



HOME OFFICE FULL EQUALITY IMPACT ASSESSMENT TEMPLATE

Directorate	OSCT
Unit	Protect
Date	May 2011

Name of Policy/Guidance/Operational activity
An Authority to Carry scheme under the Nationality, Immigration and Asylum Act 2002

What are the aims, objectives & projected outcomes?
<p><u>The aims are:</u> To make changes to pre-departure checks to better identify people who pose a terrorist threat and prevent them flying to the UK.</p> <p><u>The objective is:</u> To introduce legislation to enact an Authority to Carry' scheme to provide the ability to prevent certain categories of individuals who would be refused leave to enter at the UK border from flying to the UK.</p> <p><u>The outcome it will achieve is:</u> Reduce the probability of a terrorist attack on a flight to the UK.</p>

1 SCOPE OF THE EIA

1.1 Scope of the EIA work
<p>The EIA has been conducted by OSCT Protect, Home Office.</p> <p>The policy is not aimed at a particular race, religion or any other equality group. It is aimed at certain categories of individuals who would be refused leave to enter at the UK border. As such this does not apply to UK nationals.</p>

The Government is committed to improving and developing shared partnerships with the community on the shared aim of addressing the challenges posed. The Government will consider the issues raised in the consultation period and throughout implementation. We continue to engage with communities as part of the Prevent strand of CONTEST.

Considering the scope of the policy and all equality strands and human rights considerations, in advance of consultation the EIA considers that race/nationality, religion, gender, age and human rights strands are engaged.

Key stakeholders for the policy will be carriers and carrier representatives, community groups, civil liberty groups and passenger interest representatives. A targeted consultation exercise is planned to commence in April 2011, with informal consultation to start in advance of that. .

The regulations to enact the policy will be delivered within the framework of e-Borders. Equality impacts were considered within the two Regulatory Impact Assessments for e-Borders, the Final Regulatory Impact Assessment Data Capture and Sharing Powers for the Border Agencies in 2006 the 2007 Impact Assessment of Provision of Passenger, Service and Crew Data by Carriers to the UK Border Agencies.

1.2 Will there be a procurement exercise?

No.

2 COLLECTING DATA

2.1 What relevant quantitative and qualitative data do you have?

This may include national research, surveys or reports, or research done by colleagues in similar areas of work. Please list any evidence in the boxes below (complaints, satisfaction surveys, focus groups, questionnaires, meetings, email, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy/guidance/operational area.

Race

The policy objective is to introduce legislation to enact an ‘Authority to Carry’ scheme to provide the ability to prevent certain categories of individuals who would be refused leave to enter at the UK border from travelling to the UK.
As such this does not apply to UK nationals, and to that

	<p>effect the policy is lawfully differential with regard to nationality as a function of immigration powers. The policy does not discriminate on different ethnic groups.</p> <p>The 'Impact Assessment of Provision of passenger, service and crew data by carriers to the UK border agencies' conducted in 2007 found that as carriers send data on all passengers and crew travelling to or from the UK, the proposals did not discriminate on the grounds of nationality, race, age, faith and belief, disability, sexual orientation or gender. As the Authority to Carry scheme would operate within the single window of e-Borders, it is considered that this also applies to these regulations, with the exception of nationality grounds as detailed above.</p> <p>Race, while not directly a factor affecting the targeting strategy of Al' Qaida and hence the UK Government's response to the threat, is indirectly affected because of the demographics of the UK's (and by extension the world's) Muslim population – which is the target audience for Al' Qaida.</p> <p>Considering the above it is possible that those that are identified as posing a terrorist threat are more likely to be of South Asian, Middle Eastern or African ethnic appearance than other ethnic appearances. In this sense, their race is not directly relevant to the policy but could be an indirect consequence related to those committing acts in the name of Al' Qaida's ideology.</p> <p>It is also possible that as an indirect consequence those that have the same or very similar biographical details such as name, nationality, gender and date of birth as those identified as posing a terrorist threat are mistakenly identified as that individual, which could delay their travel. It could reasonably be considered that individuals with the same or very similar biographical details are more likely to share a common ethnicity or religious belief. This would be an unintended consequence related to race amongst other equality strands. Measures will be put in place to minimise as much as possible the potential for this occurring, and to prevent an individual's repeated travel delay as a consequence of this. The current assessment is that the likelihood or rate of this occurring would be low.</p>
<p>Religion/ belief & non belief</p>	<p>As Muslims are the subject of Al' Qaida's propaganda to use violence in the cause of their ideology, so it has been inevitable that the UK's strategy to combat international terrorism has focussed on those individuals who have been targeted, tasked, or have acted in the name of Al' Qaida. The research papers '<i>Hearts and Minds and Eyes and Ears</i>' and '<i>What Perceptions do the UK Public have concerning</i></p>

	<p><i>the impact of Counter-Terrorism implemented since 2000'</i> raise specific concerns that counter-terrorism legislation is discriminatory towards the Muslim community.</p> <p>It is inevitable that those that act in the name of Al' Qaida's ideology are Muslims. In this sense, their religion is not directly relevant to the policy but it is an important factor to those committing acts in the name of Al' Qaida's ideology.</p> <p>It is also possible that as an indirect consequence those that have the same or very similar biographical details such as name, nationality, gender and date of birth as those identified as posing a terrorist threat are temporarily mistakenly identified as that individual, which could delay their travel. It could reasonably be considered that individuals with the same or very similar biographical details are more likely to share a common ethnicity or religious belief. This would be an unintended consequence related to religion amongst other equality strands. Measures will be put in place to minimise as much as possible the potential for this occurring, and to prevent an individual's repeated travel delay as a consequence of this. The current assessment is that the likelihood or rate of this occurring would be low.</p>
Disability	<p>Some responders to the recent consultation on 'Prevent', part of the UK government's wider counter-terrorism strategy CONTEST, suggested that individuals with mental/learning disabilities were easy targets for radicalisers. Further research would be required in order to determine this.</p>
Gender	<p>According to Home Office Statistical Bulletin published 28 Oct 2010 males make up 94 per cent of those arrested for terrorism related offences since 1 April 2005. This is similarly reflected in terrorism related charges, with males making up 95 per cent of the total.</p> <p>Considering the above it is possible that those that are identified as posing a terrorist threat are more likely to be male. In this sense, their gender is not directly relevant to the policy but could be an indirect consequence related to those committing acts in the name of Al' Qaida's ideology.</p> <p>It is also possible that as an indirect consequence those that have the same or very similar biographical details such as name, nationality, gender and date of birth as those identified as posing a terrorist threat are temporarily mistakenly identified as that individual, which could delay their travel. It reasonably follows that such an individual would have the same gender, and from the above evidence this is more likely to affect males. This would be an unintended consequence related to gender amongst other equality strands. Measures will be put in place to minimise</p>

	as much as possible the potential for this occurring, and to prevent an individual's repeated travel delay as a consequence of this. The current assessment is that the likelihood or rate of this occurring would be low.
Gender Identity	No data to suggest impacts.
Sexual Orientation	No data to suggest impacts.
Age	<p>According to Home Office Statistical Bulletin published 28 Oct 2010 for terrorism arrests since 1 April 2005, 45 per cent of suspects were aged over 30 years and 10 per cent aged less than 21 years. These levels are largely mirrored for those charged with terrorist related offences. Just over a quarter (26%) of arrestees aged 21-24 were subsequently charged, this compares to 22 per cent of all arrestees.</p> <p>Considering the above it is possible that those that are identified as posing a terrorist threat are more likely to be in this younger age bracket. In this sense, their age is not directly relevant to the policy but could be an indirect consequence related to those committing acts in the name of Al' Qaida's ideology.</p> <p>It is also possible that as an indirect consequence those that have the same or very similar biographical details such as name, nationality, gender and date of birth as those identified as posing a terrorist threat are temporarily mistakenly identified as that individual, which could delay their travel. It reasonably follows that such an individual would be more likely to be of the same or similar age, and from the above evidence this is more likely to affect a younger age bracket. This would be an unintended consequence related to age amongst other equality strands. Measures will be put in place to minimise as much as possible the potential for this occurring, and to prevent an individual's repeated travel delay as a consequence of this. The current assessment is that the likelihood or rate of this occurring would be low.</p>
Marriage and Civil Partnership	No data to suggest impacts.

Human Rights

Consideration has been given to the impact of this legislation on the UK's human rights obligations. The policy will be developed so as to fully consider the engagement of these rights and an assessment will be made in the Final Impact Assessment for the policy.

2.2 What are the overall trends/patterns in this data?

The policy has a differential impact as regards nationality in that it does not apply to UK nationals.

It is highlighted on four equality strands (race, religion/belief & non belief, gender and age) that it is possible as an indirect and unintended consequence individuals with very similar or the same biographical details as persons identified as posing a terrorist threat are mistakenly identified as them, causing a delay in their travel. The current assessment is that the likelihood or rate of this occurring would be low.

For the four other equality strands, there is no data to suggest an impact.

Further, it shows that there may be Human Rights considerations to be made within the policy development, and to be assessed in the Final Impact Assessment.

2.3 Please list the specific equality issues and data gaps that may need to be addressed through consultation and/or further research?

Through consultation and further research, we will:

Seek views as to whether there may be other equality impacts not identified herein.

Seek views on how to minimise inconvenience to passengers with very similar or the same biographical details as another individual identified as posing a terrorist threat, who are delayed from travelling. This will include how best to prevent repeated instances of inconvenience.

Seek views on how best to communicate the policy within the context of counter-terrorist policy to minimise the perception that powers are aimed at or targeted against specific communities or sectors with society.

Through review of the operation of the policy, review the policy impacts and action plan using updated and improved information on impacts.

3 INVOLVING AND CONSULTING STAKEHOLDERS

3.1 Internal consultation and involvement: e.g. with Other Government Departments, Staff (including support groups), Agencies & NDPBs

Development of this policy has involved wide consultation across government departments. This includes UK Border Agency, Cabinet Office, Department for Transport, the security and intelligence agencies and the Foreign & Commonwealth Office. There is no data to suggest equality impacts on staff.

Home Office Strategic Diversity Action Team were consulted during the formulation of this Equality Impact Assessment.

The Equality and Human Rights Commission will be consulted and involved as the policy develops.

3.2 External consultation and involvement: strand specific organisations e.g. charities, local community groups, third sector

A formal targeted consultation exercise is planned to commence in April 2011.

Consultees will include passenger interest groups, community groups and airline and carrier representatives, community groups, and civil liberty groups.

We will consider all correspondence received as a result of the consultation exercise and provide a formal response to participants.

4 ASSESSING IMPACT

In this section please record your assessment and analysis of the evidence. This is a key element of the EIA process as it explains how you reached your conclusions, decided on priorities, identified actions and any necessary mitigation.

4.1 Assessment of the impact
<p>The policy could have some potential equality impacts, as an indirect and unintended consequence of the policy and the nature of international terrorist threat and the target audience for Al' Qaida, although the likelihood or rate of these unintended consequences are currently assessed to be low.</p> <p>Nonetheless, as the materialisation of these impacts would inconvenience individuals and potentially cause a perception that the policy is aimed at or targeted against specific communities or sectors with society, it is recommended that steps are be taken that:</p> <ul style="list-style-type: none">• minimise the potential for such inconvenience to materialise by having rigorous procedures in place.• provide a straightforward process for individuals to address situations where they have been prevented from travelling as an unintended consequence• communicate the policy as effectively to minimise the perception that powers are aimed at or targeted against specific communities or sectors with society.• Allow for clear guidance for staff in operating the policy <p>It is important these steps are taken to maximise the overall net benefit of the policy, which is designed to reduce the possibility of a terrorist attack on a journey bound for the UK. Further, as the policy is intended to enhanced the national security of the UK it may have the effect improving community relations.</p>

5 REPORT, ACTION PLANNING AND SIGN OFF

5.1 EIA Report

The EIA Report is a concise summary of the results of the full EIA. A template is provided at Annex A.

5.2 Publication and Review

This EIA will be included in the consultation exercise planned for April 2011, and reviewed in March 2012. Where substantial new data is provided on the equality impacts, a revised version will be produced in summer 2011 before the regulation is due to come into force.

Annex A - Equality Impact Assessment Report

TITLE

An Authority to Carry scheme under the Nationality, Immigration and Asylum Act 2002

BACKGROUND

The aim is to make changes to pre-departure checks to better identify people who pose a terrorist threat and prevent them flying to the UK. This is a government priority outlined in the National Security Strategy (18 October 2010), the Strategic Defence and Security Review (19 October 2010). It is also identified as action in the Home Office Business Plan to protect citizens from terrorism.

The objective is to introduce legislation to enact an Authority to Carry' scheme to provide the ability to prevent certain categories of individuals who would be refused leave to enter at the UK border from travelling to the UK.

The outcome it will achieve is reduce the probability of a terrorist attack on a journey bound for the UK.

SCOPING THE EIA

- In scoping this EIA consideration has been given to the equality impacts assessed within two previous Regulatory Impact Assessments for e-Borders.
- Chief beneficiaries of the policy are UK citizens and persons travelling to the UK, through the increased protection against terrorist attack. Stakeholders include carriers and representative groups, community groups, passenger interest groups, civil liberty groups. Within government, the main stakeholders include UK Border Agency, Department for Transport. The security and intelligence agencies and the Foreign & Commonwealth Office.
- The data sources considered as part of the assessment are consistent with those considered as part of the assessment for the upcoming revised CONTEST document, the UK's counter terrorism strategy.

INVOLVING AND CONSULTING STAKEHOLDERS

- A consultation exercise is planned for April 2011.

ASSESSING IMPACT

The policy could have some potential equality impacts, although the likelihood or rate of these unintended consequences are currently assessed to be low.

A positive impact may be experienced in improved community relations due to the potential increase in the UK's national security.

A potential negative equality impact could materialise as an unintended consequence.

Steps will be taken to:

- minimise the potential for negative impacts
- mitigate any negative impacts by providing a straightforward process following these impacts
- mitigate any negative impact due to the perception of targeting specific sectors of society through appropriate communication of the policy and process where applicable.

It is assessed that policy is intended to enhanced the national security of the UK it may have the effect improving community relations.

ACTION PLAN

An action plan will be developed following consultation, which will consider perspectives and data gained during that exercise and consider the actions that follow.