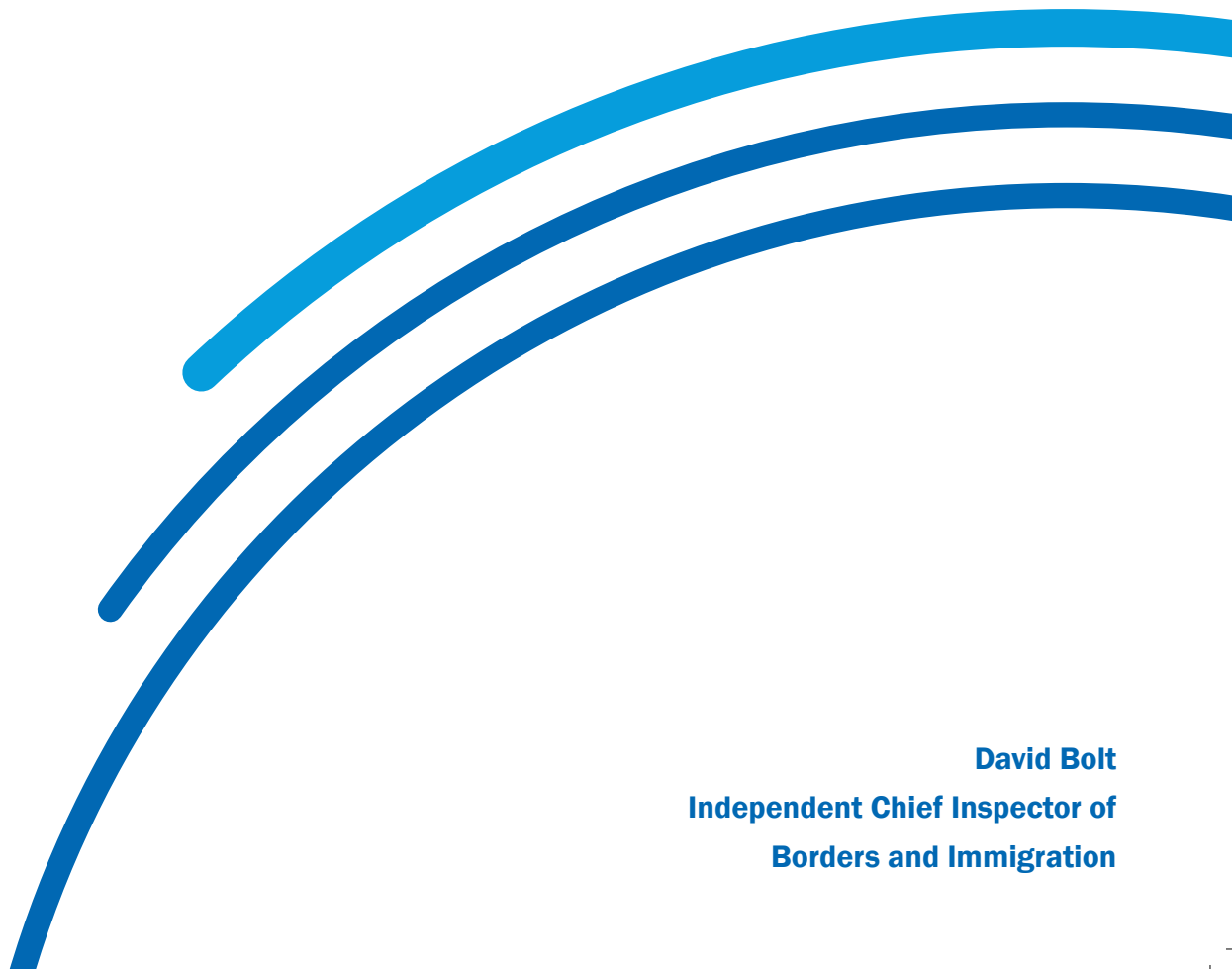




An inspection of General Aviation and General Maritime

February – July 2015



David Bolt
Independent Chief Inspector of
Borders and Immigration

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Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

January 2016



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Print ISBN 9781474127318

Web ISBN 9781474127325

ID 11011601 01/16

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

Our Purpose

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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Contents

Foreword	2
1 Purpose and Scope	3
2. Key Findings and Recommendations	4
3. The Inspection	7
4. Knowledge and understanding of threats and risks	9
5. General Aviation	15
6. General Maritime	28
Appendix 1: Role and Remit of the Chief Inspector	38
Appendix 2: Inspection Framework and Core Criteria	39
Appendix 3: Glossary	40
Acknowledgements	43

Foreword

Border Force (a Directorate of the Home Office) carries out immigration and customs controls on passengers and goods entering the UK on scheduled flights and vessels arriving at major airports and seaports. It is also responsible for these controls at any port that handles non-scheduled aircraft (excluding military flights) and/or maritime traffic (including yachts, tugs, Rigid Hull Inflatable Boats (RHIBs), small motor boats and some small commercial vessels), referred to respectively as General Aviation (GA) and General Maritime (GM).

Border Force's work in this area forms part of the UK's wider aviation and maritime security strategies, which involve a number of government departments and agencies and aspects of which bear on national security. This inspection examined Border Force only, but where relevant the report notes where Border Force's work is informed by, abuts or supports the work of others.

Earlier inspections by the ICIBI and others recognised the significant challenges small air and seaports presented to Border Force, but identified the need to improve knowledge and understanding of the threats and risks associated with GA and GM. Most recently, the National Audit Office's (NAO) 2013 report 'The Border Force: securing the border'¹ found there were '*gaps in the Border Force's information about people and goods entering the country.*' Reflecting on the NAO report, the Public Accounts Committee (PAC) recommended that: '*The Border Force must address the gaps in the data it receives on people arriving in the UK, and the existing data needs to be cleansed to increase the quality, reliability and usefulness of the intelligence generated, to help the Border Force better align its resources to its priorities.*'

Against this background, the inspection examined the effectiveness and efficiency of Border Force in capturing information about, and responding appropriately to, GA and GM movements.

The inspection found that levels of knowledge and understanding of the threats and risks remained generally poor. However, the system of General Aviation Reports (GARs) and the General Aviation Risk assessment Tool (GARAT), if used correctly and consistently, provided Border Force with an efficient and effective way of managing its response to GA flights. While there were gaps and inconsistencies in working practices, overall, Border Force was making good use of GARs and GARATs for immigration purposes, less obviously so for customs purposes. Coverage of GM was poor by comparison, in large part because of the absence of information in advance about GM arrivals, over which Border Force had little immediate control. Nonetheless, Border Force had not been efficient or effective enough within current limitations, or in improving its coverage in the longer-term, although it had more recently recognised the need to address this.

The report makes nine recommendations for improvement. It was sent to the Home Secretary on 12 November 2015.

David Bolt

Independent Chief Inspector of Borders and Immigration

¹ <http://www.nao.org.uk/wp-content/uploads/2013/09/The-Border-force-securing-the-border.pdf>

1. Purpose and Scope

- 1.1 The inspection examined the efficiency and effectiveness of Border Force's assessment, mitigation of and response to risks posed through passengers and goods entering the UK by means of General Aviation (GA) and General Maritime (GM).
- 1.2 The inspection involved:
 - familiarisation visits to Plymouth to discuss GM, to Stansted and Manchester Airports to discuss GA, and to the National Maritime Information Centre (NMIC) in Portsmouth to discuss the Cutter Fleet and collaborative working with other government agencies;
 - examination of a range of documentary evidence and management information;
 - engagement with stakeholders, including other government departments and the Royal Yacht Association; and
 - sampling of the files for 306 flights identified on the Civil Aviation Tracking System (CATS) as non-domestic arrivals on two randomly selected dates, 4/12/2014 and 18/01/2015
- 1.3 The onsite phase of the inspection took place between 18 May – 9 June, 2015. The inspection team interviewed and held focus groups with Border Force staff in the following locations: Biggin Hill Airport, Birmingham Airport, Farnborough Airport, Heathrow Airport, Luton Airport, Manchester Airport, Felixstowe Port, the National Maritime Intelligence Centre (Portsmouth), Aberdeen Airport, Bournemouth Airport, Southampton Airport.
- 1.4 In addition, the inspection team also interviewed:
 - fixed-base operators² at Aberdeen, Biggin Hill, Birmingham, Farnborough, Luton, Manchester and Southampton Airports, and airfield managers at Lee-on-the-Solent and Cranfield; and
 - marina owners and/or harbour masters at Aberdeen, Banff, Fraserburgh, Peterhead in Scotland, and at Lyminster, Poole, Weymouth on the South Coast.
- 1.5 Border Force was informed of the emerging findings on 2 July 2015.

² Commercial organisations based on the airport that handle GA flights.

2. Key Findings and Recommendations

- 2.1 The structures, processes, legislation and legal gateways necessary for effective inter-agency collaboration and information sharing about threats and risks in relation to General Aviation (GA) and General Maritime (GM) existed at the strategic level and appeared to be working. Although differently focused and having different purposes, all of the strategic documents reviewed pointed to the same conclusion; that levels of knowledge about these threats and risks were generally poor and needed to be improved to ensure that Border Force's resources (and those of other agencies) were focused effectively.
- 2.2 By not recording GA- and GM-related enforcement data in a form that was retrievable at the port of arrival, Border Force was not making the best use of the limited hard evidence it generated regarding GA and GM risks.
- 2.3 Border Force recognised that its knowledge of the threats and risks associated with GM was poor and needed to improve, particularly in light of the strategic role Border Force was expected to play in delivering maritime security.

General Aviation

- 2.4 The system of General Aviation Reports (GARs) and the General Aviation Risk assessment Tool (GARAT), if used correctly and consistently, provided Border Force with an efficient and effective way of managing its response to GA flights, the volume and geographical spread of which presented many logistical challenges.
- 2.5 Overall, Border Force was making good use of GARs and GARATs for immigration purposes. However, there were gaps and inconsistencies in working practices in a number of areas. These included: guidance beyond that contained in the GARAT form itself to support the completion of the GARAT; definitions of what constituted a high, medium or low risk flight; confirmation to the person submitting the GAR that it had been received and was acceptable; confirmation to the airport operator that a flight had been cleared remotely; completion, checking and approval of the GARAT; use of a different version of the form; and, use of other databases for assurance purposes and to inform decision-making.
- 2.6 On the latter point, Border Force guidance stated that the Civil Aviation Tracking System (CATS) should be checked periodically throughout the day to identify where a flight-plan had been submitted but a GAR had not. This guidance was not being followed at some locations, resulting in some high-risk flights either being missed by Border Force, or not being identified in time for officers to attend as required by the Operating Mandate.³ As non-submission of a GAR meant a flight was automatically assessed as high-risk, it was inconsistent and unhelpful that checking CATS at least daily was not mandated for each location responsible for GA flights. The development of an automated system due for release in 2016 should eliminate the risk of Border Force missing a flight.
- 2.7 While the National Targeting Team was making use of CATS as a targeting tool and alerting regional teams to flights of potential interest, the regional teams themselves were not using it to identify non-compliant GA operators or pilots in order to inform risk assessments or flag an interest in future arrivals.

³ The Operating Mandate defines the full border security checks to be conducted by Border Force officers, or through automated processes, on people and accompanied goods, freight and post arriving in and – where appropriate – departing from the UK.

- 2.8 Officers attending GA arrivals were focused on immigration controls. There was little evidence of effective customs controls except for a few reported examples of drugs seizures. Given that commodity smuggling, specifically cocaine, was identified as a threat in various strategic documents more visibility should have been given to customs controls, including greater use of bag searches, not least for its deterrent value.

General Maritime

- 2.9 Advance Passenger Information (API) was key to Border Force making well-informed risk-based decisions about operational deployments. The absence of API for GM arrivals, of the type and extent available for General Aviation, was arguably the most significant gap in terms of Border Force's ability to manage the risk from GM arrivals efficiently and effectively.
- 2.10 The absence of an assessment tool similar to the General Aviation Risk Assessment Tool (GARAT) put Border Force's GM work at a further disadvantage. The General Maritime Risk Assessment Tool (GMRAT), piloted in 2013, had not been rolled out as it was considered it would not work in that format. Once fully evaluated, the new Maritime Priority Assessment Tool (MPAT) should be rolled out, albeit its use will be limited to assessing commercial GM traffic unless at least some of the pleasure craft sector can be encouraged voluntarily to submit passenger and crew information in advance of their arrival.
- 2.11 In practice, there was no systematic collection of information about any aspect of GM. Compliance with such legal requirements as existed for captains and operators of GM vessels to report details of their movements, persons on board and declarable goods was poor, as was evidenced by the low number of C1331 customs declarations by pleasure craft.
- 2.12 It was not within Border Force's immediate control to fix much of this. It neither owned nor managed the reporting regimes. In the case of API, while enabling legislation existed to give effect to its collection, it was difficult to see how this could be turned into a working system. The Royal Yacht Association's (RYA) opposition to any requirements on pleasure craft to provide advance notification of arrival into the UK was self-interested, but their arguments about impracticality had merit.
- 2.13 However, it was not evident that Border Force had a strategy, effective plans, or was making any concerted efforts to use its position and influence nationally and locally. It could do more to encourage compliance with customs declarations and the 'Q' flag system; more voluntary submissions by GM craft; a better understanding by port authorities of reporting requirements and a more regular flow of information to and from them, seafarers and the public, about issues concerning GM movements and any suspicions concerning particular vessels.
- 2.14 With regard to the information about GM it did receive and evidence from its own actions, such as seizures and other interventions by the cutters, Border Force was missing opportunities to build on and exploit its knowledge. For example, incidents involving GM were not routinely debriefed due to lack of resources or other operational demand; and the Zonal Intelligence Assessments, which were produced primarily for the benefit of the Cutter fleet, also contained useful information for all staff engaged in GM activity, but had not been marketed to front-line staff, albeit they had only been introduced in April 2015.
- 2.15 Border Force had reviewed its overall requirement for cutters and other operational capabilities in February 2015 and had concluded that its capability planning for maritime operations had hitherto lacked sufficient rigour. While these capabilities had much wider maritime security roles, Border Force was not measuring their contribution towards managing GM risks except in terms of goods seized, and was in danger therefore of understating their importance. The capacity and performance of the regionally-based teams responsible for GM was at least as important, particularly in controlling GM arrivals and departures effectively. Apart from Team India (based in Harwich), these teams were not resourced or directed to go beyond reacting to the limited information pushed to them.

Recommendations

The Home Office should:

1. Ensure that sufficient priority is given by Border Force to improving knowledge and understanding of the threats and risks surrounding General Aviation and General Maritime.
2. Record evidence of illegal activity related to General Aviation and General Maritime traffic in sufficient detail, including as a minimum port of entry, to inform threat and risk assessments at both the strategic and operational levels.
3. Capture and retain, consistently and in a retrievable form, General Aviation Report (GAR) and General Aviation Risk Assessment Tool (GARAT) data, including non-compliance with the GAR system, using it to improve knowledge in relation to specific airports, aircraft, routes and individuals, and to produce better-informed threat assessments of individual GA flights.
4. Improve training and guidance for Border Force officers on the completion of the General Aviation Risk Assessment Tool (GARAT) form, including:
 - amendment of the GARAT form to provide space for a justification of each rating;
 - guidance on what database checks (in addition to a Warnings Index check) should be considered for crew and passengers arriving in the UK on a GA flight;
 - how identified risks should be translated into low, medium or high-risk ratings (to ensure greater consistency); and,
 - introduction of an assurance regime to identify errors and drive improvements.
5. Ensure that the Civil Aviation Tracking System (CATS) is monitored for General Aviation flights and checked systematically against General Aviation Reports (GARs) so that flights that have failed to inform Border Force of their arrival are identified in time for officers to attend the arrival where required.
6. Ensure that customs controls for General Aviation flights are adequate in light of known and suspected threats and risks.
7. Develop and implement a strategy to improve the flows of information about General Maritime (GM). This should cover, both nationally and locally:
 - ways to encourage better compliance with existing reporting requirements, including customs declarations and the 'Q' flag system;
 - ways to encourage greater voluntary reporting by GM craft, working with the Royal Yacht Association (RYA) to explore solutions to the practical difficulties for pleasure craft in providing advance notification of arrival into the UK;
 - better engagement by Border Force with small port authorities as a key source of information about GM vessels arriving into the UK, including routine visits to harbours and marinas, in addition to attending known GM arrivals, to ensure authorities have, understand and display the latest Border Force information and instructions.
8. Roll out, once fully evaluated, the Maritime Priority Assessment Tool (MPAT), supported by clear and comprehensive guidance to officers on how to use it to assess the risk from General Maritime traffic, including the mandated and discretionary actions that flow from the risk assessment.
9. Put processes in place to capture, enhance and analyse information received about General Maritime (GM), including evidence of criminal activity, and management information, in order to improve knowledge of the threats and risks and to inform operational and resourcing decisions.

3. The Inspection

Background

- 3.1 Border Force is a law enforcement command within the Home Office responsible for securing the UK border by carrying out immigration and customs controls for people and goods entering the UK. In addition to major airports and seaports, Border Force is responsible for these controls at any port that handles General Aviation (GA) or General Maritime (GM) traffic, defined by Border Force as:

General Aviation - any aircraft not operating to a specific and published schedule and not making a military flight; and

General Maritime - non-scheduled, un-canalised⁴ 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).

- 3.2 Border Force splits the UK into regional commands: North, Central, South, South East & Europe and Heathrow. Heathrow handles GA, the other regions handle both GA and GM. Heathrow command has a dedicated team for GA work. The other regions manage GA and GM work using officers normally assigned to a major port or hub. Smaller ports handling GA or GM do not have a permanent Border Force presence, and officers are deployed to attend particular arrivals. The National Operations Command Centre (NOCC) acts as a liaison point for policy and process questions relating to both GA and GM.

Methodology

- 3.3 The inspection examined the efficiency and effectiveness of Border Force's GA/GM operations using seven of the Independent Chief Inspector's inspection criteria.⁵
- 3.4 Initially, we:
- made familiarisation visits to Plymouth to discuss GM, to Stansted and Manchester Airports to discuss GA, and to the National Maritime Information Centre (NMIC) in Portsmouth to discuss the Cutter Fleet and collaborative working with other government agencies;
 - examined a range of documentary evidence and management information;
 - engaged stakeholders, including other government departments and the Royal Yacht Association; and
 - sampled the files of 306 flights identified on the Civil Aviation Tracking System (CATS) as non-domestic arrivals on two randomly selected dates, 4/12/2014 and 18/1/2015.⁶
- 3.5 The onsite phase of the inspection took place between 18 May – 9 June, 2015. Interviews and focus groups were held in the locations listed in Figure 1, which also indicates whether the team at that location covered GA, GM, or both.

⁴ Un-Canalised traffic does not run to a schedule and does not have a pre-defined port of arrival.

⁵ The inspection criteria used in this inspection are detailed as Appendix 2 of this report. Details of the full set of inspection criteria can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-programmes/>

⁶ We originally received 397 files from Border Force, 236 flights relating to 4/12/2014 and 161 flights relating to 18/1/2015. However, 91 files were removed from the sample because they were either duplicate entries on CATS, the flights did not take place, or the flights were freight only and so fell outside the scope of this inspection.

Figure 1: Locations Inspected	
Biggin Hill Airport	GA
Birmingham Airport	GA
Farnborough Airport	GA
Heathrow Airport	GA
Luton Airport	GA
Manchester Airport	GA
Felixstowe Port	GM
Portsmouth (NMIC)	GM
Aberdeen Airport	Both
Bournemouth Airport	Both
Southampton Airport	Both

3.6 Figure 2 provides a breakdown of staff interviewed by grade.

Figure 2: Breakdown of staff interviewed	
Grade	Number
Officer(BFO)/Administrative Officer (BFAO)*	53
Higher Officer (BFHO)	15
Senior Officer (BFSO)	9
Assistant Director / Grade 7	12
Deputy Director / Grade 6	1
Director / Grade 5	4
Total	94

*The inspection team held combined focus groups with BFO and BFAO grades

3.7 We also interviewed;

- fixed-base operators at Aberdeen, Biggin Hill, Birmingham, Farnborough, Luton, Manchester and Southampton Airports, and airfield managers at Lee-on-the-Solent and Cranfield;
- marina owners and/or harbour masters at Aberdeen, Banff, Fraserburgh, Peterhead in Scotland, and at Lyminster, Poole, Weymouth on the South Coast.

3.8 On 2 July 2015, the inspection team provided emerging findings to Border Force.

4. Knowledge and understanding of threats and risks

Earlier inspections

- 4.1 A number of earlier inspections have commented on the need to improve knowledge and understanding of the threats and risks associated with GA and GM, including “Customised for Control” (Her Majesty’s Inspectorate of Constabulary 2008⁷), “Inspection of the UK Border Agency in Scotland and Northern Ireland: Border Operations” (ICIBI May 2011⁸) and “Exporting the Border? An Inspection of e-Borders” (ICIBI October 2013⁹). Each has recognised the significant challenges presented by small air- and sea-ports.
- 4.2 In September 2013, the National Audit Office (NAO) published ‘The Border Force: securing the border’.¹⁰ One of its key findings was ‘*There are gaps in the Border Force’s information about people and goods entering the country.*’
- 4.3 The NAO made the following recommendation:
- ‘The Border Force needs to develop its intelligence on passenger and freight arrivals. The Border Force should work with industry stakeholders to prioritise obtaining advance passenger information for flights arriving in the UK, and for passengers arriving by private plane or boat. The Border Force also needs to work with carriers to improve the quality of freight information.*
- 4.4 Reflecting on the NAO report, in December 2013 the Public Accounts Committee (PAC) recommended:
- ‘The Border Force must address the gaps in the data it receives on people arriving in the UK, and the existing data needs to be cleansed to increase the quality, reliability and usefulness of the intelligence generated, to help the Border Force better align its resources to its priorities.’
- 4.5 Against this background, we examined the structures, processes and products employed to capture, articulate and exploit knowledge and understanding of the threats and risks associated with GA and GM.

Assessment of Threats and Risks

- 4.6 In March 2015, Border Force and the National Crime Agency (NCA) produced the National Border Strategic Assessment 2015 (NBSA), with input from other relevant agencies. The NBSA is a protectively marked document, intended for use by officials. It articulates the national security and crime threats at the UK border, including the threat and risk posed to GA and GM by serious and organised crime. Due to the protective marking of this document, the threats it identified have not been reproduced in this report. However, in May 2015, the NCA published the National Strategic Assessment of Serious and Organised Crime 2015.¹¹ Under ‘Cross cutting issues: Borders’ it stated:

‘Serious and organised criminals seek to identify and exploit enablers to cross the borders into and out of the UK to conduct most of their business.’

7 <http://www.justiceinspectorates.gov.uk/hmic/media/hmrc-customised-for-control-20080617.pdf>

8 http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Scotland-Northern-Ireland-inspection_Border-Operations.pdf

9 <http://icinspector.independent.gov.uk/wp-content/uploads/2013/10/An-Inspection-of-eborders.pdf>

10 <http://www.nao.org.uk/wp-content/uploads/2013/09/The-Border-force-securing-the-border.pdf>

11 <http://www.nationalcrimeagency.gov.uk/publications/560-national-strategic-assessment-of-serious-and-organised-crime-2015/file>

It continued:

‘Serious and organised criminals use non-commercial, non-military flights (e.g. light aircraft, executive flights) and non-commercial shipping (e.g. yachts, small motor boats) to enter and leave the UK covertly. They also use international airports and ferry ports. Seizures and detections in the last three years indicate cocaine is smuggled through all those transport modes.’

- 4.7 Border Force used the NBSA as the foundation for its own Annual Threat Assessment (ATA) and Control Strategy (CS). The ATA detailed the key threats and the level of risk they posed from a Border Force perspective, covering immigration, commodities and national security. The CS set out how Border Force intended to prioritise its efforts to address the identified threats. It also graded the level of knowledge of 27 thematic areas, such as Alcohol; Medicines; and Products of Animal Origin.
- 4.8 For GA, knowledge was graded as ‘good’ in four areas and ‘fair’ in a further three. In the remaining 20 areas knowledge was graded as ‘poor’. For GM, 26 of the 27 areas were graded as ‘poor’, and one was graded as ‘fair’. This picture was confirmed during our inspection, with most of the Border Force staff we interviewed referring to the many ‘unknown unknowns’ in relation to the threats and risks surrounding GA and GM.

Evidence of risk

- 4.9 We asked Border Force for data for seizures and for criminal, revenue or immigration offences recorded against GA and GM. Border Force was unable to provide this data, or to provide data in relation to seizures and offences at air- and sea-ports regularly handling GA or GM traffic. They explained that enforcement results were recorded against the location where the staff involved were based. For example, if a seizure occurred at Cranfield Airfield, which is covered by staff based at Luton Airport, it would be recorded as a Luton Airport seizure.

Exercises to test risk

- 4.10 We saw evidence that Border Force had conducted exercises to test the risk in certain areas and to develop its knowledge. One such exercise took place across all Border Force regions on 5 April 2014. This assessed the level of compliance in submitting a General Aviation Report (GAR) to Border Force, containing flight and passenger details. Border Force checked the Civil Aviation Tracking System (CATS) to identify arriving flights, working with National Air Traffic Services (NATS) and the Royal Air Force radar specialists to ensure that all relevant flight plans had been submitted. Border Force attended 62 arrivals, nine of which had failed to submit a GAR. Irregularities with the GAR were identified in a further eight cases. The pilots and operators were warned regarding future compliance. All passengers were checked and all were granted entry to the UK.
- 4.11 In another exercise the Border Force team based at Biggin Hill in Kent examined flights arriving at remote airfields for which it was responsible over a period of a month (January/February 2014). As a result, the team was able to increase its knowledge of particular airfields and develop its relationships with airfield operators. In its evaluation of this exercise, the Senior Officer (SO) who led the operation concluded it was “*essential to continue visits to smaller airfields to examine the risk that these pose.*” Biggin Hill followed this up with similar, but shorter, exercises in August/September 2014 and April 2015, but we found no evidence of this type of exercise having been conducted in other regions.

Action Plans for GA and GM

- 4.12 The NBSA is commissioned by the National Border Security Group (NBSG), which is chaired by the NCA, with representatives from Police, HMRC, the Department for Transport (DfT) and Border Force. Under the NBSG, there are sub-groups for each threat area, including one for GA and another for GM, both of which are chaired by Border Force representatives from the National Operations and Command Centre (NOCC), who operate as a focal point for all GA and GM procedures and

processes within Border Force. Each sub-group is responsible for delivering an Action Plan to ensure that all threats, risks, and vulnerabilities have been considered and acted upon.

- 4.13 Border Force provided us with copies of the latest GA and GM Action Plans and a note of progress made by the relevant agencies towards their completion. As at April 2015 a number of objectives in relation both to GA and to GM were assessed as at risk of not being met, even in the long term. The Plans were protectively marked and are not reproduced in this report. However, they were broken down into sections covering Intelligence Assessment, Multi-Agency Engagement, Policy, Legislation and Border Systems/Technology. There were specific sections in the GA plan covering Project Pegasus¹² and the Disruption of Offenders. In the GM plan, there were specific sections covering Project Kraken,¹³ Control of GM Traffic and Advance Notification in GM. Actions were assigned to various members of each Sub-Threat Group with reports on progress being provided at each Sub-Threat Group meeting.

Advance Passenger Information – the legal requirements

- 4.14 The Customs and Excise Management Act 1979 (CEMA) sections 35 and 64 deal with the customs clearance of inward (to the UK) and outward movements of ships and aircraft. HMRC Commissioners' Statutory Directions¹⁴ (CDs) are a form of secondary legislation that lay down detailed rules of procedure or requirements and form the basis of operational practice for customs activity. In May 2013,¹⁵ CDs were revised in relation to CEMA sections 35(1) and 64(2)(b) detailing the information required about:

(a) any ship, aircraft or through train which is arriving, or and is expected to arrive, anywhere in the United Kingdom from anywhere outside the United Kingdom;

(b) any ship or aircraft which is departing, or is expected to depart, from anywhere in the United Kingdom to an eventual destination outside the European Union and the Isle of Man.

- 4.15 The revised CDs stated that information must be provided 'by granting direct access to relevant computer systems, by electronic transmission or, where neither of these is possible, by delivering the particulars in writing, in a readable form' within the following timescales:

(1) In the case of arrivals:

(a) of ships: at least 24 hours before arrival, unless the voyage time is less than 24 hours, in which case the information must be provided no later than when the ship leaves its last foreign (non-UK) port;

(b) of trains: no later than when the train arrives in the United Kingdom;

(c) of aircraft:

(i) coming from outside the EU: at least 24 hours before arrival;

(ii) coming from within the EU: at least 4 hours before arrival;

(iii) coming from the Channel Islands: at least 12 hours before arrival.

¹² <http://www.nationalcrimeagency.gov.uk/campaigns/project-pegasus-aviation-vigilance>

¹³ <http://www.nationalcrimeagency.gov.uk/campaigns/project-kraken>

¹⁴ <https://www.gov.uk/government/publications/non-statutory-instrument-secondary-legislation-commissioners-directions-under-s351-and-642b-of-customs-and-excise-management-act-1979>

¹⁵ Paragraph 27 of Schedule 2 of the Immigration Act 1971 - <http://www.legislation.gov.uk/ukpga/1971/77/schedule/2> - deals with the legislative framework that allows for the collection of passenger information, but this had not been used because a written requirement must be placed on the operator or captain. The Counter Security and Terrorism Act 2015 will amend this paragraph to regulate for the provision of passenger information without the need for a written request.

(2) *In the case of departures:*

(a) *of ships: as soon as the information is available and not later than the time at which the ship departs;*

(b) *of aircraft:*

(i) *to an eventual destination in the Channel Islands, as soon as the information is available and not later than 12 hours before the aircraft is due to depart;*

(ii) *to any other eventual destination, as soon as the information is available and not later than 24 hours before the aircraft is due to depart.*

4.16 The Schedule to the CDs specified the information required:

1. *In all cases:*

a. *total number of passengers carried;*

b. *particulars of the departure of the plane, train or ship, to include point of departure, UK county, date and time;*

c. *particulars of the intended arrival of the plane, train or ship, to include point of arrival, UK county, date and time;*

d. *name of the person completing the report;*

e. *contact telephone number for the operator, commander or master of the plane, train or ship.*

2. *In the case of ships carrying more than 12 people, aircraft, and trains, for each passenger:*

f. *identity including: full name, date of birth, nationality and other information displayed on the person's travel document;*

g. *address and any contact details;*

h. *any particulars recorded in connection with the reservation and checking in (including travel document information);*

i. *any particulars recorded in connection with the issue of the ticket (for travel);*

j. *any particulars recorded in connection with the payment made for that ticket;*

k. *number and names of passengers on the same booking;*

l. *particulars of the journey and of any other journey covered by the same reservation;*

m. *particulars of the ship, aircraft or train on which the passenger is being carried such as the name, number or registration details of the flight, ship or train;*

n. *particulars of any seat allocated to that passenger;*

o. *particulars of any services or facilities covered by the reservation made for that passenger;*

p. particulars of any vehicle carried on the plane, train, or ship in relation to which that person is a driver or passenger.

3. *In the case of ships carrying 12 people or fewer, for each passenger:*

q. family and given names;

r. nationality;

s. date and place of birth;

t. port of embarkation;

u. port of disembarkation.

4.17 The CD included the following exemption:

A person giving information in compliance with these directions is not required to give the information listed in Parts 2 and 3 of the Schedule about himself if he is an EEA or Swiss national, or the family member of an EEA or Swiss national. He is not required to give that information about any other EEA or Swiss national, or family member of an EEA or Swiss national, unless he has it already in his possession.

4.18 The Immigration Asylum and Nationality Act 2006 section 36¹⁶ sets out the duty of HMRC (and others) to share information which is obtained or held by them in the course of their functions that is likely to be of use for immigration purposes. This enables Border Force to use the information submitted under CEMA sections 35 and 64, known commonly as Advance Passenger Information (API).

Consultation on advance notification timescales for GA

4.19 In March 2015, the government launched a consultation in relation to the 2013 CDs, specifically the timescales for reporting GA passenger information, noting that ‘*some operational difficulties*’ had been identified, as a result of which ‘*the time limits specified in the CDs are not being enforced*’. It stated that ‘*Border Force and HM Revenue & Customs (HMRC) are working closely with the General Aviation Sector to develop more effective timescales.*’

4.20 The government expressed its commitment to reducing the regulatory burden on GA by harmonising the timescales and the recently enacted 2015 Counter Terrorism & Security Act (CTSA) provided enabling legislation to make changes. The government proposed advance notification should be submitted ‘*no later than two hours before departure from the last destination*’ before arrival in the UK for arriving GA flights and ‘*no later than two hours before departure from the UK for departing flights*’. The consultation document noted that ‘*Whilst these discussions are underway [the consultation closed on 15 May 2015] the time limits specified in [the 2013] Directions will not be rigorously enforced.*’

4.21 At the time of writing [September 2015], the outcome of the consultation was not known and the 2013 CDs remained in force.

Conclusion

4.22 The structures, processes, legislation and legal gateways necessary for effective inter-agency collaboration and information sharing about threats and risks in relation to General Aviation (GA) and General Maritime (GM) existed at the strategic level.

¹⁶ <http://www.legislation.gov.uk/ukpga/2006/13/section/36>

- 4.23 Although differently focused and having different purposes, all of the strategic documents we reviewed pointed to the same conclusion; that levels of knowledge about these threats and risks were generally poor and needed to be improved to ensure that Border Force's resources (and those of other agencies) were focused effectively.
- 4.24 By not recording GA- and GM-related enforcement data in a form that was retrievable by port of arrival Border Force was not making the best use of the limited hard evidence it generated regarding GA and GM risks.
- 4.25 Advance Passenger Information (API) was key to Border Force making well-informed risk-based decision about operation deployments.

Recommendation. The Home Office should:

1. Ensure that sufficient priority is given by Border Force to improving knowledge and understanding of the threats and risks surrounding General Aviation and General Maritime.
2. Record evidence of illegal activity related to General Aviation and General Maritime traffic in sufficient detail, including as a minimum port of entry, to inform threat and risk assessments at both the strategic and operational levels.

5. General Aviation

General Aviation Reports

- 5.1 Border Force has developed a General Aviation Report (GAR) form to facilitate the collection of advance information from pilots, operators and owners of aircraft for customs, immigration and police counter-terrorism purposes, the latter in conjunction with the Association of Chief Police Officers (ACPO)¹⁷.
- 5.2 Border Force/ACPO guidance in relation to GARs (updated March 2015) referred to three categories of place where an aircraft may land/take off:
- designated airports, of which there are three types: Customs & Excise, Immigration and Police, the designation of the first two of which is managed by Border Force, the third by the Home Office;¹⁸
 - non-designated Customs & Excise airports, operating under a Border Force-issued Certificate of Agreement (CoA), which sets out what flights the operator is allowed to handle and, where applicable, any permitted customs operations that may take place, and requiring first-time users to check with the airport operator that they are approved to handle the flight; and
 - other places which are neither designated nor have a CoA e.g. small airfields, landing strips and some helipads, which can be used only for flights within Great Britain and Northern Ireland or to/from destinations within the European Union.¹⁹
- 5.3 The GAR form requests the following details:
- whether the flight is arriving or departing;
 - ICAO or IATA code for arrival or departure port, or name, location and postcode;
 - date and time of arrival or departure;
 - registered owner of aircraft;
 - contact telephone number;
 - aircraft registration, model and usual base, and whether it is free from all import formalities;
 - reason for visit to EU;
 - travel document type (Passport, Identity Card or 'other'), issuing country, number, expiry date;
 - surname, forenames, gender, date and place of birth, nationality; and
 - home address or address visited in UK.
- 5.4 For Border Force purposes, the completed GAR can be submitted via an approved website, known as the Collaborative Business Portal (CBP), which Border Force encourage as the most efficient and

¹⁷ ACPO was replaced by the National Police Chiefs Council (NPCC) on 1st April 2015 - <http://www.npcc.police.uk/Home.aspx>

¹⁸ Border Force Guidance States that flights using an airport designated as a customs & excise airport may fly to/from any destination. All ports designated as Immigration Ports of Entry are also designated as customs & excise airports.

¹⁹ For customs purposes the Channel Islands are treated as being outside the EU and therefore flights to/from the Channel Islands must use a designated or CoA airport.

secure way, or completed electronically and submitted in Excel format via email to the National Co-ordination Unit (NCU), or 'in extremis' faxed to the NCU. There is an emergency telephone number for advice about amending or submitting a GAR. GARs submitted for police only purposes may also be sent directly to the relevant Police force.

- 5.5 GARs submitted via the CBP are routed to the National Border Targeting Centre (NBTC), who check the crew and passenger information against individuals of interest to Border Force, the Police and partner agencies, and send the results (either 'No Trace' or 'Positive Alert') to the relevant regional team. GARs received by the NCU are forwarded to the Border Force region where the flight is due to arrive for the region to check the passengers and crew against the Home Office Warnings Index (WI). Our file sampling, staff interviews and checks using NBTC data systems showed that all the Border Force locations we visited were conducting WI checks on all passengers notified in GARs in accordance with the Border Force Operating Mandate.

General Aviation Risk Assessment Tool (GARAT)

- 5.6 The Border Force Operating Mandate allows for GA flights to be cleared remotely. To inform the decision whether to attend the flight arrival or to clear the flight remotely, Border Force had developed a General Aviation Risk Assessment Tool (GARAT). It asked eight questions and allocated a risk rating of High, Medium or Low to each answer. Once completed, the GARAT provided an overall risk assessment for the flight. Border Force guidance states that any flight that *'has not submitted a GAR or alternate format of advance information within the notification period is high risk unless there is mitigation'*.
- 5.7 Mitigation involves making additional checks. For example, a non-EU passenger is automatically assessed as high-risk until systems have been checked to ensure they have the correct leave or conditions to enter the UK. If the checks confirm that they have leave to enter the risk could be re-assessed as low or medium.
- 5.8 The decision whether to meet a flight or to clear it remotely rests with the regional team. We found conflicting evidence about the level at which the decision not to attend a high-risk flight had to be authorised. Evidence submitted by Border Force relating to the completion of the GARAT stated that the decision to clear a high-risk flight remotely had to be authorised by a Border Force Senior Officer [SO]. However, paragraph 66 of the Border Force General Aviation Guidance stated that such decisions should be authorised by a Higher Officer [HO]. Most staff we spoke to were following the General Aviation Guidance, although a small minority were seeking SO clearance.

Database Checks

- 5.9 Border Force Officers told us that, in addition to checking non-EU passengers against the WI they were also checking them against Case Information Database (CID)²⁰ and Central Reference System (CRS).²¹ We found that the results of these checks were not always recorded on the GARAT, and associated paperwork was not always kept to show the correct clearance existed. As a result, we were unable to confirm whether CID and CRS checks had been completed in all cases.
- 5.10 For passengers who are to be remotely cleared, the Operating Mandate stated that, in addition to a WI check, staff should make an *"assessment of whether individuals pose a threat or are at risk based on the advance passenger information or other relevant intelligence."* This additional assessment should come after the GARAT process, because it is only then that a decision would have been made to remotely clear a passenger. However, the Operating Mandate did not define what systems or information should be used to make this assessment.

²⁰ The Case Information Database is an administrative tool, used by the Home Office to perform immigration case working tasks and record decisions.

²¹ A Home Office system which enables staff to view the database used by overseas visa sections which records all details of an entry clearance application from the date of application through to the decision and any post decision correspondence.

- 5.11 One system that could be used to inform such an assessment was Centaur, a database of all customs seizures and offences. The inspection team found that all the locations it visited had access to Centaur, but access was limited to certain staff. Bournemouth Airport had made Centaur a mandatory check following a recent staff suggestion. Aberdeen also carried out 100% Centaur checks. Elsewhere, Centaur was not always checked. Direct access to other systems, such as PNC²² and Omnibase,²³ was more limited. Officers sometimes asked colleagues or other agencies to check these systems.

Use of intelligence to inform risk assessments

- 5.12 Joint Border Intelligence Units (JBIU) were set up in June 2014 and collated intelligence gathered by Special Branch, Ports Police, NCA, HMRC and Border Force. The intention was that intelligence would be shared with the JBIU who would determine the appropriate operational response, whether joint or by a single agency. At the time of our inspection, Border Force had not received specific intelligence products from JBIU in respect of GA.
- 5.13 Heathrow's own GA intelligence team was created just prior to the onsite phase of our inspection in May 2015 and staff were about to be trained. Prior to this there had also been a field officer based at Gatwick who had responsibility for GA intelligence for the South region, but otherwise no intelligence gathering specific to the GA sector was collected and no intelligence products had been issued. As a result, intelligence and operational staff at all levels stated there were many 'unknowns' surrounding GA.

GA Record Keeping

- 5.14 Border Force regions were required to submit a monthly statistical return to the National Operations Command Centre (NOCC), summarising the number of arriving GA flights, the breakdown of risk ratings, the numbers of flights attended and cleared remotely. We found that some kept more detailed local records, but there was no consistent approach to local record keeping. Biggin Hill stored all their GARAT data electronically and routinely recorded outcomes. Manchester sought feedback on the referral form they sent to the airport receiving the GA flight, and kept the responses. They also had a clear audit trail in relation to WI checks conducted, including the e-mail requesting the checks and the response confirming they had been completed.
- 5.15 The Heathrow small ports team, which covered Farnborough airport, kept the most detailed records. Farnborough accounted for 10-12% of all GA flights nationally, and included the number of undeclared passengers encountered, that is passengers not listed on the GAR. The team attended every GA flight arriving at Farnborough and subsequently cleared all passengers, whether listed on the GAR or not. In May 2015, the team encountered 154 undeclared passengers, of which 51 were non-EU visa nationals. In the remaining ports, this data was not collected and, with a high proportion of GA flights not being met, Border Force did not have a clear understanding of the scale of the problem.
- 5.16 Border Force staff stated that many of the GARs they received were inaccurate, for example passengers' passport details were often recorded incorrectly. There was no penalty for failing to submit a GAR or for submitting an inaccurate GAR. A number of ports had issued warning letters to remind pilots and operators of their obligations under the Commissioner's Directions. The Counter Terrorism and Security Act 2015 amended paragraph 27B of Schedule 2 of the Immigration Act 1971 to provide a legal basis for imposing civil penalties on GA and GM who failed to provide passenger, crew and flight/voyage information. At the time of our inspection, Border Force was preparing a consultation on the implementation of the new provision. The amendment states:

²² Police National Computer (PNC) – criminal convictions and details of any people who are circulated as 'Wanted'.

²³ Her Majesty's Passport Office database containing details of all British passports.

Amendments to Immigration Act 1971²⁴

(1) Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended as follows.

(2) In paragraph 27 (requirement to provide passenger lists etc), in sub-paragraph (5), after paragraph (b) insert—

“(ba) may require a responsible person to be able to receive, in a specified form and manner, communications sent by the Secretary of State or an immigration officer relating to the information.”

(3) In paragraph 27B (passenger information or service information), after sub-paragraph (8) insert—

“(8A) The officer may require a carrier to be able to receive communications from the officer in such form and manner as the Secretary of State may direct.”

(4) After paragraph 27B insert—

(1) 27BB The Secretary of State may make regulations imposing penalties for failure to comply with—

(a) an order under paragraph 27(2) (order requiring passenger list or particulars of member of crew),

(b) any request or requirement under paragraph 27B (passenger and service information), or

(c) regulations under paragraph 27BA (passenger, crew and service information).

(2) Regulations under sub-paragraph (1) may in particular make provision—

(a) about how a penalty is to be calculated;

(b) about the procedure for imposing a penalty;

(c) about the enforcement of penalties;

(d) allowing for an appeal against a decision to impose a penalty;

and the regulations may make different provision for different purposes.

(3) Provision in the regulations about the procedure for imposing a penalty must provide for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.

(4) The regulations must provide that no penalty may be imposed on a person for failure to comply with an order under paragraph 27(2), a request or requirement under paragraph 27B or regulations under paragraph 27BA where—

(a) proceedings have been instituted against the person under section 27 in respect of the same failure; or

(b) the failure consists of a failure to provide information that the person has also been required to provide under section 32 or 32A of the Immigration, Asylum and Nationality Act 2006 and—

²⁴ <http://www.legislation.gov.uk/ukpga/2015/6/schedule/5?view=plain>

(i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 32B of that Act, or

(ii) proceedings have been instituted against the person under section 34 of that Act in respect of a failure to provide that information; or

(c) the failure consists of a failure to provide information that the person has also been required to provide under an authority-to-carry scheme made under section 22 of the Counter-Terrorism and Security Act 2015 and a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 24 of that Act.

(5) Any penalty paid by virtue of this paragraph must be paid into the Consolidated Fund.

(6) The power to make regulations under this paragraph is exercisable by statutory instrument; but no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”

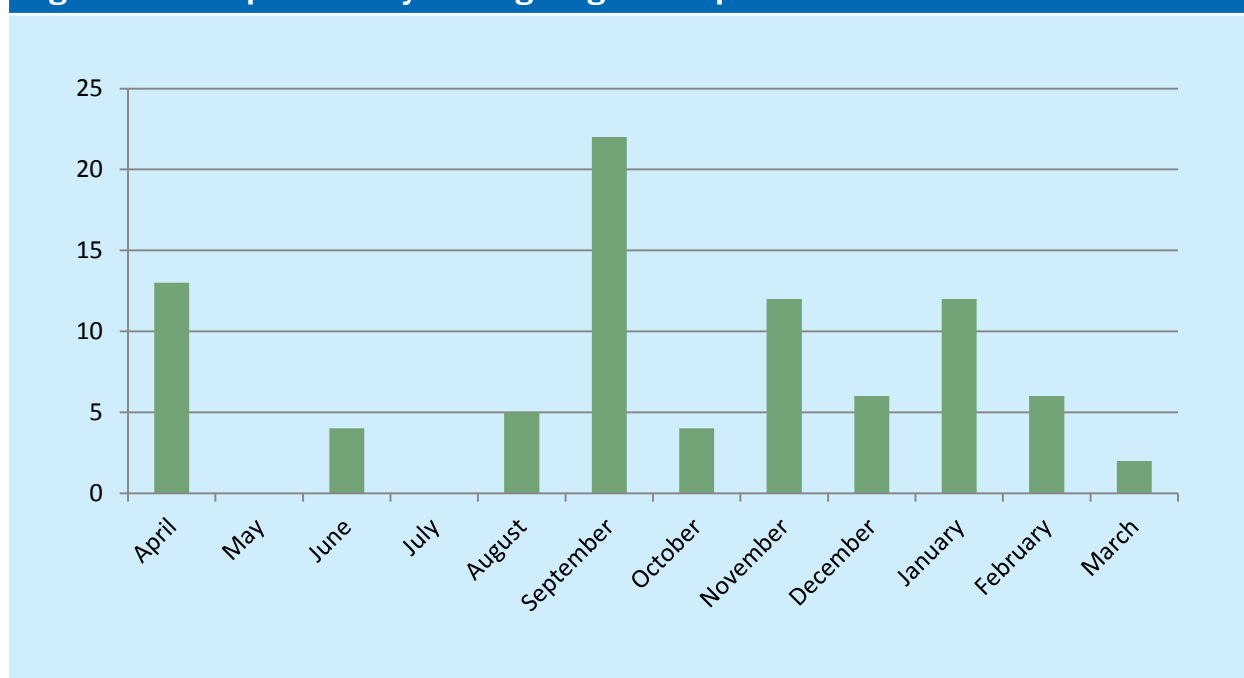
Use of the Civil Aviation Tracking System (CATS) to check for missing GARs

- 5.17 In January 2015, the Border Force National Operations and Command Centre (NOCC) examined 945 flights, of which 65 had failed to submit a GAR, a failure rate of roughly 7%.
- 5.18 European Commission Regulation No.1033/2006²⁵ lays down a requirement that all flights arriving into UK airspace must submit a flight plan in advance of their arrival. The flight plan ensures that, in the event of an emergency, UK Air Traffic Controllers are aware of all flights in UK air space as well as crew and passenger information. Border Force has access to the Civil Aviation Tracking System (CATS), which provides full details of all flight plans lodged for all arriving and departing GA flights.
- 5.19 Border Force guidance states that regions should use CATS to manage flights in their commands, conducting periodic checks throughout the day to identify flights that may not have submitted a GAR. We found that CATS was not being used consistently or systematically. For example, staff at Luton, Birmingham and Aberdeen airports said they did not check CATS every day due to a lack of resources. This meant that they were not aware of flights that had arrived without submitting a GAR until they next checked CATS and then only if they did a retrospective search. One consequence of this was that high-risk flights that should have been recorded as ‘missed’ were not being identified, as was the case for the 23 (7.5%) flights in our sample of 306 with no evidence of a GAR having been submitted, of which Border Force was unaware until our inspection.²⁶
- 5.20 All Border Force teams dealing with GA had access to CATS, although not every member of staff. However, there was no formal training programme for CATS users. As a result, we found that CATS was not being used to its full potential. For example, except at Biggin Hill and the National Targeting Team, the staff we interviewed were not aware they could flag flights or aircraft on CATS in which they had an interest in order to target future arrivals. Based at Heathrow, the National Targeting Team acted as a centre of excellence for GA within Border Force and gave presentations to regional teams in order raise levels of awareness about the capabilities of the CATS system and the methods used by offenders to avoid detection.
- 5.21 The National Targeting Team checked CATS and other databases and sent alerts to the regions for flights of potential interest. The team did not have specific performance targets, but Figure 3 shows the number of alerts it produced in 2014/15.

²⁵ <http://easa.europa.eu/document-library/regulations/commission-regulation-ec-no-10332006>

²⁶ Border Force was developing a system, planned for release in 2016, which would interface with CATS and check automatically whether an electronic GAR had been submitted.

Figure 3: Alerts produced by GA Targeting Team April 2014 – March 2015



- 5.22 The Team sought feedback on all the alerts it issued. This showed it had identified flights which had resulted in the following detections and seizures; April 2014 - VAT Fraud; November 2014 - 34kgs of Cocaine; December 2014 - Three arrests for drugs offences, including one pilot for aiding and abetting; February 2015 – Three immigration offences, including one possible deportation.

Confirmation of GAR receipt and remote clearance notification

- 5.23 GARs submitted online via the CBP produce an electronic confirmation of receipt. Confirmation of receipt of GARs submitted by other means was not being handled consistently. There were also inconsistencies in notifying operators that passengers had been cleared remotely. In some locations, such as Farnborough, if a low risk flight was arriving at a remote location and Border Force could not attend, an e-mail was sent to an operator to confirm that a flight had been cleared remotely, effectively also confirming receipt of the GAR. In others, no notification was sent and nor was there any confirmation that the GAR had been received. The Director at one location told us that Border Force did not confirm receipt of any GARs submitted and frequently failed to notify the airport that arriving passengers had been cleared. Therefore, the airfield worked on the assumption that if they heard nothing from Border Force passengers had been cleared.

Availability of resources for GA work

- 5.24 Farnborough and Biggin Hill had teams dedicated to GA. In most cases, however, officers were available for GA work only if other priorities permitted. Since the highest priority were the Primary Control Points²⁷ (PCP) at airports handling scheduled air traffic, regions seldom had capacity to attend GA flights beyond those assessed as high-risk unless they arrived at such an airport.
- 5.25 As a result, Border Force dealt differently with passengers arriving on scheduled flights from the majority of those arriving on GA flights. The former had their information checked in advance of arrival via NBTC, using the API that is routinely captured. This enabled Border Force to identify possible offenders or high-risk individuals before they arrived and either prevent them from travelling under the Authority to Carry to Scheme,²⁸ or arrange for them to be met by an Officer either at the

²⁷ The Primary Control Point is the immigration control area within the Arrivals hall where passengers present their travel documentation and may be questioned about their reasons for entering the UK.

²⁸ <https://www.gov.uk/government/publications/authority-to-carry-scheme-2015>

aircraft or at the PCP. In any event, all passengers, whether high, medium or low risk arriving on scheduled flights had their passports checked by Border Force at the PCP.

- 5.26 For GA flights, if after checking passengers reported in the GAR in accordance with the Operating Mandate they were all deemed to be low-risk, it was likely that Border Force would not attend the arrival and therefore passports would not be checked. Some flights carrying passengers assessed as high-risk might also have to be cleared remotely because officers were not available to attend the arrival.
- 5.27 Border Force guidance states that documents relating to GA arrivals (GARs, GARATs and remote clearance forms) must be kept for six months. In our sample, 31 flights had carried non-EU passengers who were cleared remotely. Of these, 14 flights had no record of leave to enter being granted.
- 5.28 During general observations at airports and airfields that we visited, we observed that when GA flights arrived, the focus of officers attending was always on immigration checks e.g. W.I. We did not witness any bags being searched for customs purposes. Monthly statistics collected by the Farnborough Small Ports Team for May 2015 also suggested that their focus was entirely on immigration: 1,007 flight arrivals were attended, with 8,403 passengers encountered, but there were no bag searches. During our interviews and focus groups, staff confirmed that bag searches were rare.

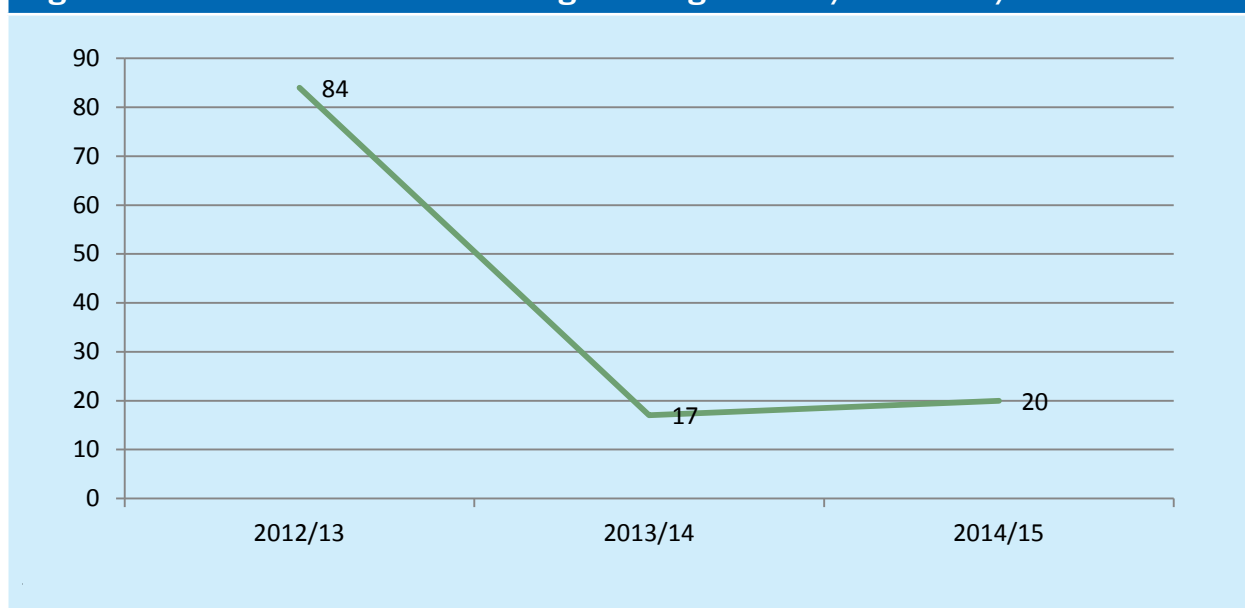
Attendance at flight arrivals and remote clearance in 2013/14 and 2014/15

- 5.29 In 2013/14 and 2014/15 Border Force teams attended almost 99% of all flights assessed as high-risk (13,965 and 12,033 flights respectively) and cleared the majority of the remaining high risk flights (170 and 167 flights respectively) remotely. In both years, 79% of the flights attended were in the Central and Heathrow Regions where ports receive a high volume of flights and ports such as Luton, Stansted and Farnborough operate the equivalent of fixed immigration control points (PCPs). Equivalent figures were not available for 2012/13 as the data collected for flights 'met' did not differentiate between meeting the flight in person and clearing it remotely.
- 5.30 In other regions, the distance of some airfields from where the Border Force officers responsible for them were based was a practical consideration when deciding whether officers would deploy to attend an arrival or look to clear it remotely. For example, in 2014/15, Border Force North Region, which covers the North of England, North Wales, Scotland and Northern Ireland, sent officers to attend 386 high-risk flight arrivals out of a total of 493, roughly four out of every five. Staff at major ports who also cover large geographical areas with remote locations informed us that some of these locations can take over four hours travelling time each way, resulting in the loss of some staff for a whole shift if they travelled to meet just one flight.

Recorded 'missed' high-risk flights between 2012/13 and 2014/15

- 5.31 Border Force guidance states "*A GA flight is considered a "missed flight" when it is a known flight and has not been physically met nor cleared remotely (i.e. it has not been risk assessed using the GARAT or everybody onboard has not undergone a WI person search).*" Border Force provided data on the number of known 'missed' high-risk flights (found as a result of retrospective checks of CATS) between 2012/13 and 2014/15 - Figure 4 refers.

Figure 4: Number of known 'missed' high risk flights 2012/13 – 2014/15



Missed passengers

5.32 Border Force also provided figures for “missed passengers” in the GA sector, defined as individuals who had not undergone a WI check before entering the UK. The numbers recorded had increased from 43 across all regions in 2013/14 to 134 in 2014/15.²⁹ Figure 5 refers.

Figure 5; Number of Missed Passengers Per Month between April 2013 and March 2015

Year	Month	No. of Missed Passengers
2013/14	April	4
	May	7
	June	0
	July	22
	August	9
	September	0
	October	1
	November	0
	December	0
	January	0
	February	0
	March	0

²⁹ The 2014/15 figure included one flight in June 2014 where 48 passengers returning from Europe were 'missed'.

2014/15	April	1
	May	8
	June	53
	July	9
	August	14
	September	19
	October	4
	November	2
	December	2
	January	2
	February	8
	March	12

- 5.33 Border Force guidance specifies that when a missed flight or missed passenger is identified after the flight has arrived and no GAR or risk assessment was completed at the time, the NOCC must be notified immediately. Where possible, a retrospective risk assessment should be produced, and a GAR created and sent via the National Co-ordination Unit to the National Border Targeting Centre to have the passenger information checked against the Warnings Index and other watchlists. Interviews with staff across Border Force locations confirmed that this process was being followed when flights or passengers were identified as having been missed.

Evidence from our file sample

- 5.34 We asked to see the GARs, GARATs and other paperwork relating to all non-domestic flights arriving into the UK on two dates: 4/12/14 and 18/1/15. The flights covered all Border Force regions (see Figure 6).

Figure 6: Breakdown of Flights Sampled Per Region	
Region	Number of Flights Sampled
North	44
Central	133
Heathrow	75
South*	54
Total	306

* Border Force records all Airports/Airfields in the South & South East as 'South'.

- 5.35 Of the 306 flights sampled, there was no evidence of a GAR having been received in 23 cases. In the 283 cases where a GAR was submitted, 239 showed the date and time they were submitted, of which 61 were not submitted within the required timescales. In the remaining 44 cases, we were unable to identify the date and time of submission.

Quality of GARAT completion

- 5.36 We examined the GARATs in our file sample to see if they were completed in accordance with guidance and risks were correctly assessed. Guidance on how to answer the questions is contained on the GARAT form itself. In November 2014, Border Force Operational Assurance Directorate reported that officers who took part in a stock-take of the GARAT process identified two questions that were potentially ambiguous and open to interpretation. Border Force was undertaking a review of the GARAT form at the time of the inspection.
- 5.37 We saw evidence that a GARAT had been completed for 258 of the 306 flights in our sample. We examined 198 of the 258, the remaining 60 having been lost due to an IT failure at Heathrow. Figure 7 records our findings.

Figure 7: Number of GARATs completed per region and the number completed correctly

Region	Number of GARATs Sampled	Number Completed Correctly
North	34	34
Central	111	34
Heathrow	1	1
South	52	15
Total	198	84

*Note: Border Force records all Airports/Airfield in the South & South East as ‘South’.

- 5.38 Of the 198 GARATs examined, 84 were missing required information. There is limited space on the form for explanations or justifications of a given rating or of the overall risk assessment. However, while most of the 84 had an overall risk rating (of High, Medium or Low), they omitted individual risk ratings for questions 1-8. A small number from Central region had neither an overall risk rating or any risk ratings against questions 1-8.
- 5.39 Amongst the 198 GARATs were 40 of the 61 cases where the GAR had not been submitted in the required timescale. All of these should have produced an automatic high-risk rating. Of the 40, we found that only two were assessed as high-risk; 23 were assessed as low-risk; one was assessed as a medium-risk; and 14 had no overall rating. There was no evidence that mitigation had been applied in the 38 cases to reduce the risk rating, nor that the GARATs had been referred to a SO/HO to authorise any re-assessment.
- 5.40 Border Force stated that there were no risk profiles produced specifically to support the GARAT process, but a document had been produced that set out a range of factors that might influence Border Force interest in a flight. The document did not define or provide any guidance about how these factors might translate into a low, medium or high-risk rating. It assumed a certain level of customs and intelligence knowledge. For example, one of the indicators referred to the ‘declaration of a suspicious cargo’, others to ‘known drug routes or other recent adverse intelligence’.
- 5.41 Officers responsible for completing GARATs told us they felt that GARAT assessments were subjective as they relied on an officer’s knowledge or experience, rather than being objectively based on evidence and risk. At Birmingham Airport a team that dealt with immigration casework was responsible for completing the GARAT and passing it on to the team responsible for managing GA flights. The immigration casework team members all came from an immigration background, and some questioned whether they had sufficient knowledge to make sound judgments in relation to customs matters.

- 5.42 We found that some airports in the South region, including Biggin Hill, were using a different GARAT template. This version omitted Question 5 ‘Are you aware of any unaccompanied minors onboard the flight?’, although it added a supplementary piece of information in brackets at the end of a question about adverse immigration history. The question about unaccompanied minors is relevant to Section 55 of the Borders, Citizenship and Immigration Act (BCIA) 2009,³⁰ which requires Border Force to carry out its functions in a way that has ‘regard to the need to safeguard and promote the welfare of children who are in the United Kingdom.’
- 5.43 Border Force officers at Biggin Hill told us that they were not clear if they were using the most up-to-date version of the GARAT. They added that where a minor’s family name bore no resemblance to anyone onboard they would establish the relationship with the operator, but as officers attended all arrivals at Biggin Hill there was no risk of them not seeing a minor. However, officers would not necessarily attend GA flights arriving at other airfields for which Biggin Hill was responsible.

The use of mitigation to re-assess risk

- 5.44 We found that the approach to mitigation was inconsistent. For example, staff based at Farnborough treated all flights carrying non-EU passengers as high-risk, choosing not to mitigate the assessment and sending officers to attend all such flights arriving at Farnborough or at one of the other airfields for which they were responsible. Elsewhere, mitigation was used, as designed, to reduce the number of flights assessed as high-risk and therefore requiring officers to attend.
- 5.45 Figure 8 shows where in our sample mitigation was used for non-EU passengers and the revised risk assessment.

Figure 8: Flights where mitigation was used

Region	Mitigation Applied	Flights re-assessed as High-Risk	Flights re-assessed as Medium-Risk	Flights re-assessed as Low-Risk
North	2	0	2 (cleared remotely)	0
Central	17*	0	10 (3 met, 7 cleared remotely)	5 (cleared remotely)
Heathrow	0	N/A	N/A	N/A
South	1	0	0	1 (No outcome recorded)

*In two cases, the result of the re-assessment was not recorded on the GARAT

Assurance and compliance

- 5.46 Assurance and compliance testing by GA teams varied greatly. Nearly all ports undertook some assurance work. In some cases, this was limited to the Higher Officer reviewing the GARATs. Where officers attended the arrival of flights assessed as medium- and low-risk, Border Force stated that this enabled them to test their own risk assessments. In addition, there had been some exercises to evaluate the effectiveness of the GARAT and the accuracy of the GARs submitted. Managers and staff we interviewed were aware of the benefits of compliance exercises, but said they could not run them regularly as operational priorities took precedence.

³⁰ <http://www.legislation.gov.uk/ukpga/2009/11/section/55>

- 5.47 The exercise by the Biggin Hill GA team between 8 January and 8 February 2014 (referred to at paragraph 4.11) involved officers attending flight arrivals at remote airfields for which Biggin Hill was responsible regardless of the GARAT risk rating. There were ten flights, nine of which were assessed as low-risk. One flight was assessed as high-risk as no GAR had been provided. Officers deployed to meet seven of these flights, and full checks were conducted. No irregularities were found. All seven had flown from within EU, most from French airports. Only four carried passengers, the others were crew only.
- 5.48 Biggin Hill repeated the exercise between 31 August and 6 September 2014 and again between 22 and 28 April 2015. On the first of these occasions, six flights arrived at remote airfields, all assessed as low-risk. They had flown from the EU or the Common Travel Area.³¹ Officers attended all six and conducted full checks. Five of the six carried passengers and one was crew only. No GAR irregularities were found, but one flight was shown incorrectly on CATS as a cancellation. Customs checks found no irregularities. On the second occasion, four flights arrived, all assessed as low-risk, all having flown from the EU or CTA. Officers deployed to three arrivals and conducted full checks. No irregularities were found with the GARs or with secondary checks.³²

Fixed-Base Operators

- 5.49 Some GA flights are facilitated by commercial companies, known as ‘Fixed-Base Operators’ (FBOs), which operate on an airport and provide aeronautical services such as fuelling, hangaring, aircraft rental and maintenance. Some FBOs are located at larger airports, where GA flights use the same runway as scheduled services, and some at private airfields with a runway capable of handling business and recreational aircraft.
- 5.50 Border Force had entered into commercial agreements with some FBOs, for example at Farnborough, Biggin Hill and Luton Airport, to provide a premium service for clearing passengers which did not require them to pass through the PCP in the main terminal building. The ease and speed of clearance, and exclusivity, were selling points for the FBOs’ customers. At Farnborough, Border Force cleared passengers either on board the aircraft, at the foot of the aircraft steps or at the exit gate, which was located adjacent to the Border Force Office. At Biggin Hill and Luton, the FBOs had created a PCP point within their own premises and passengers were cleared there.
- 5.51 The FBO retained passport information for their regular passengers and sent it to Border Force as and when required. However, if a passenger had changed their passport, for whatever reason, they did not always inform the FBO. The FBOs told us that this happened regularly.

Conclusions

- 5.52 The system of General Aviation Reports (GARs) and the General Aviation Risk Assessment Tool (GARAT), if used correctly and consistently, provided Border Force with an efficient and effective way of managing its response to GA flights, the volume and geographical spread of which presented many logistical challenges.
- 5.53 Overall, Border Force was making good use of GARs and GARATs for immigration purposes. However, there were gaps and inconsistencies in working practices in a number of areas. These included: guidance beyond that contained in the GARAT form itself to support the completion of the GARAT; definitions of what constituted a high, medium or low risk flight, confirmation to the person submitting the GAR that it had been received and was acceptable; confirmation to the airport operator that a flight had been cleared remotely; completion, checking and approval of the GARAT; use of a different version of the form; and, use of other databases for assurance purposes and to inform decision-making.

³¹ Allows free movement between UK, Ireland, the Isle of Man and the Channel Islands, subject to conditions set out in the Immigration Act 1971
³² Checks conducted by Border Force officers involving the questioning of passengers and searching of baggage, freight and vehicles.

- 5.54 On the latter point, Border Force guidance stated that the Civil Aviation Tracking System (CATS) should be checked periodically throughout the day to identify where a flight-plan had been submitted but a GAR had not. This guidance was not being followed at some locations, resulting in some high-risk flights either being missed by Border Force, or not being identified in time for officers to attend as required by the Operating Mandate. As non-submission of a GAR meant a flight was automatically assessed as high-risk, it was inconsistent and unhelpful that checking CATS at least daily was not mandated for each location responsible for GA flights.
- 5.55 While the National Targeting Team was making use of CATS as a targeting tool and alerting regional teams to flights of potential interest, the regional teams themselves were not using it to identify non-compliant GA operators or pilots in order to inform risk assessments or flag an interest in future arrivals.
- 5.56 While Border Force was making good use of the GAR and GARAT for immigration purposes, this was not the case for customs. There was again a lack of guidance to support the judgements being made on the GARAT in relation to customs risks, resulting in some staff lacking confidence when completing it. There was also little evidence of effective customs controls except for a few reported examples of drugs seizures. Given that commodity smuggling, specifically cocaine, was identified as a threat in various strategic documents more visibility should have been given to customs controls, including greater use of bag searches, not least for its deterrent value.

Recommendation. The Home Office should:

3. Capture and retain, consistently and in a retrievable form, General Aviation Report (GAR) and General Aviation Risk Assessment Tool (GARAT) data, including non-compliance with the GAR system, using it to improve knowledge in relation to specific airports, aircraft, routes and individuals, and to produce better-informed threat assessments of individual GA flights.
4. Improve training and guidance for Border Force officers on the completion of the General Aviation Risk Assessment Tool (GARAT) form, including:
 - amendment of the GARAT form to provide space for a justification of each rating;
 - guidance on what database checks (in addition to a Warnings Index check) should be considered for crew and passengers arriving in the UK on a GA flight;
 - how identified risks should be translated into low, medium or high-risk ratings (to ensure greater consistency); and,
 - introduction of an assurance regime to identify errors and drive improvements.
5. Ensure that the Civil Aviation Tracking System (CATS) is monitored for General Aviation flights and checked systematically against General Aviation Reports (GARs) so that flights that have failed to inform Border Force of their arrival are identified in time for officers to attend the arrival where required.
6. Ensure that customs controls for General Aviation flights are adequate in light of known and suspected threats and risks.

6. General Maritime

Border Force's role in delivering maritime security – the National Maritime Information Centre

- 6.1 The 2010 Strategic Defence and Security Review³³ established a National Maritime Information Centre (NMIC) to provide the UK with a comprehensive picture of potential threats to UK maritime security. According to 'The UK National Strategy for Maritime Security'³⁴, published in May 2014, NMIC brings together information and intelligence from Border Force and other UK agencies and international partners to provide a '*unified situational awareness of maritime activity in UK and international waters.*' NMIC monitors and tracks maritime activity around the UK, collating, analysing and sharing data in real-time. The Strategy noted that:

Under new governance arrangements, Border Force will take lead agency responsibility for NMIC, supported by a Management Board reporting to the National Maritime Security Committee (Officials), chaired by the Director of DfT Maritime Directorate and responsible for maintaining an overview of maritime security risks and co-ordinating delivery cross-government.

- 6.2 In setting out the responsibilities of all government agencies involved in maritime security, the Strategy stated:

Border Force is responsible for securing the UK border and facilitating the legitimate movement of goods. This is achieved by carrying out immigration and customs controls for people and goods entering the UK, with Border Force officers working at 140 sea and air ports across the UK and overseas. The three Royal Navy Offshore Patrol Vessels (OPVs) and five Border Force fast patrol ships (Cutters) are the main contributors to the protection of the UK's Marine Area, carrying out reconnaissance, deterrence and interdiction at sea. The UK also operates an airborne maritime surveillance capability. Together these efforts:

- *deter unlawful activity across the UK's maritime borders;*
- *provide reconnaissance to locate, identify, track and interdict traffic approaching the UK;*

have the capability to carry out enforcement operations and act upon intelligence including through the interdiction of vessels suspected of carrying out illicit activity; and

provide a law enforcement capability in remote harbours, ports and coastlines where there is limited shore presence, and provide operational seagoing capability to partner organisations such as the police or National Crime Agency.

The Cutter Fleet

- 6.3 In July 2013, the Royal United Services Institute (RUSI) and the Defence Science and Technology Laboratory (DSTL) commissioned a review of the UK maritime capability. At that time, the cutter fleet consisted of five vessels. The review, 'Future Coastal & Offshore Maritime Enforcement, Surveillance And Interdiction Study', observed that "*The current numbers of assets are necessary*

33 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62482/strategic-defence-security-review.pdf

34 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/310323/National_Strategy_for_Maritime_Security_2014.pdf

to deliver current tasking levels”. It compared the UK capability against other European nations, for example noting that France (Atlantic Coast Only) had 20 times the number of resources per kilometre of coast, and concluded “the UK is accepting a greater degree of maritime risk than its European counterparts”.

- 6.4 At the time of our inspection Border Force’s fleet of five customs cutters, managed by the Border Protection Squadron based in Portsmouth, was equipped to monitor maritime traffic movements and to pursue and intercept maritime threats. These threats ranged from large yachts arriving directly from foreign ports, to pleasure craft crossing the Channel, to small rigid-hulled inflatable boats (RHIB) used for ‘coopering.’³⁵ In 2014/15, the cutter fleet’s annual running costs were approximately £12.3m.
- 6.5 Border Force had developed a Concept of Operations for the cutter fleet. The document covered topics such as Tasking and Co-Ordination, Capability, Deployment and Stakeholder Engagement. Under the heading of Deployment, it listed the priorities for the fleet, which were:
1. *live intelligence driven operations/interdictions;*
 2. *major planned deployments and exercises including tactical deployments co-ordinated with other law enforcement agencies;*
 3. *seagoing enforcement patrols in high risk areas as defined by the quarterly risk assessment including revenue earning work for Other Government Departments;*
 4. *coastal, inshore and in port activity to deliver a border security enforcement presence; and*
 5. *stakeholder engagement and relationship building activity.*
- 6.6 As we were inspecting, one of the cutters was about to undertake a three day patrol in the English Channel. Border Force was unable to provide us with documents to show specific deployment instructions. The cutter crew told us they set their own priorities within the area they had been tasked to patrol.
- 6.7 We were provided with a blank document template called the ‘Patrol Objectives Report’ which was used to record results of deployments. We were also provided with details of results from 2013 and 2014 (calendar years). Figure 9 provides details of the results achieved by the cutters in 2013 and 2014.

Figure 9; Results achieved by the cutter fleet in 2013 and 2014				
	2013		2014	
	Enforcement actions	Outcome	Enforcement actions	Outcome
Alcohol	3	16.35 litres seized	3	387 litres seized
Tobacco	34	Includes c.183,500 cigarettes seized	10	Includes c.422,500 cigarettes seized
Drugs	3	125.02 kg seized	1	1540 kg seized
VAT	1	£200,000	1	£2,000,000
VAT referral	39	Outcomes not noted	18	Outcomes not noted

³⁵ Coopering is the process of collecting items from the sea dropped off by larger vessels who continue on their original route without having to dock or call in at port.

Firearms/ Weapons	11	Seized - mostly knives and replica guns	5	Seized - mostly knives
Immigrants	0		2	15 people detained
Other (including prohibited items)	24		7	
Total ³⁶	111		43	

- 6.8 Border Force was unable to quantify the deterrent effect that the cutters had on criminals seeking to exploit GM. Equally, we were told that no data was available in relation to the role they played in gathering information to help inform the GM intelligence picture, although crew members told us that when they arrived in a port the maritime community would often approach them to pass on any information they had. Border Force subsequently told us that the cutter fleet had produced 75 intelligence reports in 2015 (January – October), which was fewer than usual due to the deployments of two cutters to the Mediterranean Sea.
- 6.9 In February 2015, Border Force assessed that the cutters needed to be better integrated into a national command and control structure. Border Force had decided to ‘furlough’ two of the five cutters, meaning that two vessels would be tied up in dock, with skeleton maintenance staff, ready to substitute for any of the three remaining operational vessels should the need arise. At the same time, new, more efficient crewing rosters meant that the three remaining operational vessels would be at sea for 85% of the total time that the five vessels had been deployed. By May 2015, when we were inspecting, this arrangement was in place. Border Force expected it to deliver an annual saving of £3.5m.
- 6.10 In June 2015, two of the three operational cutters were deployed to the Mediterranean Sea as part of Operation Triton, a Frontex-led operation to locate and rescue migrants leaving North Africa by boat.³⁷ Shortly afterwards, the two furloughed vessels were returned to operational service.

Aerial surveillance

- 6.11 At the time of the inspection, the cutter fleet was supported by an aerial surveillance capability under a commercial contract that was due to expire in January 2016. We did not inspect the operational effectiveness and efficiency of aerial surveillance, but in February 2015 Border Force considered that it was ‘difficult to quantify the benefits of this aerial capability’ and that it would explore alternative capabilities. Border Force noted that its capability planning for maritime operations had hitherto lacked sufficient rigour.

Maritime reporting requirements - EU Directive 2010/65/EU

- 6.12 Directive 2010/65/EU³⁸ of the European Parliament deals with reporting formalities for ships arriving in/or departing from ports of the Member States. In June 2014, the European Commission reported on the functioning of the Directive and concluded ‘*Today there is no sufficient and detailed information available on the extent of the traffic/movement of ships from one EU port to another, or of ships calling intermediately at third country ports or entering free zones. There are however possibilities identified to gather more information in the future. The Commission will look into these possibilities and see if and how they could help to improve the quality and availability of statistics.*’

³⁶ Total numbers of results exceed the sum of individual commodity / incident type results due to the fact that some interceptions find a result in more than one commodity / incident type.

³⁷ <http://frontex.europa.eu/>

³⁸ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0065>

Tracking of vessels

- 6.13 There is no equivalent of the Civil Aviation Tracking System (CATS) for maritime movements. While the Maritime and Coastguard Agency (MCA) did have radar capability to monitor vessels fitted with Automatic Identification System (AIS) transponders, which included the vast majority of commercial vessels, the Royal Yacht Association (RYA) informed us that only about 5% of pleasure craft had them fitted.

Customs declarations for GM traffic arriving into or departing the UK

- 6.14 Maritime craft arriving from outside the EU are required to make a customs declaration. Vessel operators must complete form C1331, Part 2, Sections i & iii³⁹ before calling the National Yacht line for further instructions. C1331 is split into two parts: Part 1 for vessels departing from the UK, and Part 2 for arriving vessels. Vessels due to arrive and depart should complete both parts of the form.
- 6.15 From the evidence we saw, it appeared that compliance with the customs declaration requirements was low. 392 customs declarations had been made to the National Yacht line in 2014 using the C1331 form. 215 were for departures only (Part 1 of the form), 52 were for arrivals only (Part 2 of the form), and 125 were for both an arrival and departure. While there is no reliable data for the number of GM arrivals in the UK, as an example, Peterhead Marina in Scotland provided us with information showing that it had received 1,275 yacht arrivals in 2014, approximately 400 of which arrived from outside the EU, many from Norway.

The 'Q' Flag

- 6.16 Flying the 'Q' flag on entering the UK's territorial waters was part of the reporting procedures specified on the C1331, Part 2. The 'Q' flag acted as a signal to the authorities that those on board the vessel needed to see a Border Force officer.
- 6.17 Section 3.1 of HMRC Notice 8: 'Sailing your pleasure craft to and from the UK'⁴⁰ states

'If you are arriving directly from another EU Member State there is no need to fly the 'Q' flag. If you are arriving from outside the EU (and this includes the Channel Islands) you must fly the 'Q' flag, where it can readily be seen, as soon as you enter UK waters (the 12 mile limit). Do not take down the flag until you have finished reporting to the customs authorities, as described in sub-section 3.2. Failure to comply will make you liable to a penalty.'

- 6.18 None of the authorities at the marinas and harbours we visited recalled seeing 'Q' flags being flown.

Advance passenger information

- 6.19 The Customs and Excise Management Act 1979 (CEMA) sections 35 and 64 deal with the customs clearance of inward (to the UK) and outward movements of ships as well as aircraft, as do the HMRC Commissioners' Statutory Directions (CDs) that lay down the detailed requirements. As noted previously, any ship arriving in the UK is required to provide details of the ship and those on board 'at least 24 hours before arrival, unless the voyage time is less than 24 hours, in which case the information must be provided no later than when the ship leaves its last foreign (non-UK) port'. However, there is no system in place within Border Force or elsewhere, equivalent to the General Aviation Report (GAR), to capture this information.
- 6.20 The National Audit Office (NAO) report 'The Border Force: securing the border', published in September 2013, recommended that Border Force 'should work with industry stakeholders to prioritise

³⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374211/c1331.pdf

⁴⁰ <https://www.gov.uk/government/publications/notice-8-sailing-your-pleasure-craft-to-and-from-the-uk/notice-8-sailing-your-pleasure-craft-to-and-from-the-uk>

obtaining advance passenger information for flights arriving in the UK, and for passengers arriving by private plane or boat.’ In accepting this recommendation, the Home Office stated:

We have carried out a review of our operation around General Maritime, and by December 2014 we will have implemented all this review’s recommendations.

- 6.21 The inspection team found that the NAO recommendation in respect of advance passenger information had not been implemented. As the NAO report recognised, implementation relied on gaining the support of industry stakeholders. We spoke to the Royal Yacht Association (RYA). It was opposed to any requirements on pleasure craft to provide advance notification of arrival into the UK. The RYA stated that such an approach showed a lack of understanding of the pleasure craft sector and its common practices. For example, they cited sailors making last minute decisions to undertake or change a journey due to various factors, such as opportunity, tide, weather or shortage of fuel.
- 6.22 Under the Immigration Act 1971, Schedule 2⁴¹ the captain of any ship arriving in the UK is required not to allow passengers to disembark ‘*unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer*’. Under this provision, Border Force may require crew and passenger lists on arrival, but not in advance, although GM craft are able to volunteer information in advance if they wish.⁴² The gov.uk website states ‘*All boaters prior to arrival must consider:*
- *whether you tell us of your arrival depends on the location of your last port of call;*
 - *if you are arriving from another EU country, you only need to contact us if you have goods to declare and if anyone onboard requires immigration clearance; and*
 - *if you are travelling by leisure craft from a non-EU country, you must phone the National Yacht line on 0845 723 1110.’*

Reporting of suspicious or unusual activity by members of the public

- 6.23 Project Kraken, a joint initiative between the NCA, Police and Border Force, was similar to Project Pegasus⁴³ in the GA environment, in that it was aimed at encouraging members of the public to report suspicious or unusual activity at the coast or in coastal waters. Border Force had found that Kraken was of limited value. It had received 14 pieces of information through Kraken between January and June 2015, but was not clear whether the low number reflected actual reports or whether some reports were not being passed on to Border Force by the other agencies.
- 6.24 At the time of our inspection, Border Force was considering running a pilot in conjunction with National Coastwatch Institution (NCI)⁴⁴ to encourage its members to provide information to assist it in developing its maritime intelligence capability.

Record Keeping

- 6.25 Border Force records in relation to GM were limited, in part because of the lack of systematic reporting of GM traffic. Border Force did not have national standards for retaining, compiling or reporting for GM-related activity, and while some locations maintained paper and/or spreadsheet records there was no uniformity to these.

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

42 <https://www.gov.uk/government/publications/sailing-a-leisure-craft-to-and-from-the-uk>

43 <http://www.nationalcrimeagency.gov.uk/campaigns/project-pegasus-aviation-vigilance>

44 <http://www.nci.org.uk/>

- 6.26 Border Force was unable to provide us with management information in relation to immigration and customs offences attributable to GM over the three years to 2014/15, because neither legacy system that Border Force used (Case Information Database for immigration offences and Centaur for customs seizures) recorded the mode of transport. Consequently, Border Force's ability to assess threat and risk levels associated with GM was severely constrained.

GM Zonal Assessment

- 6.27 In February 2015 Border Force informed the Immigration and Security Minister that its coverage of GM was poor and highlighted that the exchange of maritime intelligence between UK law enforcement agencies needed to improve.
- 6.28 In April 2015, just prior to our onsite visit, Border Force Intelligence Directorate had produced a GM Zonal Intelligence Assessment. This new monthly product broke the UK down into 11 geographical areas, for each of which it noted the known threats, details of discoveries, interventions and information from individual GM arrivals illustrating the risk. It also identified 'Intelligence Gaps' by thematic areas (e.g. alcohol, cannabis, cash, cigarettes etc). Border Force staff stated they would welcome intelligence to support their operational activity, but none of them referred to the Zonal Intelligence Assessment.

Risk assessment of known GM arrivals

- 6.29 In 2013, Border Force accepted in part our recommendation to introduce '*a reporting and risk assessment process for General Maritime traffic based on the e-Borders system and a process to provide for interception of vessels on a risk basis*'. At that time, Border Force told us it was running a trial on GM cruise data and would be launching a similar pilot using GM commercial data later in 2013. Both trials would draw advance passenger information into NBTC where the watchlists could be checked in a similar way to GA information and issue the appropriate alert to the relevant region.
- 6.30 Border Force added that it had begun to develop a General Maritime Risk Assessment Tool (GMRAT), which would allow regions to assess the risk of individual GM movements in the same way as the General Aviation Risk Assessment Tool (GARAT) worked for GA. Once the results of the two trials had been reviewed, Border Force would look to roll this tool out nationally for cruise ships and commercial shipping and then consider whether a similar method of risk assessment and intervention was practical for GM Leisure craft.
- 6.31 We found that the GMRAT had not been rolled out, nor had Border Force issued any guidance to assist officers in making an assessment of the risk posed by known GM arrivals and whether to deploy to attend and carry out checks. However, it was piloting a Maritime Priority Assessment Tool (MPAT) for this purpose. The trial would use the MPAT "*to assess all known unscheduled commercial and pleasure vessels arriving from an international location other than Ireland or the Common Travel Area (CTA)*".
- 6.32 For the purposes of the pilot, 'known' was defined as "*those which have submitted vessel, passenger and crew information to Border Force either on arrival or in advance, or have otherwise come to the attention of Border Force, prior to or, on arrival. Vessels must have arrived in the UK from an international location other than Ireland or the CTA.*" *The trial did not seek to evaluate or attempt to assess the number of arrivals that did not provide API.*"
- 6.33 A full evaluation was not available at the time of inspection, but an initial evaluation was completed shortly after the onsite phase. This noted that 791 vessels arriving at 30 different ports had been assessed, of which 43 (5.4%) were pleasure craft. Border Force had either attended the arrival or cleared remotely 40 arrivals which had been assessed as high or medium-risk. Of these 40, 8 were recorded as pleasure craft. Detailed results of the trial were not available in the interim evaluation report.

Border Force interaction with the GM community

- 6.34 We examined what information and instructions Border Force had provided for arriving vessels at seven marinas and harbours,⁴⁵ specifically whether instructions were available to captains, crew and/or passengers about how to report details of their arrivals for immigration or customs purposes.
- 6.35 One of the locations we visited had a notice that displayed current Border Force branding and information. The other six locations did not – Figure 10 refers.

Figure 10; Range of information displayed at marinas and harbours visited

Location	Type	Border Force Information Displayed
Weymouth	Marina	None
	Harbour	None
Poole	Marina	<ul style="list-style-type: none"> • Border Force poster about cash declaration • UKBA notices about pleasure craft entering & leaving the UK. • HMRC notices about pleasure craft entering & leaving the UK.
	Harbour	None
Lymington	Marina	None
	Harbour	Unbranded notices referring to ‘Immigration’ and HMRC
Banff	Harbour	None
Fraserburgh	Harbour	<ul style="list-style-type: none"> • HMRC poster about cash declaration • Scottish Government rabies prevention poster
Peterhead	Marina	Scottish Government rabies prevention poster
Aberdeen	Harbour	None

- 6.36 The authorities’ at all seven locations stated they did not have a designated point of contact within Border Force for specific or general enquiries relating to GM activity. Some said they would call the local ‘Immigration Office’ if they had a question about whether an arrival needed to report or to clear an arrival. Most said that, in the first instance, they would contact the marine policing unit that covered their port for further guidance because they had better levels of interaction with them.
- 6.37 Six of the seven locations we visited told us that visits by Border Force officers were rare. The exception was Lymington, which had been visited by Border Force on the day of our inspection visit. Ports where the cutters called in to replenish supplies of food and fuel saw officers more frequently, as the latter call into the authorities’ offices to reacquaint themselves, and to ask generally about local maritime activity and whether anything suspicious had been noticed. These sites tended to be on the South Coast of England.
- 6.38 The forms and literature Border Force provided to marinas and harbours along the South Coast of England were different from those provided in Scotland. The former had a variety of HMCE⁴⁶ branded forms and information that all related to customs declarations. The Scottish ports had

⁴⁵ Weymouth, Poole, and Lymington on the South coast of England and Banff, Peterhead, Fraserburgh and Aberdeen in Scotland.

⁴⁶ Her Majesty’s Customs and Excise (HMCE) was replaced by Her Majesty’s Revenue and Customs (HMRC) in April 2005.

a document entitled 'A guide for non designated ports'. This clearly laid out the immigration procedures for arriving vessels, including references to the legislative powers, contact details and forms for completion and return (customs information was absent). It was informative, but contained out-of-date information (incorrect Border Force contact details), displayed old UKBA branding, and referred to Scottish police commands that no longer existed.

- 6.39 The port and harbour authorities in Scotland told us they followed the general procedures in the guidance they had been given in relation to arrivals, which specifically stated '*All arrivals from abroad are subject to Immigration Control. By "abroad" we mean anywhere outside the United Kingdom, Republic of Ireland, and the Channel Islands, i.e. we do control arrivals from EEA / EU countries.....*'. The port and harbour authorities along the South Coast of England were not as clear about what types of arrival they should notify Border Force about. Many believed, wrongly, that if a vessel arrived from the European Union they did not need to inform Border Force, regardless of who was on board.

Team India

- 6.40 Team India, based at Felixstowe, had a complement of 11, but had operated with a maximum of 8 staff for approximately a year. It was part of a regional mobile command comprising ten operational teams. While also covering shortfalls on the primary controls, Cyclamen⁴⁷ and attending critical incidents, Team India devoted up to three quarters of its time to GA and GM work, with roughly two thirds of that time devoted to GM arrivals.
- 6.41 In a similar approach to the Farnborough team in the GA sector, Team India also collected meaningful management information for GM which was not being collated centrally. Details of seizures and offences were recorded as well as site profiles of ports, harbours and marinas, which could be used to develop more accurate risk assessments of GM traffic arriving in the area.
- 6.42 Team India accessed port websites, the Automatic Identification System (AIS),⁴⁸ Lloyds' records (detailing when vessels left port and their destination), as well as occasionally liaising with Harwich Haven Authority to look at Vessel Traffic Services (VTS),⁴⁹ and used this information to plan visits to locations in their region where GM boats were arriving. It also worked with the cutters when they were in its region.
- 6.43 During marina visits Team India conducted compliance checks on vessels that might be of interest, including British registered vessels. Officers told us they would speak with captains and, if suspicious, would search their craft. Records showed that all of the Team were trained in ship boarding and eight members were trained in yacht rummage. Team India was the only GM team the inspectorate saw that regularly boarded vessels.

Conclusion

- 6.44 Border Force recognised that its knowledge of the threats and risks associated with GM was poor and needed to improve, particularly in light of the strategic role Border Force was expected to play in delivering maritime security.
- 6.45 The absence of advance passenger information (API) for GM arrivals, of the type and extent available for General Aviation, was arguably the most significant gap in terms of Border Force's ability to manage the risk from GM arrivals efficiently and effectively. The absence of an assessment tool similar to the General Aviation Risk Assessment Tool (GARAT) put Border Force's GM work at a further disadvantage. The General Maritime Risk Assessment Tool (GMRAT) tool piloted in 2013 had not been rolled out as it was considered it would not work in that format. Once fully evaluated, the new

47 The term used to describe radiological scanning capability at UK ports.

48 AIS is a system that uses a transponder and satellite technology to geographically locate vessels. Border Force uses <https://www.marinetraffic.com/> to monitor vessels with AIS fitted.

49 AIS and VTS are real time systems.

Maritime Priority Assessment Tool (MPAT) should be rolled out, albeit its use will be limited to assessing commercial GM traffic unless at least some of the pleasure craft sector can be encouraged voluntarily to submit passenger and crew information in advance of their arrival.

- 6.46 In practice, there was no systematic collection of information about any aspect of GM. Compliance with such legal requirements as existed for captains and operators of GM vessels to report details of their movements, persons on board and declarable goods was poor, as was evidenced by the low number of C1331 customs declarations by pleasure craft.
- 6.47 It was not within Border Force's immediate control to fix much of this. It neither owned nor managed the reporting regimes. In the case of API, while there was an enabling power in primary legislation⁵⁰ to give effect to its collection, Border Force informed us that it would require secondary legislation for it to do so. In any event, it was difficult to see how this could be turned into a working system. The Royal Yacht Association's (RYA) opposition to any requirements on pleasure craft to provide advance notification of arrival into the UK was self-interested, but their arguments about impracticality had merit. They informed us that GM journeys were often subject to last minute changes to passengers and crew as well as potential changes to destinations while vessels were at sea due to weather or tidal conditions.
- 6.48 However, it was not evident that Border Force had a strategy, effective plans, or was making any concerted efforts to use its position and influence nationally and locally. It could do more to encourage compliance with customs declarations and the 'Q' flag system; more voluntary submissions by GM craft; a better understanding by port authorities of reporting requirements and a more regular flow of information to and from them, seafarers and the public, concerning GM movements and any suspicions concerning particular vessels, etc.
- 6.49 With regard to the information about GM it did receive and evidence from its own actions, such as seizures and other interventions by the cutters, Border Force was missing opportunities to build on and exploit its knowledge. For example, incidents involving GM were not routinely debriefed due to lack of resources or other operational demand; and the Zonal Intelligence Assessments, which were produced primarily for the benefit of the Cutter fleet, also contained useful information for all staff engaged in GM activity, but had not been marketed to front-line staff, albeit they had only been introduced in April 2015.
- 6.50 Border Force had reviewed its overall requirement for cutters and other operational capabilities in February 2015 to the Immigration and Security Minister. While these capabilities had much wider maritime security roles, Border Force was not measuring their contribution towards managing GM risks except in terms of goods seized, and was in danger therefore of understating their importance. The capacity and performance of the regionally-based teams responsible for GM was at least as important, particularly in controlling GM arrivals and departures effectively. Apart from Team India (based in Felixstowe), these teams were not resourced or directed to go beyond reacting to the limited information pushed to them.

⁵⁰ Schedule 2 of the 1971 Immigration Act, as amended by Schedule 5 of the Counter Terrorism and Security Act 2015.

Recommendation. The Home Office should:

7. Develop and implement a strategy to improve the flows of information about General Maritime (GM). This should cover, both nationally and locally:
 - ways to encourage better compliance with existing reporting requirements, including customs declarations and the 'Q' flag system;
 - ways to encourage greater voluntary reporting by GM craft, working with the Royal Yacht Association (RYA) to explore solutions to the practical difficulties for pleasure craft in providing advance notification of arrival into the UK; and
 - better engagement by Border Force with small port authorities as a key source of information about GM vessels arriving into the UK, including routine visits to harbours and marinas, in addition to attending known GM arrivals, to ensure authorities have, understand and display the latest Border Force information and instructions.
8. Roll out, once fully evaluated, the Maritime Priority Assessment Tool (MPAT), supported by clear and comprehensive guidance to officers on how to use it to assess the risk from General Maritime traffic, including the mandated and discretionary actions that flow from the risk assessment.
9. Put processes in place to capture, enhance and analyse information received about General Maritime (GA), including evidence of criminal activity, and management information, in order to improve knowledge of the threats and risks and to inform operational and resourcing decisions.

Appendix 1

Role and Remit of the Chief Inspector

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

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

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

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

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

Appendix 2

Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Core Inspection Criteria.

Inspection criteria used.
Operational Delivery
10. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
11. Customs and immigration offences should be prevented, detected, investigated and where appropriate, prosecuted.
12. Resources should be allocated to support operational delivery and achieve value for money.
Safeguarding individuals
13. All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.
14. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.
Continuous Improvement
15. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
16. Risks to operational delivery should be identified, monitored and mitigated.

Appendix 3

Glossary

Term	Description
A	
Advance Passenger Information (API)	Passenger data provided to the Home Office by commercial operators in respect of arriving and departing passengers.
B	
Border Force	Following the separation of Border Force and the UK Border Agency on 1 March 2012, Border Force became a Home Office operational command responsible for immigration and customs, including UK passport controls in France and Belgium.
Border Force Operating Mandate	Guidance to Border Force officers setting out mandatory roles and responsibilities including initial checks which officers must conduct on arriving passengers in any given scenario.
Border Protection Vessel (Customs' Cutter)	A vessel specifically designed, equipped and crewed to identify, pursue, intercept and escort other maritime vessels of interest to UK Border Force.
C	
Civil Aviation Tracking System (CATS)	A system using Civil Aviation Authority Data which shows full details of all flight plans lodged for GA flights entering and departing the UK
Cyclamen	Cyclamen is the government programme to install fixed and mobile portals at UK ports to screen traffic (people, vehicles and goods) entering the UK to identify radiological or nuclear material.
G	
General Aviation (GA)	Any aircraft not operating to a specific and published schedule and not making a military flight.
General Aviation Report (GAR)	The standard reporting form required by Border Force and the police to be submitted by departing and arriving General Aviation pilots.
General Aviation Risk Assessment Tool (GARAT)	A mechanism using the outcomes of 8 standard questions to calculate an overall (low, medium or high) risk assessment for an arriving flight.

General Maritime (GM)	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).
H	
Her Majesty's Revenue and Customs (HMRC)	UK government department responsible for customs and taxation. The HMRC customs function was one of the legacy organisations that made up the UK Border Agency. The function is now carried out by Border Force staff at air, rail and sea ports.
HMRC National Co-Ordination Unit (NCU)	A 24/7 centre, operated by HMRC staff on behalf of Border Force, which acts as a central point for the collection of GA & GM information in telephone, postal and email formats, redirecting them to the appropriate department.
Home Office Warnings Index (WI)	A database of names available to Border Force staff of those with previous immigration history, those of interest to detection staff, police or matters of national security.
N	
National Border Strategic Assessment (NBSA)	A document jointly produced by the National Crime Agency and Border Force outlining the threats posed to the UK Border.
National Border Targeting Centre (NBTC)	This is a 24/7 multi-agency unit (Border Force, Police and NCA) which receives in and outbound API & crew details comparing them to various watchlists, issuing alerts as necessary.
National Maritime Information Centre (NMIC)	A joint venture between Border Force, the National Crime Agency (NCA), Police, the Maritime and Coastguard Agency (MCA), the Maritime Management Organisation (MMO) (fisheries) and the Royal Navy to provide intelligence and security to UK territorial waters.
National Operations Command Centre (NOCC)	The Border Force 24/7 national control and command operation which acts as a single point of control for GA & GM incidents and operations.
P	
Physically Met	Border Force staff physically attend an arriving flight or vessel to decide if arriving people and goods can be authorised entry into the UK.

Primary Control Point (PCP)	Also known as Primary Checkpoint. Point at immigration control where passengers present their travel documents (typically passports) to Immigration Officers, for determination as to whether entry should be granted to the UK. Also known as immigration control or the immigration arrivals hall.
R	
Remote Clearance	Authority given for passengers and crew to enter the UK without Border Force officers physically meeting the arriving flight or vessel.
W	
Warnings Index	A database of names available to Border Force staff of those with previous immigration history, those of interest to detection staff, police or matters of national security. Also known as the 'Home Office Warnings Index (WI)'.

Acknowledgements

We are grateful to the sponsorship teams for their co-operation and assistance during the course of this inspection, in particular, for their assistance in arranging the observations, focus groups and interviews.

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