



Home Office

The Home Office response to the Independent Chief Inspector's report:

A Short Notice Inspection of the Home Office Response to 'Lorry Drops'

October 2015 – January 2016

The Home Office thanks the Independent Chief Inspector (ICI) for the recommendations in his report on A Short Notice Inspection of the Home Office Response to 'Lorry Drops'.

We are pleased that the Independent Chief Inspector "found that the Home Office had maintained the quality of its initial response to clandestine encounters" and that the Chief Inspector recognises the extraordinary circumstances that arose in the summer and autumn of 2015.

We are encouraged that the evidence the Independent Chief Inspector reviewed demonstrated compliance with the law, policy and rules in respect of decision making, and that safeguarding responsibilities were being met during the initial period after the clandestine entrants had arrived until social services could assume responsibility for those requiring social support.

The ICI noted that, during the period under review, the Home Office encountered and dealt with in-country clandestine entrants against a backdrop of the largest migration crisis since the Second World War, which has seen parts of Europe put under extreme pressure. The small proportion of migrants seeking to come to the UK, do so in a number of ever changing, covert ways; often with the help of highly organised criminal gangs. As a result the Home Office's immediate response is reactive and there is a likelihood of disruption to planned enforcement operations, as officers are diverted to undertake initial checks to maintain the high levels of security.

Since last Summer, the Home Office, and in particular Border Force, have made significant improvements to bolster border security at juxtaposed ports under the UK-France Joint Declaration including new fencing for the whole Eurotunnel perimeter length (c15-20kms) and the increase of Border Force search and dog capability.

Despite the excessive intake through the Channel Tunnel and inland during summer and autumn 2015, the intake and asylum system maintained resilience. All asylum claimants were screened and customer service commitments for asylum decisions were met. Increased security measures in France have curtailed arrivals through the Channel Tunnel, but mass migration flows into Europe continue. The threat of clandestine entry to the UK is therefore likely to be sustained and we must continue to improve the resilience of the system to counteract it.

Since last summer, the Home Office has implemented a coordinated cross-system response to all aspects of border security in order to ensure preparedness for any challenges that may arise in the months ahead. This feeds into a wider cross-government response to the migration crisis which includes work upstream to help countries reduce the push factors, build stability and create livelihoods; and to take action against the criminal gangs and smuggling networks that profit from illegal migration.

Closer to home, the UK and French Governments have been working closely for many months to address the illegal migrant pressures in northern France, and are committed to resolving them together. The UK has invested tens of millions of pounds at the juxtaposed ports to bolster border security under the August 2015 UK-France Joint Declaration, including new fencing for the whole Eurotunnel perimeter length (c15-20kms) and an increase in search capability. All freight vehicles entering the UK through the juxtaposed ports of Calais, Coquelles (Channel Tunnel) and Dunkirk are screened for clandestine illegal entrants using a range of techniques

including body detection dogs, carbon dioxide detectors, heartbeat monitors and scanners - as well as physical searches. Searches also take place at UK ports. We are also working closely with other international partners, including the Belgian and Dutch Governments, to strengthen port security and tackle illegal immigration.

The UK is playing a leading role in tackling people smuggling, working with European and international partners to target the gangs that facilitate illegal migration. There are clear signs that our approach is working; between 1st April 2015 and 31st March 2016, Immigration Enforcement achieved 185 disruptions of criminals networks involved in organised immigration crime. We have also established a new Organised Immigration Crime Taskforce. This team of over 100 officers brings together representatives from the National Crime Agency, Border Force, Immigration Enforcement and the CPS with the task of relentlessly pursuing the groups profiting from the people smuggling trade.

In response to attempts by migrants to cross the English Channel by boat, a co-ordinated cross-departmental response has been mobilised and a number of counter-measures have been put in place. Border Force is working with other agencies to strengthen maritime security assets, using a combination of cutters, radar and aerial surveillance to detect smuggling attempts. Close cooperation with international partners, especially France, means an intelligence-led approach allows us to take early disruptive action.

Our clandestine strategy, led by Immigration Enforcement, sees collaborative work with partner agencies and stakeholders to:

- maintain the integrity of the Border
- protect and provide welfare support to vulnerable adults and children signposting the appropriate organisation and ensuring safeguarding duties are fully discharged
- identify and prosecute those organised crime networks behind clandestine activity
- take appropriate action and sanctions against drivers and companies whose action or inaction present clandestine opportunities
- deal robustly with those seeking to evade our controls to promote deterrence
- disrupt upstream activity with enhanced intelligence
- have a flexible and effective response at times of increased clandestine activity
- minimise the impact and disruption to public

We have well developed contingency plans to respond to any significant intake over a sustained period. The plan includes; redeployment of staff between areas with a rapid response contingency for diversion to the Eurotunnel site at Longport; mobile welfare units currently located at Longport pending the build of a bespoke structure by Eurotunnel, augmented by two mobile detention facilities; provision of migrant welfare packs to feed and clothe distressed new arrivals; access to emergency accommodation through local resilience forums and; a on-call contract for transport to move large numbers of migrants from the point of detection to a more resilient location. The facility at Longport is expected to be ready by the end of the year.

- We closely monitor changes in migration patterns through de-briefs of migrants and recording vehicle routes, to determine if displacement is occurring to other entry methods or ports.

- We assess each inland clandestine event where a vehicle is detected to establish if there is evidence that the driver was complicit in the embarkation of the clandestine entrants. Where evidence suggests this is so, criminal action is initiated. Civil penalties are applied when complicity is unproven to encourage hauliers to ensure adequate security of their vehicles. We have recently completed consulting the sector on proposals to strengthen the codes of practice governing the clandestine civil penalty regime and we will be publishing the consultation response in due course.
- We are working with hauliers, their associations, and importers to reinforce the importance of robust vehicle security. In partnership with the Police, we are also identifying and seizing vehicles belonging to hauliers who fail to pay the civil penalty until they settle their debt.
- We are considering the creation of new capability to mirror that of the Kent Intake Unit elsewhere in the UK.

Of the six recommendations, the Home Office accepts four in full, and two in part as outlined below;

1. Recommendation 1: Produce an Operating Mandate for Immigration Enforcement (or clarify where the UKVI Operating Mandate applies), specifying which security and immigration checks must be completed in respect of all clandestine entrants encountered, and requiring the results of these checks to be recorded.

1.1 Accepted; action in progress.

1.2 Immigration Enforcement identified the need for consistency of checking to address counter-terrorist, health and welfare, identity and immigration history concerns in respect of all clandestine arrivals and an instruction was given to all enforcement staff specifying the minimum checks to be undertaken in all clandestine events. All staff have been reminded of the set of minimum checks. These checks are already detailed throughout the Enforcement Instructions and Guidance (EIGs) but we accept this is not as clearly detailed as an operating mandate.

1.3 To address this, we have issued an Interim Operational Instruction which clearly states the mandatory security checks to be conducted in all cases whilst a wider Operating Mandate for Immigration Enforcement is being progressed.

1.4 We have reviewed the cases referred to the ICI, and while we accept results of the checks were not recorded consistently in the appropriate fields as required by existing guidance, we are satisfied that checks were done in all but one case. We have since issued a reminder to staff of the correct process and have included this as a specific check in revised assurance processes.

2. Recommendation 2: Clarify with social services, the police, and other relevant bodies or agencies, roles, responsibilities and procedures in relation to unaccompanied children who abscond from care.

2.1 Accepted in part; action in progress

2.2 The Government takes the issue of missing children very seriously. All local agencies have statutory duties to safeguard children regardless of nationality or immigration status.

2.3 Fostering services and children's homes must comply with statutory regulations by ensuring that they follow a runaway and missing from care and home (RMFCH) protocol, which has been agreed between local authorities and the local police force. Partners are required to work together to assess risks and develop strategies to prevent missing incidents and respond when children do go missing. The protocols should be agreed and reviewed regularly with all agencies and be scrutinised by the Local Safeguarding Children's Board (LSCB).

2.4 Following the principle of 'Every Child Matters' and Enforcement Instructions and Guidance (EIGs) chapter 19c "Missing Children and Vulnerable Adults," the Home Office considers that appropriate measures exist but that in the first instance, the responsibility for reporting missing children is principally for external stakeholders. Discussions have taken place with the National Police Chief's Council migration lead and the Office of the Children's Champion to improve processes between key partners. There is an initial fact finding exercise underway, to be followed by a series of strategic workshops.

2.5 We are working with the Association of Directors of Children Services and the national policing leads for migration and missing persons to ensure all parties fulfil their responsibilities.

3. Recommendation 3: Review the training, guidance and feedback provided to staff dealing with clandestine entrants in relation to the identification of potential victims of trafficking (PVoTs).

3.1 Accepted; action in progress.

3.2 Paragraph 4.35 of the Independent Chief Inspector's report identifies that staff have been trained in trafficking and in modern slavery and that, in theory, they are equipped to recognise potential victims of trafficking.

3.3 In the conclusion to this section (4.46), the Independent Chief Inspector suggests evidence is identified in file sampling that staff were not confident about identifying potential victims of trafficking. The report also raised concerns that staff did not receive feedback from the National Referral Mechanism.

3.4 The Home Office has developed a modern slavery training package. This has now been embedded into the induction training programme for new enforcement officers. Training for current staff has been prepared and issued for delivery by Business Embedded Trainers locally. Immigration Compliance and Enforcement (ICE) team officers are required to have an annual technical refresher, and the module has now been included in this annual training programme. Therefore all ICE officers will have received classroom based training on this module within 12 months. To allow for this inbuilt programme duration, an e-learning package was published on 26 April 2016 and officers were reminded on 3 May 2016 that this e-Learning is mandatory.

3.5 IE Safeguarding leads have been tasked with ensuring there is a robust assurance process in all areas of IE activity. This covers Minors and Vulnerable Adults but should include PVoTs. CFI have added the safeguarding areas to their assurance process.

3.6 All referrals to the NRM are now entered on the Intelligence Management System and are assessed and triaged for action, trends and intelligence development opportunities. We accept that feedback to frontline staff is crucial in developing knowledge and work is ongoing to improve and develop a better mechanism for doing this.

3.7 We are developing an Interim Operational Instruction which will clearly state all processes for handling clandestine entrants. The handling of potential victims of trafficking is included in this and will be included in any revised guidance that is issued as an outcome of the review.

4. **Recommendation 4: Take the necessary steps to ensure that the number of initial decisions made in relation to asylum claims from clandestine entrants is sufficient to prevent the number of outstanding cases from growing to problematic levels.**

4.1 **Accepted; action in progress.**

4.2 The Home Office recognises that as clandestine arrivals increase, there will be a consequent and proportionate increase in asylum claims. This has already seen an increase in the number of cases in UK Visa and Immigration (UKVI) and consequent pressures on asylum support.

4.3 UKVI has taken a number of measures to deal with the increased claims from clandestine arrivals. They are undertaking a recruitment programme at particular pinch points in the system operation including 130 additional decision makers joining from June as well as a rolling recruitment campaign to maintain the numbers at the required level. They will also recruit staff to supplement asylum support operations and the National Referral Mechanism for potential victims of trafficking. Overtime working and deployment of agency staff are also part of their contingency plans and UKVI has finalised a proposal for a Home Office contingency pool of extra staff to be drawn into the intake and decision making units should the intake increase significantly.

4.4 UKVI continues to make longer term changes to the asylum system to improve the efficiency and productivity including mandating shorter interviews, piloting digital interviews, summary interview records, differentiating casework and increasing use of technology.

5. **Recommendation 5: Define (and promote to relevant staff and partners) the information and evidence requirements for each part of the process for managing 'lorry drops' – maintaining a strategic understanding of the threat, responding effectively to encounters, and making full use of sanctions and penalties to encourage driver and haulier compliance – ensuring that information flows and feedback mechanisms are working effectively.**

5.1 **Accepted, implemented in part.**

5.2 The existing process for managing clandestine events is well established and all parties are familiar with it. This process is under constant review to ensure it is effective, and to make revisions as new circumstances arise. The management information suite (the national operations database (nod)) is reviewed to ensure it meets tactical and strategic needs and required revisions are channelled through the Performance Reporting and Assurance Unit (PRAU). Clandestine events are logged by the Command and Control Unit (CCU) and the Kent Intake Unit and amalgamated by the Strategic Clandestine Threat Team, which shares data, augmented by weekly and monthly data from PRAU,

on a weekly basis with the Immigration Enforcement senior leadership team and Home Office partners. The Strategic Clandestine Threat Team and Immigration Intelligence examine individual events to determine how these inform tactical improvements. Feedback is provided to all operational staff on a daily basis with additional updates provided in the event of any significant clandestine events being encountered.

5.3 CCU processes include identifying the potential to apply sanctions and both criminal investigation and civil penalty teams have established processes to receipt referrals; make initial determinations; and proceed towards prosecution or civil penalty. Arrangements are being made to ensure that when a prosecution cannot proceed further the civil penalty may proceed.¹

5.4 The referral criterion is being reviewed to take account of changing modus operandi of both criminal gangs and opportunistic people smugglers. We have been working with police at a tactical and strategic level to raise awareness of both our processes and the ever changing trends of those abusing this route. We have delivered awareness sessions to frontline staff within Immigration Enforcement to keep staff informed of the changing processes and new profiles.

5.5 We have established a threat group, delivering a strategic action plan aimed at tackling all elements of this threat, in partnership with other parts of the Home Office and law enforcement agencies.

6. Recommendation 6: Ensure that the appropriate structures, staffing levels and contingency plans in relation to ‘lorry drops’ are in place and properly resourced, and that any future surge in volumes does not result in the same deleterious impact on other enforcement priorities as experienced in the second half of 2015.

6.1 Accepted in part; action in progress.

6.2 Detailed contingency plans have been developed at a regional and national level. At clearly defined points, the ability to handle clandestine arrivals within existing resources is exceeded. The plans detail the steps needed to take to manage beyond this point considering all aspects of our response including the welfare of migrants, civil contingency measures, management of staff deployments, and a clearly defined command structure.

6.3 Work is ongoing across the Home Office to design a new end to end process that will streamline all steps in the process and build in flexible responses to cope with seasonal peaks or flows affected by long ranging international events. An initial pilot scoping procedural and technical improvements has just come to an end and is being evaluated.

6.4 Responses to unprecedented global pressures at times of crisis will still need to come from within existing staffing, which at times will impact on other normal activity. We will continue to work across the Home Office to minimise this impact, adjust our staffing model and find new and innovative ways of delivering our core priorities.

¹ To avoid “double jeopardy”, the potential to prosecute the driver, which implies the driver was utterly responsible for the boarding of his vehicle by clandestine entrants, means that the haulier’s negligence in not establishing a checking regime cannot be pursued in parallel with a criminal investigation