglers, revocation of visas should be considered as a response to customs offences; and
- UKvisas has had considerable success working with local authorities in Ghana to deter visa applicants from using fraudulent documents in making visa applications. Consideration should be given to extending this approach to other higher risk locations.

# Annex D:

## International perspectives on border control

### Introduction

1. The international experience of border control varies. The work considered a range of countries with different geographical circumstances, and varied approaches to the structural questions of border control.<sup>59</sup>
2. In general, the countries were developed economies with a need for immigration control, protection against terrorism and organised crime, and at the same time a strong interest in raising revenue and facilitating legitimate travel and trade. Although the basic goals of border control are similar in most countries, the emphasis placed on different objectives can vary. For example, the USA gives primacy to counter-terrorism, while Canada's objectives more explicitly balance national security and public safety priorities with the free flow of persons and goods.
3. No one system dominates border control arrangements internationally.
5. Australia operates its border control through a series of agreements between the border agencies. Customs staff undertakes all primary line duties including basic immigration checks. Immigration staff take on more complex immigration cases.
6. Border police are used by a number of countries in Europe. Examples include France, Germany, Austria, Italy and Spain. Typically such border police work in cooperation with other agencies, notably customs, with the police carrying out immigration control and policing functions, with customs control separate.
7. In Italy, Frontier Police are responsible for overall control of the border (immigration, customs etc). The Frontier Police are attached to the State Police, one of the national police forces. In 2002 a dedicated immigration force was set up. This operates at a strategic level, influencing strategy and policy for immigration operations carried out by the Frontier Police. The Frontier Police work with other agencies, for example the Financial Police, and customs: the former collects tax at land borders, the latter is responsible for this at air and ports. Each agency maintains its independence. Information sharing between agencies is still developing.

### Unification and cooperation

4. The USA and Canada have sought to unify their border agencies. In the USA, the Customs and Border Protection Service was set up in the aftermath of 11 September 2001. Nonetheless, border control still involves cooperation between that agency and a number of others: the Border Patrol, the Coastguard and Immigration and Customs Enforcement. In Canada the unification involved bringing together customs and revenue, citizenship and immigration, and food inspection.
8. The Spanish model has the special feature that the Civil Guard and the Spanish National Police have joint command of border control. The Civil Guard, as well as carrying out security force functions at the border, in cooperation with the police, works with the Tax Agency on customs and revenue collection.

<sup>59</sup>The countries were: Australia, Austria, Canada, France, Germany, Italy, Japan, Netherlands, New Zealand, Spain, the UAE and the USA. Austria, France, Germany, Italy, the Netherlands, and Spain are all members of the EU and the Schengen group

9. Other models exist for police involvement in border control. In Australia, a federal police force works at ports and airports, in collaboration with security agencies, to carry out counter-terrorism aspects of border control (and, in collaboration with local police and security guards, to secure and police the facilities). But in some countries, for example the USA, the police are not part of the border control.
10. Not all countries have attempted to unify their border agencies or introduced a border police. The Netherlands has a cooperative arrangement between immigration and customs authorities, and plans improvements, but these do not include the creation of a single agency. Since 2005 a number of measures have been implemented to improve coordination. Structural platforms have been established: regular meetings on border control between the Justice Ministry, Sea Harbour Police and Marechaussee (a police force with military status), regular talks at operational level on all aspects of border controls and a joint patrol pilot by Marechaussee, customs and Sea Harbour Police have taken place.

### **Style of border control**

11. Some countries have introduced a single primary line style of control at the physical border.
12. In Australia, as mentioned above, this is carried out by customs, under joint command of the customs and immigration agencies. The USA single primary line is operated by the Customs and Border Protection Service. EU countries generally operate a system where air passengers entering from third countries first pass through immigration control, then pick up any checked in baggage, before passing through customs control, usually through a red/green channel arrangement. These arrangements are consistent with the provisions of the Kyoto Convention on customs control, to which all EU Member States are parties. The USA is an example of a country which is not.
13. Comprehensive immigration and / or identity checking of all inward travellers is widespread among the countries surveyed.
14. Countries in the Schengen area (see also below) are in a special position: systematic checking at fixed points at the internal frontiers between Schengen members is legally forbidden (unless certain exceptional circumstances apply) so the comprehensive checking regime is a cooperative effort of the Schengen countries applied to people entering from third countries, including other EU Member States not in Schengen. The USA's inward checks include a comprehensive collection of, and checking against, biometric data (fingerprints, facial scans). Japan operates comprehensive inward checks and is considering the introduction of biometric technology.
15. Combined with inward checking of people, there is widespread use of outward checking. For the Schengen countries, again this applies to people crossing the external Schengen frontier, not the internal frontier between Schengen Member States. Japan, USA, Canada and Australia are all further examples of countries operating outward checks on people.
16. The wearing of uniforms by border staff is widespread. In some countries border control staff may also carry weapons (examples include USA, France, and Germany).
17. All countries surveyed carry out some of their border control activity away from the physical border.

18. The issuing of visas overseas, to citizens of countries subject to a visa regime, is an example of this: all the countries operate such a system, to a greater or lesser extent. In the case of Schengen countries, a common visa regime is operated by all the members. A single Schengen visa is sufficient to visit the entire Schengen area, although there are rules about which country should issue the visa, depending on the itinerary of the traveller and the purpose of their visit.
19. Some countries are starting to collect passenger information in advance of travel (API) and use this as part of their border control process.
20. As far as goods are concerned, voluntary advance notification by shippers is a long-established practice (for example, the Kyoto Convention regulates this for those countries party to it). More recently the USA has led efforts to enhance security by introducing compulsory advance information requirements, notably the Container Security Initiative.
21. Internal identity control and registration requirements are widespread among European countries, but also elsewhere, for example Japan.

### Special features of the European Union

22. The countries of the Schengen area (most of the EU and Norway, but not the UK, Ireland and some other Member States) are an important special case. They rely on each other's border controls on people in respect of arrivals from third countries. One of the key techniques which underpins this, laid down in Schengen and, subsequently, EU regulations, is the common database, the Schengen Information System, which contains certain categories of information on persons of concern. There is not, however, a unified Schengen immigration or border police service.
23. The EU legally requires the free movement of EU citizens and their dependants across EU internal borders, and the right of establishment of EU citizens in countries of the EU. For travellers crossing into and out of the Schengen area, but within the EU, passport (identity) control at the border is allowed. There is no unified EU border service. But there is a new EU agency, Frontex, tasked with improving border management cooperation between EU Member States that are signed up to Schengen.
24. For the movement of goods from third countries the EU as a whole is a special case since it is a common customs area and the customs authorities of the EU Member States rely to a large degree on each other to control such goods. There is not, however, a unified EU customs service.

### Trusted traveller schemes

25. There are a number of countries that operate international trusted traveller schemes. Most schemes charge a fee in return for fast lane access and simplified security checks. It is normal for these schemes to use continuous checks of biographic details against watchlists. Some countries run biometric checks as well. Most of the current schemes use a combination of biometrics. The majority of schemes have a shorter processing time; estimated at one third of the time taken for manual immigration.
26. A joint scheme, NEXUS, is run for US and Canadian citizens (and permanent residents) who enter either country via land, sea or air. Biometric checks allow expedited clearance

through customs and immigration. There is an annual fee and over 115,000 people have enrolled. Watchlist checks are carried out by each country and a membership card is then issued to the individual.

27. In the Netherlands, the Privium scheme is run at Schipol airport. Iris images are used to expedite passage through the airport. An annual fee is charged and over 30,000 people have been issued a Privium Card which contains the enrollee's iris code. This is used for checks at automated barriers. Forgery checks and biographic background checks are carried out on all enrollees.
28. There is a memorandum of understanding between US and Dutch border control to join their trusted traveller schemes. Dutch and US enrollees to their schemes will be able to use expedited arrivals processes in the US and Holland.
29. In the United Arab Emirates (UAE), the eGate scheme is run in Dubai International Airport. Fingerprints are used to expedite passengers. In addition to domestic nationals and residents, the scheme is open to visa holders from 33 other countries. Over 60,000 people have enrolled and been issued a smart card. This helps to identify passenger's records for fingerprint matching. Checks are used against government watchlists.

### An evolving picture

30. One factor driving change has been a perceived need for greater coordination to improve effectiveness. For example the Department of Homeland Security in the USA noted that a reason for its creation in 2003: "...was to provide the unifying core for the vast national

network of organizations and institutions involved in efforts to secure our nation."<sup>60</sup>

31. The Canadian Border Services Agency (CBSA) has a similar mandate: "The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation."<sup>61</sup>
32. In the Netherlands, the National Audit Office report of 2004 concluded that there was insufficient coordination between customs and Marechaussee. The improvements noted earlier were subsequently put in train.
33. German legislation is expected to come into force by January 2008 to consolidate the previous 19 regional authorities for Federal Police into five geographical directorates with the objective of boosting efficiency and effectiveness in border management duties.
34. A further driver for change has been to incorporate advances in technology to increase effectiveness and efficiency. Examples of this are the use of technology to obtain advance passenger information by New Zealand, the UAE and Spain.
35. In the case of Schengen, the creation of the common travel area was driven by perceived political and economic advantages. This drove the need for technological developments such as the common Schengen Information System database.
36. In the EU some change is driven directly by the enlargement of the Schengen area. Austria, which currently uses a branch of the police, the Foreign Police Service – the lead border

<sup>60</sup>Source: the Department of Homeland Security

<sup>61</sup>Source: the Canadian Border Services Agency

management agency - supported by customs and the army, will be phasing out the support of the army to border management by 2010. There will be an increase of Schengen countries bordering Austria, and the Austrian Government judges that there will therefore be less of a need for a large number of personnel patrolling the border.

# Annex E: Views outside government

## Hopes, expectations and concerns: views of external stakeholders

### Introduction

1. To inform the work, views were sought from a number of port operators, universities, business representative groups and others with an interest in the border. Summarised below are the main themes that emerged from the meetings.

### Hopes, concerns and expectations

2. In general, external stakeholders could see the potential benefits of a new organisation, and there were a number of common threads to their hopes, concerns and expectations for the way that such a force would be implemented.

### Effectiveness

3. The common view held by stakeholders was that the border needs to be effective at stopping unwanted goods and people from entering the UK. However, this effectiveness should not impinge on the efficiency of the border. A balance therefore needed to be struck so that any changes added value both, in terms of effectiveness (perhaps through greater alignment of priorities) and efficiency (through streamlined processes and trusted traveller schemes) so that neither is put at risk by the other.
4. Key themes:
  - any changes should be ones that add value to the current situation and make border agencies work better and smarter, rather than just being an efficiency exercise;

- desire for changes to result in closer cooperation and a more unified voice at the border, both in terms of someone for customers to deal with but also for port operators;
- need to take into account the separate cultures of the border agencies. Change should therefore be introduced progressively to ensure it is as effective as possible; and
- need to fully engage border agencies in any changes that are proposed, in order to minimise any inter-agency conflict.

### Efficiency

5. A major concern of external stakeholders, closely allied to the effectiveness of activity at the border, was that of efficiency. The current difficulties experienced crossing the border was a recurring theme. A number of stakeholders stated that the number of checks occurring while going through the border places an unnecessary administrative burden on a business person, and that transaction times add considerable delay to a journey, such that it may be a disincentive to doing business in the UK.
6. However, any drive for efficiency must be counter-balanced by the need for effective protective security. No stakeholder desired greater efficiency at the expense of UK security. In particular, security of the UK was a key consideration. If the drive for efficiency negatively impacted on safety and security, the UK would lose some of its competitive advantage.
7. Key themes:
  - sought reassurance that a more effective border operation would not lead to an increase in the queues at the border;

- new arrangements should take full advantage of the development of new technologies, such as the more widespread use of biometrics, in order to increase efficiency;
- expectation that the integration of the border agencies will provide the opportunity to remove both physical and technical duplication of effort, and therefore increase efficiency;
- desire (amongst all external stakeholders) for the introduction and greater use of trusted traveller schemes, whether through the collection of advanced information and registration to a scheme or through some other method. Someone on legitimate business to the UK, whether a commercial traveller or a student, should not be subject to the same level of checks as a first time traveller to the UK that may be entering for illegitimate purposes; and
- general belief that border interventions should be increasingly risk based to allow a better flow of trusted travellers.

# Annex F:

## Legal provisions

### Legal provisions governing border control

1. This annex considers the current legal framework under which organisations operate at the border.
2. The current legislation governing activity at the border – including overseas and inland – is complex.
3. Border control activity is governed or significantly affected by rights and duties under international, European Union (EU) and domestic law. These include:
  - a. EU obligations on free movement of people and goods, and detailed provisions on customs;
  - b. powers of officers;
  - c. data sharing gateways;
  - d. routes of appeal;
  - e. provision of facilities; and
  - f. the territorial extent of current legislation (including Devolved Administrations).
5. The EU Treaty guarantees free movement of people and goods for EU citizens within the EU.
6. The UK is outside the so-called Schengen area. It has the ability to carry out such immigration controls as the UK considers necessary, in line with the other requirements of the EU Treaty and law.
7. The European Convention on Human Rights (ECHR), adopted by the UK in the Human Rights Act (HRA) 1998, defines the rights of people in their treatment by the state. Of particular relevance to border control are the right to freedom from inhumane or degrading treatment (Article 3), the right to a fair trial (Article 6) and the right to enjoyment of private and family life (Article 8) and Article 1 of Protocol 1 (peaceful enjoyment of possessions) in respect of seized goods.

### Powers of officers

8. Each of the agencies has a broad range of powers that relate directly to their work.

### Immigration

4. EU and international legal obligations are particularly significant for customs practices and procedures. EU legislation, notably the Community Customs Code, which is a directly applicable EU Regulation, governs the scope and operation of the EU common customs area, of which the UK is a full part. The Kyoto Convention is an international agreement, to which the UK is a party, defining a wide range of customs procedures. The Vienna Convention on Diplomatic Relations similarly set out how diplomats and their belongings are to be treated, strongly circumscribing the host state's actions in these areas.
9. The Border and Immigration Agency (BIA) has powers focused on immigration, nationality and asylum. Immigration encompasses the decisions about applications from people who want to come to the UK to work, do business, visit relatives, take a holiday, or settle permanently. In respect of immigration law, border controls are (generally) exercised by immigration officers (IOs). An IO is an official of the Secretary of State and has powers and duties under the immigration acts and secondary legislation made under them. Under these laws IOs carry out administrative immigration functions:
  - examination of those arriving in the UK to see if they should be admitted;

- granting, refusing, suspending or cancelling leave to enter;
  - detaining, to direct the removal of a person from the UK; and
  - taking fingerprints.
- 10.** IOs also carry out actions against criminality:
- arrest of individuals for immigration-related criminal offences;
  - entering and searching properties for evidence of an offence or to arrest; and
  - searching an arrested person for evidence, or something they may use to escape custody.
- 11.** The UK Borders Act 2007 (once commenced) will allow the Secretary of State to designate IOs to detain those who may be liable to arrest under the Police and Criminal Evidence Act 1984 (PACE).
- 12.** An Entry Clearance Officer (ECO), as a member of UKvisas, is an official of the Secretary of State who is based at a British consular post overseas. Under the Immigration Rules the ECO's function is to grant, or revoke, entry clearance (a visa) to a person applying to come to the UK. In most cases entry clearance takes effect as leave to enter when the person arrives in the UK. However, in such cases entry is not automatic and an IO could cancel the leave to enter.
- 13.** EU law on the free movement of people is an important part of the legal framework within which officers exercise their powers. EU nationals (and their family members) have the right to enter and reside in another Member State for the purposes of looking for work, working, self-establishing or studying or if they are economically self-sufficient. (The right to work and look for work by nationals of some

recent accession Member States is restricted for a transitional period). Another aspect is the right to move freely across the internal national frontiers within the EU. Within the Schengen area – being Member States who participate fully in the Schengen Convention – except in certain limited circumstances, there is no immigration or border control at the internal frontiers – whether for EU or non-EU citizens. By contrast, systematic immigration and identity checks are mandated for anyone, whether or not EU nationals, crossing the external borders of the Schengen area, consistently with the requirements of the EU Treaty and law.

## Customs

- 14.** HM Revenue and Customs (HMRC) has powers that are principally concerned with the control of the movement of goods, to call upon in the management of the main business areas at the border. EU rules provide a major part of the framework for HMRC's powers. In respect of intra-EU movements in particular, this makes them significantly different to BIA and police powers. The impact is less when dealing with third countries, although such customs work is also governed by EU law. In respect of customs law, border controls are exercised by appropriately authorised HMRC officers. A customs officer is an official of HMRC and accountable to the HMRC Commissioners. The powers and duties of a customs officer are defined and constrained in UK domestic customs legislation, and directly applicable EU law.
- 15.** Under these laws HMRC officers collect duties on goods entering the EU from third countries, and examine the goods and take samples; stop any vehicle or vessel or aircraft and search it, on reasonable suspicion that it is carrying

excise goods on which duty has not been paid (a power which can be exercised throughout the UK, and is available also to the police, armed forces and coastguard); search any article found with a person, on reasonable grounds that there is tobacco or alcoholic drink on which duty has not been paid; search passengers, baggage and containers to detain and seize prohibited and restricted goods, and arrest people suspected of having committed offences under applicable legislation.

16. All actions of HMRC officers must comply with Community law and must be justified and proportionate. The European Court of Justice (ECJ) ruled in the *Cassis de Dijon Case*, in 1979, that fiscal supervision justifies interference with free movement. Proportionality needs to be considered in the light of the circumstances of each case. Customs declarations by incoming passengers are governed by Commissioners' directions, made in accordance with the provisions of the Customs and Excise Management Act 1979 (CEMA). These directions implement the Kyoto Convention, and require that the customs channels (red or green) – or the place at which an oral declaration is made – must be located beyond the baggage delivery area, allowing passengers to decide which channel to choose, and not to cause congestion. These procedures are also underpinned by the Community Customs Code, a directly applicable EU regulation.
17. CEMA provides that anyone, whether an officer or not, who performs acts or duties required to be performed by an officer shall be deemed to be the proper officer if they have been engaged by the orders or with the concurrence of the Commissioners. Therefore it is open to the Commissioners to engage, for example, BIA officers to carry out acts or duties more normally performed by customs officers.

## Police and the Serious Organised Crime Agency

18. The police have powers to prevent crime and disorder, protect the public, and bring offenders to justice. The powers are found both in common law and in legislation. The Police and Criminal Evidence (PACE) Act 1984 and the associated Codes of Practice for example, provide a framework of police powers and safeguards in relation to stop and search, arrest, detention, investigation, identification and interviewing detainees. At ports, the counter-terrorist function is primarily aimed at preventing and monitoring the passage of terrorists through ports and border controls. The legislative powers conferred under Schedule 7 of the Terrorism Act 2000 provide a platform to prevent, detect and deter those concerned in the commission, preparation or instigation of terrorist acts from entering or leaving the UK through manned ports. Special Branch officers collect valuable intelligence from those of interest travelling through ports in fulfilment of the requirements set out in the National Police Counter-Terrorism and Extremism Strategic Assessment and Control Strategy and requirements of the security and intelligence agencies.
19. SOCA (Serious Organised Crime Agency) does not generally operate directly at the border. However, because of its close links with police and customs in related operations, and the nature of its powers, it merits mention here. SOCA was formed from the amalgamation of the National Crime Squad, National Criminal Intelligence Service, that part of HMRC dealing with drug trafficking and associated criminal finance and a part of the UK Immigration Service (now part of BIA) dealing with organised immigration crime. It is a non-departmental (non Crown) body.

**20.** SOCPA (Serious Organised Crime and Police Act) describes the Agency's functions and enables it to institute criminal proceedings in England and Wales or Northern Ireland; at the request of the chief officer of a police force, act in support of any activities of that force; at the request of any law enforcement agency (including the Commissioners for Revenue and Customs and any government department), act in support of any activities of that agency; enter into other arrangements for cooperating with bodies or persons (in the United Kingdom or elsewhere) which it considers appropriate in connection with the exercise of any of SOCA's relevant functions. The Director General of SOCA may designate a member of the staff of SOCA as one or more of the following:

- a person having the powers of a constable;
- a person having the customs powers of an officer of Revenue and Customs; and/or
- a person having the powers of an immigration officer.

In Scotland, the Scottish Crime and Drugs Enforcement Agency (SCDEA) has responsibility for tackling drugs-related and other serious organised crime in Scotland.

**21.** A designation may be subject to limitations as to the powers exercisable, the purposes for which they are exercisable or otherwise and can have effect for a period or without limit of time. To designate in this way the Director General needs to be satisfied about competence of the officer, training etc. The provision is limited to members of staff of SOCA.

**22.** Also, under SOCPA a magistrate may grant a warrant to "an appropriate person" to enter and search premises. Appropriate person means, a constable, a member of the staff of SOCA who is for the time being designated

under SOCPA section 43 (which could include a person carrying out IO functions), or an officer of HMRC.

### Conferral of powers

**23.** There are different ways that powers can be conferred to appropriate persons at varying levels. The Secretary of State has the power to arrange for the employment of customs officers as immigration officers (Immigration Act 1971). The Customs Commissioners have the power to deem someone a proper officer for the purposes of customs (s8 CEMA) and the power to delegate (s14 Commissioners for Revenue and Customs Act 2005). There is no equivalent existing legislative power to confer on customs officers or immigration officers the powers of a constable. Each method for conferring powers under existing legislation needs to be done in a manner that is reasonable and proportionate.

### Data sharing gateways

**24.** A number of legal methods have been adopted to facilitate the sharing of information between agencies that operate at the border and elsewhere. There are general common law powers to share information between departments where appropriate. The police also have common law power to share information. Statutory provisions (known as statutory legal "gateways") allow for exchange or sharing of data in proscribed circumstances. These gateways are to be found in various pieces of legislation. The gateways are often limited to a specific purpose and the use or sharing of information must be done in the context of the Human Rights Act (HRA), Data Protection Act (DPA) and the law of confidence. However, the HRA and DPA should not provide an obstacle to appropriate and

necessary data sharing between public bodies. Although not yet in force, Section 36 of the Immigration, Asylum and Nationality Act 2006 is a key new provision that mandates the sharing of information (relating to passengers, freight and travel) between customs, BIA and the police on the making of secondary legislation. This secondary legislation is currently being introduced and should help to facilitate data gathering by, and sharing between, the border control agencies (and others).

### Routes of appeal

25. Each agency currently has its own route of appeal set out. For example immigration matters are heard in the Asylum and Immigration Tribunal (AIT), whereas customs decisions are appealed to either the Magistrates' Court or the VAT and Duties Tribunal. More generally tribunal reform is in train under the Tribunals Courts and Enforcement Act 2007 which enables the transfer of the functions of various tribunals (including the VAT and Duties Tribunal) onto the new tiered tribunal system, by order made by the Lord Chancellor.

### Use of facilities

26. Currently the three agencies which operate at the border (police, HMRC and BIA) all have their own Trader Provided Free (TPF) facilities. This includes particular facilities, for example holding areas, where legal issues may arise. For example, short-term holding facilities used by BIA are not capable of being used for any other purpose apart from the detention of detained persons under the Immigration Acts and, therefore, could not be used as a shared facility with persons detained for customs purposes.

27. The various agencies also require different facilities at border points. For immigration checks this may comprise kiosks for passport checks and one or two interview rooms. For HMRC the requirements can be much more extensive.

### Territorial extent

28. The territorial extent of border control differs depending on the agency involved. For immigration, the UK shares a Common Travel Area (CTA) with the Republic of Ireland and the Crown Dependencies. There is no immigration control in the CTA, although identity and security checks are allowed. The Crown Dependencies are not bound by EU law on free movement of persons although their domestic law tends to reflect UK national law in respect of EU nationals and their family members. For customs, the UK is subject to the Community Customs Area, which requires it to follow EU law when setting out customs controls. It also means that controls on goods moving from one Member State to another, carried only by virtue of the fact that the goods have crossed the frontier, are not permissible. Member States may still, however, exercise controls, but they must be justified, necessary and proportionate.
29. The Isle of Man mirrors UK VAT and excise legislation. The Channel Islands are part of the Community Customs Area. Jersey and Guernsey have their own Customs Acts, but these tend to follow the provisions of CEMA.
30. Immigration and customs are reserved matters in all devolved administrations (Scotland, Wales and Northern Ireland). Policing is a devolved matter in Scotland.

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