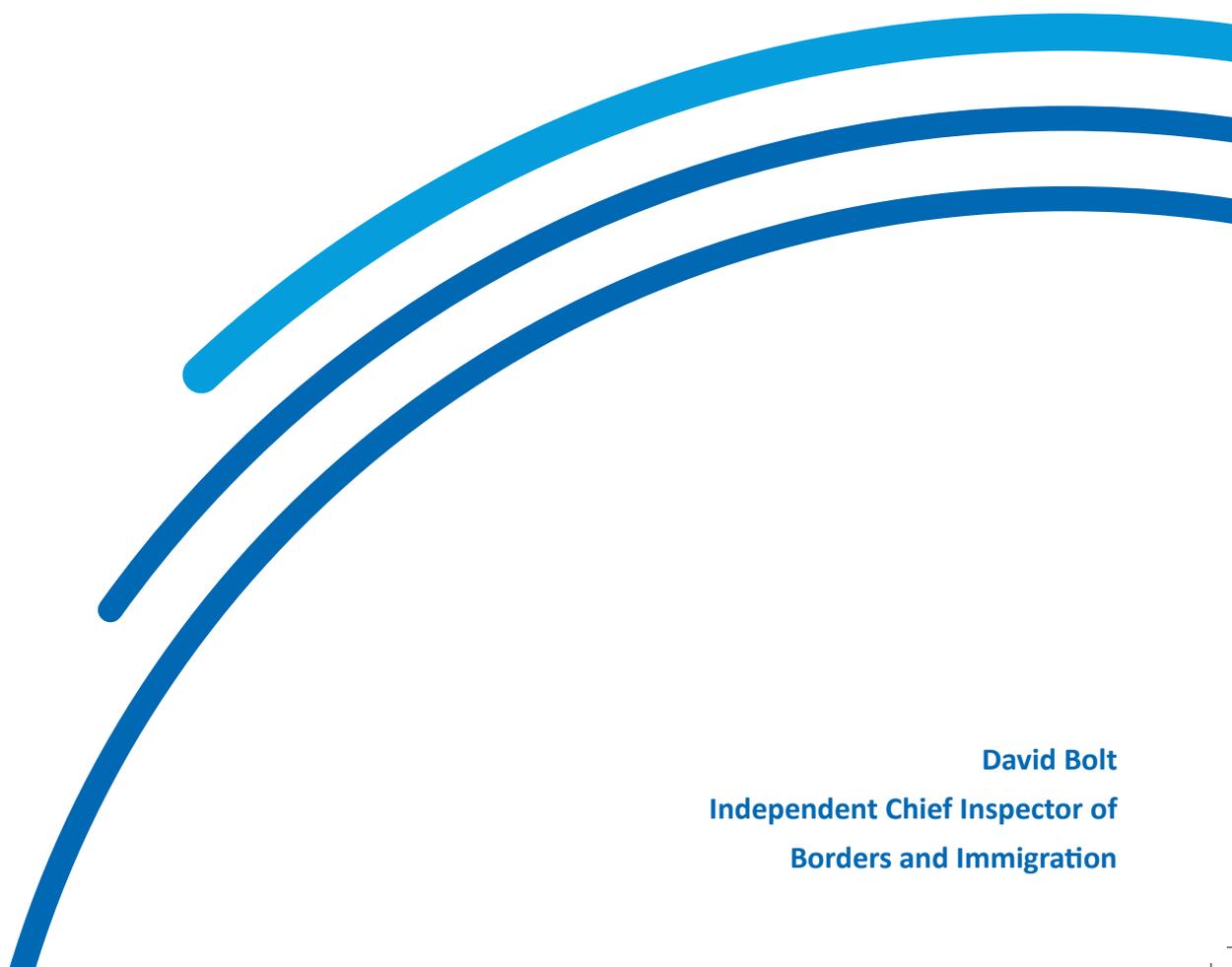




A short notice inspection of the Home Office response to 'lorry drops'

October 2015 – January 2016



David Bolt
Independent Chief Inspector of
Borders and Immigration

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Introduction by the Independent Chief Inspector

Foreword

The total number of migrants entering the UK clandestinely each year is not known. However, in the six months from 1 April 2015 the Home Office encountered almost three times as many clandestine entrants in-country (away from the port of entry) as they had done in the same period in 2014.

Most of the migrants encountered in-country had entered concealed in or on a heavy goods vehicle and had left the vehicle at its first stopping-point in the UK. This form of clandestine entry is commonly referred to as a 'lorry drop'. Although there is no such thing as a typical 'lorry drop', in the period under review most of the migrants encountered were males under the age of 30, originating from Eritrea, Iran, Syria, Sudan and Afghanistan.

Given the sharp increase in encounters, this inspection looked to examine the efficiency and effectiveness of the Home Office's response to 'lorry drops', including partnership working, in particular with police forces, and any impact on other activities. It also examined how the Home Office had handled the immigration cases of the individuals encountered.

The inspection found that the Home Office had maintained the quality of its initial response despite the significant increase in encounters. Immigration status and detention decisions had been made in accordance with legislation and guidance. The checking of security and immigration records had in fact improved in 2015 (albeit from an extremely low base).

Home Office staff and police were meeting their safeguarding responsibilities when encountering claimed or suspected minors, although there was a significant risk that those placed in the care of social services would abscond. There was less confidence when it came to identifying potential victims of trafficking, and better feedback was needed when cases were referred.

While front-line staff had coped well with the extra demands, in some areas the response to 'lorry drops' had been at the expense of other enforcement priorities, such as illegal working and sham marriages, raising questions about Immigration Enforcement's capacity and resilience, particularly if faced with a similar challenge in summer 2016.

The inspection also identified that while the number of initial decisions on asylum claims had increased compared with 2014, this increase fell well short of the increased number of claims made by clandestine entrants. The Home Office will need to take care not to allow the outstanding claims to grow to problematic levels.

This report makes six recommendations for improvement.

The report was sent to the Home Secretary on 27 April 2016.

Purpose and scope

Purpose

This inspection examined the efficiency and effectiveness of the Home Office response when the police or the Home Office Immigration Enforcement directorate (IE) encountered individuals who had arrived in the UK concealed in vehicles (clandestine entrants), specifically:

- partnership working between the Home Office and other agencies, in particular police forces;
- whether immigration casework was carried out effectively and in line with policy and guidance, including consideration of whether the individual encountered had entered the UK illegally¹ and whether decisions to detain² or grant temporary release³ were taken in accordance with legislation;
- whether the Home Office conducted security and immigration checks in relation to the individuals encountered;
- whether the Home Office met its safeguarding duties, particularly with respect to those under the age of 18 years (minors) and potential victims of trafficking;
- whether the use of different response models had any impact on the timeliness and quality of initial casework actions, immigration status and detention decisions;
- whether the sanctions regime (civil penalties and criminal prosecutions) operated effectively and efficiently; and
- the impact of the sharp increase in clandestine numbers during the summer of 2015 on the effectiveness and efficiency of both the Home Office response to 'lorry drops' and on other objectives, and whether lessons had been learned.

Scope

The inspection involved:

- examination of performance data and documentary evidence, including business plans, staffing information, process guidance and risk registers;
- sampling of 80 case files;
- interviews with Home Office staff; and
- a survey of 20 police forces, and teleconferences with six forces.

Emerging findings were presented to the Home Office on 20 January 2016.

¹ Section 33(1) Immigration Act 1971 (as amended) provides the legal basis upon which an individual may be considered to be an illegal entrant. Available at:

<http://www.legislation.gov.uk/ukpga/1971/77/section/33>

² Schedule 2, Paragraph 16(2) Immigration Act 1971 (as amended) provides the legal basis upon which an individual may be detained for immigration purposes. Available at:

<http://www.legislation.gov.uk/ukpga/1971/77/schedule/2>

³ Schedule 2, Paragraph 21 Immigration Act 1971 (as amended) provides the legal basis upon which an individual may be granted Temporary Release. Available at:

<http://www.legislation.gov.uk/ukpga/1971/77/schedule/2>

1. Key findings

What was working well

- 1.1 Based on file sampling, the significant increase in clandestine entrants encountered in the UK in 2015, compared with 2014, did not affect the quality of the Home Office's initial response to encounters. Immigration Compliance and Enforcement (ICE) Teams and the Kent Intake Unit (KIU) applied legislation and guidance correctly when deciding whether to serve 'illegal entry papers' and detain or grant temporary release. Police forces appeared to understand the referral mechanisms and use them correctly, although some considered that the previous practice of referring cases directly to their local ICE team was more effective.
- 1.2 In the case of claimed or suspected minors, the police and Home Office staff were meeting their safeguarding responsibilities at the time of the encounter, exercising their judgement about an individual's apparent age in line with guidance and erring on the side of caution, and where appropriate referring cases to social services for a Merton compliant age assessment.
- 1.3 File sampling also indicated that compliance by ICE Teams and the KIU with the required checking of security and immigration records had improved in 2015 (from an extremely low base), and all seven of the 2015 KIU cases sampled complied with the UKVI operating mandate, introduced in October 2014. The ICE Team, or the KIU, was also responsible for fingerprinting and photographing clandestine entrants. In all but one case, fingerprints were captured at the time of the initial encounter, and in 77 out of 80 instances photographs were taken at the time of the encounter. In the one case where photographs and fingerprints had not been taken, the individual (a claimed minor) had been placed in care and had absconded before this was possible.
- 1.4 The multi-agency initiative to collate all information about 'lorry drops' (Operation Snowbird), the Home Office Clandestines Data Improvement Project, and the Joint Debriefing Team (JDT) had, as intended, provided senior managers in the Home Office with a better understanding of the scale and nature of the threat posed by clandestine entrants.
- 1.5 The high success rate for prosecutions brought against drivers or hauliers involved in clandestine entries (there were no acquittals during the period 1 April 2014 to 30 September 2015) indicated that Criminal and Financial Investigation (CFI) was effective at assessing the cases referred to it to identify those most likely to result in convictions. Based on Home Office data, British drivers were less likely to be prosecuted or issued with a civil penalty than other EEA or non-EEA drivers. Between 1 April 2014 and 30 September 2015, around a third of the referrals made to CFI Teams related to British drivers, but none had been prosecuted. In the same period, only 6.19% of civil penalty notices were issued to British drivers. While there may have been other factors at play, this suggests that British drivers and hauliers were more aware of, and took more care to comply with the vehicle security measures required of them by the Home Office than their foreign counterparts.

Areas for improvement

- 1.6 There was a significant risk that those accepted as minors and placed in the care of social services would abscond and that this would not be reported immediately. As well as raising concerns about the welfare of the absconder, this frustrated the Home Office process of documenting the individual and resolving their immigration status.
- 1.7 It was not clear from file sampling whether staff encountering clandestine entrants were confident about identifying potential victims of trafficking, and some saw a need for better feedback in respect of referrals they had made to the National Referral Mechanism and better guidance on the indicators of trafficking more generally.
- 1.8 Notwithstanding the improvement (compared with 2014) in the completion of basic security and immigration checks during 2015, there was room for ICE teams to improve further as over 40% of the cases sampled (12 out of 29 ICE team cases) contained no record of one or more checks having been done.
- 1.9 While the number of clandestine entrants encountered in 2015 was almost three times that for the same period in 2014, the percentage claiming asylum remained constant (at roughly 93%). Of the files sampled, around 10% of asylum claims from clandestine entrants encountered between April and September 2014 remained outstanding after 15 months or more, which reflected the overall position for cases from this period. Sampling also illustrated the practical difficulties of removing failed claimants, including where the latter had absconded and their whereabouts were not known. With the significant increase in clandestine entrants claiming asylum in 2015, the Home Office needed to increase the number of initial decisions made to avoid the number of outstanding cases growing, timescales lengthening and the problems associated with the removal of failed claimants multiplying. However, although the number of initial decisions made by the Home Office increased by around 17% between April and September 2015 compared with the corresponding period in 2014, this increase was not in proportion to the c. 300% increase in the number of asylum claims made by clandestine entrants between the same two periods.⁴
- 1.10 At the time of the inspection, Immigration Enforcement and police officers that we interviewed considered that Operation Snowbird and the JDT had been of little value to front-line staff as intelligence had not been analysed or disseminated to them, while ICE teams who were required to submit debriefs of clandestine entrants to Snowbird and the JDT regarding methods of entry received no feedback.⁵ As a result, some of those dealing directly with 'lorry drops' questioned whether inputting to Snowbird and the JDT was worth their effort. Also, at the time of inspection the Home Office sought to interview all clandestine entrants and, if the individual agreed, to conduct a more thorough debrief following this interview. The Home Office did not record the number of clandestine entrants who had consented to being debriefed or whether all debriefing reports (DB1 forms) had been submitted to the Operation Snowbird team.
- 1.11 Where there was evidence that a driver or haulier had been involved in facilitating a clandestine entry, the Immigration Enforcement national Command and Control Unit (CCU) referred the case to Criminal and Financial Investigation (CFI), and the latter assessed the evidence to determine whether there was a realistic prospect of a successful prosecution. Referral numbers were low, due to the lack of hard evidence in most cases, especially for 'lorry drops' encountered away from the controlled environment of the port of entry.

⁴ In response to factual accuracy checks, the Home Office told us that they had maintained the ratio of initial decisions to intake between 2015 and 2014. While this may be the case, this implies that the volume of initial decisions made is not keeping pace with intake volumes.

⁵ In response to factual accuracy checks, the Home Office told us that feedback could be provided to Immigration Enforcement Officers by Snowbird upon request.

- 1.12 Where there was evidence that the driver or haulier had failed to secure a vehicle that had been used by clandestine entrants, one or both could be fined up to £2,000. Again, the better evidence came from encounters by Border Force within the port of entry, and both the number of referrals and percentage of those where penalties were issued were much lower for 'lorry drops' encountered away from the port, where securing and making safe the scene took priority over collecting evidence.
- 1.13 CFI resources in the South East and East of England, and the Clandestine Entry Civil Penalties Team (CECPT), had been stretched in 2015 by the increase in clandestine entrants. The former's capacity to pursue other types of investigations had been affected. Despite setting aside 448 referrals because they were by that stage over one year old, as at January 2016 initial triaging of referrals by CECPT was taking two to four months. This raised questions about how CECPT would cope if the civil penalty regime were extended to rail and maritime carriers (which was out for consultation at the time of the inspection).
- 1.14 Responding to the surge of clandestine arrivals at Longport and 'lorry drop' cases in the East of England and the Midlands had a severe effect on the Home Office's ability to meet other operational priorities. In the second half of 2015, in at least three ICE team regions — Kent and Sussex, East of England, and the East Midlands — there was little other operational activity conducted. The Home Office recognised that it needed to build additional capacity and resilience and was exploring ways to do so, including piloting changes to improve the screening process for those migrants in police custody, consideration of an intake unit, similar to the Kent Intake Unit (KIU), to deal with clandestine entrants found on the motorway network north of London, and improving the facilities at Longport and flexible staffing options at that facility. The various plans assumed an increase in the resources made available for responding to 'lorry drops' against a backdrop of reduced resources overall, which called into question whether they were deliverable.

2. Summary of recommendations

Recommendations

The Home Office should:

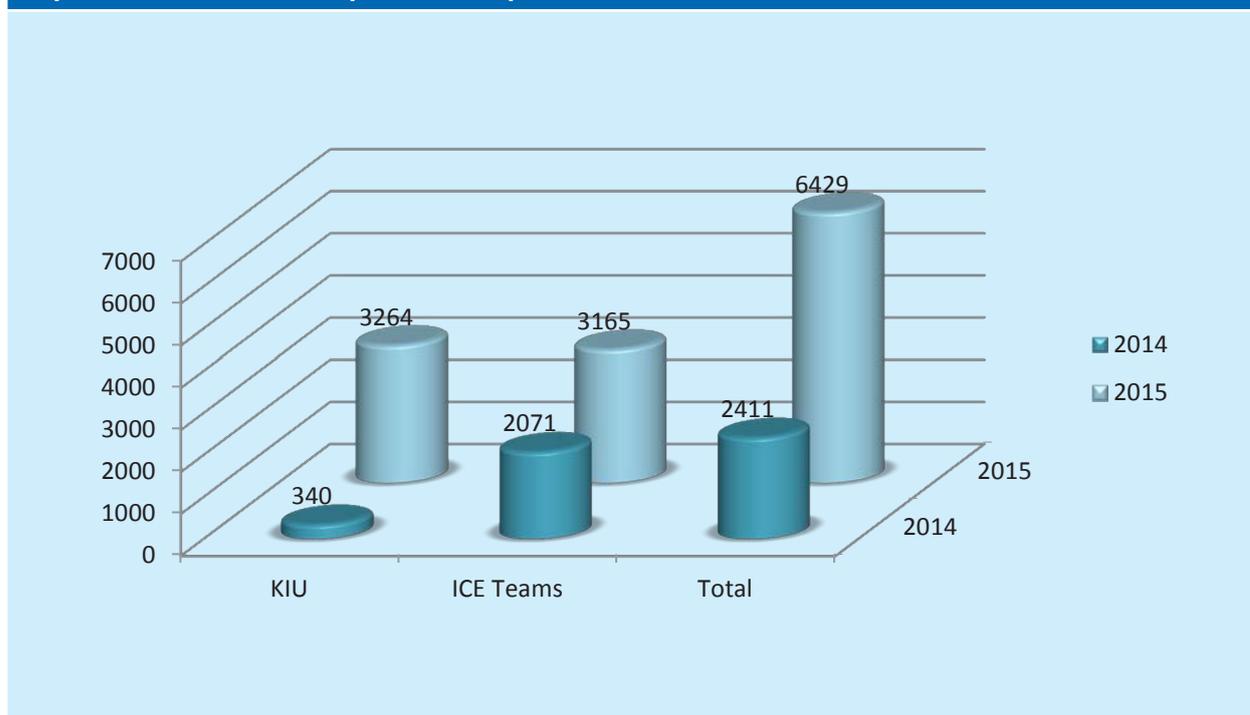
1. Produce an operating mandate for Immigration Enforcement (or clarify where the UKVI operating mandate applies), specifying which security and immigration checks must be completed in respect of all clandestine entrants encountered, and requiring the results of these checks to be recorded.
2. Clarify with social services, the police and other relevant bodies or agencies, roles, responsibilities and procedures in relation to unaccompanied children who abscond from care.
3. Review the training, guidance and feedback provided to staff dealing with clandestine entrants in relation to the identification of potential victims of trafficking.
4. Take the necessary steps to ensure that the number of initial decisions made in relation to asylum claims from clandestine entrants is sufficient to prevent the number of outstanding cases from growing to problematic levels.
5. Define, and promote to relevant staff and partners, the information and evidence requirements for each part of the process for managing 'lorry drops' – maintaining a strategic understanding of the threat, responding effectively to encounters, and making full use of sanctions and penalties to encourage driver and haulier compliance – ensuring that information flows and feedback mechanisms are working effectively.
6. Ensure that the appropriate structures, staffing levels and contingency plans in relation to 'lorry drops' are in place and properly resourced, and that any future surge in volumes does not result in the same deleterious impact on other enforcement priorities as experienced in the second half of 2015.

3. The inspection

Background

- 3.1 The total number of migrants who have entered the UK clandestinely, by deliberately evading UK border controls, is not known. Knowledge is limited to those ‘clandestines’ who have been encountered by the Home Office. This happens in three main ways: through detections at the juxtaposed controls in France and Belgium; at UK ports, using a range of tools, such as scanners and dogs; and encounters in the UK away from the port of entry.
- 3.2 There was a significant increase in the number of clandestine entrants encountered in the UK between 1 April 2015 and 30 September 2015 compared with the same period in 2014, demonstrated at figure 1.

Figure 1: Number of clandestine entrants encountered by the Home Office: 1 April to 30 September 2014 and 1 April to 30 September 2015.



- 3.3 Home Office senior managers told us that this increase was driven by two main factors:
- rising migrant flows into and across the European Union (EU), leading to a growth in the numbers of irregular migrants⁶ seeking to cross to the UK from Calais; and
 - weaknesses in the security around the entrance to the Eurotunnel in France, which allowed migrants to break through the perimeter fence and conceal themselves on trains.

⁶ Irregular migrants are defined by the UNHCR as movement across borders by people “without the requisite documentation, use unauthorized border crossing points or involve smugglers.” Available at: <http://www.unhcr.org/pages/4a1d406060.html>

- 3.4 Those migrants who were able to conceal themselves on trains generally disembarked at Longport, the first point in the UK at which trains would slow or stop. As a result of the surge in the number of migrants entering the UK in this way, between July and October 2015 almost all officers from the Kent and Sussex Immigration Compliance Enforcement (ICE) team, supplemented by staff from London ICE teams, were deployed to Longport to contain and register those individuals.
- 3.5 Similarly, those hidden on or in vehicle generally left the vehicle at its first stopping-point in the UK, although this could be a considerable distance from the port of entry. Since the vehicles in question were mostly heavy goods vehicles, this form of entry was commonly referred to as a 'lorry drop'. There was no such thing as a typical 'lorry drop'. The number of 'clandestines' on or in a vehicle varied, as did where they boarded the vehicle; whether it was opportunistic or organised; where they 'dropped'; the particular type of vehicle; the haulier; the load; and the driver (including nationality). While 'clandestines' could be of any age and nationality, in the period under review most were males under the age of 30, originating from Eritrea, Iran, Syria, Sudan and Afghanistan.⁷
- 3.6 Where a 'lorry drop' was reported, it was often the local police force who were first to respond, and police forces in the South East and East of England had seen an increase in the number of 'lorry drops' in their areas in 2015. However, the Home Office retained responsibility for all immigration-related matters. At the time of the inspection, the handover arrangements from the police to the Home Office differed in Kent from elsewhere in the UK. In Kent, 'clandestines' were referred to the Kent Intake Unit (KIU), part of UK Visas and Immigration, and taken directly to the KIU in Dover. Elsewhere, 'clandestines' were taken into police custody and referred to the national Command and Control Unit (CCU), part of Immigration Enforcement, who referred the case to the local ICE Team to progress.

Methodology

- 3.7 This inspection examined the efficiency and effectiveness of the response to 'lorry drops' by the KIU and ICE Teams, using eight of the Independent Chief Inspector's inspection criteria.⁸ It did not look at Border Force encounters with 'clandestines' at the juxtaposed controls or at ports of entry.
- 3.8 Our inspection process involved:
- examination of performance data and documentary evidence including business plans, staffing information and process guidance;
 - sampling 80 Home Office files relating to 'lorry drop' cases across two time periods: 44 cases from the period 1 April 2014 to 30 September 2014; and 36 cases from the period 1 April 2015 to 30 September 2015; and
 - a survey of 20 police forces, to which 14 responded.
- 3.9 The onsite phase of the inspection took place between 17 and 21 December 2015 and 4 and 11 January 2016, during which we:

⁷ Using data provided by the Home Office, the five nationalities above constituted 75% of in-country clandestine detections during the month of October 2015.

⁸ The inspection criteria used in this inspection are detailed at Appendix 2 of this report. Details of the full set of inspection criteria can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-programmes/>.

- interviewed staff and conducted group interviews at the ICE Teams in Kent and Bedford⁹, the KIU, and the CCU in Manchester;
- interviewed representatives of the Border Force Clandestine Entry Civil Penalty Team (CECPT), IE's Criminal and Financial Investigation (CFI), IE Immigration Intelligence, and senior managers who led the Home Office response to 'lorry drops'; and
- held teleconferences with representatives of six police forces.

3.10 The numbers and grades of Home Office staff interviewed were:

Figure 2: Staff interviewed (by grade).	
Senior civil servant	2
Grade 6	3
Grade 7	7
Senior executive officer/her majesty's inspector	3
Higher executive officer/chief immigration officer	8
Executive officer/immigration officer	13
Administrative officer/assistant immigration officer	5
Total	41

⁹ We met with staff from both Kent and Sussex ICE Teams during our visit to Kent; and with staff from across the IE East of England Region during our visit to Bedford.

4. The Home Office response to ‘lorry drops’

Background

- 4.1 Although some migrants who have entered the UK clandestinely are not identified until encountered ‘by chance’, for example in a raid by Immigration Enforcement of a business premises suspected of employing illegal workers, most of those known to the Home Office have been identified upon or soon after arrival in the UK. This happened in three main ways:
- they were discovered in or exiting from the vehicle in which they entered the UK;
 - they were encountered close to a service station or the motorway network, having ‘dropped’ from the vehicle; or
 - they presented themselves to a police officer or immigration official, generally at a police station or immigration office.
- 4.2 Where the police were the first to respond, the clandestine entrant was usually arrested and held in a police custody suite. Other than in Kent, the arrangement with the Home Office was that the police should inform the national Command and Control Unit (CCU), part of Immigration Enforcement. Having recorded the migrant’s details and any key intelligence, CCU informed the local Immigration Compliance and Enforcement (ICE) Team, who took the case forward. This might involve an ICE Team member attending the police station, although in some cases the ICE Team were able to make a decision on the migrant’s immigration status and serve the relevant paperwork through liaison with the police custody suite staff.
- 4.3 The ICE Team was responsible for:
- conducting security and immigration checks;
 - deciding whether the migrant should be served a notification of liability to removal and detention (also known as ‘illegal entry papers’);
 - ensuring fingerprints and photographs were taken;
 - considering whether to detain or to grant temporary release¹⁰; and
 - liaising with the police, social services, or other agencies where safeguarding was an issue.
- 4.4 If the clandestine entrant was encountered in Kent, and there was *de facto* evidence of clandestine entry, Kent Police would refer them to the Kent Intake Unit (KIU), part of UK Visas and Immigration, and deliver them to the KIU rather than holding them in a police custody suite. The KIU was then responsible for completing the same set of actions as an ICE team.

¹⁰ “A person who is liable to detention under the powers in the Immigration Acts may, as an alternative to detention, be granted temporary admission or release on restrictions”. Chapter 55 Enforcement Instructions and Guidance, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470593/2015-10-23_Ch55_v19.pdf

File sampling

4.5 We sampled 80 Home Office files. In order to assess whether the Home Office's response to 'lorry drops' had improved over time:

- 44 were selected at random from the period 1 April to 30 September 2014; and
- 36 were selected from the period 1 April to 30 September 2015.

4.6 We examined whether:

- decisions were made in line with legislation and guidance;
- initial casework actions, immigration status and detention decisions were completed within 24 hours in line the Police and Criminal Evidence Act 1984; and
- all decisions and actions were accurately recorded.

The referral process

4.7 We examined all of the cases in our file sample to identify whether referrals to the CCU or KIU were made in line with the process guidance issued to police forces by the Home Office. The guidance had been followed in 79 of the 80 cases sampled. In one case the referral had been made directly to the local ICE team rather than to the CCU.

Security and immigration checks

4.8 The UK Visas and Immigration (UKVI) operating mandate, introduced on 1 November 2014, sets out the mandatory Home Office and Police database checks for all applications for leave to enter or remain in the UK, and requires these checks to be recorded on the appropriate case working system and/or paper file. At the time of the inspection, Immigration Enforcement did not have its own operating mandate.

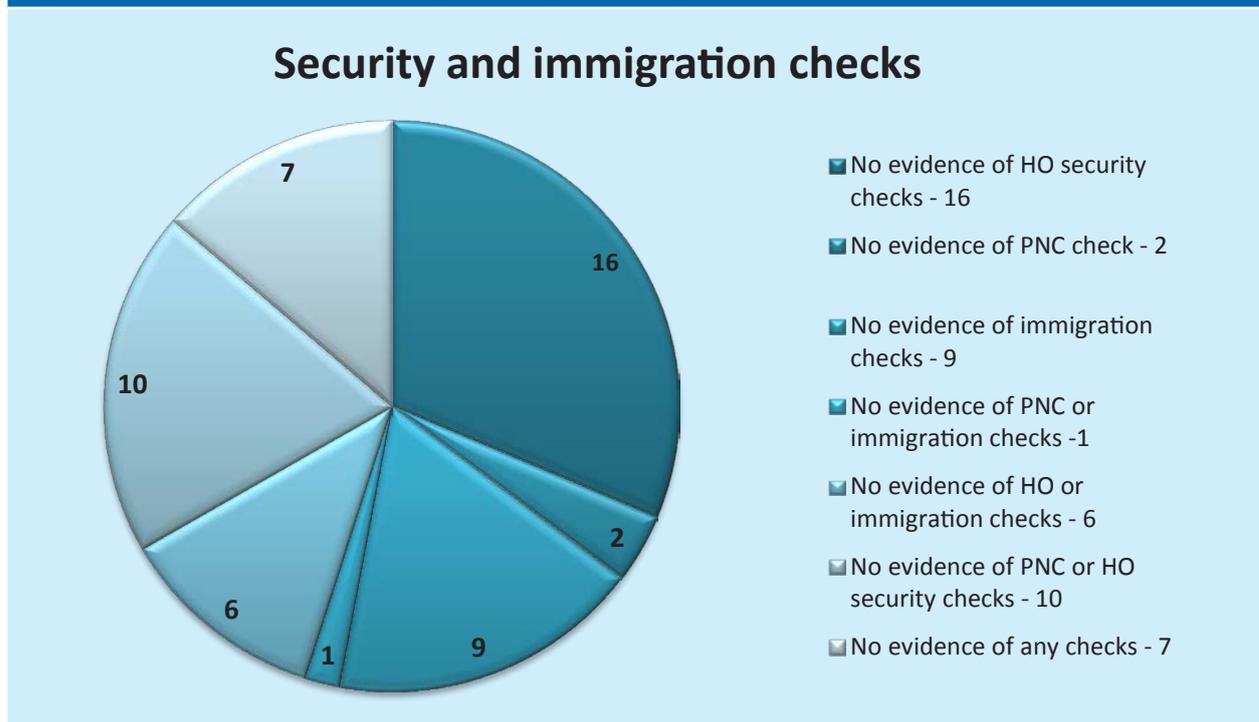
4.9 For the file sample, we took the checks required by the UKVI operating mandate as the baseline when assessing whether appropriate security and immigration checks had been conducted. The Operating Mandate requires that checks are conducted against:

- The Police National Computer (PNC), which contains details of those who have been arrested, charged, or convicted of criminal offences in the UK; and
- Home Office databases, which contain details of individuals who have adverse immigration histories or criminal or security traces, both UK and overseas.

4.10 Of the 80 cases in our file sample, we found 29 where there was a record that all security and immigration checks had been completed. Of these, four were from the sample of 44 cases from 2014, while 25 were from the 2015 sample of 36 cases, including all seven of the cases in that sample that were progressed by the KIU.

4.11 In 51 (out of 80) sampled files there was no record of one or more of the mandatory checks having been conducted. The breakdown of missing checks is shown at figure 3.

Figure 3: Breakdown of cases by security or immigration check not recorded.



4.12 Home Office senior managers told us they were satisfied that checks had been conducted in all cases in our file sample and recorded on either the IE National Offender Database (NOD) or the CCU Enquiry Database (ED). However, they acknowledged the importance of recording the results of security and immigration checks on CID and paper files so that the results were available to staff more widely.

Liability to removal and detention

4.13 When dealing with a clandestine entrant, the ICE Team (or KIU) must first decide whether the migrant is an illegal entrant and therefore liable to be removed from the UK.

4.14 Section 33(1) of the Immigration Act 1971 defines an illegal entrant as ‘*a person (a) unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, or (b) entering or seeking to enter by means which include deception by single person.*’¹¹

4.15 Section 3(1)(a) of the Immigration Act 1971 (as amended) requires that non-EEA Nationals ‘*shall not enter the United Kingdom unless given leave to do so.*’¹² Clandestine entrants are in breach of Section 3(1)(a), and are considered to have committed an offence under section 24(1)(a) of the Immigration Act 1971, which states that ‘*a person...shall be guilty of an offence...if contrary to this Act he knowingly enters the United Kingdom...without leave.*’¹³

4.16 We found that the Home Office had determined that 79 clandestine entrants in our sample of 80 had entered the UK in breach of Section 3(1)(a) of the Immigration Act 1971. We examined each decision. In all 79 cases we were satisfied that either there was an admission by the migrant that they had entered the UK without seeking leave, or there was sufficient evidence, such as witness

¹¹ Section 33(1) of the Immigration Act 1971 (as amended), available at:

<http://www.legislation.gov.uk/ukpga/1971/77/section/33>

¹² Section 3(1)(a) of the Immigration Act 1971 (as amended), available at:

<http://www.legislation.gov.uk/ukpga/1971/77/section/3>

¹³ Section 24(1)(a) of the Immigration Act 1971 (as amended), available at:

<http://www.legislation.gov.uk/ukpga/1971/77>

statements by police or immigration officers, to justify the decision to treat them as illegal entrants. In all 79 cases, the clandestine entrants were issued with a notification of their liability to removal, commonly referred to by Home Office staff as ‘illegal entry papers’.

- 4.17 Where a migrant is considered to have entered the UK in breach of section 3(1)(a) of the Immigration Act 1971 and is liable to be removed from the UK, the Home Office must determine whether the individual should be detained pending removal, or whether it is appropriate to grant temporary release.
- 4.18 Chapter 55 of the Enforcement Instructions and Guidance¹⁴ states that *‘there is a presumption in favour of temporary admission or release and, wherever possible, alternatives to detention are used. Detention is most usually appropriate: to effect removal; initially to establish a person’s identity or basis of claim; or where there is reason to believe that the person will fail to comply with any conditions attached to the grant of temporary admission or release.’*¹⁵
- 4.19 Of the 79 cases in our file sample where the clandestine entrants were served ‘illegal entry papers’, 15 were granted temporary release and 64 were detained pending further action. In each of the 79 cases, the decision to grant temporary release or to detain was taken in line with legislation and guidance.
- 4.20 Of the 64 detained cases, 61 individuals were detained in order that asylum screening interviews could be conducted and EURODAC checks¹⁶ completed in order to establish if another EU member state had responsibility for considering the individual’s asylum claim in accordance with the Dublin Regulations.¹⁷
- 4.21 In one of the 64 cases, the individual was detained in accordance with guidance governing the Detained Fast Track (DFT) process. That guidance, first published in June 2013, and in operation at the time of our inspection, stated that a claimant *‘may enter into or remain in [the DFT process] only if there is a power in immigration law to detain,¹⁸ and only if on consideration of the known facts... it appears that a quick decision is possible’*. In this instance, the individual’s asylum claim was refused and their appeal dismissed, and the individual was removed from the UK within one month of their arrival.
- 4.22 In the other two cases, the individuals were detained pending removal from the UK. Both were successfully removed, one within one week and the other within one month of arrival.
- 4.23 We found one case (out of 80) where the Home Office had not determined the individual’s immigration status. This individual had claimed to be a minor (less than 18 years of age) and had been released into the care of social services. They had absconded within 24 hours, preventing the Home Office from deciding whether they should be served ‘illegal entry papers’ and whether to detain or grant temporary release.

¹⁴ The Enforcement Instructions and Guidance is guidance provided by the Home Office to officers who are engaged in immigration enforcement activity within the UK. Those instructions apply to all IE officers and, where applicable, officers within UK Visas and Immigration. Enforcement Instructions and Guidance, available at:

<https://www.gov.uk/government/collections/enforcement-instructions-and-guidance>

¹⁵ This guidance applied to both IE and KIU officers. Chapter 55, Enforcement Instructions and Guidance, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470593/2015-10-23_Ch55_v19.pdf

¹⁶ Eurodac is a fingerprint database set up and operated by the EU Commission. It went live on 15 January 2003. Eurodac is located in Luxembourg. All EU Member States (plus Norway and Iceland) transmit fingerprint records of asylum claimants and some categories of illegal migrants to Eurodac electronically, where they are checked against the records already held.

¹⁷ Under the Dublin Regulations, asylum claims made within the European Union (EU) should be considered by the Member State where the claimant first arrived in the EU. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 established the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person; European Parliament, Council of the European Union; 2013. Available at:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?jsessionid+jHNItp3HLjqw8mqGbQSpZH1VWpjCyVQq14Hgcztw4pbfSQZffnm!557467765?uri+CELEX:32013R0604>

¹⁸ Powers to detain were provided for in Paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (as applied by section 10(7) of the Immigration and Asylum Act 1999).

Photographs and fingerprints

- 4.24 Establishing and securing the identity of individuals is a key objective of Immigration Enforcement. The primary method of doing so is fingerprinting. Section 141 of the Immigration and Asylum Act 1999 provides powers to fingerprint *'any person in respect of whom a relevant immigration decision has been made.'*¹⁹ A relevant immigration decision includes *'a decision that an illegal entrant is to be removed from the United Kingdom.'*²⁰ These powers provide for the capture of fingerprints once an individual has been served with 'illegal entry papers'.
- 4.25 We found that fingerprints had been captured at the time of the encounter in 79 of the 80 cases we sampled. The remaining case was that of the individual who claimed to be a minor and had been released into the care of social services. Since they had absconded before 'illegal entry papers' could, if appropriate, be served, no fingerprints had been captured, nor had photographs been taken.
- 4.26 We found that photographs had been taken at the time of the encounter in 77 cases in our file sample. In addition to the absconder, there were two cases where photographs had not been taken. In both instances, the individuals' legal representatives provided photographs within one month of the encounter.

Safeguarding

- 4.27 As part of our file sample, we examined whether the Home Office had met its safeguarding responsibilities towards children²¹ and potential victims of trafficking.²²
- 4.28 Of the 80 cases we sampled, there were 14 clandestine entrants who claimed to be unaccompanied minors. The Home Office guidance document 'Every Child Matters'²³ stated that the Home Office was responsible for *'exercising vigilance when dealing with children whom staff come into contact and identifying children who may be at risk of harm'* and *'making timely and appropriate referrals to agencies that provide ongoing care and support to children.'* In practice, this meant that most unaccompanied minors should be referred to social services to conduct an age assessment and provide accommodation, care and support.
- 4.29 Thirteen of the 14 claimed minors were immediately referred by the police or an ICE Team to social services and released into the latter's care. Of these, three were determined to be adults following a 'Merton compliant' age assessment²⁴ conducted by social services. Ten were assessed to be minors and remained in the care of social services.
- 4.30 In the one case not referred to social services, the Home Office followed the guidance document 'assessing age',²⁵ which stated that the individuals *'should be treated as an adult if their physical*

19 Section 141 of the Immigration and Asylum Act 1999 as amended by Section 15 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. Immigration and Asylum Act 1999, available at:

<http://www.legislation.gov.uk/ukpga/1999/33/part/VII/crossheading/fingerprinting>

Asylum and Immigration (Treatment of Claimants, etc) Act 2004, available at:

<http://www.legislation.gov.uk/ukpga/2004/19/section/15>

20 Section 82, Nationality, Immigration and Asylum Act 2002, available at:

<http://www.legislation.gov.uk/ukpga/2002/41/section/82>

21 In accordance with Section 55 of the Borders, Citizenship and Immigration Act 2009, available at:

<http://www.legislation.gov.uk/ukpga/2009/11/section/55>

22 In accordance with guidance provided under Section 49 of the Modern Slavery Act 2015, available at:

<http://www.legislation.gov.uk/ukpga/2015/30/section/49/enacted>

23 Every Child Matters, available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257876/change-for-children.pdf

24 The Merton Judgement, handed down on 14 July 2003, provided "guidance as the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years." Available at:

http://trixresources.proceduresonline.com/nat_key/keywords/merton_compliant.html

25 Home Office guidance 'Assessing Age', available at:

appearance/demeanour **very strongly suggests that they are significantly over 18 years of age.** Staff told us that, in practice, they adopted a 'think 25' approach to assessing age. If an individual's physical appearance or demeanour suggested they were 25 years old or older, the officer would be satisfied that the claimed minor was '*significantly over 18 years of age*'.

- 4.31 'Assessing age' also required that '*Before a decision is taken to assess an applicant as over 18, the assessing officer's countersigning officer (who is at least a Chief Immigration Officer(CIO)/ Higher Executive Officer(HEO)) must be consulted to act as a 'second pair of eyes.'* They must make their own assessment of the applicant's age.' Figure 4 provides a summary of that case.

Figure 4: Case study: Use of 'Assessing Age' guidance.

- On 20 August 2015, the individual was encountered by Kent Police and claimed asylum;
- On 21 August 2015, the individual was taken to the Kent Intake Unit (KIU) for their case to be processed by the Home Office;
- The individual claimed to be a minor, providing a date of birth of 26 November 1996. In accordance with Home Office 'Assessing Age' guidance, the individual was assessed as '*considerably over 18 years of age.*' His date of birth was recorded as 26 November 1999;
- On 9 November 2015, evidence in support of the individual's asylum claim was submitted to the Home Office. This included an original National Identity Card from the individual's country of origin; and
- The National Identity Card showed a date of birth of 26 November 1997, making the individual 17 years and nine months old when they arrived in the UK and was still under 18.

Independent Chief Inspector's comments

- It is important that the Home Office use all available documentation and evidence, at whatever time it becomes available, to ensure that children and those who claim to be children, but are not are quickly provided the necessary support and cases are progressed appropriately.
- There was no evidence from the electronic or paper files that the Home Office had considered the authenticity of the National Identity Card provided by the claimant on 9 November 2015 or had used it to reconsider the age assessment made on 21 August 2015. As a result, the individual may have been disadvantaged in their application and been denied the appropriate support.

- 4.32 Of the ten clandestine entrants who were confirmed as minors, two absconded soon after being placed in care, although in one case it was a month before the Home Office was informed by social services. In both instances, the Home Office ensured that the fact they had absconded was recorded on the Police National Computer and CID, as required. Police forces told us that where a minor absconded from care, they considered it an immigration issue unless the minor was formally reported as a 'missing person'. ICE team staff told us they considered responsibility for reporting a minor who had absconded from care as a 'missing person' lay with social services.
- 4.33 Senior managers told us they were aware that there was a risk of delays where a minor had absconded, not least due to the absence of clarity around leadership and responsibilities. We were told that IE were working with colleagues across the Home Office, police forces and social services, to ensure that all agencies were clear about their responsibilities and to reduce this risk.

- 4.34 In two of the 80 sampled cases, the clandestine entrant was identified as a potential victim of trafficking. In one instance, the individual had been detained and indicators of trafficking were identified during the screening interview. Had the indicators been spotted earlier, by the police, CCU or ICE Team, it may have affected the decision to detain. In the second instance, there were no indicators of trafficking, but the individual claimed they had been trafficked at their asylum interview. However, the individual refused their consent to be referred to the National Referral Mechanism.²⁶
- 4.35 During the onsite phase of the inspection, staff told us that they had received training on trafficking and modern slavery. They told us that they referred potential victims to the NRM, but they did not receive any feedback on specific referrals or on common trends or new indicators.

Case outcomes

- 4.36 Around 93% of known clandestine entrants claimed asylum during the period 1 April to 30 September 2014 (2,228 asylum claims from 2,411 clandestine entrants). The percentage remained the same for the corresponding period in 2015, although the number of clandestine entrants almost trebled (5,959 asylum claims from 6,429 clandestine entrants). Figure 5 provides a breakdown of the outcomes of those asylum claims, as at 11 January 2016.

Figure 5: Breakdown of overall asylum outcomes.

	April to September 2014	April to September 2015
Asylum claims	2,228	5,959
Grants of asylum	1,610	1,168
Claim outstanding ²⁷	200	3964
Refused and appeal rights exhausted	297	678
Refused and removed from the UK	121	149

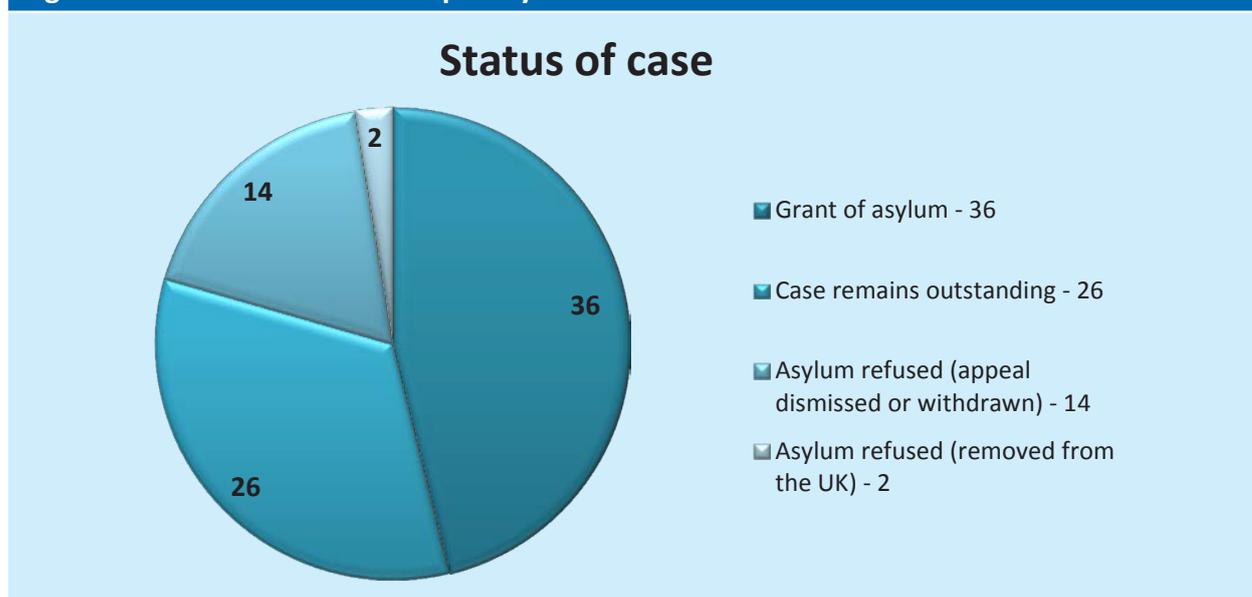
- 4.37 Data provided by the Home Office on the number of initial decisions made showed that performance increased by around 17% for the period 1 April to 30 September 2015 compared to the same period in 2014. Between 1 April and 30 September 2015, 2,331 initial decisions, relating to asylum applications made by clandestine entrants, were made compared to 1,988 initial decisions made in the corresponding period in 2014.
- 4.38 As at 11 January 2016, of the 183 clandestine entrants who had arrived in the UK between April and September 2014 and did not claim asylum, 35 (19%) had been removed from the UK. Of the 470 clandestine entrants during the corresponding period in 2015 who did not claim asylum, 128 (27%) had been removed.
- 4.39 In the 80 cases we sampled, 78 clandestine entrants claimed asylum: 43 (out of 44) from the 2014 cohort, and 35 (out of 36) from 2015. Figure 6 provides a breakdown of the status of those claims at the time of inspection.

²⁶ The National Referral mechanism is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support, available at:

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

²⁷ Outstanding claims include those in which no initial decision had been made and those in which appeals remained outstanding.

Figure 6: Breakdown of file sample asylum outcomes.



- 4.40 From the period 1 April to 30 September 2014, four (out of 43) asylum claims remained outstanding; 23 claimants had been granted asylum or another form of protection; two had been refused and removed. Of the 14 cases where the asylum application had been refused (and any appeals dismissed or withdrawn), six claimants had absconded and their whereabouts were not known, while the Home Office had no realistic prospect of enforcing the removal of the other eight to their countries of origin.
- 4.41 From the period 1 April to 30 September 2015, of the 35 cases in our sample who had made an asylum claim, 13 had been granted asylum or an alternative form of protection. The other 22 claims remained outstanding.
- 4.42 Both of the clandestine entrants who did not claim asylum (one from 2014 and one from 2015) had been removed from the UK within one month of arrival.

Police forces

- 4.43 We surveyed 20 police forces, and received 14 responses.²⁸ We held follow up teleconferences with six of them.²⁹ Of the 14 forces who responded to our survey, all of them told us they were aware there was a specific process in place to inform the Home Office of any 'lorry drops' in their area. 11 forces considered that the process was clear and straightforward, while three did not. Some forces had been unclear for a time whether they should contact the Control and Command Unit or the local ICE team, but this had been clarified during the second half of 2015.
- 4.44 We also asked forces for their views on the Home Office response when a 'lorry drop' referral had been made. Four of the 13 forces who responded to this question considered that the Home Office response could be improved. In particular, some forces considered that the CCU referral process placed additional responsibilities, in particular conducting interviews that would otherwise be done by ICE team officers, on the police officers in attendance at the scene, and at the police station once the migrant(s) had been booked into custody. There was consensus that, although the CCU process had improved, it was not as efficient as the previous process in which referrals were made directly to ICE teams who would respond accordingly.

²⁸ We received responses from: Derbyshire; Dorset; Essex; Hampshire; Hertfordshire; Humberside; Leicestershire; Lincolnshire; Metropolitan Police Service; Norfolk; Northamptonshire; Northumbria; Suffolk; Surrey and West Midlands police forces.

²⁹ Follow up teleconferences were held with: Essex; Kent; Hampshire; Leicestershire; Northamptonshire; and West Midlands police forces.

Conclusions

- 4.45 Based on file sampling, the significant increase in clandestine entrants encountered in the UK in 2015, compared with 2014, did not affect the quality of the Home Office's initial response to encounters. Immigration Compliance Enforcement (ICE) Teams and the Kent Intake Unit (KIU) applied legislation and guidance correctly when deciding whether to serve 'illegal entry papers' and detain or grant temporary release. Police forces appeared to understand the referral mechanisms and use them correctly, although some considered that the previous practice of referring cases directly to their local ICE team was more effective.
- 4.46 In the case of claimed or suspected minors, the police and Home Office staff were meeting their safeguarding responsibilities at the time of the encounter, exercising their judgement about an individual's apparent age in line with guidance and erring on the side of caution, and where appropriate referring cases to social services for a Merton compliant age assessment. However, there was a significant risk that those accepted as minors and placed in the care of social services would abscond, and that this would not be reported immediately. It was less clear from file sampling whether staff who encountered clandestine entrants were confident about identifying potential victims of trafficking, and some saw a need for better feedback in respect of referrals they had made to the National Referral Mechanism and on the indicators of trafficking more generally.
- 4.47 When processing a clandestine entrant, the ICE Team or the KIU was responsible for completing basic security and immigration checks. File sampling indicated that compliance with the required checks had improved in 2015 (from an extremely low base), and all 7 of the 2015 KIU cases sampled complied with the UKVI operating mandate, introduced in October 2014. However, there was room for further improvement by ICE Teams, as over 40% of the 2015 cases sampled (12 out of 29 ICE Team cases) contained no record of one or more check having been done.
- 4.48 The ICE Team, or the KIU, was also responsible for fingerprinting and photographing clandestine entrants. In all but one case, fingerprints were captured at the time of the initial encounter, and in 77 out of 80 instances photographs were taken at the time of the encounter. In the one case where photographs and fingerprints had not been taken, the individual (a claimed minor) had been placed in care and had absconded before this was possible.
- 4.49 While the number of clandestine entrants encountered in 2015 was almost three times that for the same period in 2014, the percentage claiming asylum remained constant (at roughly 93%). File sampling identified that around 10% of asylum claims from clandestine entrants encountered between April and September 2014 remained outstanding after 15 months or more, which reflected the overall position for cases from this period. Sampling also illustrated the practical difficulties of removing failed claimants, including where the latter had absconded and their whereabouts were not known. With the significant increase in clandestine entrants claiming asylum in 2015, the Home Office needed to increase the number of initial decisions made to avoid the number of outstanding cases growing, timescales lengthening and the problems associated with the removal of failed claimants multiplying. However, although the number of initial decisions made by the Home Office increased by around 17% between April and September 2015 compared with the corresponding period in 2014, this increase was not in proportion to the c. 300% increase in the number of asylum claims lodged by clandestine entrants between the same two periods.

Recommendations

The Home Office should:

Produce an operating mandate for Immigration Enforcement (or clarify where the UKVI operating mandate applies), specifying which security and immigration checks must be completed in respect of all clandestine entrants encountered, and requiring the results of these checks to be recorded.

Clarify with social services, the police and other relevant bodies or agencies, roles, responsibilities and procedures in relation to unaccompanied children who abscond from care.

Review the training, guidance and feedback provided to staff dealing with clandestine entrants in relation to the identification of potential victims of trafficking.

Take the necessary steps to ensure that the number of initial decisions made in relation to asylum claims from clandestine entrants is sufficient to prevent the number of outstanding cases from growing to problematic levels.

5. Intelligence and use of sanctions

The intelligence picture

Operation Shorts

- 5.1 Prior to December 2014, the Home Office captured basic statistics on clandestine events from local intelligence units and through national reporting under 'Operation Shorts'.³⁰ However, the Home Office recognised that this provided only a partial intelligence picture and initiated two projects: The Home Office Clandestines Data Improvement Project, and Operation Snowbird.

The Home Office clandestines data improvement project

- 5.2 Operation Shorts was subsumed into the Home Office data improvement project, which comprised staff from the three Home Office Immigration Directorates (UKVI, IE, and Border Force) and the Performance and Risk Directorate (PRD). The aim of this project was to develop more effective means by which to capture and analyse data on the clandestine threat.
- 5.3 The Project Team utilised the existing National Offender Database (NOD) to provide frontline staff across IE (in particular CCU) and Border Force with a single database on which to record data on clandestine events. Historic data collated by Operation Shorts would be transposed to the same database, providing a single record of all clandestine events since the Home Office had started recording that information.
- 5.4 In parallel, the PRD also took on responsibility for analysing the data and producing a weekly strategic report on clandestine activity. The Home Office told us that *'Between them, the new data platform and this new single report provide the baseline for the Home Office to build an increasingly sophisticated routine view on clandestine activity from the data.'*

Operation Snowbird

- 5.5 Operation Snowbird created a joint intelligence cell: a multi-agency team with representatives from Immigration Enforcement, Border Force, and secondees from overseas enforcement agencies.
- 5.6 The aim of Operation Snowbird was two-fold:
- to inform decisions to prosecute or issue a civil penalty by running intelligence checks on all drivers and hauliers encountered by police forces in connection with a 'lorry drop'; and
 - to develop the intelligence picture in the UK and 'upstream' in other European states.
- 5.7 All reports of 'lorry drops' were to be sent to the Operation Snowbird team to assess, analyse and disseminate. Border Force, ICE teams and the Immigration Enforcement national Command

³⁰ 'Operation Shorts' was a Border Force-led initiative on 'lorry drops'. It involved the collection of data on clandestine entry with the aim of identifying means of entry and concealment and maintained a record of companies and drivers carrying clandestine entrants. Operation Shorts began in 2008 and was still running as at 3 February 2016.

and Control Unit (CCU) were required to provide the team with copies of the information they had collected themselves or from the police and from any other partners (such as the Highways Agency) on a form referred to as a 'lorry drop' script.

- 5.8 CCU told us that the requirement to refer to the Operation Snowbird team for checks on drivers encountered at a 'lorry drop' resulted in a laborious duplication of effort in terms of inputting information into local and national databases and emailing the 'lorry drop' script to the Operation Snowbird Team. We were told that the Operation Snowbird Team had an internal target to respond to all referrals made by CCU within 30 minutes, but that this target was rarely met. Senior managers told us that they were aware of the duplication of effort involved in making the referral and hoped to make changes to IT systems to reduce the need for staff to enter information more than once.
- 5.9 The Operation Snowbird Team conducted a number of intelligence checks against the details of the driver and haulier and passed the results back to the CCU, including where there was nothing known. The team would advise CCU where it judged that there might be merit in a criminal investigation, and CCU would refer the case to the relevant Immigration Enforcement Criminal and Financial Investigation (CFI) Team to assess and take forward or not.
- 5.10 More complex cases, for example where the checks identified a link to organised crime, might require intelligence development, which would be done by the Operation Snowbird Team or by the Joint Border Intelligence Unit (JBIU).³¹ The intelligence 'packages' might then be referred by the Snowbird Team or JBIU to a CFI Team, the police or the National Crime Agency (NCA) to progress. During the period 1 April 2015 to 30 September 2015, four such 'packages' were tasked to CFI Teams. Intelligence had also been referred to the JBIU for further development.
- 5.11 Senior managers told us that the work of the Operation Snowbird team had given them a better understanding of the scale and nature of the clandestine entry threat.³² But, we were told that further work was needed to identify what information from Operation Snowbird would be useful to Home Office staff and police officers dealing directly with 'lorry drops'.

Joint Debriefing Team (JDT)

- 5.12 At the time of inspection, clandestine entrants were debriefed, subject to their agreement, in an attempt to develop a greater understanding of methods of entry and the organised criminal gangs involved. All debriefs were recorded on the Home Office form DB1, and forwarded to the Operation Snowbird team to analyse.
- 5.13 On 12 October 2015, the Home Office created the Joint Debriefing Team (JDT), based in Kent, and comprising staff from Immigration Enforcement, Border Force, Kent Police and the NCA. As well as conducting targeted debriefs as directed by the National Crime Agency's Intelligence Operations Room, the JDT's role was to follow up on the most useful debriefs conducted by ICE teams around the UK.
- 5.14 ICE team staff told us that they did not see value in conducting debriefs in all cases, as the information gathered from clandestine entrants was often limited and potentially unreliable. The ICE teams had not received any feedback to indicate that debriefing was producing useful

³¹ The Joint Border Intelligence Unit (JBIU) is a multi-agency intelligence unit comprising officers from the Home Office Immigration Directorates; the National Crime Agency; and police forces in the UK and France. While similar in structure and composition to the Operation Snowbird team, the remit of the JBIU encompasses all forms of illegal entry to the UK.

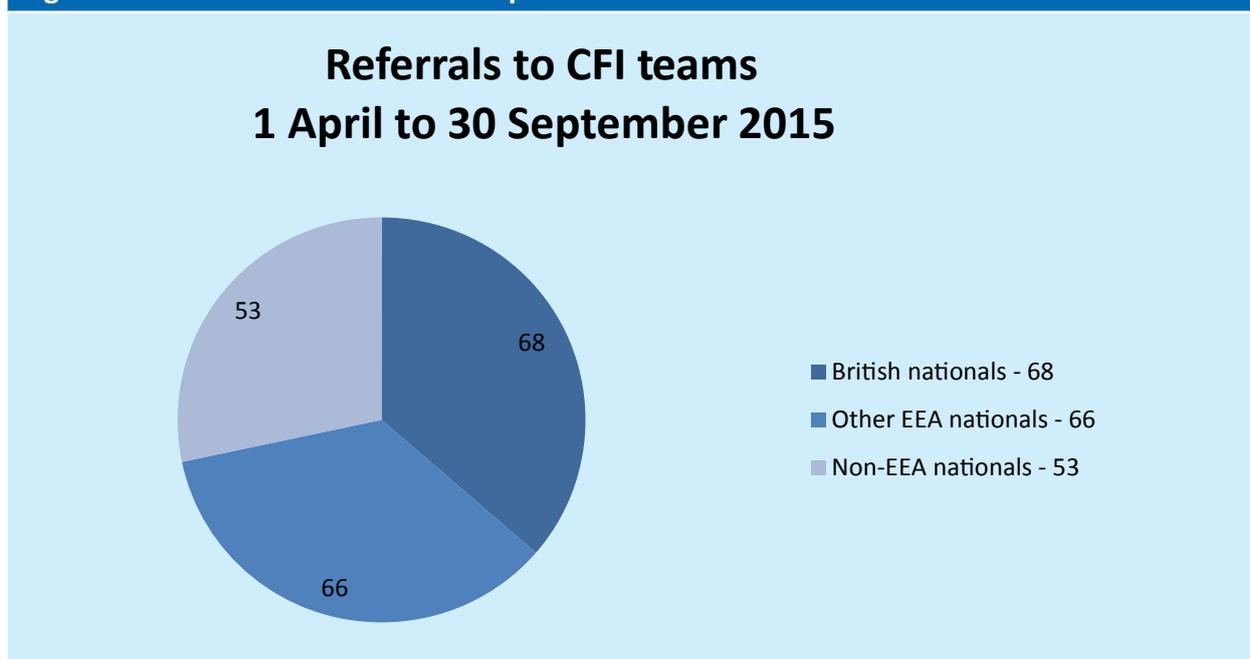
³² In response to the factual accuracy process, the Home Office told us that and that Intelligence Alerts were also provided to frontline Roads Policing Units and Highways England on-road teams to inform them of the latest Modus Operandi, trends and potential high risk events.

intelligence. Senior managers accepted there was scope to improve the value of debriefing. They told us that the NCA had taken the lead in developing debriefing profiles to improve the collection of useful information. They also recognised the need to record and monitor the quality of DB1s submitted to the Operation Snowbird team and to provide feedback to ICE teams.

Criminal investigation and prosecution

- 5.15 When the Home Office was able to identify the driver or a lorry involved in a 'lorry drop', it had the option of issuing a civil penalty or pursuing a prosecution.
- 5.16 Sections 25, 25A and 25B of the Immigration Act 1971 (as amended) detail three facilitation offences for which an individual may be prosecuted:
- *assisting unlawful immigration to a member state of the European Union* (Section 25);
 - *knowingly, and for gain, assisting an asylum seeker, or someone they have reason to believe is an asylum seeker, to enter the UK* (Section 25A); and
 - *assisting entry to the UK of a person they know or believe to have a deportation or exclusion order against them* (Section 25B).³³
- 5.17 Where a driver was identified during an encounter with a clandestine entrant, CCU, KIU and ICE teams (or, where the encounter was at a port of entry, Border Force) were required to refer the incident to the regional Criminal and Financial Investigation (CFI) Team to consider whether to conduct a criminal investigation. The CFI team considered whether there was sufficient evidence, or the likelihood of acquiring sufficient evidence, of the driver or haulier assisting illegal entry for there to be a realistic prospect of a successful prosecution. Figure 7 shows the number of referrals made to CFI Teams during the period 1 April 2015 to 30 September 2015, with the drivers broken down into three groups: British Nationals; other EEA Nationals; and non-EEA nationals.

Figure 7: Referrals to CFI to consider prosecution action.



³³ Available at: <http://www.legislation.gov.uk/ukpga/1971/77/section/25>

- 5.18 Senior managers attributed the low number of referrals to awareness by CCU, KIU and ICE teams (and Border Force) that without details of the driver or vehicle, witness evidence from the clandestine entrants encountered, and documentary or physical evidence in relation to the vehicle, such as photographs of any locks or seals in place or damaged, it was unlikely that a prosecution would be pursued. It was recognised that more could be done to ensure that evidence was captured effectively, for example by ensuring that any locks and seals on the lorry, whether intact or not, were photographed and seized as evidence and ensuring that any paperwork held by the driver was seized. However, first responders' priority was to make the scene safe.
- 5.19 Between 1 April 2014 and 30 September 2015, 108 of the cases investigated by CFI teams³⁴ resulted in the driver of the vehicle being criminally charged. Of these, 31 individuals had been convicted (29 EEA nationals (excluding British nationals) and 2 non-EEA nationals) and had received custodial sentences totalling 52 years. None of the cases brought to court resulted in acquittal. As at 4 March 2016, a further 77 individuals were awaiting trial.
- 5.20 CFI managers told us that where a case was taken on by CFI but after further investigation there was insufficient evidence to charge the driver, the case was referred to the Clandestine Entry civil penalties Team (CECPT) to consider whether a civil penalty notice should be served. There was no system to record or monitor such cases, so it was not possible to say which or how many of them resulted in a penalty notice being issued.
- 5.21 Senior managers also told us that the increased number of 'lorry drops' had impacted on their ability to conduct investigations into organised criminal gangs involved in sham marriages or human trafficking. For example, the Dover based CFI team had been working almost exclusively on 'lorry drop' cases, while in the East of England region, around a third of their effort was devoted to clandestine entrants. This resulted in other ongoing investigations being put on hold and new investigations or referrals being deferred or rejected.

Civil penalties

- 5.22 Sections 32 – 39 of Part II of the Immigration and Asylum Act 1999 set out the legal position with respect to carrier's liability and clandestine entrants³⁵. Section 32(2) of the 1999 Act provides for the power to levy a civil penalty against the driver or owner of the vehicle in which the clandestine entrant was concealed:

*'The Secretary of State may require a person who is responsible for a clandestine entrant to pay (a) a penalty in respect of the clandestine entrant; (b) a penalty in respect of any person who was concealed with the clandestine in the same transporter.'*³⁶

- 5.23 The maximum civil penalty which has remained the same since the 1999 Act was passed, is £2,000 for each individual as defined at (a) and (b) above, and can be levied on both the driver and on the haulier.³⁷
- 5.24 A driver or haulier served with a civil penalty notice can lodge an objection or appeal against it. Where the driver or haulier can demonstrate that they have complied with the Home Office *Civil Penalty Prevention of clandestine entrants* code of practice, the penalty may be reduced or cancelled. The code of practice sets out the measures a driver and/or haulier is required to take to reduce their liability. It states *'it is a defence to show that:*

³⁴ Cases investigated by CFI teams include drivers of lorries and other vehicles, such as coaches and cars.

³⁵ <http://www.legislation.gov.uk/ukpga/1999/33/contents>

³⁶ Ibid.

³⁷ Hauliers are defined by the Home Office as "the owner or hirer of the vehicle." Immigration and Asylum Act 1999. Available at: <http://www.legislation.gov.uk/ukpga/1999/33/section/36>

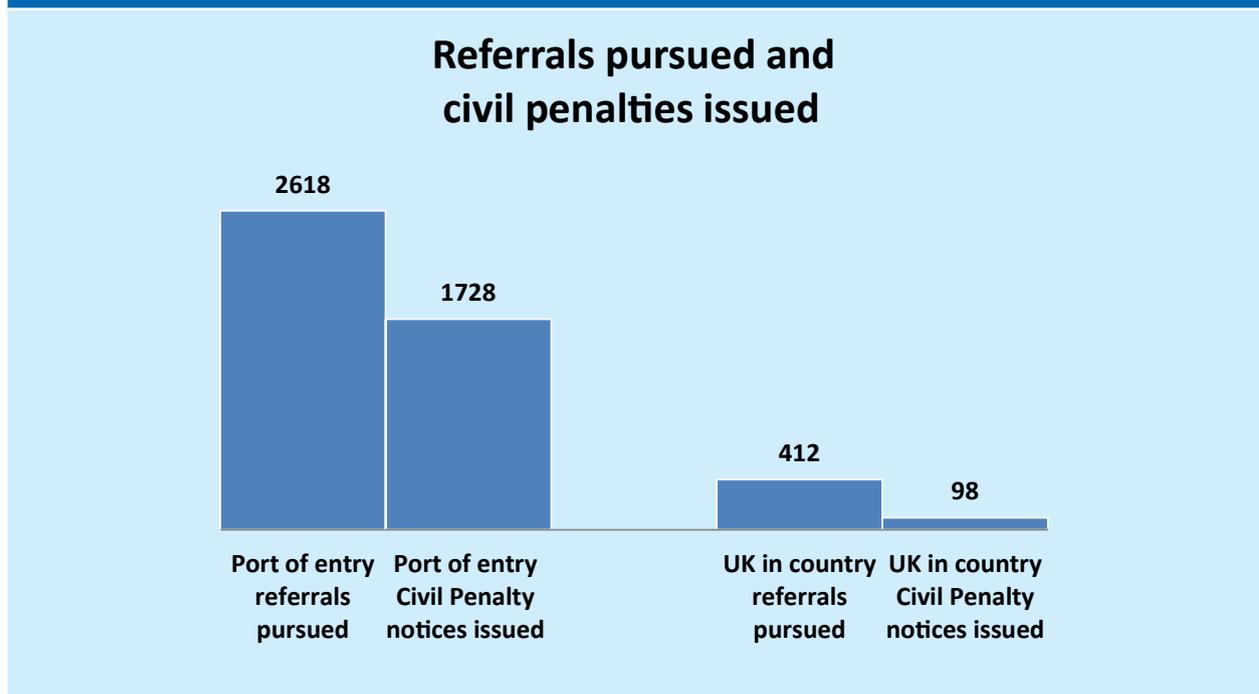
- *he [the driver and/or owner] did not know and had no reasonable grounds for suspecting that a clandestine entrant was, or might be, concealed in the transporter;*
- *there was an effective system in operation in relation to the transporter to prevent the carriage of clandestine entrants; and*
- *on the occasion concerned, the person or persons responsible for operating that system did so properly.’³⁸*

5.25 CECPT received 4,057 referrals during the period 1 April 2014 to 30 September 2015: 2,183 (c. 54%) from Border Force as a result of encounters at UK ports and juxtaposed controls, and 1,874 (c. 46%) from CCU as a result of encounters in-country. Some referrals to CECPT came from cases rejected by CFI Teams, but the majority were directed straight to CECPT from CCU as a result of CCU and/or CFI Teams having determined that there was insufficient evidence to support a prosecution. Upon referral, all cases are triaged by CECPT to determine whether the available evidence is such that issuance of a civil penalty is likely and whether any vehicle owners involved are exempt from penalty as a result of their security processes having been accredited by the Home Office.

5.26 During the onsite phase of the inspection, we were told that the decision had been taken not to pursue 448 of the referrals received between 1 April 2014 and 31 August 2014 because they were more than a year old. CECPT was responsible for the delay in processing these referrals and CECPT senior managers considered it would now be unfair to the drivers concerned to issue a penalty notice.

5.27 During the same period, CECPT had identified and pursued 3350 cases. A civil penalty notice had been issued in 1728 of these cases. Figure 8 provides a breakdown of the number of cases pursued, and penalties issued, broken down by the location of the encounter.

Figure 8: Number of cases pursued and number of penalty notices issued by location of encounter.



³⁸ Civil penalty prevention of clandestine entrants: code of practice. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342643/Civil_Penalty_code_of_practice.pdf

- 5.28 Senior managers told us that the higher proportion of cases pursued and civil penalty notices issued where the encounter took place at the port of entry was because Border Force officers provided evidence of a higher standard than that provided by CCU. Senior managers in CECPT attributed this to the fact that Border Force officers worked with the controlled environment of a port where they were able to secure the vehicle and capture evidence.
- 5.27 Senior managers told us that all referrals were checked against CECPT's local database to identify those drivers or hauliers who had previously been issued with a penalty notice. Where that penalty had not been paid, CECPT were able to take action to obtain payment, including detaining the vehicle in accordance with Section 36A of the Immigration and Asylum Act 1999.³⁹
- 5.28 Between 1 April 2014 and 30 September 2015, the Home Office received payment in full or in part from 1701 drivers, of which 1658 were involved in an encounter at a port of entry or juxtaposed control, and 43 in an encounter elsewhere in the UK. In the same period, 247 vehicles were detained according to Section 36A, resulting in the collection of £1,083,387.33 of unpaid penalties. In 'repeat offender' cases, CECPT referred the details of drivers or haulier to their local intelligence unit to consider referring the case on to CFI for further investigation. However, no feedback was provided to CECPT to inform them whether any further action had been taken.
- 5.29 In March 2016, the Home Office launched a consultation on the clandestine entry civil penalty regime. This set out six proposals:
1. *Revise the civil penalty regime (codes of practice) so that it **provides a fair and transparent charging framework** which:*
 - *punishes the worst offenders; and*
 - *doesn't sanction operators where they can show they have implemented the required security standards.*
 2. *Ensure that the clandestine civil penalty regime overall **incentivises operators to invest in high quality security measures**. This could be through enhancements to the accreditation scheme, a more graduated or discounted charging regime or use of any faster clearance processes.*
 3. *We wish to seek views on extending the clandestine civil penalty regime to rail freight wagons and freight shuttle wagons. We want to see if this would provide greater balance in the deterrent and build on our existing operational relationship with rail operators. (We are not proposing to extend to the maritime sector at this stage as this mode is not experiencing the same level of abuse).*
 4. *We want to **encourage a continual improvement in vehicle security in the transportation sector overall**. The civil penalty regime is an important part of that, but we want to work with industry to identify other incentives.*
 5. *We want to **work with industry to target those operators who deliberately flout the rules**, undermining the UK border as a result and bringing the industry into disrepute.*
 6. *Explore with industry other levers to **incentivise good practice**.*⁴⁰

³⁹ Available at: <http://www.legislation.gov.uk/ukpga/1999/33/section/36>

⁴⁰ 'Clandestine civil penalty: Consultation on proposals to improve the civil penalty regime'; Home Office; March 2016. Available at:

5.30 The consultation aimed to *'improve the civil penalty regime by strengthening the codes of practice so that they underline the need for all hauliers to show that they have effective security measures; with potential penalties if they don't.'*⁴¹ It paid particular attention to foreign drivers, pointing out that *'British drivers accounted for only 7% of penalties served from March 2013 to April 2014 despite being responsible for 14% of this traffic.'*⁴² Data provided by the Home Office indicated that during the period 1 April 2014 to 30 September 2015, of 1728 civil penalties issued, 107 (6.19%) were issued to British drivers, who accounted for 10% of cross-border traffic during that period. The consultation also considered whether to extend civil penalties to the rail and maritime sectors. The consultation was due to close on 18 April 2016.

Conclusions

- 5.31 The multi-agency initiative to collate all information about 'lorry drops' (Operation Snowbird), the Home Office clandestines data improvement project and the Joint Debriefing Team (JDT) had, as intended, provided senior managers in the Home Office with a better understanding of the scale and nature of the threat posed by clandestine entrants. However, the Immigration Enforcement and police officers we interviewed told us that Snowbird and the JDT had been of little value to front line staff as intelligence had not been analysed or disseminated to them, while ICE Teams who were required to submit debriefs of clandestine entrants to Snowbird regarding methods of entry receive no feedback.⁴³ As a result, some of those dealing directly with 'lorry drops' questioned whether inputting to Snowbird and the JDT was worth their effort.
- 5.32 At the time of inspection, the Home Office sought to interview all clandestine entrants and, if the individual agreed, to conduct a more thorough debrief following this interview. The Home Office did not record the number of clandestine entrants who had consented to being debriefed or whether all debriefing reports (DB1 forms) had been submitted to the Operation Snowbird team.
- 5.33 Where there was evidence that a driver or haulier of a vehicle had been involved in facilitating a clandestine entry, the Immigration Enforcement national Command and Control Unit (CCU) referred the case to Criminal and Financial Investigation (CFI), and the latter assessed the evidence to determine whether there was a realistic prospect of a successful prosecution. Referral numbers were low, due to the lack of hard evidence in most cases, especially for 'lorry drops' encountered away from the controlled environment of the port of entry, but the high success rate for prosecutions (there were no acquittals during the period 1 between April 2014 and 30 September) indicated that CFI was identifying the cases most likely to result in conviction.
- 5.34 Where there was evidence the driver or owner had failed to secure a vehicle that had been used by clandestine entrants, one or both could be fined up to £2,000. Again, the better evidence came from encounters by Border Force within the port of entry or juxtaposed control, and both the number of referrals and percentage of those where penalties were issued were much lower for 'lorry drops' encountered away from the port, where securing and making safe the scene took priority over collecting evidence.
- 5.35 CFI resources in the South East and East of England, and the Clandestine Entry Civil Penalties Team (CECPT), had been stretched in 2015 by the increase in clandestine entrants. The former's capacity to pursue other types of investigations had been affected. Despite setting aside 448 referrals because they were by that stage over one year old, as at January 2016 initial triaging of

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/505766/CLANDESTINE_CIVIL_PENALTY_CONDOC_March_2016_Final_2.pdf

41 Ibid

42 Ibid.

43 In response to factual accuracy checks, the Home Office told us that feedback could be provided to Immigration Enforcement Officers by Snowbird upon request.

referrals by CECPT was taking two to four months. This raised questions about how CECPT would cope if the civil penalty regime were extended to rail and maritime carriers (which was out for consultation at the time of the inspection).

- 5.36 Based on Home Office data, British drivers were less likely to be prosecuted or issued with a civil penalty than other EEA or non-EEA drivers. Between 1 April 2014 and 30 September 2015, around a third of the referrals made to CFI Teams related to British drivers, but none had been prosecuted. In the same period, only 6.19% of civil penalty notices were issued to British drivers, who constituted 10% of cross-border traffic during this period. While there may have been other factors, this suggests that British drivers and hauliers are more aware of, and take more care than their foreign counterparts to comply with the vehicle security measures required of them by the Home Office.

Recommendations

The Home Office should:

Define (and promote to relevant staff and partners) the information and evidence requirements for each part of the process for managing 'lorry drops' – maintaining a strategic understanding of the threat, responding effectively to encounters, and making full use of sanctions and penalties to encourage driver and haulier compliance – ensuring that information flows and feedback mechanisms are working effectively.

6. Response to the surge in ‘lorry drops’ in summer 2015

Meeting the challenge of the summer surge

- 6.1 Summer 2015 saw a surge in the number of ‘lorry drops’. Because of the pressures created by ‘lorry drops’ in Kent, Immigration Enforcement twice declared a regional ‘critical incident’, firstly from 23 July to 22 September 2015 and again from 10 October 2015 to 7 January 2016.
- 6.2 Chapter 44 of the Immigration Enforcement Instructions and Guidance⁴⁴ defines a ‘critical incident’ as:

‘Any incident where the outcome or consequence of that incident is likely to result in:

Serious harm to any individual,

Significant community or business impact, or

A significant impact on the confidence of the public in the Home Office (HO)

*In addition to the above, should an incident meet the following criteria then this will be escalated to a **wider/national** critical incident. Any incident:*

- that severely impacts on the ability of immigration enforcement (IE) and UK visas & immigration (UKVI) to deliver on its business*
- that impact of the incident has gone beyond a HO single business area, or beyond the capability of a HO single business area to manage.’*

- 6.3 The declaration of a ‘critical incident’ results in the creation of a centralised command structure to provide leadership, additional resource, and to ensure that all relevant units and agencies are working collaboratively to address the relevant issue. Home Office staff and the police spoke of the resilience, dedication and partnership working of the front-line staff in Immigration Enforcement, UK Visas and Immigration and Border Force, and of the police and local authority social services teams. For example, during Operation Stack,⁴⁵ Kent Police provided authority for ICE Team staff to use the middle lane of the motorway, which is normally closed to traffic as a result of heavy goods vehicles being ‘stacked’ in the other two lanes. This meant that they could attend custody suites, Longport, or the KIU without being delayed.
- 6.4 The increased volumes of irregular migrants arriving in the UK at Longport necessitated the use of a disused freight shed to house those individuals while arrangements were made for them

⁴⁴ Available at:

<https://www.gov.uk/government/publications/chapters-23-to-45-operational-enforcement-activity>

⁴⁵ “Operation Stack is a procedure that uses parts of the M20 to queue lorries travelling towards the continent, to avoid causing gridlock across Kent’s roads. It is used in emergency situations when crossing to the continent cannot happen, such as bad weather or industrial action.” Taken from the Kent County Council website, available at:

<http://www.kent.gov.uk/roads-and-travel/travelling-around-kent/operation-stack>

to be transferred to other accommodation. Her Majesty's Chief Inspector of Prisons (HMIP) conducted an unannounced inspection of the facilities at Longport between 5 and 6 October 2015 and found that

*'Conditions were wholly unacceptable. Detainees were held overnight and/or for several hours with no clean or dry clothes, no food or hot drinks, and nowhere to sleep other than on a concrete floor. Many had long and arduous journeys before arrival at Longport. Some detainees had not eaten for very long periods and many were hungry...Detainees arrived with scabies, headaches and other conditions related to dehydration, such as diarrhoea. However, toilet and washing facilities were inadequate and blankets were not washed after each use, presenting obvious health risks. There appeared to be a lack of urgency to transfer detainees from the facility.'*⁴⁶

- 6.5 Home Office managers told us that they were aware that facilities at Longport were not satisfactory, but that there had been no available alternative. They had sought to mitigate the issues identified by HMIP by reducing the time individuals were held at Longport and had improved the provision of food, hot drinks, blankets and spare clothing.
- 6.6 The Home Office had also sought to increase IE's capacity to manage cases and reduce the burden on custody suites by expanding facilities at the KIU and utilising accommodation at other IE and Kent Police buildings. The Home Office also arranged to use asylum case workers from other regions to provide additional resource to the KIU and created a 'stand by' team of Immigration officers based in London who would be posted to Longport when required.
- 6.7 In addition to the surge in Kent, there was a considerable increase in the number of 'lorry drops' recorded in areas adjacent to the main motorways between Kent and the Midlands, in particular the M1. The East of England East Midlands, and West Midlands Immigration Enforcement regions faced increased pressures and introduced special measures to manage demand. For example, facilities at the Midlands Intake Unit were used to progress cases once 'illegal entry papers' had been served, reducing the need for ICE Team officers to attend custody suites where there was *de facto* evidence of clandestine entry. In the East of England Region Immigration Officers were embedded in 'hotspot' custody suites.

Financial and opportunity costs

- 6.8 The measures taken by the Home Office provided additional capacity to tackle the surge in 'lorry drops' during summer 2015. However, there were a number of consequences, not least the financial and opportunity costs of extending capacity at the KIU, opening other locations, and deploying additional staff.
- 6.9 The closure report for the first Critical Incident,⁴⁷ dated 22 September 2015, stated that *'The estimated additional cost for ICE East Midlands, East of England, Kent & Sussex, Thames Valley, West Midlands, South London, North London, East London, West London, Central London and South Central will be £252,073 if we continue to burn at the current rate. However, these costs can be reduced by improved rosters.'*⁴⁸ The same report stated that in order to respond to rising asylum intake resulting from the increase in clandestine entries, asylum operations had *'invoked contingency measures, including the re-introduction of overtime, which could cost in the region of £150,000 over three months.'*

46 'Report on an unannounced inspection of the short term holding facilities at Longport freight shed, Dover Seaport, and Frontier House'; HMIP; 8 March 2016. Available at: <http://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2016/03/2015-Longport-Dover-Seaport-and-Frontier-web-2015.pdf>

Following publication of the HMIP, report the Immigration Minister issued instructions that the Longport freight shed should no longer be used for detainees.

47 The first critical incident ran between 23 July 2015 and 22 September 2015.

48 The cost estimates here relate to staffing costs only.

6.10 At the time of inspection, the Home Office had not completed a closure report for the second critical incident. However, it had estimated that between November 2014 and October 2015 the department and police forces had dedicated around £17.75 million of resources to managing ‘lorry drop’ cases from the point of encounter to the point at which the case was transferred to another unit to take forward. Figure 9 provides a breakdown of the expenditure. At the time of inspection, the Home Office was not able to say how much of this expenditure was new or additional. The bulk of the Home Office staff costs, for example, were already committed, but staff would have been allocated to different duties, while the cost of police and interpreters were higher as a direct result of the increased volume of ‘lorry drop’ cases.

Figure 9: Resource dedicated to ‘lorry drops’.

Resources dedicated to ‘lorry drops’ November 2014 to October 2015	
Costs	Expenditure (£)
Staff costs (Home Office only)	4,440,000
Police (staff, transport, arrest, detention)	4,420,000
Immigration detention (including payment for police facilities)	4,070,000
Contractors (transport, staffing of holding or detention facilities, interpreters)	2,480,000
Estates (Home Office accommodation)	2,290,000
Miscellaneous	50,000
Total	17,750,000

6.11 In terms of opportunity costs, the focus on dealing with the increase in clandestine entrants meant that Immigration Enforcement in particular had a reduced capacity to deal with other operational priorities, such as tackling illegal working or detaining migrants without leave to remain who were subject to removal. The wider impact of prioritising clandestine entrants above other categories of immigration offenders was hard to assess. However, as at 22 September 2015, the Home Office estimated that those IE regions most affected by clandestine entry had allocated between 20% and 100% of their staff resources to responding to ‘lorry drops’ during the first critical incident. Figure 10 provides further detail.

Figure 10: Resource dedicated to ‘lorry drops’ and impact on number of operational visits conducted.

Immigration Compliance Enforcement Team Resource allocation July to September 2015			
Immigration Enforcement Region	Percentage of staff resources allocated to responding to ‘lorry drops’	Average number of ‘other’ enforcement visits conducted prior to 23 July 2015	Estimated number of ‘other’ enforcement visits cancelled each week between 23 July 2015 and 22 September 2015.
Kent and Sussex	100%	14	14
East of England	Up to 100%	17	Up to 17

East Midlands	20-100%	16	3-16
West Midlands	20%	21	4
Total		68	Up to 51

6.12 The closure report went on to state that *“The impact on operational activity will also be compounded by the increased hours spent on clandestine work; with a system of annualised hours working (AHW),⁴⁹ some of the teams have exceeded the anticipated number of hours. As a result, forecasts show that AHW net hours will burn out by mid March.”*

6.13 Given the need to declare a second critical incident, the Kent and Sussex ICE Team and Kent Intake Unit had *‘burned through annualised hours’* by December 2015. Staff in those units were owed significant periods of time off in lieu, some of which they were taking by leaving early on ‘quiet’ days.

Planning for the future

6.14 Senior managers told us they were aware that other operational ‘activities’ had been de-prioritised in order to tackle the challenges presented by the increase in ‘lorry drop’ cases during 2015. They recognised the need for better preparation for any further surges in volumes to ensure that they could deal with the surge while maintaining ‘business as usual’.

6.15 Home Office managers told us they were making plans on the basis that the number of clandestines arriving at Longport would remain high, despite improved security measures which had been put in place in France. Therefore, they had plans to upgrade existing facilities at the KIU to increase the number of cases that could be progressed there. In addition, there were plans to replace the existing accommodation at Longport with purpose built accommodation. Home Office managers estimated that it would require at least 30 additional Home Office staff and additional contractor staff to resource these facilities.

6.16 The Home Office Continuous Improvement Unit had completed a project to consider alternative models in the East of England region which, after Kent and Sussex, saw the greatest numbers of clandestine entrants. This project culminated in proposals to replicate the ‘KIU model’ in the East of England Region. Further work was required to identify a suitable site. Rather than take them to a police custody suite, the proposal would see police forces within a certain radius convey clandestine entrants to a centre where the Home Office would consider their immigration cases. We were told that this would have two key benefits: it would improve the consistency with which such cases were managed; and, it would allow the East of England ICE team to concentrate on other enforcement activity.⁵⁰ A pilot was scheduled to run between February and April 2016 to test the concept.

6.17 The Home Office also told us that they recognised the downstream pressures caused by the increased number of ‘lorry drops’, not least the likely increase in the number of asylum claims. While we were not provided with plans indicating how UKVI would deal with an increased asylum intake, IE managers told us that they were aware that the rise in asylum intake was likely to result in an increase in the number of failed asylum seekers. In turn, this would increase the demand on ICE Teams to remove individuals not granted asylum or other forms of status. The Home Office estimated that this might require between 50 and 80 additional officers.

⁴⁹ Annual Hours Working (AHW) is an attendance system where staff work an agreed number of hours for the year rather than weekly conditioned hours. It gives managers greater flexibility in the use of attendance to meet the demands of the work.

⁵⁰ In their response to factual accuracy checks, the Home Office told us that they considered a third benefit would be that police resources would be released from immigration-related duties. There was, however, no evidence in support of this.

- 6.18 Finally, the Home Office told us that they would also need to increase staff numbers at other units involved in the ‘lorry drop’ process. For example, the CCU needed additional staff along with improved telephony and IT equipment, and the capacity of intelligence units and CFI Teams would need to be increased.

Conclusions

- 6.19 Responding to the surge of clandestine arrivals at Longport and ‘lorry drop’ cases in the East of England and the Midlands had a severe effect on the Home Office’s ability to meet other operational priorities. In the second half of 2015, in at least three ICE Team regions — Kent and Sussex, East of England, and the East Midlands — there was little other operational activity conducted. The Home Office recognised it needed to build additional capacity and resilience and was exploring ways to do so, including piloting changes to improve the screening process for those migrants in police custody, consideration of an intake unit to deal with clandestine entrants found on the motorway network north of London similar to the KIU, and improving the facilities at Longport and flexible staffing options at that facility. The various plans assumed an increase in the resources made available for responding to ‘lorry drops’ against a backdrop of reduced resources overall, which called into question whether they were deliverable.

Recommendation

The Home Office should:

Ensure that the appropriate structures, staffing levels and contingency plans in relation to ‘lorry drops’ are in place and properly resourced, and that any future surge in volumes does not result in the same deleterious impact on other enforcement priorities as experienced in the second half of 2015.

Appendix 1: Role and remit of the Chief Inspector

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

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of Independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in Section 23 of the Immigration and Asylum Act 1999, as amended by Section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK's border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the department UK Visas and Immigration (UKVI) was introduced under the direction of a Director General.

Appendix 2: Inspection framework and core criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Core Inspection Criteria. These are shown in Figure 11.

Figure 11: Inspection criteria used.
Operational delivery
1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and where appropriate, prosecuted.
3. Resources should be allocated to support operational delivery and achieve value for money.
Safeguarding individuals
5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
6. Enforcement powers should be carried out in accordance with the law and by members of staff authorised for that purpose.
7. All border and immigration functions should be carried out with regards to the need to safeguard and promote the welfare of children.
Continuous improvement
9. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
10. Risks to operational delivery should be identified, monitored and mitigated.

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