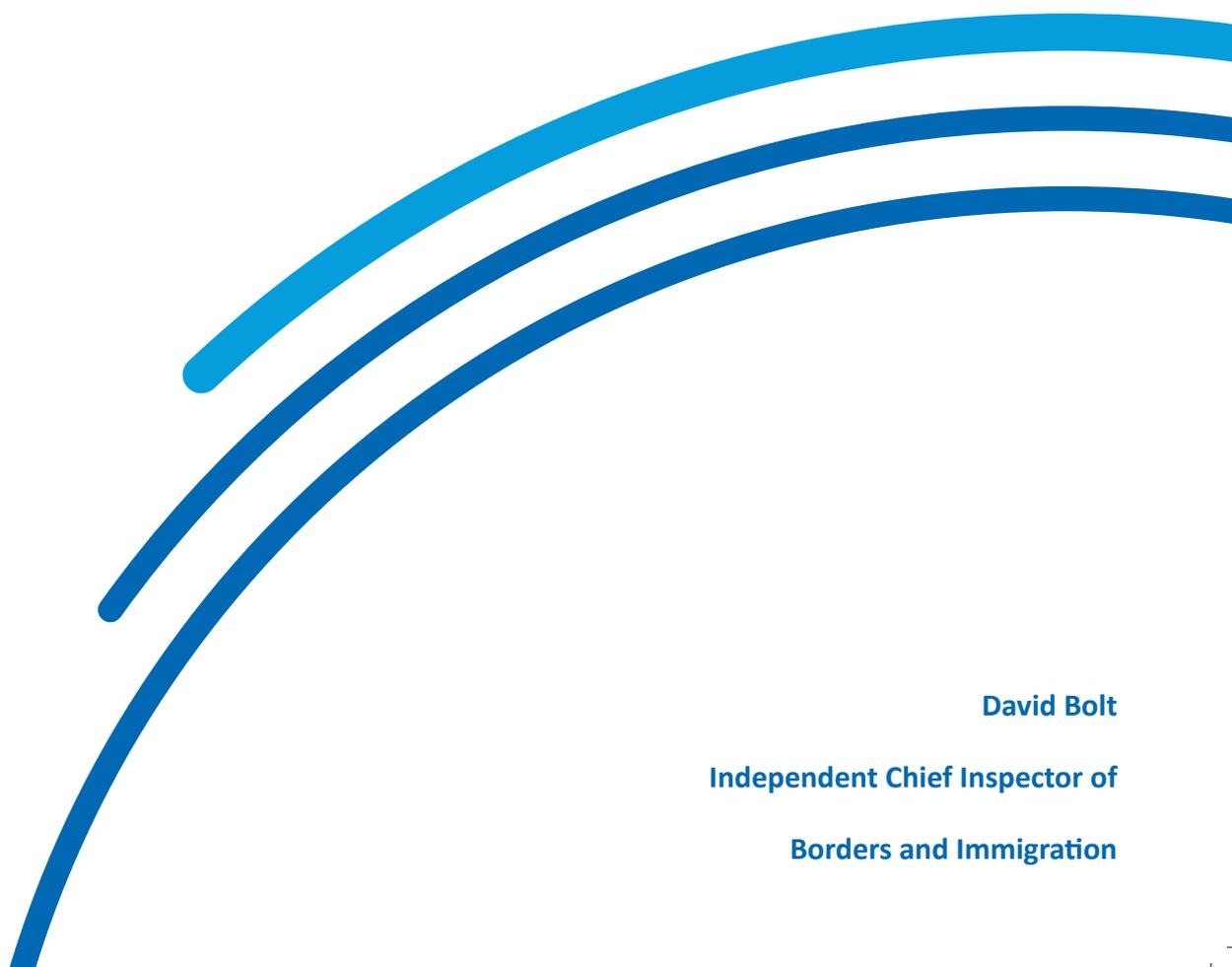




An inspection of exit checks

August - December 2017



David Bolt

Independent Chief Inspector of
Borders and Immigration

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To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

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Foreword

This inspection examined the Home Office's Exit Check Programme, focusing on what the Programme had delivered and how far it had met its stated aims. The Programme ran from April 2014. It was formally closed on 31 May 2016.

The re-introduction of exit checks, which had been phased out in the 1990s, was announced in 2010 in the Conservative-Liberal Democrat coalition's 'Programme for government'. The Home Office subsequently committed to delivering "100% exit checks" by March 2015. However, the Home Affairs Committee, reporting in early 2015, expressed concerns that this would not be achieved and highlighted that a number of significant exclusions had crept into the government's pledge.

Nonetheless, in March 2015, the Home Office's Exit Check Programme 'Factsheet' stated that exit check data would improve its ability to identify and tighten immigration routes and visas most vulnerable to abuse, help to target those who had overstayed their visas and were in the UK illegally, and help to track the movements of known or suspected criminals and terrorists.

The inspection looked at what data was being collected, the gaps and what was being done to fill them, and at what the Home Office was able to achieve from its analysis of the data it had.

Overall, the sense was that the Home Office had over-promised when setting out its plans for exit checks, and then closed the Exit Check Programme prematurely, declaring exit checks to be "business as usual" when a significant amount of work remained to be done to get full value from them.

This work needed better coordination within the Home Office, and externally with carriers, with other potential contributors to and users of the data, and with Common Travel Area partners. In the meantime, the Home Office needed to be more careful about presenting exit checks as the answer to managing the illegal migrant population, which for now remained wishful thinking.

The report contains one overarching recommendation: that the Home Office re-establishes the Exit Checks Programme, with appropriate Programme oversight, governance and documentation, to drive the improvements needed in data quality and completeness and to coordinate and encourage its effective operational use. There was also a need to refresh and restate the 'vision' for exit checks, and reset expectations.

The report was sent to the Home Secretary on 30 January 2018.

David Bolt

Independent Chief Inspector of Borders and Immigration

1. Purpose and scope

- 1.1 This inspection examined the Home Office's Exit Check Programme, focusing on what the Programme had delivered and how far it had met its stated aims.
- 1.2 The inspection looked at the Initial Status Analysis (ISA) system, created as part of the Exit Check Programme, and at how ISA-produced data had been used by the Home Office and by other agencies.
- 1.3 The inspection explored:
 - the inbound and outbound travel data already available to the Home Office and others via the Semaphore¹ system
 - the efficiency and effectiveness of exit data collection and matching processes
 - the impact on carriers of having to collect exit data, and the Home Office's relationships with carriers
 - plans for plugging exit data collection gaps and improving data quality
 - next steps for exit check data
- 1.4 The inspection did not look at the technical infrastructure employed for exit data receipt, storage, analysis and dissemination.

¹ Semaphore stores carrier data about passenger movements into and out of the UK and provides an automated matching facility to individuals of interest to the Home Office and UK law enforcement agencies.

2. Methodology

2.1 Inspectors:

- on the 11 September 2017, visited Immigration Enforcement (IE) at 2 Marsham Street for initial briefings on the Exit Check Programme, including the Initial Status Analysis (ISA) system, and met IE's Director of National and International Operations and the Performance and Risk Directorate's Chief Model Officer
- on 12 and 13 September 2017, met the following Home Office teams, variously responsible for processing exit check data and for using it operationally:
 - The National Returns Command's Data Matching Team
 - Performance Reporting & Analysis Unit (PRAU)
- between 14 September and 13 November 2017, met and requested evidence from:
 - the Information Commissioner
 - Office of National Statistics
 - National Crime Agency
 - Greater Manchester Police (Special Branch)
 - Travel industry associations and carriers, including
 - Board of Airline Representatives in the UK (BAR UK)
 - British Airways
 - Easyjet
 - Virgin
 - TUI
 - Eurotunnel
 - Eurostar
 - British Ports Association
 - Chamber of Shipping
 - SITA
- reviewed and analysed open source material and documentary evidence provided by the Home Office, including:
 - Home Office policies, instructions and guidance
 - Budgets and financial data

- Performance data and management information
- between 12 October and 21 November 2017, interviewed a range of staff within the Home Office, both processers and users of travel data

3. Summary of conclusions

- 3.1 In 1994, the UK withdrew routine immigration checks for passengers leaving for European destinations from ferry ports and small and medium-sized airports. Residual embarkation controls from all remaining ferry ports and airports ended in 1998.
- 3.2 In April 2015, the government re-introduced exit checks, with the aim of identifying and tightening immigration routes and visas considered most vulnerable to abuse. At the time, the Home Office stated that “the vast majority of passengers leaving the country on scheduled commercial international air, sea and rail routes will go through exit checks”.²
- 3.3 Between April 2015 and March 2017, the Home Office received over 607 million UK data records relating to outbound travel,³ the vast majority of which were for UK or EEA nationals.
- 3.4 Where data⁴ is collected from passengers travelling to and from the UK, it is transmitted by carriers and received directly into the Home Office’s Semaphore database. On receipt, the data is checked against lists of persons of interest, including for national security and law enforcement reasons, and any ‘hits’ are passed to the relevant agencies for action. This process pre-dates the re-introduction of exit checks. However, the latter closed the data collection gap that had existed for outbound international rail and sea routes, and this has enhanced the checks and, inspectors were told, has assisted the work of the National Crime Agency and the police.
- 3.5 By June 2015, the Home Office was reporting 100% coverage of outbound routes “within scope” of its Exit Check Programme. However, outbound travel via General Aviation⁵ and General Maritime⁶ were excluded from scope,⁷ as were departures via the Common Travel Area (CTA).⁸ Meanwhile, as at June 2017, gaps remained in data collection for inbound sea ferries and for rail routes, as well as for arrivals via the CTA.⁹
- 3.6 Between April 2014 and April 2015, as part of the Exit Checks Programme, the Home Office developed the Initial Status Analysis (ISA) database. ISA matches inbound and outbound travel data received via Semaphore with data recorded on other Home Office immigration-related systems. The first requirement of the data matching is to produce an “identity”. This “identity” can then be used to check the identified person’s immigration compliance status.
- 3.7 Outbound travel data for UK and EEA nationals is not ingested into the ISA database. Nonetheless, between April 2015 and March 2017, the database ingested 55.7 million outbound travel records.

² Exit Checks Fact Sheet, <https://www.gov.uk/government/publications/exit-checks-on-passengers-leaving-the-uk/exit-checks-fact-sheet>

³ Not equivalent to 607 million individuals because of frequent travellers and duplication of records.

⁴ Advance Passenger Information (API) and Travel Document Information (TDI).

⁵ General Aviation (GA) is defined by Border Force as “any aircraft not operating to a specific and published schedule and not making a military flight”. GA may operate from major airports, or from smaller airports and airfields.

⁶ General Maritime (GM) is defined by Border Force as “non-scheduled, un-canalised and non-commercial maritime traffic (including vessels such as yachts, tugs, Rigid Hull Inflatable Boats (RHIBs) and small motor boats. It can also include small commercial vessels, identified through intelligence as being used solely for smuggling purposes).” GM may operate from major seaports, but may also use smaller ports, harbours and marinas.

⁷ See the ‘ICIBI’s Inspection report of general aviation and general maritime’ for further information on the collection and use of API for GA/GM arrivals and departures.

⁸ The Common Travel Area (CTA) encompasses the UK, Republic of Ireland and the Crown Dependencies of the Isle of Man and Channel Islands. It enables free movement between them without passport controls, and with no requirement on carriers to collect API/TDI data.

⁹ The Home Office indicated, at factual accuracy, that passport swipes would cover the data collection gaps for inbound sea ferries and for rail routes.

As of August 2017 ISA data matching has produced 46.9 million identities that contain at least one inbound or outbound API record.⁷

- 3.8 Of the travel data ingested into the ISA database, only that relating to visa nationals is routinely analysed and used for operational purposes. While this is in line with the aim of “identifying and tightening immigration routes and visas considered most vulnerable to abuse”, and is most straightforward in terms of checking for non-compliance, potential non-compliance within other “cohorts” is subject to analysis but has no action taken.
- 3.9 As at 31 March 2017, there were 88,134 visa nationals with ISA “identities” whose visa had expired for whom there was no record of departure. At the same time, there was no record of departure for 513,088 identified non-visa nationals.¹⁰
- 3.10 In March 2015, the Minister for Security and Immigration wrote to the Home Affairs Committee that better information about “those who remain in the UK illegally” would “support a range of responses, including direct, targeted enforcement action ... applying the denial of service provisions in the Immigration Act 2014; work to secure compliance; and evidence-based adjustments to existing visa regimes and routes”.¹¹
- 3.11 The inspection found that the Home Office had sought to test the usefulness of ISA data in a number of areas, including to direct immigration enforcement deployments, to support ‘hostile environment’ (since renamed ‘compliant environment’) measures, to identify whom it should contact and ‘nudge’ to depart, and to inform visa regimes.
- 3.12 Although the different business areas involved were able to describe their efforts to use ISA data and the results, there was no formal evaluation process. Nonetheless, in each instance, it was clear that the operational value of ISA data was severely hamstrung because of problems with data quality and gaps in data collection. The former stem largely from the fact that the data captured prior to travel is what is provided to the carriers for booking purposes by those travelling, and is prone to errors and omissions, unlike data captured from passport swipes on entry, for example.
- 3.13 While the Home Office is working with carriers to try to improve data quality, the gaps in data collection are harder to plug and have a more profound effect on the confidence Home Office business areas have in ISA data about non-compliance. The possibility that individuals for whom there was no record of departure from the UK had departed compliantly via the CTA causes a particular difficulty, as is illustrated by the example of Chinese Approved Destination Status (ADS) visas.
- 3.14 The Home Office considered the Chinese ADS visa route to be low-risk in terms of non-compliance. However, ISA data indicated that tens of thousands of ADS visit visa holders had not departed the UK when required. Following extensive checks in China, the Home Office was satisfied that these individuals had returned home and the ISA data was unreliable because they had exited either via the CTA, or by ferry or train, or on a flight for which the data that had been ingested into ISA system was incomplete.

¹⁰ A citizen of a country where there is no requirement to obtain a visa prior to travelling to the UK as a visitor. Typically, non-visa nationals are granted entry for a period of 6 months.

¹¹ Government response to the Home Affairs Select Committee report on ‘The work of the immigration directorates (January to June 2014)’, <https://www.parliament.uk/documents/commons-committees/home-affairs/150326%20James%20Brokenshire%20to%20KV%20re%20Immig%20Direct%20Jan-July%20-%20Govt%20Resp.pdf>

- 3.15 When exit checks were announced, the Home Office stated that “alternative arrangements [were] being put in place to cover journeys made within the CTA”. In March 2016, the Irish Government passed legislation that created the legal basis for the Irish authorities to provide API on CTA passengers to the UK Government.¹² However, at the time of the inspection, this was still not happening routinely.
- 3.16 In May 2016, the Exit Check Programme was formally closed, and the operation of the ISA system became “business as usual” under a governance Board made up of data specialists and data users. Despite this cross-section of interested parties, the inspection found little evidence of a Home Office-wide strategy for developing and using ISA data.
- 3.17 While the absence of a record of departure has been of limited operational value to the Home Office thus far, ISA data confirming departure has proven more useful. For example, the National Returns Command has used it to improve the recording of voluntary departures. Meanwhile, the Office of National Statistics made use of the data to revise its picture of student migration, with the ISA data showing significantly higher levels of visa compliance by foreign students that was previously understood to be the case.
- 3.18 Overall, the sense is that the Home Office over-promised when setting out its plans for exit checks, and then closed the Exit Check Programme prematurely, declaring exit checks to be “business as usual” when a significant amount of work remained to be done to get full value from them. This work needs better coordination internally, and externally with carriers, with other potential contributors to and users of the data, and with CTA partners. In the meantime, the Home Office should be more careful about presenting exit checks as the answer to managing the illegal migrant population, as, for example, in the case of Foreign National Offenders.¹³ Based on this inspection, at present this remains wishful thinking.

¹² March 2016 press release, <http://www.justice.ie/en/JELR/Pages/PR16000071>

¹³ See ‘The Home Office response to the Independent Chief Inspector’s report’: ‘An inspection of the Home Office’s management of non-detained Foreign National Offenders’, published 2 November 2017, <https://www.gov.uk/government/publications/the-home-office-response-to-the-independent-chief-inspectors-report-an-inspection-of-the-home-offices-management-of-non-detained-foreign-national>

4. Recommendation

The Home Office should:

1. Re-establish the Exit Checks Programme, with appropriate Programme oversight, governance and documentation, ensuring that:
 - a. the Home Office's 'vision' for exit checks is refreshed and restated
 - b. the Home Office Departmental Board has sufficient visibility of this "business critical enabler" of the Border, Immigration and Citizenship System, and receives regular Programme updates
 - c. the (new) Programme Board has the authority and horsepower to drive the improvements needed in data quality and the closure of the data collection gaps, including:
 - I. regular senior level liaison with carriers and travel industry associations to reinforce the value of travel data for immigration, law enforcement and security purposes, and the importance of their continued support in improving data quality
 - II. improved travel data collection for inbound sea ferries
 - III. collection of travel data for inbound international rail routes
 - IV. effective 'alternative arrangements' for inbound and outbound travel data collection for routes via the Common Travel Area, and for General Aviation and General Maritime
 - V. greater data sharing and matching with other government departments and agencies
 - d. the (new) Programme Board is accountable (to the Home Office Executive Committee) for ensuring that the department's receipt, storage, processing and use (including data sharing) of travel and related data is compliant with the Data Protection Act 1998, and that the UK's current and future data requirements are fully reflected in relevant new legislation and in the negotiations for the UK's exit from the European Union
 - e. all Home Office projects and other work ("operational" trials and pilots) in support of the Programme are properly prioritised, resourced and co-ordinated, with clearly articulated deliverables and timescales, and include:
 - I. reducing (through further analysis of ISA data) the "unmatched pot" of visa nationals for whom there is a record of exit but not of entry
 - II. the extension of ISA data analysis to visa nationals holding long-term (2, 5 and 10-year) visit visas and non-visa nationals with no record of departure

- f. plans for the replacement of Semaphore are revisited and firmed up (with the user requirement updated and with published delivery dates) and, pending its replacement, maintenance and support for Semaphore is prioritised, with issues about access quickly resolved and with some form of assurance (in lieu of an audit function) that its use is controlled

5. Background

Embarkation checks

- 5.1 Prior to the 1990s, when a person departed the UK they were subject to immigration checks. This normally involved completing and presenting an embarkation card and their passport to an Immigration Officer at the port or airport. This process served as a “physical” exit check, but was inefficient and, because it was paper-based, it was also ineffective as a means of matching departures to arrivals.

Withdrawal of immigration checks for passengers departing from the UK

- 5.2 In 1994, the UK withdrew routine immigration checks for passengers leaving the country on services to European Community destinations from ferry ports and small and medium-sized airports. At the time, the government claimed that this would “free staff resources for work which contributes more directly to the effectiveness of the immigration control.”¹⁴ Residual embarkation controls from all remaining ferry ports and airports ended in 1998.¹⁵

E-Borders and the collection of Advance Passenger Information

- 5.3 Since 2004, as part of the ‘E-Borders Programme’,¹⁶ airlines have been required¹⁷ to share Advance Passenger Information (API) with the Home Office. API covers UK flight departures and arrivals.
- 5.4 Carriers transmit API data via an encrypted link to the Home Office, where it is received into Semaphore, an IT system created to test the e-Borders concept in advance of the intended procurement of the main e-Borders system.¹⁸
- 5.5 In 2010, the UK Border Agency created the National Border Targeting Centre (NBTC) to support an intelligence-led approach to its borders and immigration functions. NBTC was given the task of monitoring Semaphore and alerting the relevant agency, for example the police, where the system had identified a threat to border security or a passenger of interest. At the time of the inspection, NBTC continued to manage the Semaphore system and produce alerts.

Re-introduction of exit checks

- 5.6 The ‘programme for government’, published in May 2010 by the Conservative-Liberal Democrat

14 Home Office response to Parliamentary Questions on the demise of embarkation checks (15 December 1993).

15 Exit Checks fact sheet, <https://www.gov.uk/government/publications/exit-checks-on-passengers-leaving-the-uk/exit-checks-fact-sheet-and-http://news.bbc.co.uk/1/hi/uk/66236.stm>

16 An ICIBI inspection report on e-borders, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/546849/An-Inspection-of-eBorders_Oct_2013.pdf

17 An IS72 notice served by the Home Office on airlines compels them to share API (and where requested Passenger Name Record (PNR) data) under terms of Immigration Act 1971 and Immigration and Police (Passenger, Crew and Service Information) Order 2008.

18 Raytheon’s contract for the delivery of the main e-Borders system was terminated in July 2010, and the e-Borders Programme itself was terminated in 2014. In March 2014, the Director General Border Force told the Home Affairs Committee that Semaphore would be replaced “before the [2015] general election”. (Report on The work of the Immigration Directorates (January - June 2014) available at www.parliament.uk).

coalition, stated: “We support E-borders and will reintroduce exit checks”. The premise, set out in the Liberal Democrat’s manifesto, was that exit checks would help to establish how many people were in the country illegally.¹⁹

- 5.7 The Home Office Business Plan 2011-2015, published in November 2010, made the commitment to “Review the extent to which e-Borders provides a solution to the reintroduction of exit checks”. The Plan set a deadline of March 2015 for their reintroduction.

Home Affairs Committee

- 5.8 From April 2013, as part of its scrutiny of the work of the Home Office’s Immigration Directorates, the Home Affairs Committee took evidence in relation to the department’s planned ‘Exit Check Programme’.²⁰
- 5.9 In March 2014, the Committee’s reported that: “The goal set by the Government of full exit checks by the General Election in 2015 is unrealistic”.
- 5.10 In its report ‘The work of the Immigration Directorate (January – June 2014) the Committee recorded that the Border Force Director General had told the Committee that “by 31 March [2015], we will be delivering 100% exit checks” and that this had been repeated in November 2014 by the Minister for Security and Immigration.
- 5.11 However, HAC also noted that while API coverage for departing air passengers was “good” and “increasing”, “coverage is not so good for rail and ferry passengers, partly because of the ticketing systems and partly because customers can decide to travel, buy a ticket and have checked in at a time near to departure”.²¹
- 5.12 By February 2015, in its evidence to the Committee, the Home Office was applying new caveats to its understanding of who and what would fall “within scope” of the Exit Checks Programme. In its next report on the work of the Immigration Directorates, published in March 2015, HAC wrote:

“We have been told several times by the Government that it will deliver 100% exit checks for all passengers leaving the UK by the end of March 2015. However, as of February 2015, a number of significant exclusions have crept into this pledge, excluding those travelling within the common travel area with the Republic of Ireland, and under-16s travelling by coach.

It is becoming obvious that the Home Office cannot guarantee exit checks will be in place on 8 April 2015. Logistical problems remain around how to inspect passports for fifty individuals in a coach, who cannot be seen from the check-in booth. This has been known from the start. It is not clear if the systems that collect the passport data will be compatible with the ferry companies’ existing systems. The Home Office is faced with a decision whether to push the date back further and allow for effective preparation, admit there are problems in some transport, such as coaches, which could involve introducing exit checks gradually, or assert that nothing is wrong and carry on as normal.

We would not be surprised if further forms of travel or categories of passenger were declared out-of-scope to allow for exit checks to be declared a success. We recommend that the Government publish a single, definitive document listing what is in scope and what is out of scope of the exit checks scheme.”

19 Liberal Democrat Manifesto (2010), http://www.politicsresources.net/area/uk/ge10/man/parties/libdem_manifesto_2010.pdf

20 Home Affairs Committee, The work of Immigration Directorates (April - September 2013), <https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/820/820.pdf>

21 Home Affairs Committee, The work of Immigration Directorates (January - June 2014), <https://publications.parliament.uk/pa/cm201415/cmselect/cmhaff/712/712.pdf>

5.13 Also in March 2015, the Immigration Minister responded to the HAC, stating:

“Exit checks will provide a more complete picture of those leaving the UK, enabling the Government to identify more effectively those who remain in the UK illegally and abuse our public services and welfare systems, and those cohorts seeking to come to the UK who, if admitted, present the highest risk of overstaying. Better information will support a range of responses, including direct, targeted enforcement action where appropriate and feasible; applying the denial of service provisions in the Immigration Act 2014; work to secure compliance; and evidence-based adjustments to existing visa regimes and routes, based on analysis of those most subject to abuse.

Exit checks data will also provide the police and security services with more information on the movements of criminals and terrorists, including known or suspected foreign fighters, supporting the wider work already taking place across Government and law enforcement...

... Exit checks will not enable migration to be directly measured (though over time they will enhance other measures of migration), or give a precise statistical measure of overstayer rates.”²²

Exit Check Programme ‘Factsheet’

5.14 Also in March 2015, the Home Office published an ‘Exit Check Factsheet’.²³ This set out what exit checks would do and who would be checked:

“What Exit Checks will do

From 8 April, exit checks will take place at all airports and ports in the UK. Information that is included in passports or travel documents will be collected for passengers leaving the country on scheduled commercial international air, sea and rail routes.

The data collected will be provided to the Home Office to give us the most comprehensive picture we have ever had of whether those who enter the UK leave when they are supposed to. The information will improve our ability to identify and further tighten the immigration routes and visas that are most vulnerable to abuse.

Exit checks data will help us to target people who have overstayed their visas and are in the UK illegally. For example, we can use new powers under the Immigration Act 2014 to remove their driving licences and prevent illegal overstayers from opening bank accounts.

While predominately an immigration and data tool, the checks will also improve security by helping the police and security services track the movements of known or suspected criminals and terrorists, supporting the wider work across government and our law enforcement agencies.

...

²² Written evidence submitted to the Home Affairs Committee by James Brokenshire MP, Minister for Security and Immigration, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/the-work-of-the-immigration-directorates-2014-q3/oral/18071.pdf>

²³ Exit Checks fact sheet, <https://www.gov.uk/government/publications/exit-checks-on-passengers-leaving-the-uk/exit-checks-fact-sheet>

Who will be checked

The vast majority of passengers leaving the country on scheduled commercial international air, sea and rail routes will go through exit checks. School coach parties of children 16 years and under who meet the criteria will be exempt from exit checks.

Alternative arrangements, separate from exit checks, are being put in place to cover:

- journeys made within the Common Travel Area (journeys between the UK and the Republic of Ireland, the Channel Islands and the Isle of Man)
- small, non-scheduled flights (General Aviation)
- non-commercial pleasure boats (General Maritime)

Immigration Act 2014

- 5.15 The Immigration Act 2014 introduced a number of measures aimed at creating a “hostile environment” for migrants living in the UK illegally. Schedule 8 (Embarkation checks) contained “Directions to carriers and operators of ports”, which empowered the Home Secretary to direct “an owner or agent of a ship or aircraft” or “person concerned in the management of a port” to “make arrangements” for “designated persons” to carry out checks on embarking passengers. Failure to comply with a direction became an offence under Section 27 of the Immigration Act 1971 (as amended).
- 5.16 During the passage of the Bill, the Bill Committee received over 65 pieces of evidence,²⁴ including a number highlighting concerns with Schedule 8. However, the ‘Impact assessment’ that accompanied the Bill did not refer to Schedule 8. The concerns focused on:
- the cost to carriers
 - resistance to commercial carriers undertaking immigration functions
 - physical constraints
 - negative impact on speed of operations
- 5.17 Despite advice from the Office of the Information Commissioner highlighting the large amounts of private data that would be collected, no privacy impact assessment was produced.
- 5.18 As at the end of 2017, the Home Secretary had yet to issue a direction under Schedule 8. To date, the collection of exit check data has relied on the goodwill of carriers. According to the Home Office unit responsible for managing relationships with the carriers, ministers “have agreed an approach of constructive engagement to resolve issues”.

Types of travel data available to the Home Office

- 5.19 At the time of the inspection, the Home Office received 3 types of travel data:
- Advance Passenger Information (API)
 - Travel Document Information (TDI)
 - Passenger Name Record (PNR)

²⁴ A large number compared to other Bills of similar size.

Advance Passenger Information

5.20 Advance Passenger Information (API) is collected by airlines and covers passengers and crew. It typically mirrors the data fields contained in the machine-readable zone of the person's passport or travel document:

- full name
- date of birth
- place of birth
- nationality
- sex
- travel document number, including:
 - document expiry date
 - type of document
 - issuing state

5.21 Where a passenger checks in online, the airline provides the Home Office with the API data up to 48 hours ahead of the flight departure time. There are further data drops between 24 hours and 30 minutes before departure. These vary from airline to airline. The last data drop before departure must allow sufficient time for NBTC to transmit a message back to the airline ordering the removal of a person from a flight under the "authority to carry scheme".²⁵

5.22 Airlines are required to provide confirmation of departure data within 30 minutes after departure.

5.23 At the time of the inspection, some airlines were rolling out "interactive API (iAPI)". iAPI covers passengers only (not crew). iAPI requires changes to carrier and ground-handler processes at check-in and at the departure gate. By August 2017, iAPI coverage stood at 52% of aviation routes, with 91% coverage of non-EU routes, and 35% of EU routes.

5.24 The benefit of iAPI to the Home Office is that it is usually received earlier, which assists the "authority to carry" process. The Home Office told inspectors that there was some evidence that iAPI also improved data quality. If the data provided is incomplete, so that NBTC cannot run its checks and provide an "authority to carry" response, the carrier receives an error message.

Travel Document Information (TDI)

5.25 Travel Document Information (TDI) is collected by maritime and rail carriers when a passenger checks in at the departure terminal. As with API, the data mirrors what is contained in the machine-readable zone of the passenger's passport or travel document.

5.26 Prior to the Immigration Act 2014 (the Act) and the introduction of exit checks there had been no requirement for maritime and rail carriers to collect outbound travel data. The Act closed this data collection gap, and in the process enhanced the data available to NBTC.

²⁵ Policy paper on the 2015 'Authority to carry scheme', <https://www.gov.uk/government/publications/authority-to-carry-scheme-2015>

Passenger Name Record

- 5.27 Passenger Name Record (PNR) data is collected by airlines when taking bookings. It is provided by whoever makes the booking, and at that point is unverified. Each carrier determines what information they require for their business needs, but PNR typically contains:
- the travel agent who made the booking
 - ticket information, including travel dates, travel itinerary, seat number and baggage information
 - passenger contact details
 - method of payment
- 5.28 At the time of the inspection, the Home Office received PNR data from some, but not all, carriers.²⁶ The collection and use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime is covered by Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016. This obliges member states to implement, by 25 May 2018, the necessary measures to require that airlines provide PNR data.²⁷

Data formatting

- 5.29 When transmitting travel data into Semaphore, carriers can choose from a range of formats whichever best suits their business model and systems requirements. Carrier Account Managers at the Home Office Carrier Engagement and Data Analysis Team work with carriers to improve data quality and ensure the process runs smoothly.

²⁶ The legal requirement to collect PNR data exists as detailed in the form IS72 served on scheduled aviation carriers. Border Force is currently conducting a programme rolling out the collection of PNR data from airlines. EU Directive (EU) 2016/681 obliges Member States to implement, by 25 May 2018, the necessary measures to require that airlines provide PNR data. The UK already requires airlines to provide PNR data following the service of a written requirement under national legislation (Immigration and Police (Passenger, Crew and Service Information) Order 2008 and the Immigration (Form and Manner of Passenger Information) Direction 2015.

²⁷ Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, <http://eur-lex.europa.eu/eli/dir/2016/681/oj>

6. Inspection findings – The Exit Check Programme

Exit Check Programme timetable

- 6.1 The Home Office's Exit Check Programme ran from April 2014 to May 2016 and was delivered in 3 phases. The business case update and closure plan described them as follows:

Phase 1 (to April 2015) - focused primarily on putting in place, at the point of departure and in the Home Office, the technical infrastructure needed to gather comprehensive exit data across ferry and rail routes, complemented by API data from airlines, on the basis of a voluntary agreement with each carrier.

Phase 2 (to December 2015) - focused primarily on the establishment of the Initial Status Analysis data stream, ongoing data improvement and matching for analytical and operational purposes, and the progressive mainstreaming of day-to-day exit checks responsibilities within the Home Office.

Phase 3 (to May 2016) - focused primarily on further assurance of data and processes, raising awareness of exit checks across government, challenging and supporting policy and operations to maximise immediate benefits and plan for longer-term gains, and ensuring effective strategic oversight of exit checks as a cross-system enabler post-programme."

- 6.2 The Exit Check Programme was formally closed on 31 May 2016.

Initial Status Analysis system

- 6.3 The Initial Status Analysis (ISA), developed as part of the Exit Check Programme, went live during Phase 2.

- 6.4 ISA receives data for UK arrivals and departures from a number of sources, including:

- Advance Passenger Information (API) and Travel Document Information (TDI)
- 'swiped' passports, when passengers enter the UK via a manned (by Border Force) immigration control point or ePassport gate
- Central Reference System (CRS), a database of all UK visa applications (grants and refusals)
- Central Information Database (CID), the main database used by the Home Office's Borders, Immigration and Citizenship System (BICS) business areas to record decisions and actions
- Immigration and Asylum Biometric System (IABS)
- Biometric Residency Permit (BRP) database
- Points Based System (PBS) sponsor database, which includes details of individuals sponsored for employment or study in the UK, with the terms of their sponsorship

6.5 As at March 2017, ISA contained over 161 million data records.²⁸ This number is constantly growing. For example:

- 150,000 API records are ingested daily
- 350,000 inbound passport ‘swipes’ are received per week
- 70,000 records are created/updated daily relating to UK visa applications
- 150,000 CID records are created/updated each week
- 20,000 biometric (fingerprint) records are received daily from IABS
- 2,000 records relating to Points Based System (PBS) visa routes are received/updated daily

6.6 The system attempts to match the data received to create ‘identities’, that is ‘person-centric’ records for individuals. The aim is to use these ‘identities’ to determine the ‘compliance status’ of each person.

6.7 As at March 2017, the ISA database contained over 61 million ‘identities’.

6.8 The Home Office Management and Data Analytics Service (MIDAS) team manages ISA day-to-day, while a Data and Analysis Gateway Board (Gateway Board) fulfils a governance role. The Gateway Board brings together those responsible for maintaining and developing ISA, and current users of ISA. The evidence showed the Gateway Board to be an effective forum for sharing ideas and for working-level collaborations. However, it did not have the capacity or strategic vision typical of a Programme Board, or the latter’s authority to direct or hold parties to account for delivery.

Advance Passenger Information and Travel Document Information coverage

6.9 The Home Office provided figures for the percentages of “within scope” of the Exit Check Programme routes covered by API and TDI data collection. This showed increases across all “within scope” routes since June 2014 – see Figure 1.

Figure 1: Home Office figures for Advance Passenger Information and Travel Document Information coverage of “within scope” routes

	June 2014	June 2015	June 2016	June 2017
Outbound commercial air, sea and rail international travel - % total movements	81%	100%	100%	100%
Inbound commercial air, sea and rail international travel – % total movements	81%	83%	87%	89%
Inbound commercial air travel	96%	96%	100%	100%
Inbound sea cruises	53%	94%	100%	100%
Inbound sea ferries	16%	16%	25%	25%

²⁸ Not equivalent to 161m individuals, as multiple data records may exist for a single person or journey.

6.10 Inbound rail travel is not “within scope”. Coverage has remained at 0% throughout the period.

Outbound travel data

- 6.11 Between 1 April 2015 and 31 March 2017, the Home Office’s Semaphore system received 607,099,342 API and TDI data records for outbound passengers.²⁹ Of these, 55,725,928 (9%) were ingested into ISA. The travel records for UK and EEA nationals were not ingested.
- 6.12 The 55.7 million travel records do not equate to 55.7 million individuals, since they include people who have travelled multiple times. As at 31 August 2017, the ISA database held API and TDI data on 46,943,989 ‘identities’.
- 6.13 Figure 2 shows how ISA deals with travel data for different ‘cohorts’ of traveller.

Figure 2: How the ISA system deals with different ‘cohorts’ of traveller		
“Cohort”	ISA Status	Routinely Used For Operational Purposes?
UK nationals	Not ingested into ISA	No
EEA nationals³⁰	Not ingested into ISA	No
Non-Visa Nationals³¹	Ingested	No
Diplomats	Ingested and categorised as diplomatic and exempt from the Immigration Rules where identified	No
Persons with Indefinite Leave to Remain (ILR) in the UK	Ingested and categorised as the holder of ILR where identified	No
Persons exempt from Immigration control³²	Ingested and categorised as exempt from the Immigration Rules where identified	No
Visa Nationals³³ holding a 2, 5 or 10 year UK visit visa	Ingested	Yes (where there is evidence of non-compliance against the end expiry date of the visa)
Visa Nationals, holding all other types of UK visa or entry clearance	Ingested	Yes

29 Not equivalent to 607 million persons.

30 The EEA consists of the EU member states plus Iceland, Liechtenstein and Norway. Switzerland is not a member of the EEA but has analogous status with respect to immigration control.

31 A citizen of a country where there is no requirement to obtain a visa prior to travelling to the UK as a visitor.

32 Home Office guidance on those exempt from immigration control, <https://www.gov.uk/government/publications/exempt-exm/exempt-exm>

33 A citizen of a country where there is a requirement to obtain a visa prior to travelling to the UK.

No record of departure

- 6.14 As at 31 August 2017, of the approximately 10 million visa nationals and non-visa nationals recorded in ISA whose last period of leave expired in the preceding two years, the system contained no evidence of departure for 601,222³⁴ – see Figure 3.

Figure 3: Individuals with an ISA ‘identity’ for whom ISA held no evidence of departure as at 31 March 2017

“Cohort”	Number required to depart the UK for whom there was no evidence of departure
Non-visa nationals	513,088
Visa nationals	88,134
Total	601,222

Data confidence

No record of departure

- 6.15 The absence of a record of departure in ISA does not mean that the person has not departed the UK. The Home Office told inspectors:

“Where no evidence of departure was found, this is not confirmation that an individual remains in the country, only that they have not been matched to a departure record by the ISA system. In some cases, the individual may have left. There could be a variety of legitimate reasons why a departure has not been matched. These may include, for example, if the Home Office does not have a source of departure data such as movement within the Common Travel Area, if an individual is a dual national and does not use a single document for travel, or if different data systems have captured their name or other personal details differently meaning the travel data cannot be matched.”

No record of arrival

- 6.16 As at 26 April 2017, the ISA system had not been able to match 201,301 records relating to departures (not equivalent to 201,301 individuals) with a Home Office immigration record. This ‘unmatched pot’ was growing. Between April 2016 and March 2017, 3.1% of all visa nationals recorded as travelling on outbound flights could not be matched to a UK immigration record.
- 6.17 Analysis of the ‘unmatched pot’ by the Home Office’s Immigration Intelligence Analysis team identified various reasons for the failure to match records. They included:
- visa holders from Crown Dependencies³⁵ whose extension of leave had not been recorded with the Home Office
 - persons with valid leave to enter or remain whose status was recorded incorrectly on the visa casework management system

³⁴ The Home Office commented that this number will decline over time as additional departure information is received that confirms these identities as having departed late.

³⁵ The Crown Dependencies are the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man. They are not part of the UK but are self-governing dependencies of the Crown.

- persons with visas that have been revoked or curtailed after being issued but not physically cancelled as holder is still travelling
- students studying in Europe who entered the UK on a school trip without a visa (permissible within the Immigration Rules)
- passengers in transit where their flight has not departed on schedule
- persons exercising EEA treaty rights as the spouse of an EEA citizen

Impact on the usability of Initial Status Analysis data

6.18 The Home Office told inspectors that the data now collected and matched provides the most comprehensive picture to date of those entering and leaving the UK. While undoubtedly true, in 25 interviews and/or focus groups with Home Office staff of various grades from a number of business areas,³⁶ inspectors were consistently told that issues with data quality and completeness impacted confidence in and their ability to make use of the data. Because it was not possible to be certain about a person’s movements they could not rely on it as evidence of immigration (non-)compliance – see Figure 4.

Figure 4: Home Office staff comments about their lack of confidence in ISA data

Staff member A

“We were certainly mis-sold the Programme. We were initially told that the system would tell us if someone has or has not left the country. It sounds so simple, but the reality is that there are so many ways in which the data can get muddled and confused. Internally, there was no comprehension at the vast and complicated nature of the data and the patterns we are seeing.”

Staff member B

“The initial premise was that the programme should be easy to deliver as we are already getting the travel data from carriers. The devil was in the detail, and people had not realised the scale or number of carriers and potential errors”

Staff member C

“I think that it was sold as a more intelligent way of working and identifying overstayers. Anecdotally, we have been told that the UK has a problem with overstayers, but there was no reliable way to know or understand the volume and numbers. Exit checks were the solution to this.

In reality I think that it has delivered some benefits to [Immigration Enforcement] IE, but it was definitely a rushed project ... implemented in a way that meant it was always going to be flawed”

Chinese Approved Destination Status

6.19 The example of Chinese Approved Destination Status (ADS) visas illustrates the problems with ISA. The ADS scheme is an agreement between the UK and China under which Chinese nationals travelling with an approved tour group operated by particular tour operators are permitted to

³⁶ Users of ISA or involved in its production or analysis.

enter the UK for a period of up to 30 days. The tour operators are accredited and trained by the British Embassy in China, and are responsible for submitting the visa application for each member of the tour group.

- 6.20 Inspectors interviewed Home Office staff based in Beijing who process Chinese ADS visas. They said that, historically, ADS visa holders have been regarded a low-risk group in terms of visa compliance. The accreditation and training of tour operators, who could lose their accreditation if their customers failed to comply, was believed to reduce any risks yet further.
- 6.21 However, ISA showed that significant numbers of ADS visitors had not complied with their visa. The Home Office report, 'Second report on statistics being collected under the exit check programme' (August 2017) found that, of 52,238 Chinese ADS visa holders required to leave the UK between April 2015 and March 2016, no record of departure was identified for 8,474 (16%) individuals.³⁷
- 6.22 During the inspection, Home Office staff told inspectors that this figure had since increased, and ISA now indicated that around 30,000 Chinese ADS visitors had not departed the UK when required.
- 6.23 As a result of the disparity between what ISA was showing and the view held of the ADS non-compliance risk, the Home Office had undertaken further investigations. The British Embassy in Beijing had contacted the Chinese tour operators requesting evidence for each traveller that they had returned to China, including a scan of their passport ID page, the passport page with a re-entry stamp into China, and the boarding pass or ticket.³⁸
- 6.24 These investigations had shown that the vast majority of these ADS visitors had left the UK, but their departure had not been captured because they had exited:
- via the Common Travel Area (CTA)
 - by ferry or train
 - on a flight for which the data that had been ingested into ISA system was incomplete
- 6.25 In addition, and as a further check on the data provided by the tour operators, UKVI in Beijing, and Immigration Intelligence Analysis carried out their own examination of 407 Chinese ADS visa holders where there was no record of departure from the UK. They found that:
- 255 (63%) could be confirmed to have departure either through entry/exit stamps or copies of boarding passes provided to UKVI, or through manual analysis of Semaphore data
 - 128 (31%) could be linked to data provided by the tour operator, for example a return itinerary or passenger manifest
 - 24 (6%) could not be linked to any data about departure or return to China, most of whom belonged to 2 tour groups
 - for those whose departure was confirmed or there was evidence of their intended outbound route:

³⁷ Second report on statistics being collected under the exit checks programme, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/639621/second-report-on-statistics-being-collected-under-exit-checks.pdf.

³⁸ The Home Office's agreement with accredited operators is that they must retain evidence of the return of each ADS visa holder.

- 43% of outbound travel was through the CTA
- 21% was via Europe

6.26 These investigations confirmed that the long-held view that ADS visa holders were highly compliant was correct. They also highlighted the difficulties of drawing reliable conclusions from ISA data without undertaking considerable further work.

Known data gaps

Common Travel Area

6.27 Paragraph 15 of the Immigration Rules states that the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons subject to the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended) who enter the United Kingdom through the Republic of Ireland do require leave to enter.³⁹ If travelling to the UK via the CTA, passengers do not routinely pass through primary immigration controls.

6.28 When exit checks were announced, the Home Office stated that:

“Alternative arrangements, separate from exit checks, are being put in place to cover journeys made within the Common Travel Area (journeys between the UK and the Republic of Ireland, the Channel Islands and the Isle of Man)..”

6.29 In March 2016, the Irish Government created the legal basis for the Irish-based carriers to provide API on CTA passengers to the UK authorities.⁴⁰

6.30 On 24 March 2016, in the wake of a terrorist attack in Brussels, the Irish Minister for Justice and Equality, Frances Fitzgerald TD, announced to an extraordinary meeting of the Irish Justice and Home Affairs Committee that:

“I am finalising a statutory instrument which will provide the legal basis through which Irish based carriers – airlines and ferry companies - can provide the UK authorities with API data. In effect, this means that details of all passengers entering the Common Travel Area can be shared, among the appropriate law enforcement and immigration authorities, before they start their journey. This is the culmination of detailed discussions between my Department and the UK Home Office. This new system will apply to airline and ferry passengers and I expect it will be operational in a matter of weeks.”

6.31 Despite this, inspectors discovered that, almost 18 months later, there was no routine sharing of API data by Irish-based carriers.

6.32 Meanwhile, Home Office Senior Managers told inspectors that the size of the “CTA data hole” was relatively small, since it was “a small route, impacting specific cohorts of nationalities”, and that the Home Office was working with the Irish authorities to implement a system that would enable it to be closed.

³⁹ Home Office guidance on the Common Travel Area, <https://www.gov.uk/government/publications/common-travel-area-cta/common-travel-area-cta>

⁴⁰ March 2016 press release, <http://www.justice.ie/en/JELR/Pages/PR16000071>

General Aviation and General Maritime

- 6.33 While inbound and outbound General Aviation (GA) and General Maritime (GM) are both captured by legislation that empowers the collection of personal data about passengers and crew,⁴¹ both were excluded from the scope of the Exit Check Programme. The decision to exclude GA/GM was essentially a pragmatic one, based on volumes and the recognised difficulties in collecting such data, especially from GM.⁴²

Other gaps

- 6.34 API is provided for only some privately chartered flights. Most have small numbers of passengers, but Immigration Intelligence Analysis had identified that some larger groups travelling on charter flights were not being recorded on departure:

“Groups showing this pattern over the period from April 2015 to March 2016 included four football teams and the entire staff of two Gulf ruling families.”

- 6.35 A similar pattern of not recording departure from the UK was found with groups of ‘Visit Sportsperson’ or ‘Tier 5 (Creative-Sporting)’ visa holders, some of whom had departed via the CTA. This included:

- 3 Europa League football teams
- the Fijian Army rugby team
- one of Ukraine’s most popular rock bands
- the ‘Wulin Hanyun’ Performance Troupe
- the Moscow City Ballet

- 6.36 As well as particular routes and modes of transport, there are known data gaps for certain types of traveller. For example, no data is collected from organised coach parties of school groups where students are aged 16 or under. Again, the decision to exclude such groups from the Exit Check Programme was a pragmatic one, based on concerns that checking would be difficult and lead to queues at ports.

Data discrepancies

- 6.37 Data gaps also occur because of discrepancies between the data recorded on entry and that recorded on departure, either through changes in documentation or errors, including incorrect or inconsistent recording of data by the Home Office in its different databases.

- 6.38 The Home Office’s ‘First report on statistics being collected under the exit check programme’ (August 2016), identified difficulties in the matching of data for persons who:

- used a different passport to enter and leave, because:
 - they lose their passport or it expires while they are in the UK
 - they have dual nationality

⁴¹ The Immigration Act 1971 (as amended by the Counter-Terrorism and Security Act 2015); and the Customs and Excise Management Act 1979, together with HM Revenue and Customs’ Commissioners’ Statutory Directions detailing the information required about any ship, aircraft or train arriving anywhere in the UK, or departing from anywhere in the UK to an eventual destination outside the European Union and the Isle of Man – see ‘An inspection of General Aviation and General Maritime February – July 2015’.

⁴² Border Force’s expectations of airfield operators in relation to General Aviation flights, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380032/border_force_expectations_of_airfield_operators.pdf

- they have been granted Indefinite Leave to Remain (ILR) and their original documents have been replaced
 - have a residency card issued under EU law by an EEA member state together with other documentation that allows visa free entry
 - have a status, for example “Diplomat”, exempting them from visa requirements
- 6.39 Home Office analysis has identified a higher ‘no ISA matched departure’ rate where a person made a visa application in mainland Europe. It concluded that, when booking their travel, third country nationals living in Europe were wrongly recording their country of residence instead of their nationality. On arrival in the UK, the passport swipe process records the passenger’s name and correct nationality. As there is no passport swipe on departure, the Home Office is dependent upon the carrier identifying and amending the nationality information at check in. If they do not do so, the discrepancy will make it harder to reconcile the arrival and departure data.

Data governance

- 6.40 The principle of “informed consent” means that a person is given sufficient information about how and why their personal data is being collected, processed and shared with others, to enable them to decide whether to provide it. The European Data Protection Directive (to which the Data Protection Act (DPA) 1998 gives effect⁴³) defines an individual’s consent as:

“any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed.”

- 6.41 In practice, persons wishing to travel to or from the UK may not withhold personal data from the Home Office where it is requested. Nonetheless, the department’s Personal Information Charter,⁴⁴ recognises that public confidence in its handling of personal data is important. It is also in the interests of carriers to ensure that their customers feel confident that their personal data is not being misused.

- 6.42 The Personal Information Charter sets out what the public can expect from the Home Office, including its commitment to ensuring that:

- the public know why the information is needed
- the amount of information collected is proportionate to that need
- the information is protected and shared only where this is lawful
- the information is not retained for any longer than is necessary

- 6.43 Under ‘What will happen to my data?’, the ‘Exit Check Factsheet’ stated:

“The passenger details contained in your travel document will be transmitted to the Home Office. This information will then be processed by our systems to improve migration controls and security.”

- 6.44 Inspectors looked at a number of carriers’ websites and found that the information provided was generally vague about why passengers’ travel data was collected and processed, and how it was used, and said nothing about retention and destruction of API/TDI data. For example:

⁴³ ‘Consent’ is not defined in the Data Protection Act 1998.

⁴⁴ The Home Office Personal information charter, <https://www.gov.uk/government/organisations/home-office/about/personal-information-charter>

“The immigration authorities of many countries require all airlines to provide passenger passport information prior to departure of any inbound or outbound flights to ensure safety and security.”

- 6.45 The Home Office retains travel data in Semaphore for 5 years to enable “watchlisting” checks⁴⁵ to be done, after which it is archived to a separate storage area for a further 5 years. A Senior Civil Servant told inspectors that the ability to revisit this data was important:

“Whilst we may not use data live, we retain the ability to go back and look and analyse again at a later date. API is retained for the period allowed, and is accessed and used for a variety of purposes, not solely for exit checks. We are exploring extensively how to use data better, as we know the future is data.”

- 6.46 The Data Governance team at NBTC has responsibility for ensuring API/TDI data is handled in accordance with the DPA. The team is also responsible for the sharing of API/TDI data with other government departments and other parties. This is done for purposes as diverse as protecting national security and tackling truancy.
- 6.47 At the time of the inspection, there were approximately 150 ‘Letters of Mutual Understanding’ enabling the limited sharing of data with users such as Local Authorities, and 50 ‘Memorandums of Understanding’ (MoU) enabling more extensive data sharing.
- 6.48 The NBTC Data Governance team acts as system administrator for remote access users of Semaphore. At the time of the inspection, there were around 600 remote access licences. Licence holders include police forces, for example. Semaphore has limited audit function and the NBTC did not routinely check what data these users had accessed and for what purpose⁴⁶. Staff told inspectors the remote licence scheme was being reviewed. The ongoing review was preventing the NCA from gaining a remote licence, which was causing the agency some frustration.
- 6.49 Immigration Enforcement (IE) owns the data retention policy for the ISA system. IE told inspectors that “the position of the Exit Check Programme had been to retain it as long as it is needed to produce ISA results and output”, and that this did not change when the Programme closed.
- 6.50 The Exit Check Programme Board had managed ISA data access and use. When the Programme closed, this responsibility transferred to the Data and Analysis Gateway Board.

Perspectives of the travel industry

- 6.51 The British Air Transport Association summed up the travel industry’s instinctive response to the proposed introduction of exit checks in its submission to the Public Bill Committee examining the 2014 Immigration Bill:

“Immigration and embarkation checks are a core function and competency of the state. The proposal contained within the Bill gives powers to outsource this function to transport operators who will be forced to act as immigration officers.”

- 6.52 Inspectors spoke to carriers from the aviation, rail and maritime sectors, and to trade associations. A number of common themes emerged.

⁴⁵ Border ‘watchlist’ catches thousands of criminals, www.gov.uk/government/news/border-watchlist-catches-thousands-of-criminals

⁴⁶ The Home Office told inspectors that NBTC has additional organisational controls in place with approved remote users to regulate access in line with DPA principles.

Failure to understand different business models

- 6.53 A number of carriers told inspectors that engagement with the Home Office on the introduction and implementation of exit checks had been “challenging”. The Home Office had sought to roll out API collection as practiced by the airlines, failing to understand that the business models for rail and maritime carriers were materially different. It did not appear to realise, for example, that significant physical changes would need to be made at ports, such as the installing of staffed kiosks.
- 6.54 Unlike maritime carriers, rail carriers were not already required to collect basic information for passenger manifests. For the latter, this meant designing their API/TDI data collection systems from scratch.
- 6.55 Inspectors were told that the industry had done a substantial amount of work to limit the impact of exit checks on passengers. They had reorganised how passengers interacted with their staff at ports to ensure the data was collected efficiently. Industry also successfully sought a short postponement of the introduction of the new checks to avoid it falling on the busy Easter weekend.
- 6.56 Nonetheless, in December 2015 carriers told the Home Affairs Committee that: “implementing exit checks had meant queues for passengers have become longer.” Since then, rail and maritime carriers have continued to do what they can to minimise the impact on passengers.

Costs to industry

- 6.57 The Home Affairs Committee’s 2016 report on the rollout of the E-border Programme stated: “We heard, for example, that the additional costs on carriers and passengers of carrying out exit checks were not properly taken into account when implementing the change.”⁴⁷
- 6.58 The inspection found that the travel industry believed that it had borne the costs of exit check data collection, and that because of the significant changes to systems, businesses processes and infrastructure, these cost had been felt disproportionately by maritime and rail carriers.
- 6.59 One company told inspectors that it had initially cost them in the region of £5million, which included a redesign of their systems, the acquiring equipment for scanning, and modifications to infrastructure. They described it as a “sizable and continuing cost”, and concluded “the current system is an inefficient way of capturing the data.”
- 6.60 Despite having much of the required infrastructure in place, airlines were also faced with additional costs. One major airline reported that it had spent approximately £1million to develop the relevant systems, plus further costs for the collection of PNR, and again for interactive API.
- 6.61 Some industry representatives considered that the planning and execution of exit checks had been “shambolic”, with unrealistic timelines and a long lead-in time just to agree what the Home Office actually wanted. One expressed frustration that the Home Office did not appear to have a long-term vision of what it wanted carriers to provide. Roll out had been incremental, with new requests for more information to be collected, and this had added costs.

⁴⁷ Home Affairs Committee report, <https://publications.parliament.uk/pa/cm201516/cmselect/cmpubacc/643/643.pdf>

6.62 For example, between 2010 and 2015 one company had spent £1.5million on the initial system development. It then needed to spend a further £750,000 to be able to provide PNR in addition to API, and at the time of the inspection it had spent another £500,000 to amend its systems to deal with interactive API.

Relationship management – communication and feedback

6.63 In December 2015, the National Audit Office (NAO) found that “...the Department’s stakeholder management has improved.... [although] Some carriers also told us of perceptions of unequal treatment with the Department, in their opinion, requiring their competitors to make less-costly changes to their business model than them.”⁴⁸

6.64 The additional costs borne by the carriers affected the relationship with the Home Office, limiting the extent to which the latter was able to dictate how data collection by rail and maritime carriers will work, including the format of the data collected and timing of data transfers.

6.65 Nonetheless, carriers told inspectors that the Home Office’s approach had at times been “dictatorial”, threatening sanctions against carriers who failed to provide the required information. One carrier said that:

“There was a demand and threat from the Home Office to take us to court if we didn’t do what was asked, and it was a clumsy way for them to try and win business support. There was an arrogance to the way they acted and tried to scare us into delivery.”

6.66 In January 2016, the Home Office’s Carrier Engagement Data Analysis Team (CEDAT) took on responsibility for relationship management. Carriers acknowledged that individual account managers within CEDAT were doing the best they could and that CEDAT had improved relationships with the Home Office.

6.67 However, Home Office communication and feedback were sometimes poor. For example, the Home Office might fail to inform a carrier about a change in nationality codes, or ask questions about data long after it had been provided, often when it should already know the answer. Carriers also criticised the Home Office for requesting data about flights that were cancelled or re-scheduled as “it should know this”.

6.68 One carrier told inspectors that they received a weekly report from CEDAT, with a list of data quality issues. According to the carrier, roughly two-thirds of the list were not “issues” at all. To overcome this, one carrier had conducted a trial of movement messages, which would give the Home Office a fuller picture of changes to flights (e.g. diversions or cancellations). The carrier described the trial as successful, but said there was little appetite from the Home Office to take it forward.

6.69 Another carrier told inspectors that they were aware of problems with passengers inputting check-in data incorrectly. However, there was little incentive for carriers to incur the additional costs of developing a technical fix for this issue.

6.70 According to one carrier, there were quarterly meetings with the Home Office, but these seldom resolved any data issues.

⁴⁸ National Audit Office report on e-borders, <https://www.nao.org.uk/wp-content/uploads/2015/12/E-borders-and-successor-programmes.pdf>

- 6.71 Inspectors were told about the poor service offered by the Home Office when they sought advice. For example, when a check-in agent identified a person attempting to depart the UK using an expired British passport, the protocol dictated that carrier should contact the Home Office for advice about whether to carry the individual. The response received from the Home Office was “it’s up to you”. The carrier complained that whenever they made an enquiry of the Home Office they never received any guidance about what they should do.
- 6.72 Carriers told inspectors that they received little feedback from the Home Office on the value the exit check data. In 2016, referring to carriers from whom it had taken evidence, the Home Affairs Committee reported:

“They also told us that they do not benefit from, or get feedback on the benefit to the Department, of collecting advance passenger information.”⁴⁹

- 6.73 Only one of the carriers interviewed for this inspection referred to the purpose of exit checks as the collection of information about visa overstayers. The rest understood it to be a tool for preventing crime. One carrier told inspectors that exit checks were “sold to airlines as having benefits: smart borders and a reduction in carriers’ liability. Neither of these have been realised.”

⁴⁹ Home Affairs Committee report, <https://publications.parliament.uk/pa/cm201516/cmselect/cmpubacc/643/643.pdf>

7. Inspection findings – Operational value of Initial Status Analysis data

Operational use by Immigration Enforcement

- 7.1 Between November 2015 and December 2016, Immigration Enforcement (IE) ran Operation Bear, trialling the use of Initial Status Analysis (ISA) data to direct the deployments of Immigration Compliance and Enforcement (ICE) teams.
- 7.2 As well as testing its operational value to ICE teams, IE had sought to test whether ISA might be used to complement other areas of its work, such as contact management and the application of “hostile environment” measures, undertaken by Returns Casework and by Interventions and Sanctions Directorate (ISD) respectively.

Operation Bear – Immigration Compliance and Enforcement team deployments

- 7.3 Operation Bear looked at probable overstayers for whom the Home Office held a recent residential address. It excluded: persons whose address information was more than 3 months old; those for whom the Home Office did not have an address; those with temporary addresses (such as hotels); those in immigration detention.
- 7.4 It set criteria for determining whether the case was suitable for an enforcement visit:
 - previously detained (except at certain locations (e.g. Heathrow), to avoid including anyone who was interviewed on arrival)
 - previously subject to removal action (except for “removal action not pursued” cases)
 - listed as an ‘absconder’
 - listed as ‘high harm’
 - of interest to the Marriage Referral Assessment Unit (MRAU)
 - an Admin Removal case type (except cases with an outcome of ‘withdrawn’)
 - previously arrested for a crime
 - associated with a criminal case
 - a case type of particular interest to ICE
- 7.5 ISA initially identified 1,658 individuals who appeared to meet one or more of the criteria. However, after further analysis of Home Office records by the Home Office Data Analytics Capabilities (HODAC) team, 199 (12%) of these were found to be duplicates, while 1,359 (82%) were not suitable for an ICE deployment, because:
 - 497 (30%) had submitted an application for leave to remain (LTR)
 - 315 (19%) had already been granted LTR

- 282 (17%) had the wrong type of residential address
- 99 (6%) had an outstanding appeal or litigation application
- 83 (5%) had mitigating circumstances, for example, they were awaiting prosecution or were a child
- 83 (5%) had already departed the UK

7.6 After more analysis by the ICE teams and HODAC, and the creation of “business rules” to exclude the above categories, the process was re-run and produced 161 individuals who met the criteria for an enforcement visit.

7.7 The 161 were triaged and further analysed. This revealed more inconsistencies in the data, including individuals who had already been in contact with the Home Office and were awaiting removal, some who had not overstayed for long enough to justify enforcement action, and others who had an appeal outstanding.

7.8 Inspectors reviewed internal Home Office documentation for Operation Bear, and identified that of the original 1,658 individuals:

- 21 were eventually adopted as ICE team targets, which led to:
 - 12 ICE team deployments, which resulted in:
 - 7 arrests, from which:
 - 1 person was removed from the UK
 - 1 person made a voluntary departure whilst detained
 - 1 person had their UK driving license revoked

7.9 A review of Operation Bear noted that, while progress had been made in the streamlining of ISA processes, further work was needed for the data to have any operational value. It concluded that, given the limited “end product”, and until “new enrichment processes” could be introduced, it was not viable to use the data to direct ICE deployments.

Contact management

7.10 IE’s Returns Preparation team is responsible for contacting individuals who do not have permission to remain in the UK, or those whose leave is about to expire, and encouraging them to depart.

Pre-expiry nudge

7.11 Since February 2016, each week the Returns Preparation team has received a list generated from ISA of people who have entered the UK and whose leave is due to expire. Where the Home Office holds the person’s email address⁵⁰ the team sends an email reminding them that their leave is about to expire and they should be preparing to depart. If they have already departed, the email asks that they provide evidence.

⁵⁰ For example, from a visa application.

Post expiry contact

- 7.12 The Returns Preparation team receives a second list from ISA weekly. This is of people who appear not to have complied with the expiry date of their leave. The list covers a period of 2-3 weeks.
- 7.13 The team attempts to contact those listed by email or SMS message reminding them that their leave has expired and they should depart. After 4 weeks, anyone who has not responded, or for whom there is still no evidence that they have departed, is recorded as an “overstayer”.
- 7.14 The 2 lists received by the Returns Preparations team contain all individuals who meet either criteria. However, the Home Office has decided not to attempt to contact certain ‘cohorts’, known as ‘business rule exclusions’. These exclusions generally fall into the following categories:
- where there is no email address for the person
 - where the person’s leave to remain has been curtailed
 - where the person has been served with a form deeming them to be an illegal entrant
 - where there is evidence of a human rights, asylum or protection claim
 - where the person has claimed to be the victim of domestic abuse (including where the claim has been rejected)
 - where the person is being prosecuted for a criminal offence
 - where it is a child (under 18)
 - where the individual was granted entry as a Chinese Approved Destination Status (ADS)

Use of Initial Status Analysis data for pre-expiry contact management

- 7.15 Between 1 April 2015 and 31 March 2017, Home Office data showed that 100,262 pre-departure nudge emails were sent. The total recorded monthly cost for 2016-17 was £4,061, of which £2,861 was staff costs, and £1,200 paid for sending 3 “nudge” emails per person.
- 7.16 At the time of inspection, there had been no formal evaluation of the effectiveness of pre-departure “nudge” emails. However, staff told inspectors that an interim review covering a 12-month period had not identified any impact on the contacted person’s compliance with their leave conditions.

Use of ISA data with individuals with no record of departure

- 7.17 As at July 2017, ISA showed that there were 84,675 visa nationals whose leave had expired for whom there was no evidence of departure from the UK. The Returns Preparation team sent an email or SMS message to 19,561 of these, for whom there continued to be no evidence of departure. A further 11,618 individuals had been contacted by the Returns Preparation team, however following contact their status had changed as the result of new information (i.e. they had since departed or had made an application for leave to remain), and were therefore no longer categorised as a ‘probable overstayer’. These do not form part of the residual 84,675.
- 7.18 The remaining 65,114 had not been contacted because the person fell into one of the exclusion categories or because their leave expiry pre-dated the introduction of these contact

management processes. As at 31 March 2017, no attempt had been made to contact any of the 513,088 non-visa nationals for whom ISA had no record of departure.

- 7.19 Because of the known gaps in exit data collection, some of those contacted had already left the UK. Inspectors were told that some individuals had responded to the correspondence and provided evidence of their departure.

National Returns Command

- 7.20 IE's National Returns Command (NRC) was created in July 2013. It is responsible for managing the removals process following a person's referral from a Reporting and Offender Management Centre or ICE team. It manages the process from the point of detention until the person's removal or release. The NRC's aim is to increase the number of removals, and to speed up the process and reduce costs. NRC is also responsible for encouraging voluntary returns, and includes Assisted Voluntary Returns (AVR) team.
- 7.21 NRC's Data Matching Team was established when the Home Office started to collect outbound Advance Passenger Information (API) data from airlines in 2009. At the time of the inspection, the team was 27 strong, made up of permanent Home Office staff and agency staff. Operating costs for 2016-17 were approximately £750,000.
- 7.22 The Data Matching Team is responsible for recording the departure of individuals without the right to remain in the UK who depart without notifying the Home Office. The introduction of exit checks was expected to identify more of these departures and improve the Home Office's data. The team receives a list from ISA of 250 to 350 persons per week.
- 7.23 Staff told inspectors that due to concerns about data quality it was not possible simply to record everyone listed as having been an overstayer. Instead, the team uses the ISA list as the starting point for further checks to confirm whether an individual had overstayed at the time of departure.
- 7.24 'An inspection of removals (October 2014 – March 2015)',⁵¹ published in December 2015, reported on a similar process at work at that time that was using outbound travel data obtained directly from Semaphore. The report quoted figures for Voluntary Departures confirmed from API data between 2011 and 2015 – see Figure 5.

Figure 5: Voluntary Departures of overstayers confirmed from API data (2010 to 2015)

Year ending June	Number of Confirmed Voluntary Departures
2011	15,060
2012	18,097
2013	20,147
2014	17,298
2015	10,976

⁵¹ An ICIBI inspection of removals, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/547681/ICIBI-report-on-Removals-December_2015.pdf

7.25 Since the creation of the ISA system, this has been used as an additional check for voluntary departures, and has contributed to the increase in the numbers recorded. The figures for 2015-16 and 2016-17 are at Figure 6.

Figure 6: Confirmed Voluntary Departures of overstayers, including those confirmed via ISA data 2015-16 and 2016-17

Financial Year	Total Confirmed Voluntary Departures	Voluntary Departures confirmed via ISA Data
2015/16	29,808	2,352 (8%)
2016/17	25,920	5,454 (21%)

Immigration Intelligence Analysis

7.26 Immigration Intelligence Analysis (IIA) is part of Immigration Enforcement (IE). The ISA system provides IIA with:

- visa data for overstayers, both those who have departed and those for whom there is no ISA exit check match
- an aggregated dataset of all ISA status determinations, broken down by visa type, visa application centre and nationality

7.27 IE’s vision was that this data would inform the identification and analysis of immigration crime trends and passenger risk profiles. However, because of the problems with data quality it has not been used in analytical products.

7.28 IIA had done some work to understand the flaws in the data and had shared this with other teams working with ISA data. For example, IIA had analysed a dataset containing biographical and travel data for all unmatched visa nationals who entered the UK since April 2016.

7.29 This identified a number of issues, including individuals issued with visas for the Channel Islands or Isle of Man who had since gained Further Leave to Remain (FLTR). As the FLTR was for a Dependent Territory rather than the UK it was not recorded on Home Office systems, so the individuals appeared in the “unmatched pot” of persons who had entered the UK but for whom there was no record of departure.

7.30 IIA had also identified and investigated issues with Colombian teenagers for whom there was a record of entry but not of departure. This had revealed that the majority had either been on school trips to English Language Centres or on ‘quinceanera’ (15th birthday) tours of Europe. By researching visa-compliant Colombian nationals, IIA was able to determine that entry by air via Madrid and departure by coach via Eurotunnel was a popular routing for Colombians in general, and provided the likeliest explanation of why there was no record of departure.

7.31 IIA staff impressed inspectors with their determination to make some use of ISA data, acknowledging that it was something that had not previously been available and that it improved their understanding of immigration patterns. However, because they did not have a great deal of confidence in the data quality, it was not being used routinely or on a significant scale.

Informing policy

- 7.32 The issues with data quality had also affected the Home Office's intended use of exit check data to help influence and shape policy development. Inspectors were told that:

"At the moment, exit checks have a rather limited impact or influence in policy development. Eventually they may be able to tell us data on set cohorts of passengers, for example at nationality level, which may be used to influence visa regimes.... whilst the programme is still young, and whilst we are still understanding what data is telling us, it is not happening on a wide scale at this time."

Foreign Students

- 7.33 A qualified exception has been foreign students. In August 2017, the Office for National Statistics (ONS) published a report on student migration, making use of ISA data.⁵² The Home Office also published a report on the "experimental statistics" produced by ISA, which found that "97.4% of those who arrived for study were recorded as having left in-time".⁵³
- 7.34 While neither report claimed to be definitive, both challenged the received wisdom regarding the number of students who fail to comply with the terms of their visa and remain in the UK after they should have departed.⁵⁴
- 7.35 The reports were welcomed by the higher education sector, for whom they "busted the myth" of foreign students overstaying. As a result, the sector felt able to "push for positive policy change". At the time of the inspection, there had been no substantive policy changes. However, following publication of the ONS report, the Home Office had taken the decision not to tighten the immigration rules for students.
- 7.36 Inspectors were told that beyond the headline 3% figure the picture of compliance was uneven from one educational establishment to another. However, the figures for different establishments were also susceptible to the known flaws in exit check data. For example, students at Queen's University Belfast showed a high rate of non-compliance, but this is likely to have been distorted because of departures via the Republic of Ireland.

'Hostile environment'

- 7.37 In March 2015, the Home Office stated that exit check data would allow it to target individuals who had overstayed their visas and were in the UK illegally, using powers introduced under the Immigration Act 2014 to create a "hostile environment" (since re-named by the Home Office the "compliant environment"). These powers, which were extended in the Immigration Act 2016, included revoking UK driving licences, preventing the opening of a UK bank or building society current account, renting a property, and taking paid employment.

52 Office for National Statistics International student migration update, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/internationalstudentmigrationresearchupdate/august2017>

53 Second report on statistics being collected under the exit checks programme, <https://www.gov.uk/government/statistics/second-report-on-statistics-being-collected-under-the-exit-checks-programme>

54 'A Short Notice Inspection of the Tier 4 Curtailment Process (July - September 2015)', published in March 2016, highlighted the limited information held by the Home Office on a cohort of 71,000 students whose visa should have been curtailed but was not because it was shortly due to expire. It recommended that the Home Office locate the 71,000 CNP students and effect the removal of those who had remained in the UK illegally. In response, the Home Office committed to: "using exit checks data to identify CNP cases amongst the overstayer cohort and to tackle this in line with agreed processes" and "run [the 71,000] against Home Office systems to confirm how many have left the UK and how many have extended their leave compliantly and therefore have a continued right to be here". In July 2017, the ICIBI published 'A re-inspection of the Tier 4 curtailment process'. This recorded that as at by the end of 2016 the Home Office had reduced the number unaccounted for to 24,995 through a series of data matching exercises. However, there had been no directly related enforcement activity. It criticised the Home Office's approach as lacking urgency, a view that the Home Office strongly disputed. By July 2017, the figure for those still unaccounted for had been further reduced to 16,000, and the Home Office stated that the process of data matching "using external databases" would run until June 2018, "after which time those with no current footprint in the UK will be considered to have left".

- 7.38 Most ‘compliant environment’ measures rely on other parties taking action. The Home Office has therefore shared ISA data with the Department for Work and Pensions (DWP) and Her Majesty’s Revenue and Customs (HMRC). Between 1 December 2015 and 31 March 2017, it shared travel records for 41,201 ISA ‘identities’.
- 7.39 Of the 41,201 “identities”, 5,532 individuals were found to be in receipt of state benefits or tax credits. As at 31 March 2017, these had been revoked in 233 cases.
- 7.40 Interventions and Sanctions Directorate (ISD) managers told inspectors that while there had been some good results in terms of revocation of benefit payments, which had led to significant savings for HMG, ISA data had been less useful in supporting other compliant environment measures.
- 7.41 In October 2016, the Inspectorate published the first of a series of ‘Hostile Environment’ inspection reports, looking at the measures introduced for driving licences and bank/building society accounts. The report recommended that the Home Office:
- “Expand the datasets shared with DVLA⁵⁵ and Cifas⁵⁶ to include all known illegal migrants, including any ‘legacy’ data and new data from exit checks in relation to overstayers.”
- 7.42 The Home Office accepted this recommendation, committing to keep the datasets it shared with DVLA and Cifas under review. It added:
- “We are currently considering how we use exit check data in future to be able to provide a measure of compliance.”
- 7.43 In November 2017, it provided an update:
- “following concerns with the data, such as gaps created by the Common Travel Area, it was decided that the exit check data could not be shared at this stage.”
- 7.44 Inspectors were told that the Home Office was apprehensive about cancelling a driving licence when the individual may have left the UK compliantly via the CTA and may seek to use their licence on their return.
- 7.45 ISA is one of several data feeds available to ISD. At the time of the inspection, there had been no formal analysis of its use by ISD. Anecdotal evidence suggested that it had little or no direct impact on ISD’s efficiency or effectiveness.

Foreign National Offenders

- 7.46 In November 2017, the Inspectorate published ‘An inspection of the Home Office’s management of non-detained Foreign National Offenders’.⁵⁷ In its formal response, the Home Office wrote:
- “We are conducting a fundamental review of how we establish and maintain contact with those who have not complied with restrictions placed on their stay in the UK as part of the Exit Checks initiative, due to be completed by April 2018. This electronic recording of cross border movements will provide us with information on migrant behaviour and help

⁵⁵ Driver Vehicle Licensing Agency.

⁵⁶ The UK’s largest cross-sector fraud sharing organisation.

⁵⁷ An ICIBI inspection of the Home Office’s management of non-detained Foreign National Offenders,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656584/An_inspection_of_non-detained_FNOs.pdf

us to determine whether individuals who appear to have overstayed are in contact with the Home Office, for example via data matching across HO databases.”

National security and law enforcement

7.47 In March 2015, the Minister for Security and Immigration wrote to the Home Affairs Committee that:

“Exit checks data will also provide the police and security services with more information on the movements of criminals and terrorists, including known or suspected foreign fighters, supporting the wider work already taking place across Government and law enforcement.”

7.48 Inspectors asked the Home Office for the number of API/TDI data records relating to UK, EU/EEA nationals and all other nationals it had shared with UK or foreign agencies, the Police, and other government departments in 2015-16 and 2016-17, broken down by agency and reason for sharing. The Home Office was unable to provide this information. It responded:

“There is no historical audit trail of reports run by remote users prior to February 2017... In order to split the data into nationalities it would mean every movement search would have to be manually re-examined and due to the volumes of requests NBTC have received, this has been deemed not practical.”

7.49 Inspectors spoke to Home Office staff from the National Border Targeting Centre (NBTC) and to law enforcement agencies to understand the extent to which outbound travel data was used to identify and track the movements of individuals of interest.

7.50 The National Crime Agency (NCA) told inspectors that it used inbound and outbound travel data available via Semaphore and this was a useful investigatory resource. The NCA did not use ISA data, but the addition of outbound rail and maritime travel data to Semaphore as a result of the Exit Check Programme had improved its ability to map the movements of individuals and criminal gangs. Departure data had also proven useful with its international partners. For example, NCA had used it to alert authorities in South East Asia that a known paedophile was on an arriving flight.

7.51 Inspectors also spoke to Greater Manchester Police (GMP), who considered that one way in which Semaphore travel data added value was that it enabled law enforcement agencies to identify “unknowns”, for example by matching the instances where a particular phone number or credit card was used.

7.52 However, both the NCA and GMP expressed concerns about the accuracy and timeliness of travel records. Inspectors were told that carriers regularly submitted data too late for law enforcement to take any immediate action. This was particularly the case for outbound train and ferry travel. For example:

- of 50 ‘hits’ for persons of interest departing the UK via Eurostar over a 10-month period, law enforcement was able to intercept only 4 individuals as the travel data was not transmitted until after the train had departed

- ferry companies operating Dover to Calais crossings regularly submitted Travel Document Information (TDI) up to 90 minutes after the ferry had sailed, so the NCA did not have time to stop an individual leaving the UK or to warn their French counterparts of the individual's arrival in France

The Victoria Coach Station pilot

- 7.53 Between 1 March and 11 April 2017, the Home Office ran a pilot at Victoria Coach Station, where coach company staff were provided with hand-held passport scanners, enabling them to collect API for passengers booked on to depart the UK via Dover and to transmit it to the Home Office.
- 7.54 Over the 6 weeks, they collected API for c. 14,800 individuals. Because the data was available around 2 hours prior to their passengers' planned ferry crossing, Kent Police were able to intercept 10 persons of interest (including a number of safeguarding cases) before they boarded a ferry, demonstrating the value of timely travel data.

8. Inspection findings – Next steps for exit checks

Evaluation of the Exit Check Programme

- 8.1 In May 2016, alluding to the Coalition Government’s ‘Programme for government’, the Senior Responsible Officer (SRO) for the Exit Check Programme wrote:

“Exit checks was a high profile political commitment to a non-negotiable deadline, without any prior business case or articulation of cashable and other benefits”.⁵⁸

- 8.2 The Programme’s intended benefits were later articulated, including by the Security and Immigration Minister in his March 2015 letter to the Home Affairs Committee, and by the Home Office in the ‘Exit Checks Factsheet’, issued in the same month.

- 8.3 Inspectors asked the Home Office Senior Manager now responsible for the ISA system for his assessment of the benefits the Exit Check Programme had delivered. He told inspectors that exit check data was a “critical enabler”, providing a better understanding of immigration compliance, which was essential to reducing “illegal migration”.

- 8.4 The Senior Manager told inspectors that the Home Office was “deriving some operational benefits ... and this will continue to grow over time.” He added:

“The fact we are not at the end of the process is ok. We are developing an understanding of the data and, incrementally, using it operationally. ... It’s a journey, we need to be careful, no-one would thank us for not being careful. We are taking quite a measured approach but still driving it forward.”

Next steps

- 8.5 Inspectors were told of various plans to make greater use of exit check data, for example to improve data analysis and to support immigration compliance.

Data analysis

- 8.6 Home Office senior managers responsible for data analysis explained that a programme of analytical work was underway that was aimed at improving the quality of the data ingested into ISA and its analysis. This work would build on existing relationships within the Data and Analysis Gateway Board, with the aim of creating a better understanding of the discrepancies and challenges within the data and thus improving user confidence in it.

- 8.7 Inspectors were shown internal Home Office documents indicating that the programme would involve a number of Home Office business areas working collaboratively, including the Performance Reporting & Analysis Unit (PRAU), the Analysis & Insight Directorate, Immigration and Border Force Intelligence, the Data Analytics Competency Centre (DACC), and Home Office policy teams.

⁵⁸ ‘Exit Checks Programme: Business case update and closure plan’, an internal Home Office document.

'Leave instance'

- 8.8 At the time of the inspection, the ISA database received travel data for all non-UK and non-EEA nationals and was programmed to carry out an automated check of each individual against the CRS visa database, using the visa expiry date recorded in CRS as the date by which the individual should have departed the UK. This created problems when trying to establish the compliance of non-visa nationals or a visa nationals holding a long-term visit visa – see Figure 7.

Figure 7: Example of the limitations of ISA-CRS data matching

A Nigerian national who:

- was the holder a 5 year visit visa, issued on 1 March 2016
- arrived at London Heathrow on 1 July 2016 and was granted entry to the UK by a Border Force Officer at the airport
- under the terms of the visa was permitted to stay in the UK for a maximum of 180 days on any one visit, and should therefore have departed before 1 January 2017
- departed the UK on 1 August 2017, having overstayed the maximum permitted length of their visit by 8 months

As this person held a multiple entry visit visa which was not due to expire until 2021, the automated check of ISA data against the CRS database did not identify them as having failed to comply with the terms of their visa.

- 8.9 'Leave instance' will enable the Home Office to know the immigration status of an individual at any given time. Those working closely with ISA expected it to increase confidence in ISA outputs, and in its 'operational' value. Inspectors were told that 'leave instance' would be implemented "in early 2018".

The 'compliant environment'

- 8.10 In August 2017, responding to the Office for National Statistics (ONS) study of exit check data in relation to student visa compliance, the Home Office reported that:

"In the future, data from the exit checks system on non-compliance may inform risk assessments relating to the visa system, and help further target enforcement activity."

- 8.11 Immigration Enforcement (IE) senior managers told inspectors that IE had begun a process of 'transformation' to employ a wider menu of interventions and sanctions.
- 8.12 The senior managers explained that as part of IE "transformation" it would be implementing a 'Business Rules Programme'. This Programme will aim to guide everyday operational decisions by frontline enforcement officers.
- 8.13 Inspectors were told that smarter use of ISA data is key to the development of the 'Business Rules Programme'. Senior managers saw it as delivering multiple benefits, including directing IE to individuals where the data indicates that they have failed to comply with the requirement to depart.

- 8.14 The Programme had not started at the time of the inspection, and inspectors saw no evidence of timescales or deadlines for its implementation. But, from the results to date, it was clear that this would not be achieved without considerable further work to improve the quality and completeness of exit check data.

UK Visas and Immigration – risk streaming

- 8.15 The Home Office’s UK Visas and Immigration Directorate is responsible for processing applications for leave to remain from individuals already in the UK, and applications for entry clearance and visas for people overseas wishing to come to the UK.
- 8.16 Since 2015, UKVI has been developing a ‘streaming tool’ that streams applications according to the risk of non-compliance, based on past experience and intelligence. This streaming tool is regularly updated with data about known immigration abuse, for example, breaches of visa conditions after entry to the UK. The tool streams applications into four categories: ‘Super Green’ (extremely low risk), ‘Green’ (low risk), ‘Amber’ (medium risk) or ‘Red’ (high risk).
- 8.17 When exit checks were announced, the Home Office said that they would “improve our ability to identify and further tighten the immigration routes and visas that are most vulnerable to abuse.” Inspectors met UKVI senior managers and visa policy staff to understand to what extent exit checks had achieved this aim and what the expected from exit checks going forward.
- 8.18 Adverse ISA data was being used by UKVI on a case-by-case basis, for example, where it indicates that a person has departed the UK after their leave had expired. In such cases, a marker is placed on Home Office systems. If the person makes a new visa or entry clearance application, the decision maker will be alerted and use the information as the basis for further enquiries.
- 8.19 Wider use of ISA for risk streaming remains an aspiration, but is not possible while problems remain with data quality and gaps in data collection. The same applies to visa policy. UKVI managers told inspectors that a pilot was being run in China to try and use exit check data in this way, however this was still in its early stages and there was no evidence to show inspectors about any impact this was having.

Immigration controls

- 8.20 In 2016-17, the Home Office ran a pilot to test the viability of using ISA data at the border. The gaps in the data led to individuals seeking to enter the UK being stopped unnecessarily by Border Force officers, because it appeared that they had previously overstayed their visa but this had not been the case. There were concerns from Border Force that rolling out the use of ISA out as ‘business as usual’ would have a significant impact on the operation of the immigration control points.

Law enforcement

- 8.21 Data for outbound international coach services is collected when the coach arrives at the port, normally a short time before the ferry departs. The Victoria Coach Station trial demonstrated the value to law enforcement of earlier confirmation of outbound travel plans of persons of interest.
- 8.22 The use of hand-held scanners to capture passport data also improved the quality of the data. The Home Office Carrier Engagement and Data Analysis Team (CEDAT) described the data quality

of the passenger manifests normally presented by coach operators as “variable”, including some that were handwritten and contained only the most basic data, such as the passengers’ surnames.

- 8.23 At the time of the inspection, the Home Office had plans to extend the pilot at Victoria Coach Station for the major international coach operators. Subject to resources, and international agreement, it was also considering deploying the same system overseas at major coach hubs with direct services to the UK.

The future for exit data collection, storage and use

Plugging the gaps

- 8.24 There was widespread recognition within the Home Office of the need to plug the gaps in exit data collection. Inspectors were told there had been some initial discussions with the Isle of Man government to work on closing some of the data gaps resulting from the Common Travel Area (CTA). However, inspectors did not see any evidence of a coherent strategy for improving coverage.

Passenger Name Record Data

- 8.25 The EU Directive on Passenger Name Record (PNR) was ratified in April 2016. The UK government plans to transpose the PNR Directive into domestic law by May 2018.
- 8.26 PNR comprises of data collected by airlines such as address and contact information, payment information (credit card numbers and billing addresses) and general information such as special assistance or dietary needs. It can also include sensitive personal information about ethnicity and religion.
- 8.27 PNR data has been mandated for use in the prevention, detection, investigation and prosecution of terrorist offences and serious crime. The data may be retained for 5 years, but after 6 months it must be de-personalised (name/address removed), and all data over 6 months old will need to be authorised for a specific reason by an ‘independent competent authority’.
- 8.28 In July 2017, the European Court of Justice ruled that several provisions of an envisaged PNR data transfer agreement between the EU and Canada were incompatible with the fundamental rights recognised by the EU. This may have implications for the UK once it has exited the EU, and a key objective for the Home Office will be to retain access to PNR data.⁵⁹
- 8.29 The costs of PNR (and of interactive API) were a concern for all parts of the travel industry. Some carriers saw PNR as a challenge, but the move to interactive API was welcomed by those who saw it leading to a more streamlined system. However, the maritime sector had serious concerns about any additional data collection requirements that might come with these developments.

Data Protection Bill

- 8.30 At the time of the inspection, the Data Protection Bill was before Parliament. While not specifically concerned with exit check data, it is relevant in that it will implement the EU General Data Protection Regulation (GDPR) and update the Data Protection Act 1998. The latter does not contain an exemption for data processed for the purpose of immigration control. However,

⁵⁹ EU case law on PNR data sharing, <http://curia.europa.eu/juris/document/document.jsf?text=passenger%2Bname%2Brecord&docid=193216&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=189446#ctx1>

in Schedule 2, paragraph 4 of the Bill,⁶⁰ the Government is seeking to exercise its derogation rights as follows:

“personal data processed for purposes of the maintenance of effective immigration control, or the investigation or detention of activities that would undermine the maintenance of effective immigration control are exempted from the application of the “listed GDPR provisions”.”⁶¹

8.31 When the Bill was before the House of Lords, in referring to the GDPR provisions, the Information Commissioner stated:

“These provisions set out, among others, right to rectification, right to erasure, restriction of processing, right to data portability and objections to processing and also exempt requirements for fair and transparent processing.”⁶²

8.32 Schedule 2, paragraph 4 has been the subject of significant debate, both within Parliament, and amongst human rights NGOs and privacy campaigners. For example, Liberty commented:

“The immigration control exemption creates a two-tier, discriminatory data protection regime... and is a brazen violation of the data protection and privacy rights of migrants – both documented and undocumented – and indeed, of their families and communities, in the name of immigration control.”⁶³

8.33 In light of these objections, Baroness Williams of Trafford, Minister of State for Countering Extremism, set out the Home Office’s position in a letter to the Bill Committee. Her letter stated:

“The exemption can, and would, only be used in a targeted and proportionate way to prevent prejudice to the maintenance of effective immigration control. It cannot be used as a default way of working, rather the application of the exemption must be considered on a case by case basis.”

8.34 In relation to the rights of migrants within the European Convention on Human Rights (ECHR), Baroness Williams wrote:

“The Government accepts that restricting rights of data subjects under Chapter 3 of GDPR has the potential to interfere with their rights under Article 8 (the right to respect for private and family life). The Government consider, however, that the proposed restriction meets the conditions set out in Article 8(2) in so far as it pursues a legitimate aim (maintenance of effective immigration control having been recognised by the courts as an important economic interest of the UK) and goes no further than is necessary to protect those interests.”⁶⁴

Brexit

8.35 Between 1 April 2015 and 31 March 2017, the Home Office received 150,078,106 travel records relating to EEA nationals. These records were not ingested into the ISA system, as EEA nationals

60 Data Protection Bill, <https://services.parliament.uk/bills/2017-19/dataprotection/documents.html>

61 Data Protection Bill explanatory notes, <https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/18066en.pdf>

62 Data Protection Bill, House of Lords second reading – Information Commissioner’s briefing (Oct. 2017),

<https://ico.org.uk/media/about-the-ico/documents/2172484/dp-bill-commissioner-briefing-lords-second-reading.pdf>

63 Liberty’s briefing on the Data Protection Bill 2017 for Committee Stage in the House of Lords, <https://www.liberty-human-rights.org.uk/sites/default/files/Liberty%20Briefing%20on%20the%20Data%20Protection%20Bill%202017%20Committee%20Stage%20Lords%20Oct%202017%20.pdf>

64 Letter from Baroness Williams to Lord Clement-Jones, http://data.parliament.uk/DepositedPapers/Files/DEP2017-0730/2017.11.23_Letter_from_Baroness_Williams_to_Lord_Clement-Jones.pdf

were not subject to a visa regime. At time of the inspection, the future treatment of EEA for immigration purposes after the UK has exited from the European Union remained undecided. Inspectors were told by the Home Office that:

“The future use of EEA data for exit check purposes depends on what the future of migration will look like post Brexit. If we impose immigration restrictions/conditions of entry then we would conduct exit checks – but it all depends on what the deal with Europe looks like.”

- 8.36 Inspectors were told that carriers were concerned about the possible impact on data collection and the duties placed on them resulting from the UK’s exit from the European Union. They were also concerned that they will be expected to pay for any necessary changes, and would look to resist this.

Annex A: Criteria used in this inspection

Inspection criteria
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. Resources should be allocated to support operational delivery and achieve value for money.
Safeguarding individuals
3. Enforcement powers should be carried out in accordance with the law and by members of staff authorised and trained for that purpose.
Continuous improvement
4. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
5. Risks to operational delivery should be identified, monitored and mitigated.

Annex B: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

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