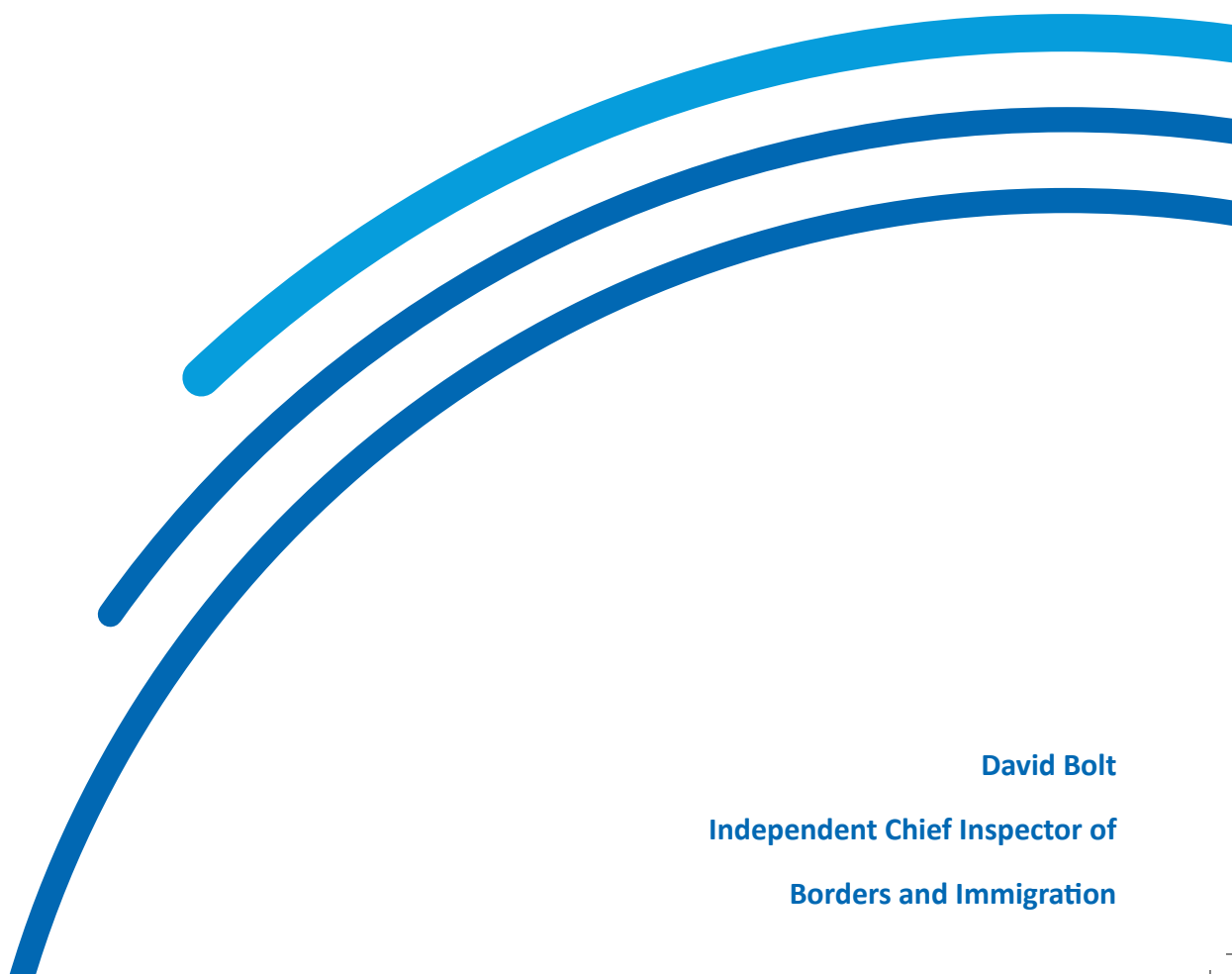




An inspection of Border Force operations at Gatwick Airport (South Terminal)

September – December 2016



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

July 2017



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Contents

Foreword	2
1. Purpose and scope	3
2. Methodology	4
3. Conclusions	5
4. Recommendations	9
5. Background	11
6. Inspection findings – immigration controls	15
7. Inspection findings – customs controls	28
8. Inspection findings – record keeping and assurance	32
9. Inspection findings – working with others	42
Appendix 1 – Role and remit of the Chief Inspector	47
Appendix 2 – Criteria used in this inspection	49
Acknowledgements	50

Foreword

Gatwick Airport is the UK's second largest airport. Its two international terminals, Gatwick North and Gatwick South, handled approximately 40 million passenger movements in 2016, with around 50 carriers flying to and from some 200 destinations. The airport has seen c. 6% annual growth in passenger numbers and has particularly grown its long haul routes, and is currently mid-way through a £2.5bn investment programme.

Border Force is responsible for securing the UK border via immigration and customs controls of people and goods entering and leaving the UK. As at mid-2016 it had a permanent headcount of 550 staff at Gatwick Airport, supported by mobile officers deployed at Gatwick when required, plus a contingent of seasonal workers it could call upon to cover increased passenger numbers during busier periods.

The Inspectorate published Gatwick North Terminal in 2012. Therefore, this inspection focused on Gatwick South. It examined the efficiency and effectiveness of Border Force immigration and customs operations, taking note of the findings and recommendations from recent inspections of Heathrow Airport (2015 and 2016) and Manchester Airport (2016), and at the issues highlighted in the inspection of Gatwick North Terminal. It also took note of the Border Force Operational Assurance Directorate's 'Spot Check' of Gatwick completed in March 2015.

The inspection found that Border Force was performing well against the national Service Level Agreement (SLA) for managing passenger queues at the immigration controls, and in the vast majority of cases was processing them in compliance with its Operating Mandate. However, it was overly reliant on mobile and seasonal staff to maintain this level of performance. Overall, Border Force operations at Gatwick appeared to be under considerable strain, with some groups of staff feeling undervalued. This was particularly true of those involved in customs work, although customs seizures in 2016 were higher than in the previous two years, which Border Force management ascribed to a major restructuring of its Detection Business Area.

The report makes 17 recommendations. These fall under five headings: the Border Force resourcing model at Gatwick Airport; safeguarding; customs controls; record keeping and assurance checks; and intelligence. While all of the recommendations refer specifically to Gatwick Airport, some may also apply more widely and I look to the Home Office to identify where this is the case and to take the necessary action.

This report was sent to the Home Secretary on 10 March 2017.

1. Purpose and scope

- 1.1 This inspection examined the efficiency and effectiveness of Border Force immigration and customs operations at Gatwick Airport (South Terminal). In doing so, it took note of the findings and recommendations from recent inspections of Heathrow Airport (2015 and 2016) and Manchester Airport (2016), at the issues highlighted in the 2011 Inspection of Gatwick Airport (North Terminal), and the Border Force Operational Assurance Directorate's 'Spot Check' of the North and South Terminals Gatwick (March 2015).
- 1.2 The inspection looked specifically at:
 - the quality and consistency of immigration decision making and casework, including decisions to refuse and grant leave to enter, to grant Temporary Admission (TA), and to detain individuals for further examination
 - the quality and consistency of customs decision making and casework, including when selecting passengers for customs examination, searches of person, and the enforcing of the law in relation to goods in excess of allowances
 - record keeping and quality assurance in relation to both of the above
 - the effectiveness of Border Force's relationships and interactions with partner agencies and stakeholders at Gatwick
 - progress in delivering improvements identified in previous inspections and assurance visits
- 1.3 Gatwick (North Terminal) and Freight Operations at Gatwick Airport were excluded from the scope of this inspection. Gatwick (North Terminal) was inspected in 2012 and Freight Operations were covered in detail in the 'Inspection of Border Force Operations at Manchester Airport (July – October 2016)' published on 13 April 2016.

2. Methodology

2.1 The inspection used all ten of the ICIBI inspection criteria.¹ Inspectors:

- made two familiarisation visits to Gatwick Airport
- reviewed and analysed documentary evidence provided by Border Force and open source material, including:
 - policies, instructions and guidance available to Border Force officers at Gatwick Airport
 - Border Force internal documents, including the Border Force Business Plan 2015-2018, Control Strategy,² Strategic Risk Summary, Operating Mandate, Border Force Immigration Guidance,³ Assurance Checks (Scheme of Control)⁴ and, Customs Guidance
 - material published on published on GOV.UK
 - performance data and management information
- examined 100 randomly-selected case files covering the period 1 June to 31 August 2016, including:
 - 31 refusals of leave to enter after the passenger was required to submit to further examination at the immigration controls (including cases involving Temporary Admission and detention)
 - 19 grants of leave to enter (as above)
 - 30 detections of customs controlled goods/substances resulting from targeted and non-targeted activity in the air passenger environment
 - 20 Search of Persons records (as above)
- surveyed airline operators
- interviewed and/or held focus groups with:
 - 50 Border Force members of staff, from Border Force Assistant Officer (BFAO) to Senior Civil Servant
 - Gatwick Airport Limited (GAL)
 - Border Force's delivery partners at Gatwick: Tascor (responsible for detention services), the National Crime Agency and Sussex Police Special Branch

1 See Appendix 2.

2 The Control Strategy is a component of the National Intelligence Model (NIM). Its primary purpose is to provide a framework for assessing and prioritising areas of responsibility to assist in decision-making and resource allocation. The Border Force Control Strategy is a protectively marked document.

3 <https://horizon.fcgs.gsi.gov.uk/section/work-tools-and-guides/topic/immigration-borders-and-nationality-guidance/guidance-where-work/border-force-guidance>.

4 A framework adopted by Border Force, intended to formalise assurance checks to ensure consistency and drive improvement.

- were onsite at Gatwick between 28 November and 2 December, during which time they conducted 130 hours of live observations of the immigration and customs controls, including during busy arrivals times

3. Conclusions

- 3.1 Border Force at Gatwick is bound by a national Service Level Agreement (SLA) for managing passenger queues at the immigration controls (known as the Primary Control Point or PCP). Under this SLA, in 95% of cases the processing for immigration purposes of UK and EEA nationals should take no more than 25 minutes, and non-EEA nationals no more than 45 minutes. Between 1 April and 30 November 2016, Gatwick South had exceeded 99% and 97% respectively. Most breaches of the 25 and 45 minutes were due to a high concentration of flight arrivals. The challenges and knock-on effects of meeting the SLA, while also subjecting 100% of arriving passengers to mandatory immigration checks, became the dominant theme of this inspection.
- 3.2 Through the peak summer months of 2016, Border Force employed a number of seasonal workers to help to resource the PCP at Gatwick. Many had a law enforcement or military background. They received training for their PCP role, but it was much shorter than the training given to permanent Border Force officers. Managers at Gatwick accepted they were reliant on seasonal workers to meet the SLA, but said that these staff did not have all the required skills, made errors and were less efficient at dealing with passengers than fully-trained, permanent officers.
- 3.3 At the time of the inspection, there were no seasonal workers employed at Gatwick. However, Border Force Gatwick was regularly calling upon Brigade Teams (intended as a mobile, regional resource) to make up shortfalls in staff resources. The Teams in question were based in Dover and Sheerness, and were allotted 3-4 hours from their ten hour shift for travel to and from Gatwick, almost halving the time available for operational duties. Although the officers were multi-functional (immigration and customs trained) they were deployed at Gatwick only on the PCP. Using Brigade Teams in this way was both inefficient and unsustainable.
- 3.4 ePassport gates permit Border Force to process large volumes of low-risk arriving passengers efficiently and effectively. Figures provided by Border Force indicate increased use of ePassport gates at both Gatwick terminals, due in part to having extended their use to 12 to 17 year olds. However, while ePassport gates enable Border Force to operate the immigration controls with fewer officers, there are still key monitoring and support roles that must be filled. In particular, as a ministerial condition of e-gate use by 12 to 17 year olds, Border Force is required to have a Roving Officer⁵ present in the Arrivals Hall at all times. During their week of observations (28 November to 2 December 2016) at Gatwick South, there were several periods when inspectors could not see a Roving Officer in the Arrivals Hall.
- 3.5 At this time, there were 15 ePassport gates (three banks of five) at South Terminal. However, the airport operator had funded and was installing a further 10 gates at each terminal. Some of the existing gates sometimes had to be closed as there were not enough Border Force officers to monitor them. Therefore, there was some scepticism among officers that 25 gates would ever be in use at the same time. What was clear was that extra gates will put more pressure on the Roving Officer, and some officers believed that one Roving Officer was already not enough when 15 gates were open, as the Roving Officer was often distracted by general enquiries from passengers.

⁵ The Roving Officer is responsible for ensuring that unaccompanied children (or those rejected by the ePassport gate) are referred to an officer at a control desk in order to mitigate safeguarding risks.

- 3.6 Border Force officers at the PCP were aware of their safeguarding responsibilities, particularly in relation to minors, and challenged passengers appropriately. However, there was some uncertainty about how to balance the best interests of the child and the Immigration Rules, and officers appeared to be less aware of safeguarding issues relating to vulnerable adults. Gatwick South did have a number of trained Safeguarding and Trafficking (SAT) officers, but they were regularly required to occupy a PCP desk and therefore were unable to 'floor-walk' in order to look out for vulnerable adults and children.
- 3.7 From observations and file sampling, the vast majority of passengers were being processed at the PCP in compliance with the Border Force Operating Mandate and guidance. However, some instances of non-compliance were observed. In the case of guidance, these coincided with times when the controls were busy with queuing passengers. Meanwhile, the files revealed long delays in progressing cases where a passenger had been detained for further examination, and these were in part due to officers having to remain at the controls rather than deal with the passenger they had detained.
- 3.8 Like the SAT officers, specially trained forgery officers also had to occupy a PCP desk rather than 'floor-walk'. Managers at Border Force Higher Officer (BFHO) and Senior Officer (BFSO) grades were also affected by queue pressures, and were stepping in to manage queues and direct passengers at busy times. While this was pragmatic and showed good team spirit, it was not an efficient use of management resources.
- 3.9 Turning to customs work, in April 2016 Border Force Gatwick had restructured its Detection Business Area into specialist teams. In the process, 40 officers (out of a total of 255) were allocated to immigration work. The bulk of the remainder now belonged to one of 11 Commodity and Response Teams (CART) described as 'dedicated teams in the customs channels'. But, according to the officers affected, the list of CART functions included activities that were previously covered by officers working on the immigration controls. As a result, while officers were no longer being drawn away from the immigration controls to attend to other tasks, CART officers were often absent from the customs controls, including for arrivals of high-risk flights.
- 3.10 Customs seizures in 2016 were higher than in comparative periods in 2014 and 2015, in particular seizures of Class A drugs, suggesting that the restructure was a success. However, there are no robust estimates of what goes undetected, so it is difficult to know whether performance is actually improving and whether the quantities of prohibited and restricted goods that enter the UK through Gatwick are reducing or are on the rise.
- 3.11 Again from observations and file sampling, searches of persons (SoPs) and baggage searches were being carried out in compliance with legislation and Border Force Guidance. Where passengers were found to have goods in excess of their personal allowances, these were being seized as required. CART officers reported that they were also being used for most immigration-related baggage searches. Some believed PCP officers referred passengers for speculative baggage searches when they were uncertain whether to carry out a full further examination, and if no CART officer was available the passenger was invariably granted leave to enter rather than have a PCP officer leave their desk to carry out the baggage search. This frustrated the specialist detection officers as it showed that managing PCP queues was seen as more important than their core work of making customs detections.
- 3.12 Inspections of Border Force have regularly identified the need to improve record keeping. This inspection of Gatwick South was no exception, particularly with regard to immigration case files. In many of the files sampled, the audit trail for decisions and actions was incomplete. On

the customs side, the details of seizures recorded on the Centaur⁶ system differed from those recorded in officers' notebooks. The fact that there were only two computer terminals in the customs channels, and that some officers did not have their own Centaur accounts and had to sign on as someone else, sends entirely the wrong message about the importance of good record keeping.

- 3.13 The Border Force Assurance Checks Scheme of Control, if properly executed, should have identified and remedied at least some of these record keeping errors. Officers at Gatwick South were aware of what assurance checks were required and how frequent they should be. They were reminded of the importance of assurance checks following a Border Force Operational Assurance Directorate's 'Spot Check' in March 2015. Despite this, from the 50 immigration files and 50 officer notebooks sampled for this inspection, it appeared that assurance checks were still not being completed thoroughly enough.
- 3.14 Border Force aims to be intelligence-led. Gatwick receives prioritised intelligence alerts⁷ relating to particular flights or individuals, and Border Force at Gatwick South was responding to these alerts as mandated by the Border Force Control Strategy. However, officers were unhappy about the drain on resources, which were often diverted from other tasks, especially as only a small percentage⁸ of alerts resulted in a positive outcome. Border Force had identified the need to improve feedback about alerts, and processes at Gatwick had recently been revamped.
- 3.15 Where officers encounter a case that may be of interest to another Border Force directorate or other law enforcement agency, Border Force at Gatwick South should refer them on. The data provided for referrals showed a significant drop in 2016 from an already low base in the two preceding years. Border Force intelligence colleagues ascribed this to the limited intelligence training provided to frontline officers. It was also unhelpful that there was no written guidance for officers at Gatwick South about when to make a referral.
- 3.16 The National Crime Agency (NCA) leads the Joint Border intelligence Unit (JBIU) at Gatwick, which it regards as key to border security and effective partnership working with Border Force. Relationships within the JBIU were good, but Border Force had only two officers embedded in the JBIU, not four as agreed. According to NCA and Sussex Police Special Branch (SB), referrals from Border Force at Gatwick South tended to be 'low level, easy wins', which conflicted with NCA and SB priorities which focused on high-level cases with aggravating factors.
- 3.17 One area where these different 'thresholds' were having a negative effect was cash seizures. Cash detections were a high priority for Border Force, and officers were empowered⁹ to seize cash they suspect is linked to criminality. Border Force officers at Gatwick South were detecting cash both inbound and outbound, and passing detections to NCA to investigate and prosecute. However, at the time of the inspection the latter were not resourced to investigate where the sum was less than £10,000, so lower value detections were not investigated and Border Force officers had become less inclined to seize cash as a result.
- 3.18 In summary, the inspection identified that, in attempting (and largely succeeding) to manage the twin objectives of checking 100% of arriving passengers at the immigration controls and meeting the national SLA for queue times, Border Force operations at Gatwick South were under considerable strain and some groups of staff felt undervalued. This was particularly true of customs work. Consequently, it calls into question the resilience and sustainability of the current resourcing model.

⁶ Centaur is an IT system owned by Her Majesty's Revenue and Customs, but also used by Border Force. Border Force guidance requires all seizures to be recorded on Centaur.

⁷ From the National Border Targeting Centre (NBTC), part of Border Force Intelligence Directorate.

⁸ 8% in 2015.

⁹ Proceeds of Crime Act 2002 (POCA).

3.19 Meanwhile, for all of Border Force's efforts and success in managing the SLA and maintaining a positive relationship with Gatwick Airport Limited (GAL), GAL wants to see shorter queuing times. With Border Force's support, GAL has invested in additional ePassport gates. It will expect to see a return on its investments and, with passenger numbers at Gatwick projected to increase, the challenges for Border Force will only grow, making it essential that it gets its resourcing model for Gatwick right.

4. Recommendations

The Home Office should

- 4.1 Confirm that the Border Force resourcing model for Gatwick Airport (both terminals) meets current business needs, is resilient and sustainable in the short to medium-term (3-5 years),¹⁰ ensuring that:
- a. there are sufficient permanent, fully-trained Gatwick-based Border Force officers to deliver core immigration and customs functions efficiently and effectively during ‘non-peak’ periods
 - b. rosters are maintained for key roles, such as the Controlled Waiting Area (CWA), ePassport gates referral desk, and Roving Officer, so that these are always covered when these functions are required
 - c. officers with specialist skills are not tied to PCP desk duties where this would result in their specialist function being suspended
 - d. the rationale for resource deployments and plans is communicated effectively to the members of staff affected
 - e. seasonal staff used to cover peak periods for passenger arrivals receive training, mentoring and supervision that puts them on a par with permanent Border Force officers fulfilling the same functions in terms of their efficiency and effectiveness
 - f. full use is made of the skills and experience of officers called in from elsewhere to assist Border Force Gatwick (e.g. Brigade Teams), and arrangements for their deployment are demonstrably cost-efficient
 - g. resource planning and deployment takes account of the objectives, priorities and plans of partner agencies and of Gatwick Airport Limited (GAL), identifying and jointly addressing any gaps
- 4.2 In relation to safeguarding:
- a. clarify the ‘best interests of the child’ and the ‘vulnerable adults’ elements of the safeguarding e-learning package, and test that they are properly understood by frontline officers
 - b. ensure that officers in the customs channels recognise that they are responsible for safeguarding as much as officers on the immigration controls
 - c. define the Roving Officer role, taking full account of logistics (positioning, passenger flows, number of ePassport gates in operation) and ensure that officers undertaking this role are clear about what is required of them

¹⁰ In July 2016, Gatwick Airport announced a £1.2bn five-year capital investment programme to develop the existing airport infrastructure and increase passenger capacity.

4.3 In relation to the customs controls:

- a. monitor how much Commodity and Response Team (CART) time is spent supporting former immigration functions, and consider reviewing their list of duties or change their description to 'dedicated teams in the customs channels' to reflect the reality
- b. ensure that there is a visible Border Force presence in the customs channels for all high-risk flights

4.4 In relation to record keeping and assurance checks:

- a. ensure that all officers at Gatwick understand and comply with the requirement to create accurate, complete and auditable records of all decisions and actions, including (but not limited to) detentions, grants and refusals of entry, Temporary Admissions, searches of persons and baggage, and seizures (providing the necessary IT access for the efficient capture of the latter)
- b. review the targets set for first line quality assurance to ensure that they are meaningful and that they are being thoroughly and systematically applied

4.5 In relation to intelligence:

- a. review the intelligence training provided to Border Force officers, including seasonal workers, and ensure that it covers (at least) national, regional and local intelligence roles, responsibilities and products, and the importance of providing honest and timely feedback on intelligence alerts
- b. provide officers with written guidance about referrals (what to refer, when, to whom and how)
- c. ensure that responding effectively to intelligence alerts does not result in core customs functions being suspended when 'high-risk' flights are passing through the customs channels

5. Background

Gatwick Airport

- 5.1 Gatwick Airport¹¹ is the UK's second largest airport, with approximately 40 million passenger movements annually. It has two terminals, North and South, each of which handles domestic, international and charter flights. In 2016, Gatwick was used by 49 carriers, with flights to and from around 200 destinations. The airport operates 24 hours a day/365 days a year. Over 20,000 people are employed in 'on-airport' jobs, and the airport claims to contribute over £2bn annually to the economy of London and the South East.
- 5.2 Since 2009, passenger numbers at Gatwick have grown by a third, and they continue to grow by c. 6% year-on-year. In particular, Gatwick has increased its long haul routes.¹² In July 2016, Gatwick Airport announced a further £1.2bn five year capital investment programme¹³ to develop the existing airport infrastructure and increase passenger capacity.

Gatwick South Terminal

- 5.3 Gatwick South Terminal is the larger and busier of the two terminals. At the time of the inspection, it also handled a much larger number of carriers.

Figure 1: Carriers using Gatwick South Terminal in 2016

Aegean Airlines	Enter Air	Sun Express
Aer Lingus	Flybe	Swiss International Air Lines
Air Arabia Maroc	Germania	TAP Air Portugal
Air Baltic	Iberia	Thomas Cook
Air Europa	Iraqi Airways	Titan Airlines
Air Malta	Med-View Airline	Travel Services
Air Transat	Monarch	Tunis Air
Aurigny	Montenegro Airlines	Turkish Airlines
Austrian	Norwegian	Ukraine International Airlines
Bulgaria Air	Pegasus	Virgin Atlantic
Cathay Pacific	Ryanair	Wizz Air
Croatia Airlines	SATA International	WOW Air
easyJet ¹²	Small Planet	

11 Since 2009, Gatwick Airport has been in private ownership. It is owned by a group of international investment funds, of which Global Infrastructure Partners (GIP) is the largest shareholder. The airport is operated by Gatwick Airport Ltd.

12 For example, adding routes to Canada and China.

13 Gatwick Airport reported that it had already invested £1.3bn in capital projects since 2009.

14 In 2016, easyJet also used Gatwick North Terminal. From January 2017, all easyJet flights will operate from North Terminal and British Airways will be moving their operation to South Terminal.

- 5.4 The capital investment programme announced in July 2016 includes a planned expansion of the South Terminal International Departures Lounge and of the Arrivals (Immigration) Hall, with the latter including the installation of additional ePassport gates.

Border Force

- 5.5 Border Force is a law enforcement command within the Home Office. It is responsible for the immigration and customs controls of people and goods entering and leaving the UK. The Border Force Business Plan 2015-2018 sets out its five strategic objectives:¹⁵

- To deter and prevent individuals and goods that would harm the national interest from entering the UK
- To facilitate the legitimate movement of individuals and trade to and from the UK
- To protect and collect customs revenues from trade crossing the border
- To provide excellent service to customers
- To provide demonstrable effectiveness, efficiency and value for money

- 5.6 These five strategic objectives are underpinned by four values:

- Commitment: we must each personally commit to making our team the best it can be
- Discipline: we must each take personal responsibility for our actions and support each other to do the right thing
- Respect: we must each create and help maintain a truly inclusive working environment for colleagues and customers
- Moral courage: we must each do the right thing, even when it is unpopular or in conflict with personal interests, and so safeguard our integrity

- 5.7 The Border Force Business Plan states that Border Force aims to be ‘a fully intelligence-led organisation that targets its activities to greatest benefit.’ The Border Force Control Strategy¹⁶ supports this intelligence-led approach. It assesses the threats and risks¹⁷ at the border. Senior managers use the Control Strategy, together with current intelligence from Border Force Intelligence Directorate, to target resources towards the greatest identified risks.

Border Force at Gatwick Airport

- 5.8 As at June 2016, the Border Force funded headcount at Gatwick Airport (both terminals) was 550 full-time equivalents (FTEs).¹⁸ In November 2015, it had been 625. However, Border Force had recruited a contingent of seasonal workers to complement the 550 FTEs. These seasonal workers were employed exclusively on the immigration controls to deal with increased passenger numbers during busier periods.

- 5.9 In addition to the permanent staff based at Gatwick and the seasonal workers, Gatwick was able to call on mobile teams (known as Brigade Teams). These mobile teams were available to be

¹⁵ An internal Home Office document.

¹⁶ The Control Strategy is a component of the National Intelligence Model (NIM). Its primary purpose is to provide a framework for assessing and prioritising areas of responsibility to assist in decision-making and resource allocation. The Border Force Control Strategy is a protectively marked document.

¹⁷ The ‘threat’ is the capability of those involved in planning and or carrying out an event, while the ‘risk’ is the likelihood and impact of an event.

¹⁸ The full-time equivalents (FTE) figure represents the number of notional full-time employees working their standard hours who would be required to produce the total working hours of all actual full and part-time employees.

deployed where and when needed across the region. Inspectors were told that Brigade Teams based at Dover and at Sheerness were regularly deployed to Gatwick in order to operate the immigration controls. Border Force records showed that between June and November 2016 there were 567 deployments of mobile teams to Gatwick (both terminals).

- 5.10 Figure 2 shows the number of Border Force officers based at Gatwick (both terminals), both total headcount¹⁹ and the FTEs, between June and November 2016.

Figure 2: Number of Border Force officers based at Gatwick Airport between June – November 2016		
Month	BF officers based at Gatwick Airport	Full-time equivalents
June	581	537.37
July	577	532.39
August	579	531.61
September	580	533.29
October	574	527
November	568	522.14

- 5.11 Figure 3 shows the number of shifts during the same period where seasonal workers or Brigade Teams were deployed at Gatwick (both terminals), and the number of Brigade Team officers deployed across each month (i.e. not at the same time).

Figure 3: Number of shifts worked by seasonal workers and Brigade Teams at Gatwick Airport between June – November 2016			
Month	Shifts where seasonal workers were deployed	Shifts where Brigade Teams were deployed	Number of Brigade Team officers deployed
June	782	75	311
July	811	89	298
August	826	103	322
September	780	97	336
October	717	103	423
November	322	100	419

- 5.12 As part of this inspection, inspectors held interviews and focus groups at Gatwick with 50 Border Force members of staff. This included brigade staff, but did not include any of the seasonal workers as none were present when the inspectors were onsite. Figure 4 shows the breakdown by grade.

¹⁹ Total number of permanent Border Force officers for whom Gatwick was their normal place of work, not the number of officers deployed at any one time.

Figure 4: Border Force staff interviewed (by grade)	
Senior Civil Servant	1
Deputy Director (Grade 6)	1
Assistant Director (Grade 7)	3
Border Force Senior Officer (SEO)	4
Border Force Higher Officer (HEO)	12
Border Force Officer (EO)	21
Border Force Assistant Officer (AO)	8
Total	50

6. Inspection findings – immigration controls

Entry to the UK

- 6.1 Individuals arriving in the UK from overseas fall into two categories for immigration purposes:
- British, other European Economic Area (EEA)²⁰ and Swiss nationals
 - Nationals of all other countries
- 6.2 British, and other EEA and Swiss nationals do not require leave to enter, but Border Force may refuse admission in certain circumstances, for example on grounds of ‘public policy, public health or public security’.²¹ These nationals use the UK and EU entry lanes at Gatwick South Terminal, which include ePassport gates for those with passports containing a biometric chip.²²
- 6.3 Frequent travellers from specified non-EEA countries may apply and pay to become a ‘Registered Traveller’. Registered Travellers may also use the UK and EU entry lanes and the ePassport gates at certain airports, including at Gatwick. Otherwise, nationals of non-EEA countries must present themselves at an immigration control desk and seek leave to enter from a Border Force officer.
- 6.4 Possession of a valid visa is not a guarantee of entry. Officers at the immigration controls (referred to as the ‘Primary Control Point’ or ‘PCP’) are required to ask questions to establish whether an individual qualifies for entry under the Immigration Rules. Where the officer is not satisfied, entry may be refused.
- 6.5 Inspectors observed the immigration controls in operation at Gatwick South during the period 28 November to 2 December 2016 and saw that Border Force officers were asking appropriate questions of arriving non-EEA nationals. However, the time taken to do so varied considerably, with some officers asking more questions and making more notes than others.

Operating Mandate

- 6.6 The Border Force ‘Operating Mandate’, which was agreed with Ministers, came into use in July 2012. 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; it also defines the actions to be taken in response to those checks’.

²⁰ The member countries of the European Economic Area are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK.

²¹ <http://www.legislation.gov.uk/ukxi/2006/1003/part/4/made>.

²² Originally, individuals using the ePassport gates had to be 18 or over. However, since 21 March 2016, Border Force has been running a trial to allow accompanied minors aged between 12 and 17 to use the ePassport gates.

- 6.7 The Operating Mandate sets out the mandatory checks that officers must complete for ‘all individuals seeking entry to the UK’, and those to be applied to ‘specific cohorts of individuals seeking entry’, plus the further ‘necessary and appropriate’ checks an officer might apply ‘on a case-by-case basis to satisfy themselves of the appropriate course of action to be taken’. It also covers when and how cases should be referred and handed on to other authorities.
- 6.8 The Operating Mandate states that officers should examine an individual’s travel document. Normally, this involves scanning the document into the computer-based checking system. The Operating Mandate informs officers what they should do in situations of ‘temporary technical or operational disturbances’, and also what to do if the chip in a biometric passport fails to open when checked.
- 6.9 Where a travel document cannot be swiped or scanned, the Operating Mandate requires that ‘both a document and a name search must be conducted manually’.

Operating Mandate Compliance at Gatwick South

- 6.10 Between 28 November and 2 December 2016, inspectors observed Border Force officers conducting checks fully in accordance with the Operating Mandate for the vast majority of arriving passengers. However, inspectors also observed instances where this was not the case, specifically:
- two instances where passports containing chips were removed from the scanner before the chip had been opened
 - an instance where the name provided on the landing card was checked rather than the name in the passport
 - two instances where officers did not manually check document numbers when the documents failed to scan:
 - one relating to a previous passport with an Indefinite Leave to Remain stamp, which the officer did examine
 - one relating to a National Identity card, which the officer checked visually for signs of forgery
 - one instance where the passenger presented a UK Biometric Residence Card, which the officer scanned, but failed to examine and scan the passport.²³

Border Force Immigration Guidance

- 6.11 Border Force Immigration Guidance provides guidance on how to operate the immigration controls.
- 6.12 Passengers arriving at the immigration controls who are unable to satisfy an officer’s initial questioning that they qualify for entry to the UK in one of the categories set out in the Immigration Rules can be required to submit to further examination, which may involve an interview, baggage search and contacting any UK-based sponsor. The Immigration Guidance refers to examination powers and to the use of Home Office form IS81 ‘Authority to detain for examination/further examination’. It states:

²³ In March 2015, Border Force Operational Assurance Directorate (OAD) carried out a standards ‘spot check’ of Gatwick Airport, where they too found some evidence of non-compliance when officers were carrying out physical PCP checks.

‘If you need to leave the primary control point desk to make further enquiries about the admissibility of a passenger this means that you are now conducting a further examination under Schedule 2 of the Immigration Act 1971.

This is because the passenger is being required to wait, and is not free to leave, until you return. They are therefore being detained from that point in time. To lawfully examine a passenger further under Schedule 2 you must give the passenger a written notice, IS81, which explains under what powers they have been detained.’

- 6.13 The Immigration Guidance also states that ‘a passenger who has been required to submit to further examination following the service of form IS81 must be placed into a holding room under the control of a Tascor Detainee Custody Officer,²⁴ where one exists, as soon as possible in order to reduce the risk of the passenger absconding from the control’.
- 6.14 According to the Immigration Guidance, ‘Detaining a passenger solely by service of an IS81 must be for as short a period as possible.’ Once a passenger is placed in the control of a detaining authority (e.g. a Tascor Detainee Custody Officer, the Prison Service, or the Police) forms IS91 (Detention Authority), IS91R (reasons for detention) and IS86 (notification of requirement to provide fingerprints) must be served.

Immigration Guidance Compliance at Gatwick South

- 6.15 During observations at Gatwick South between 28 November and 2 December 2016, inspectors noted a number of instances where Border Force officers did not comply fully with the Border Force Immigration Guidance. These all occurred when the immigration controls were busy with queuing passengers:
- on two occasions a passenger was left unattended at the immigration control desk while the officer sought assistance (in one case advice from a colleague on another desk about how to conduct a fingerprint check, and in the other to find an interpreter amongst the queuing passengers)
 - on one occasion a family of EEA nationals was delayed while one member, who was a dual national, presented an expired document and was required to wait in the seating area beside the controls (known as the ‘controlled waiting area’ or ‘CWA’) without an IS81 being issued
 - one officer having issued an IS81 to the passenger then told the passenger that there was an entry on the system that they needed to check
 - one officer left their immigration stamp in the ‘watch house’²⁵ unattended for more than 10 minutes
- 6.16 Meanwhile, the random sample of 50 files from the period 1 June to 31 August 2016 where an IS81 had been issued (comprising 31 refusals and 19 grants of entry) indicated delays in placing passengers in the holding room:
- in the 50 cases sampled, the average time between the issue of an IS81 and the passenger being booked into the holding room was 1 hour 56 minutes;

²⁴ Tascor Services Ltd is contracted by the Home Office to provide escorting and detention services. Under this contract, Tascor is responsible for managing holding rooms at UK ports, including, Gatwick.

²⁵ Control room overlooking the PCP, managed by Border Force Higher Officers and Senior Officers.

- 22 of the 50 cases exceeded 1 hour 30 minutes; of which
- 5 cases exceeded 3 hours, and the longest wait was 3 hours 47 minutes.²⁶

Leave to Enter following detention

6.17 Home Office records show that of the 2,484 passengers detained at Gatwick South between 1 April 2015 and 31 March 2016, 1,402 (56%) were subsequently granted leave to enter.

6.18 From the 19 cases within the file sample:

- the average length of detention was 6 hour 44 minutes; of which
 - 11 cases took 5 hours or more, and 6 of these exceeded 7 hours
 - two passengers were detained for over 9 hours
 - the longest period of detention was 13 hours and 40 minutes

Refusal of Leave to Enter

6.19 The other 1,082 (2,484 minus 1,402) passengers detained at Gatwick South between 1 April 2015 to 31 March 2016 were refused entry to the UK. In the first half of 2016-17 (1 April to 15 September 2016) the refusal figure was 459, a 6% reduction on the same period in 2015-16.

Grounds for further examination

6.20 Figure 5 shows the primary reasons for serving an IS81 in the 50 cases sampled.

Figure 5: Primary reasons recorded for service of Form IS81 in 50 sampled cases	
Credibility ²⁷	25
Lack of entry clearance for purpose of entry ²⁸	9
Entry clearance/BRP holder ²⁹ suspected change in circumstances	4
Home Office records ³⁰	3
Forgery concern/Impersonation ³¹	3
Entry clearance/BRP holder suspected change in purpose ³²	1
Sponsor check ³³	1
Other	3
Not known	1

²⁶ Border Force officers told inspectors that detained passengers were normally kept in the CWA before being formally booked into detention. The passenger would then be taken for a baggage search and fingerprinting before being taken to the holding room. All passengers (except young children) who are submitted for further examination have their fingerprints taken. The officers also said that 'for operational reasons it is not always possible to deal with passengers immediately.'

²⁷ The officer was not satisfied the passenger's personal circumstances or intentions were such that they should be granted entry without further examination.

²⁸ The passenger did not have a valid entry visa.

²⁹ Non-EEA nationals are issued a Biometric Residence Permit giving them right to reside in the UK.

³⁰ Information contained on Home Office records indicated the need for further examination.

³¹ The officer suspected the Passport/Travel document had been tampered with or the passenger was not the rightful holder.

³² The officer suspected that the purpose of the visit was different from that specified on the visa.

³³ The officer determined it was necessary to check with the person sponsoring the passenger's visit before deciding whether to grant/refuse entry.

Further examination and interviews

6.21 Border Force Immigration Guidance says:

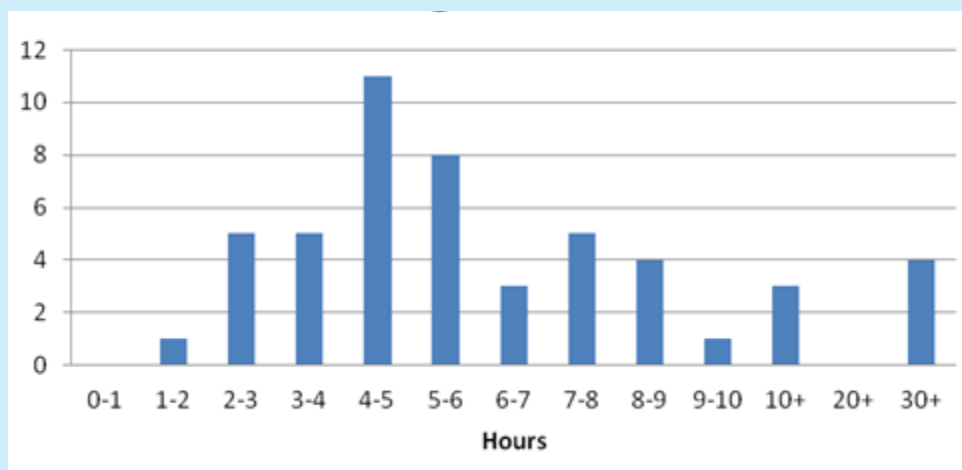
‘Whenever a person has been submitted for further examination, it will generally be appropriate to interview the person fully to establish all the facts of the case.’

6.22 The individual was interviewed having been served with notice of a further examination in 46 out of 50 of the cases sampled.

Time between issue of IS81 and immigration decision

6.23 Figure 6 shows the time that elapsed between the issue of the IS81 and the decision to grant or refuse entry in the 50 sampled cases.

Figure 6: Time between service of Form IS81 and Immigration Decision



Resourcing the Primary Control Point (PCP)

6.24 All of the Border Force officers operating the immigration controls to whom inspectors spoke said that they were familiar with both the Operating Mandate and Border Force Immigration Guidance. Based on observations conducted between 28 November and 2 December 2016, the mandated checks and procedures were being applied correctly to the vast majority of arriving passengers. However, inspectors also identified some instances of non-compliance.

6.25 During the onsite phase of the inspection, officers at all grades raised with inspectors the demands of the immigration controls (PCP) and the resource pressures these created. Border Force officers³⁴ found PCP work ‘relentless’, while managers felt that they spent most of their time ‘fighting fires’ in order to resource the PCP sufficiently. One senior manager commented that Border Force Gatwick was at a ‘tipping point’ in terms of being able to meet its core functions with the available resources.

³⁴ Normally, the PCP desks are operated by Border Force Officers and Border Force Assistant Officers.

- 6.26 Inspectors observed the South Terminal arrivals hall for 130 hours over the course of 5 days while onsite. At no point were all of the PCP desks staffed, even during peak times when passenger queues were longer. Officers felt this 'did not look good', and it drew critical comments from those in the queue, which inspectors also overheard. However, despite the obvious pressures, inspectors saw that Border Force officers interacted with passengers politely and in a professional manner.
- 6.27 During busy periods, inspectors observed Border Force Higher Officers (BFHO) and Senior Officers (BFSO) organising the queues and directing passengers to immigration control desks. While effective, this was not an efficient use of senior staff, particularly as airport 'presenters' employed specifically for this purpose were on hand. Inspectors also observed BFSOs stamping passports on the PCP on several occasions, although one local manager said that he would not do this as it was not the answer to the staffing pressures but was merely 'papering over the cracks'.³⁵
- 6.28 Gatwick airport has a number of teams with specialist functions, for example forgery detection or safeguarding and trafficking. Inspectors were told that when the PCP was busy, specialist officers were routinely re-allocated to it. Officers complained to inspectors that this was a daily occurrence, and it meant that their specialist skills were not being used effectively or efficiently. For instance, forgery officers highlighted that they were routinely called to occupy the PCP desks, meaning that they were unable to patrol the PCP to identify and give additional scrutiny to certain passengers and documents using their specialist skills.
- 6.29 The pressure to resource the PCP also affected the staffing of required roles. For example, an officer is required to monitor passengers served with an IS81 and placed in the 'Controlled Waiting Area' (CWA), in order to prevent anyone from slipping through while the officer who had stopped them was away from the PCP carrying out further checks. Inspectors observed numerous occasions when there were passengers waiting in the CWA but there was no monitoring officer. Inspectors were told that there was no formal roster, and managers would allocate officers to the monitoring role on an ad hoc basis.

Use of Seasonal Workers

- 6.30 Border Force had put arrangements in place to deal with periods when the immigration controls at Gatwick Airport were expected to be under greater than normal pressure due to increased passenger numbers, such as during the summer months. A seasonal workforce, most of whom had a law enforcement or military background, had been recruited and trained to operate the PCP. They could be brought in on short-term contracts as needed.
- 6.31 Border Force officers receive training that equips them to operate the PCP up to and including the issue of an IS81. This training, which is known as Core Skills 1, comprises:
- Class room based training (3 weeks)
 - Guided Learning Unit (3 days)
 - Personal Safety Training (5 days)

³⁵ A BFHO is responsible for a team during each shift, providing operational support to frontline officers. The BFSO role is the 'duty airport manager' with responsibility to redeploy staff to address any immediate operational shortfalls, plan and project staffing needs, consider pro-active operations and campaigns, brief BFHO's on shift priorities and identify and prioritise other exceptional operational issues, such as liaison with the airport operator, managing the immigration controls, measuring queuing times, carrying out assurance checks and ensuring the availability of a forgery officer for a targeted flight.

- 6.32 Training for seasonal workers for the same tasks is significantly shorter:
- Stage 1: Pre Course learning and Port Orientation/Induction (2 days)
 - Stage 2: A classroom based course (7 days)
 - Stage 3: Post course mentoring at Port³⁶ and deployment (3 days as a minimum)
- 6.33 Some Border Force officers said that the limited training provided to seasonal workers could be interpreted as suggesting that the skills required for port work were easily obtained, which could be demoralising for permanent staff.
- 6.34 Managers at Gatwick told inspectors that the training did not equip seasonal workers with all of the skills they required. For example, managers said they were not equipped to detect forged travel documents or assess credibility, and they had to spend extra time briefing seasonal workers on how to conduct desk interviews, but even so they were less efficient in dealing with passengers, and this led to bottlenecks at the PCP.
- 6.35 One manager commented that experience from other law enforcement agencies did not guarantee an understanding of Border Force operations, and gave the example of two recent Operating Mandate breaches that had occurred because seasonal workers had been under the impression that they could use their discretion to forgo mandatory checks. Another manager added that seasonal workers were more prone to making mistakes.
- 6.36 However, despite these concerns about seasonal workers, managers at Gatwick were agreed that Border Force Gatwick was reliant on seasonal workers to meet its Service Level Agreement (SLA) in relation to the processing of queues of arriving passengers, and that without this additional resource they would ‘topple over’. Between 1 June and 31 September 2016, the cost of employing seasonal workers at Gatwick was £431,000.

Use of Brigade Teams

- 6.37 No seasonal workers were employed at Gatwick during the period that inspectors were onsite, and therefore none were interviewed. However, inspectors were able to observe and interview officers from the mobile Brigade Teams³⁷ deployed at Gatwick to make up shortfalls in available staff resources.
- 6.38 The Brigade Teams in question were based at Dover and Sheerness, and were intended for use at the juxtaposed controls in Europe and at smaller ports across southern England when there was a demand. However, inspectors were told that it had become ‘business as usual’ for the Brigade Teams to be deployed at Gatwick on a daily basis. From observations during the onsite week, inspectors were able to confirm the regular deployment of Brigade Teams to the PCP. One Brigade Team manager told inspectors that the team had spent three shifts of their five shift rotation deployed to the PCP at Gatwick, and that this was typical.
- 6.39 Local managers told inspectors that Gatwick South had become overly reliant on Brigade Teams, and described the manner in which Brigade Teams were used at Gatwick as ‘wholly inefficient’. The Teams were allotted 3-4 hours from their shift for travel to and from Dover or Sheerness and Gatwick, almost halving the time available for operational duties. With poor traffic, which

³⁶ Core Skills 1 trained staff also receive a period of post-course mentoring. Inspectors were not provided with details of the length or form of this mentoring.

³⁷ Brigade Teams consist of a Border Force Higher officer team leader, plus typically four or five Border Force Officers.

inspectors were told was a regular problem, the travelling time could be even longer and on the first day of observations one Brigade Team was indeed delayed in traffic.

- 6.40 Figure 7 shows the number of occasions Brigade Teams were used at Gatwick Airport between June and November 2016, the number of hours allocated taken to travel to and from Gatwick, and the number of hours worked by the Brigade Team. Border Force estimated the total cost of using Brigade Teams during this period was £857,429.³⁸

Figure 7: Deployment of Brigade Teams at Gatwick (North and South Terminals) June – November 2016			
Month	Number of deployments	Travelling time (hours)	Time deployed at Gatwick (hours)
June	75	1,544	2,316
July	89	1,548	2,322
August	103	1,700	2,550
September	97	1,732	2,598
October	103	2,104	3,156
November	100	2,076	3,114

- 6.41 Brigade Teams were made up of multi-functional officers, trained in both immigration and customs functions. However, they were being deployed only at the PCP, and where they issued an IS81 the case would be transferred to a Gatwick-based officer to take forward. Leaving aside questions of the inefficiency and sustainability of transporting officers daily from Dover and Sheerness to Gatwick, the failure to use their full skill set when they are there is difficult to understand, both from a value for money perspective, and in terms of personal development and job satisfaction.

ePassport gates

- 6.42 Increasing ePassport gate take-up by eligible passengers is seen by Border Force and by the airport operator as integral to the success of the Gatwick transformation programme,³⁹ and the evidence suggests that passengers are becoming more amenable to using them.
- 6.43 Figures provided to inspectors by Border Force indicate increased use of the ePassport gates at both Gatwick terminals. The percentage of eligible passengers using the ePassport gates at the North Terminal rose from 32% in February 2016 to 65% in July 2016, following the installation of new gates in March. At the South Terminal, usage increased from 59% in March 2016 to 67% percent in July 2016. Between June and November 2016, over 2.5m arriving passengers used the ePassport gates at the South Terminal.
- 6.44 It is unclear to what extent the increased take-up at Gatwick reflects an increasing acceptance of self-service technologies, poor experiences or perceptions of queues at the immigration control desks, or the effectiveness of ‘presenters’ in steering arriving passengers towards the ePassport gates.

³⁸ This included salary costs, travel and subsistence, and car parking costs.

³⁹ Airport operators are generally supportive of extending the use of ePassport gates where this will reduce queuing times, and some, including Gatwick, have been willing to fund the installation of additional gates. The gates are typically installed in banks of five.

- 6.45 ePassport gates permit Border Force to process large volumes of low-risk arriving passengers efficiently and effectively. But, they still require officers to be deployed to observe the passengers using the gates and redirect any who should be examined by an officer at a control desk, to monitor the results of the automated checks, and to deal with passengers who are rejected by the gates.
- 6.46 At the time of the inspection, there were 15 ePassport gates installed at Gatwick South. Inspectors observed the gates in operation. While one or two gates were occasionally not working for technical reasons, for most of the time all 15 were working, and three Border Force officers were placed in booths overlooking the gates, each responsible for watching the screens for a bank of five gates. Two more banks of five gates were being installed, but some Border Force officers were sceptical as to whether the extra gates would be used, saying that a bank of the existing 15 gates sometimes had to be closed because there was no-one available to monitor it. However, inspectors were told that consideration was being given to having an officer monitor two banks of gates rather than one.
- 6.47 There is an immigration control desk next to the ePassport gates at Gatwick South that is dedicated to referrals of passengers rejected by the gates. Inspectors observed an occasion when this desk was not open despite all the ePassport gates being in use. As a result, passengers rejected by the gates were being redirected to the main UK/EU⁴⁰ controls. It was unclear whether the officers at these controls were aware which individuals had been rejected by the ePassport gates.

Use of ePassport gates by 12 to 17 year olds

- 6.48 During summer 2015, Border Force ran a trial in which UK nationals between the ages of 12 and 17 could use ePassport gates when travelling with their parents. The Home Office judged the trial to have been successful, and extended the use of ePassport gates to EEA and Swiss nationals between the ages of 12 and 17, again when accompanied by their parents.
- 6.49 From 21 March 2016, this facility was rolled out at Gatwick, and by the beginning of October 2016, Gatwick (North and South Terminals combined) had accounted for 40% of ePassport gate transactions UK-wide by eligible 12 to 17 year olds (UK, EEA and Swiss nationals). The take-up rate at Gatwick in July 2016 was 54.78% of all such arrivals, and in August (the busiest month) the throughput was 51,276 at South Terminal (and 50,067 at North Terminal). Unsurprisingly, UK nationals have made up the largest number of 12 to 17 year olds using the ePassport gates; the second largest group has been Spanish.
- 6.50 Figure 8 shows the number of 12 to 17 year olds using the ePassport gates each month between June and November 2016.

Figure 8: Number of 12 to 17 year olds using the ePassport gates at the Gatwick South Terminal June – November 2016

Month	12 to 17 year olds
June	15,834
July	33,126
August	51,276
September	14,581

⁴⁰ Swiss Nationals and nationals from EEA countries are permitted to use this queue.

October	18,257
November	5,973
Total	139,047

- 6.51 During the initial phase of the trial, Border Force introduced a 'Roving Officer' role, the presence of which ministers made a condition of the further roll out. The Roving Officer is responsible for ensuring that unaccompanied children (or those rejected by the ePassport gate)⁴¹ are referred to an officer at a control desk in order to mitigate safeguarding risks.
- 6.52 There were a number of times while inspectors were observing the ePassport gates at Gatwick South when they could not see a Roving Officer in the Arrivals Hall. This included one period of almost 20 minutes during which all 15 ePassport gates were in operation and several family groups passed through the gates. As with the monitoring of the Controlled Waiting Area, there appeared to be no formal roster for this required role. Instead, managers decided who to allocate to it on the day, sometimes filling the role themselves.
- 6.53 Officers told inspectors that they enjoyed acting as a Roving Officer as they were able to 'focus on what they were interested in'. Border Force issued a Roving Officer role description in March 2016. Despite this, some officers felt that the role was not precisely defined, and officers ended up acting as a safeguarding officer, counter-terrorism referral officer, queue marshal and information point, often being drawn aside to answer general enquiries from passengers. Several officers commented that one Roving Officer was not enough when all 15 of the ePassport gates were working, and even with a Roving Officer on duty, the use of the ePassport gates by 12 to 17 year olds increased the risk of trafficking victims being undetected. There was a suggestion that Behavioural Detection training would assist the Roving Officer to carry out their role.
- 6.54 Senior management at Gatwick offered a different perspective, arguing that the Roving Officer's interactions with arriving passengers were more valuable than time spent with an officer on a PCP desk and led to safer immigration controls. Also, ePassport gates had been assessed as secure for UK and EEA passengers, so there was no increased risk, and Gatwick was simply following a national strategy for ePassport gate usage.

Safeguarding

- 6.55 Both from the files sampled and from onsite observations and interviews, inspectors found that Border Force officers had a good awareness of their safeguarding issues and of their responsibilities under Section 55 of the Borders, Citizenship and Immigration Act 2009. However, some officers said they were unsure how to strike the balance between the requirement to act in the best interests of the child and to ensure effective immigration controls were maintained.
- 6.56 Officers told inspectors that while the mandatory 'Keeping children safe' e-learning package was a good introduction, it did not provide any real life context, and the risk with mandated completion of e-learning was that it becomes a 'tick box' exercise. There was general agreement that the additional training course that Safeguarding and Trafficking (SAT) officers received was more effective. Inspectors observed a SAT-trained BFHO acting as a safeguarding 'floor-walker'. When she saw a PCP officer processing a family group or unaccompanied child, the BFHO would approach the control desk to provide advice or support as required.

⁴¹ At Gatwick South Terminal between 21 March and 3 October 2016 the pass rate for 12 to 17 year olds using the ePassport gates was 95.78%. The pass rate for North Terminal for the same period was 97.15%. In total, fewer than 10,000 transactions failed.

- 6.57 The BFHO in question told inspectors that PCP pressures meant that it was not always possible to have a dedicated floor-walker, and other SAT-trained officers spoke of their frustration at being regularly required to sit at a PCP desk, as this stopped them floor-walking and providing assistance to colleagues.
- 6.58 Other officers said they saw safeguarding as primarily a PCP responsibility, since officers on the PCP were required to examine every passenger they saw. In contrast, only a small percentage of passengers are ever stopped and examined at the customs controls. Therefore, any safeguarding concerns must be addressed before a passenger reaches the customs channels.
- 6.59 Inspectors observed two cases where PCP officers questioned arriving passengers to establish that their relationship to the children with them was as claimed. The passengers were asked for documentary evidence. In both cases, the follow-up questions were pertinent and sensitively handled. In both cases, the passengers were given a Border Force-produced information and advice leaflet that explained why passengers may be asked extra safeguarding questions and suggesting additional documents they may wish to carry on future trips.
- 6.60 Inspectors examined a sample of 100 files (immigration and customs). The files confirmed that Border Force officers were aware of safeguarding issues, but in two of the cases while safeguarding concerns were correctly identified, the actions taken were not as comprehensive as they should have been.

Case study 1: An immigration case where further safeguarding actions should have been taken

The passenger, a 22 year old Russian female:

- On 17 July 2016, arrived on a flight from Malaga and sought entry to the UK for two weeks in order to visit a Russian friend
- She was unable to provide the friend's full name or occupation, or to explain how she knew them and for how long
- She stated she did not know where she would be staying, but would be collected by a Russian taxi driver and taken to her destination

Border Force:

- Served the passenger with form IS81 requiring her to submit to further examination. The officer who served the IS81 noted on the port file, the passenger looked 'young, looks vulnerable, mislead, safeguarding concerns!'
- Searched the passenger's luggage and discovered '3 boxes of condoms and little clothing aside from underwear and miniskirts'
- Conducted a further interview, during which the passenger stated:
 - she was visiting two friends, one of whom she had known for seven years, which she later changed to one year; she provided their first names, but was unable to provide family names, ages, immigration status or details of what work they did
 - she held a return ticket and would be leaving after 4 days, but may extend her stay, for which her friend would pay

- these were not close friends, and they had only arranged accommodation and transport for her, she said ‘They are not my best friends, I just know them. I am not interested in their personal details’
- she had been in Spain with her boyfriend; she did not know his age or date of birth, but thought he was approximately 42-43 years old. (Note: Home Office records showed he was 67). She did not know what work he did or where he lived, she said ‘it is not a long-term relationship ... I don’t think about marrying him.’
- Concluded ‘we strongly suspect (sic) that the young lady is employed in the sex industry and though this was a concern there was no evidence to suggest that the passenger was a PVoT (potential victim of trafficking) or was being coerced in any way.’

Chief Inspector’s Comment:

Despite Border Force concluding that the passenger was travelling to the UK probably to work in the sex industry, she was not challenged about this and no enquiries were made about the person who was supposed to be meeting her. While Border Force may have determined that there was no evidence of coercion, the passenger should still have been treated as a vulnerable adult and safeguarding issues fully explored.

Border Force Response:

‘The file shows that an Adult Trafficking checklist was completed. In addition CID⁴² notes record that although there were suspicions that she was involved in the sex industry, “there was no evidence to suggest that the passenger was a PVoT or was being coerced in any way. She appeared confident throughout the interview to the point of appearing nonchalant and bored.”

The officer and HO (Higher Officer) concluded that there was not enough information to overturn the visa.’

Postscript:

- Home Office records confirm that the passenger left the UK on 17 August 2016
- On 28 October 2016, she applied for another UK visa, which was refused on the basis that she had provided false documents with her application. She was advised that any future applications may be refused for this reason for the next 10 years

Case study 2: A customs case where further safeguarding actions should have been taken

The passenger, a 3 year old child travelling alone:

- At 12:10 on 24 August 2016, arrived on a flight from Nigeria via Istanbul
- Was escorted through the Red channel by an airline representative
- Did not speak English

Border Force:

- Searched the passenger's luggage and discovered 400 cigarettes
- Seized the cigarettes, but did not serve any seizure paperwork
- Allowed the passenger to proceed

Chief Inspector's Comment:

This child was travelling alone from a country known to be high-risk for human trafficking.⁴³ No enquiries were made about who was meeting the child, where they would be staying, or why they were travelling to the UK. No enquiries were made about how the child came to be carrying the cigarettes, and nothing was recorded to explain why the cigarettes were seized without any paperwork being served.

Border Force Response:

'It is routine procedure for airline representatives to escort minors safely through the PCP and baggage reclaim and the channels to their arriving sponsor. All section 55 checks should also have been fulfilled at the PCP and welfare issues addressed before allowing the child to proceed.'

'A child found with Prohibited and Restricted items would be treated in accordance with the PACE codes. This was a small amount of cigarettes and not a Prohibited and Restricted offence, so would not be covered by these provisions. "Notice 1, Travelling to the UK" sets out that "If you are under 17 years of age, you cannot have the alcohol and tobacco allowances". This clearly shows that children may not bring such goods into the UK. Border Force policy will review current guidance to ensure it sets out how to deal with children in this type of situation.'

'In this case the officer did not wish to cause distress to the child by detaining her further, so considered given her age to dispense with issuing the paperwork. The escort was given the Border Force Red Point telephone number to give to the sponsor with a request to call if they required further information with regards to the seizure.'

⁴³ Unicef overview of child trafficking in Nigeria – https://www.unicef.org/nigeria/children_1939.html.

7. Inspection findings – customs controls

Legislation and powers

- 7.1 Border Force officers operate customs controls under the Customs and Excise Management Act 1979 (CEMA), which confers most of their powers to search and question for customs purposes. Until July 2016, Border Force officers could access customs guidance, including guidance from Her Majesty's Revenue and Customs. In June and July 2016, the various guidance documents were amalgamated into a single guidance document: 'Immigration and Customs Guidance'.
- 7.2 Trained and designated Border Force officers are empowered to detect, detain and seize illegal goods, such as proscribed drugs, and goods where duty or taxes have not been paid, including cigarettes or alcohol.
- 7.3 Meanwhile, the Proceeds of Crime Act 2002 (POCA) empowers Border Force officers to seize cash they suspect is linked to criminality. If an individual in possession of cash in excess of £1,000 is unable to satisfy an officer that it was legally acquired, or offers no explanation, the full amount can be seized.
- 7.4 When an officer detects an illegal or duty not paid item and questions the passenger, makes an arrest, or seizes or detains items, they must make a detailed record of the encounter. Customs guidance notes, 'It is important that you make a record of every intervention where you or a colleague may think there might be a need to refer to it in future.' However, officers are not required to make a notebook record where they have stopped a passenger but subsequently decided that they are of no further interest.

Intelligence and Targeting

- 7.5 Border Force's customs work is intelligence-led. At most UK airports, including Gatwick, officers are not stationed in the customs channels as a matter of routine, but are deployed to cover particular flight arrivals selected on the basis of intelligence reports and risk assessments. When deployed, officers rely on the intelligence and assessments, together with their own experience and judgement, to select a passenger (or freight item) for customs examination.
- 7.6 In order to support this intelligence-led approach, Border Force Intelligence Directorate produces a 'Control Strategy', which highlights areas of threat and risk for the customs (and immigration) controls, and sets the priorities for detection broken down by commodity and by method of entry. In the case of Gatwick South, the relevant methods of entry are 'Air Passenger' and 'Air Freight'. This inspection looked only at the former, having covered freight operations in 'An Inspection of Border Operations at Manchester Airport' published 13 April 2016.⁴⁴

⁴⁴ <http://icinspector.independent.gov.uk/wp-content/uploads/2016/04/An-Inspection-of-Border-Force-Operations-at-Manchester-Airport-July--October-2015..pdf>.

- 7.7 The National Border Targeting Centre (NBTC), located in Manchester, conducts targeting for air passenger movements. NBTC identifies passengers who may pose a threat to the UK and ensures the threat is managed, either by issuing alerts to officers at the UK border, or by taking action to prevent the individuals from travelling to the UK.

Operation of the customs controls at Gatwick Airport

- 7.8 In April 2016, Border Force at Gatwick reorganised its Detection Business Area into 18 specialist teams⁴⁵ as part of a restructuring that saw 40 officers (out of a total of 255) allocated to immigration work. Inspectors were told that the creation of the specialist detection teams had enabled Border Force to focus resources on customs work.
- 7.9 At the time of the inspection, two-thirds (143) of the specialist detection officers at Gatwick were organised into 11 'Commodity and Response Teams' (CART). While the CARTs were described to inspectors as 'dedicated teams in the customs channels', officers told inspectors that the list of their functions included actions that were previously covered by officers working on the immigration controls.
- 7.10 CART officers told inspectors that this reallocation of 'immigration functions' to the CARTs meant that officers were not now being drawn away from the immigration controls to attend to other tasks. And, while CART officers could be deployed to a PCP desk, if required, this was happening less frequently than before the restructure. Nonetheless, CART officers felt that their remit was too broad, and they were often too thinly-spread to be able to dedicate officers to the customs channels. However, local management countered this view, stating that 'CART officers are trained and tasked to address the highest priority border security risk. This may require them to address counter terrorism or human trafficking attempts as well as customs activity. The flexibility of the teams supports our aim to address the highest identified risk at any time.'
- 7.11 Between 28 November and 2 December 2016, inspectors observed numerous occasions when there were no Border Force officers in the 'Green' customs channel⁴⁶, including once when five flights had landed in quick succession and passengers were passing through the channels. CART officers had previously told inspectors that two of these flights were assessed as 'high-risk' for tobacco and cigarette smuggling and were supposed to be subject to heightened scrutiny from detection staff as part of an ongoing operation.
- 7.12 Although not listed as a CART function, CART officers told inspectors they were also responsible for most immigration-related baggage searches. Previously, these searches would have been done by the PCP officer after an IS81 had been issued or by an officer in the customs controlled area dealing with the immigration case. Some CART officers believed that PCP officers were referring passengers for speculative baggage searches when they were uncertain whether to carry out a full further examination, and that if no CART officer was available, the passenger was invariably granted leave to enter rather than have a PCP officer leave their desk to carry out the baggage search. This frustrated the specialist detection officers as it showed that managing PCP queues was seen as more important than their core work of making customs detections.⁴⁷

45 11 Commodity and Response Teams (CART), 2 Pro-Active teams, 1 Airport and Crime team (ACT), 2 Cargo Teams, 1 General Aviation team and 1 Dog Unit. The CART and Pro-Active teams are deployed as a full team per shift. The General Aviation team is dedicated to covering to Biggin Hill Airport, plus more than 120 light airfields that come under Border Force Gatwick's remit, working with the National Crime Agency and police forces. The Dog Unit covers the South Region and may be deployed locally, regionally or nationally.

46 There are three customs channels at Gatwick South: 'Blue' for passengers flying from an EU country with nothing to declare, 'Green' for passengers flying from a non-EU country with nothing to declare, and 'Red' for passengers flying from anywhere with goods to declare.

47 Border Force Operational Assurance Directorate reported that Gatwick had instituted a deliberate change to the procedure for baggage searches during 2016, with responsibility passing from Immigration Assistant officers (not PCP desk officers) to CART teams. OAD commented 'It is too early to assess the benefits and issues with this change but we will review outcomes. One of the reasons for changing this process was to ensure a Customs trained Officer can assess the passenger and their baggage from a commodity perspective.'

- 7.13 In addition to the 11 CARTs, the Detection Business Area restructure had produced two 'Pro-Active Teams'. The Pro-Active Teams had lead responsibility for target operations involving high-risk flights, and were also responsible for risk testing for other commodities and criminal activity. Like the CARTs, they had also acquired some functions previously covered by officers working on the immigration controls, and they could be deployed to the PCP if required, although inspectors were told that in practice this did not happen.

Detector dogs

- 7.14 The Dog Unit based at Gatwick serves the whole of Border Force South region, which also covers Newhaven, Portsmouth, Southampton, Bristol, Plymouth, and General Aviation/General Maritime ports throughout the region. The unit has two team leaders (BFOs), nine dog handlers (BFAOs), four kennel staff and 11 dogs. The dogs are multi-scent trained to detect Class A Drugs, Firearms, Cash and Clandestine arrivals. The purpose-built kennels can accommodate up to 20 dogs.
- 7.15 Taskings are received from across the region, and managers told inspectors that while the unit is stretched they are managing to meet most requests. However, since the unit became a regional resource, officers at Gatwick (particularly the freight teams) have been frustrated when the unit has not been able to cover their short notice requests for assistance.
- 7.16 Staff in the unit were passionate advocates for the use of detector dogs to aid customs detection work, a view that was echoed by the specialist customs teams, who all agreed that the detection dogs were an invaluable resource. A locally-held log of seizures showed that the dogs were regularly making detections, mainly of Class A drugs and Cash.
- 7.17 Inspectors observed A dog team assisting an Airport Crime Team (ACT)⁴⁸ with a high-risk flight. The dog and handler integrated seamlessly with the ACT officers, both adjusting well to a last minute baggage belt reallocation by GAL. The ACT explained the detector dogs were a useful tool and, ideally, they would prefer to work with them more frequently. Inspectors also observed the these teams working closely with a dog team to examine baggage before it was placed on to the baggage belts. The baggage was from flights assessed as high-risk for Class A drugs.

Compliance with legislation and customs guidance

- 7.18 Inspectors observed a number of baggage searches in the customs channels. Apart from in two cases, searches were fully compliant with legislation and the Customs Guidance. Officers in the 'Green' channel established that passengers understood which goods were prohibited or restricted, and their personal allowances for the latter, before carrying out searches. Where passengers were found to have exceeded their personal allowances, all of the restricted goods in question were seized, not just the excess amount, as required by law. Twice, however, the officers failed to explain the personal allowances before beginning the search, and in both cases they also failed to provide the passengers with the reason for the baggage search.
- 7.19 Inspectors examined 19 case files where a search of person (SoP) had taken place. In 18 of these, the SOP was authorised at the correct level and conducted in compliance with Border Force guidance. Onsite, inspectors observed searches of persons, all of which were proportionate and complied with guidance, including one where a SoP was authorised following a baggage search that had detected a hidden compartment containing cocaine.

⁴⁸ The Airport Crime Team works under the umbrella of pro-active activity. In addition to conducting operations with partner agencies against airport criminality, their primary function is to conduct covert baggage examinations on the baggage belts and occasionally in aircraft holds.

7.20 In another observed SoP case, officers stopped a passenger initially because they displayed behavioural indicators that raised the officers' suspicions.⁴⁹ Based on the passenger's travel history and booking method, they decided to carry out a baggage search. A swab taken from the baggage returned a positive reading for cocaine and a Border Force Higher Officer (BFHO), who was present in the 'Green' channel, authorised a SoP. Nothing was found. The BFHO next authorised a body scan (prior to which the passenger was arrested) based on the earlier behavioural indicators and a protuberance seen on the passenger's body. The SOP and body scan were conducted fully in accordance with legislation and guidance.

Detections and seizures

7.21 Figure 9 shows seizures by volume⁵⁰ for the first six months of 2014-15, 2015-16 and 2016-17 for Class A drugs, cigarettes and hand-rolling tobacco.

Figure 9: Seizures at Gatwick			
	1 April – 30 Sept 2014	1 April – 30 Sept 2015	1 April – 30 Sept 2016
Class A drugs - kg	53.4	44.05	67.04
Cigarettes - millions	4.053817	4.682959	4.94282
Hand-rolling tobacco - kg	1,073.71	1,527.55	2,007.15

7.22 Class A drugs, cigarettes and hand-rolling tobacco are either 'Very High' or 'High' priority detection targets. The increase between 2015 and 2016 in the amounts of these commodities that were seized suggests the restructure of the Detection Business Area has improved the effectiveness of Border Force's customs controls.

7.23 In reality, it is difficult to say whether Border Force's customs controls at Gatwick are becoming more (or less) effective because there are too many 'unknowns', not least how much of any commodity enters the UK undetected through the airport each year. Nor is this a constant. For example, Border Force assesses that offences at the border increase with increased passenger numbers, and the latter have been growing at 6% a year at Gatwick. Meanwhile, organised criminal smugglers will vary routes and commodities according to their own assessments of risks and rewards.

7.24 Whether or not the customs controls are becoming more effective, from the evidence provided it seems clear that Border Force could have greater success in detecting and seizing goods if the specialist detection officers were able to focus solely on customs work. Out of 33 sampled seizure cases examined by inspectors, 23 had been selected for searching by an officer stationed in the customs channels, while Border Force Gatwick reported that 99% of its tobacco seizures were the result of visual profiling and baggage screening. There is also the matter of deterrence. While having Border Force officers plainly visible in the customs channels may do little to deter organised and determined smugglers, it is likely to have some restraining effect on 'ordinary' travellers.

⁴⁹ Designated Customs Border Force officers are trained in recognising behavioural indicators that suggest a passenger could be carrying prohibited or restricted goods.

⁵⁰ The seizure figures are for the passenger environment only. Freight seizures are excluded.

8. Inspection findings – record keeping and assurance

Record keeping

- 8.1 Numerous ICIBI inspections have highlighted issues with Border Force’s record keeping. The ICIBI’s most recent airport inspection ‘An Inspection of Border Force Operations at Manchester Airport (July – October 2015)’ found that the quality of record keeping in relation to immigration functions was inconsistent and required greater management assurance.
- 8.2 In March 2015, Border Force Operational Assurance Directorate (OAD) carried out a ‘Standards Spot Check’ for Gatwick Airport. The OAD report identified several areas for improvement in relation to record keeping, in particular:
- officers were not properly recording the reason for selecting passengers for customs examination in notebooks
 - the Search of Person (SoP) log was not being completed and countersigned in all cases (although the corresponding notebooks were of good quality)
 - immigration case files were often difficult to locate, generally untidy and missing important information, such as Temporary Admission (TA) risk assessments, and officers were using different forms and templates (although decision making appeared sound)
- 8.3 Inspectors examined the record keeping processes at Gatwick South throughout this inspection. File sampling, onsite observations and officer focus groups identified that record keeping remained an issue, and some of the problems highlighted in the OAD report were still occurring at Gatwick South.

Detention records

- 8.4 Home Office guidance ‘Detention in Port Cases’ sets out that detention begins when an IS81 is served to a passenger. An IS81 gives officers ‘the authority to detain for examination and further examination’ and ‘sets out the reasons for initial detention’. Inspectors identified a number of issues with the detention records at Gatwick South, spanning from the point that the IS81 was served to when the detention ended.
- 8.5 Border Force Immigration Guidance states that when an IS81 is served to a passenger, ‘The yellow copy of the IS81 should be taken from the pad and placed on the port file.’ The Inspectorate sampled 50 immigration files where an IS81 should have been served to the passenger. No yellow copy of the IS81 was found in seven of the 50 files.
- 8.6 File sampling also highlighted issues with IS81s (19 out of 50) being filled in incorrectly, for example citing the wrong powers or reasons for detention, or not being signed and dated. The Immigration Guidance makes clear:

'It is essential [...] that the [IS81] form is completed correctly before being served as it is the initial record setting out how and why a person has been detained, and indicates to the passenger the legal powers the officer has exercised to do so. Failure to complete the form correctly can result in compensation claims for unlawful detention, or the Home Office losing a case in court because there is no evidence of initial detention.'

- 8.7 Inspectors found similar issues with forms IS91 and IS91R. The Border Force Immigration Guidance 'Detention in Port Cases' provides the following guidance to Border Force officers completing the IS91:

'Form IS91 must be issued for each person detained including for each child. You must complete all sections of the form as indicated. The completed form should then be handed to the detaining authority (for example the escorting contractor) [...] The detention contractor must be provided with information as to an individual's identity and arrival details. In addition, risk factors such as any medical conditions must also be shown on the form IS91. Providing this information to the detention contractor is justified as they require all relevant information in order to safely detain an individual and respond appropriately to any identified risks.'

- 8.8 The IS91 did not comply with the Immigration Guidance in 10 out of the 48 files examined where one was required, in most instances because the 'Risk Factor' section of the form had not been completed or stated incorrectly that there were no risk factors relating to the detained passenger. For example, two cases involved the detention of a minor, but this was not recorded in the risk factor section.

- 8.9 The 'Detention in Port Cases' guidance contains the following on the completion of the IS91R:

'This form is in 3 parts and is served on the person being detained. You must complete all 3 sections of the form. You must specify the power under which a person has been detained, the reasons for detention and the basis on which the decision to detain was made. The detainee must also be informed of his bail rights and you must sign, both at the bottom of the form and overleaf to confirm the notice has been explained to the detainee (using an interpreter where necessary) and that he has been informed of his bail rights.'

It should be noted that the reasons for detention given could be subject to judicial review. It is therefore important to ensure they are always **justified and correctly stated**. A copy of the form (fully completed and signed on both sides) must be retained on the caseworking file. If any of the reasons for detention given on the form IS91R change it will be necessary to prepare and serve a new version of the form.

It is important that the detainee understands the contents of the IS91R. If he does not understand English, you should ensure that the form's contents are interpreted. Failure to do so could lead to successful challenge under the Human Rights Act (Article 5(2) of the European convention on human rights refers).'

- 8.10 Inspectors examined 48 files containing an IS91R. Of these:

- 15 IS91Rs did not contain confirmation that the passenger understood their bail rights
- 11 IS91Rs did not specify all of the relevant factors relating to the reasons for detention

- 8.11 Inspectors observed a passenger being served with an IS91R. The form was completed by a Border Force Assistant Officer (BFAO). The BFAO told inspectors that they did not know why the passenger had been stopped, and that they always completed boxes (b) and (6) in the 'Reasons for Detention' section of the IS91R as these were always the relevant boxes for immigration cases and this did not vary. In this instance, however, box (5) also applied. The IS91R was not explained to the passenger, and the BFAO did not make any reference to the passenger's bail rights. In focus groups, officers reported that BFAOs routinely filled in the IS91 and IS91R on behalf of the officer carrying out the immigration secondary interview.
- 8.12 File sampling identified that detention start and finish times were not being recorded consistently on CID and on the corresponding port file. The start time recorded on the IS81 differed from the time recorded on the 'Restrictions' page of CID in 30 out of 48 cases. In several cases, the detention end times were different or the end time was not recorded at all. Cases where the start time on the IS91 aligned with CID were as a result of their being captured automatically from the CID record when it was printed.
- 8.13 Following file sampling, inspectors highlighted the discrepancies in recorded detention times to the Home Office, who responded:

'Detention times recorded on CID do not necessarily reflect the time a person entered the holding room [...] detention commences at the point an IS81 is issued. The actual time of entering the holding room is recorded by Tascor, the detention contractor.

A percentage of case files is reviewed by Senior Officers on a monthly basis as part of the management assurance checks. This includes ensuring all paperwork is in order.

Once a person is released from detention, the completed IS91 is forwarded by the detaining authority to the Detention Costs Recovery Unit. This forms the official record and would be referred to in the event of any dispute.'

- 8.14 At Gatwick, the officers interviewed by inspectors disagreed about how detention times should be recorded on CID. Some stated that the detention start time recorded on CID should reflect the time recorded on the IS81, while others said that the time recorded on CID should be when the passenger entered the holding room.

Detention reviews

- 8.15 Border Force Immigration Guidance states that 'Detention reviews are necessary to ensure that detention remains lawful and in line with policy at all times.' The manual also says that 'robust and formally documented consideration should be given to the review'. The 'Detention in Port Cases' guidance contains a table setting out the specific stages and levels at which detention reviews must be conducted, which begins at 24 hours with a review by a Border Force Senior Officer (BFSO).⁵¹
- 8.16 File sampling identified issues in relation to mandatory detention reviews. Detention reviews had either not been carried out, not recorded correctly, or not authorised at the correct level. Twelve of the 50 sample cases required a 24 hour detention review. Of these, there was no record of a review in two cases, and two had not been authorised by a BFSO. In one of the latter

⁵¹ Reviews are required at 24 hours, 7 days, 14 days, 21 days, 28 days, and monthly thereafter. Up to 5 months the reviewer should be a Border Force Senior Officer; 6-8 months requires an Border Force Assistant Director review; 10-11 months a Deputy Director review; and 12 months or longer a Director.

cases, the passenger had been detained for 25 hours and 21 minutes. An IS93E⁵² was on file, but this had been authorised by a Border Force Higher Officer (BFHO) and referred only to an initial detention review rather than a 24 hour review.

Secondary Examination Interviews

8.17 Border Force Immigration Guidance states that:

‘Whenever a person has been submitted for further examination it will generally be appropriate to interview the person to fully establish the facts of the case.’

8.18 There was a record that the passenger had been interviewed by Border Force officers in 46 out of the 50 sampled case files where an IS81 had been issued. However, 11 of the 46 interviews did not comply with the Immigration Guidance. In most cases, this was because the passenger had not been asked the standard opening and closing interview questions, interpreter details were not recorded, and nor were the start and end times of the interview. There were also cases involving an interpreter where it was not clear whether the interview record had been read back to the passenger.

8.19 Border Force Immigration Guidance is clear that interviewing officers should take notes, which must be signed and dated. Before beginning, the passenger should be asked if they are fit and well, and can understand the interviewer. Questions and answers should be noted down verbatim where a crucial question has been asked, and where a crucial admission is made further questions should be asked so that the passenger cannot later claim to have misunderstood. Any discrepancies between what a passenger and their sponsor say should be clearly recorded and put to both. Breaks for refreshments should be timed in the notes. If the passenger is refused a request to speak to anyone (to prevent collusion), this should be noted, but once the interview is concluded the passenger may be allowed to contact friends or family to avoid distress and to seek advice if they require it. At the conclusion of the interview the passenger should be allowed to add anything they think may be of assistance, and should be asked to confirm they have understood everything.

8.20 Inspectors observed three secondary examination interviews at Gatwick South. In one of these, the interview was not carried out in compliance with the Immigration Guidance. The interview record was not signed by the officer, and did not note that the passenger had stated he was happy to be interviewed in English. The passenger was not asked if he understood the interview process at the beginning or the end of the interview, questions and answers were not recorded verbatim and omitted some of what had been said.

Immigration Decisions

8.21 ‘An Inspection of Border Force Operations at Manchester Airport (July – October 2015)’ recommended that Border Force improve their record keeping for cases where leave to enter (LTE) was granted, with a clear audit trail from the evidence gathered to the decision. File sampling from Gatwick South identified similar issues with record keeping where the decision was made to grant LTE.

8.22 In focus groups, Gatwick officers said they understood they should provide a clear audit trail for both LTE and entry refusal cases. However, of the 19 LTE cases examined, five did not adequately record the reasons for granting LTE. One example is set out below.

⁵² IS93E records detention reviews.

Case study 3: Leave to enter not supported by the case record

The passenger, a national of Trinidad and Tobago:

- On 15 June 2016 at 02.00, sought leave to enter the UK as a visitor
- The passenger had resided in the UK from 2011, as a student and then as a post study worker, until returning to Trinidad and Tobago at the beginning of 2016
- He returned to the UK as a visitor 2 months later, and claimed that while here he had applied to join the British army (he was unemployed in Trinidad and Tobago)
- The applicant had remained in the UK as a visitor until making a one week visit to Cyprus to attend a wedding, from which he was returning

Border Force:

- On 15 June 2016 at 02.20, served the passenger with an IS81
- On 15 June 2016 at 08.30, conducted a secondary examination interview, during which the passenger said he had been accepted by the British Army and would start on 17 July 2016, and that he did not intend to leave the UK at the end of his visit but to remain as 'exempt from control'⁵³
- Recorded on CID that a Border Force Higher Officer had authorised the decision to grant leave to enter, pending checks with the Army
- On 15 June 2016 at 10.49, granted leave to enter as a visitor⁵⁴

Chief Inspector's comments:

The passenger did not satisfy the Immigration Rules for visitors, but no further reasons were recorded on file or on CID to explain why the decision had been made to grant the passenger leave to enter. At the time of file sampling, there was no audit trail either on file or on CID to show if the officer had carried out checks with the Army to corroborate the passenger's claims.

- 8.23 In contrast, where passengers were refused leave to enter, the reasons for the decision were generally well-evidenced on the file and on CID. Of the 31 refusal cases examined, 26 were assessed as containing sufficient evidence to support the decision.
- 8.24 However, five refusal/cancellation notices⁵⁵ served to the passenger failed to cite all the reasons for the refusal, the Immigration Rules under which the passenger was being refused, or cited them incorrectly. Only eight of the 31 notices cited the relevant Immigration Rules in full. The notices should give the reasons and direct the passenger to the Immigration Rules they have not met, but while onsite inspectors found that officers at Gatwick were not clear about this requirement.
- 8.25 The Home Office confirmed that:
- 'Officers are expected to refer to the paragraph(s) of the Immigration Rules on which their refusal/cancellation decision is based. Refusal wording is automatically generated on CID, and officers are required to choose the paragraph from a drop-down list before they complete their refusal wording.'

⁵³ The 1971 Immigration Act provides for the total or partial exemption from immigration control of certain individuals who do not have the right of abode in the United Kingdom.

⁵⁴ The requirements for a visitor can be found at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor-rules>.

⁵⁵ Form IS82 is the refusal notice served to the passenger.

Delays

- 8.26 Both LTE and refusal cases lacked audit trails to explain delays in progressing a case. For the 50 sample cases (19 LTE and 31 refusals), the average case duration was 15 hours and 10 minutes.⁵⁶ File sampling identified several examples of unexplained delays between the service of the IS81 and the secondary examination interview, and delays between interviews and decisions being made.

Case study 4: Unexplained delays in case progression

The passenger, a Brazilian national:

- On 6 June 2016, arrived from Brazil and sought leave to enter the UK for one month to visit his son
- Was accompanied by his wife, who was a diabetic
- Had previously entered the UK as a visitor in 2012 and had overstayed for a period of over 2 years, departing in 2015

Border Force:

- On 6 June 2016:
 - at 10.05, encountered the passenger at the PCP
 - at 12.00, issued the passenger with an IS81 (but did not retain the yellow copy on file)
 - at 12.24, booked the passenger into the holding facility
 - at 19.40, began the secondary examination interview
 - at 23.50, granted the passenger Temporary Admission to the UK

Chief Inspector's Comments:

There were no CID notes for this case to explain the delays in issuing the IS81 and in beginning the secondary examination interview.

Home Office response:

'Local records show that from 14.45 to 15.45 queues were continuously over the agreed SLA. The officer who assumed responsibility for the case at 16.45 was a qualified Portuguese speaker and it is likely the decision was taken to wait for them to come on shift rather than arrange for an official interpreter.

A number of factors contributed to the delay in concluding this case. The couple had a large amount of baggage to be searched, and a large number of documents in Portuguese to examine. Interviews were also conducted with the sponsor as well as each passenger but it is accepted that there was a lengthy period before a decision was reached.'

⁵⁶ Calculated from the time form IS81 was issued until the time entered into CID on the 'Standard Events' page.

Temporary Admission Risk Assessments

8.27 Border Force Immigration Guidance for considering Temporary Admission (TA) states that:

‘When proposing to grant a passenger TA, staff must ensure that the person has been examined as thoroughly as possible and an appropriate risk assessment has been conducted.’

8.28 The March 2015 Border Force Operational Assurance Directorate ‘Standards Spot Check’ for Gatwick Airport identified that:

‘There was inconsistency in the TA forms being used. On many of the files examined, a TA aide-memoire had been used instead of the actual TA risk assessment form. As a result of the inconsistency, it was not clear whether all of the necessary pre-TA checks had been done in some cases and the full justification / consideration of TA could only be found in file minutes in others.’

8.29 File sampling confirmed the inconsistencies identified by OAD, which meant that it was not clear why TA had been granted in some of the sample cases. Onsite, Border Force officers told inspectors that the risk assessment forms they were using were local to Gatwick, rather than the standard national TA risk assessment form available on CID. Several officers said that they were not aware that there was a national form for TA risk assessment.

8.30 Of the 50 sample cases examined by inspectors, 10 involved the grant of TA. Of these 10, half (5) had a completed risk assessment on file and half (5) did not. By way of comparison, ‘An Inspection of Border Force Operations at Manchester Airport (July-October 2015)’ found that two-thirds (21 out of 30) of the TA cases sampled contained no evidence that a risk assessment had been completed.

8.31 Of the 10 Gatwick South TA cases, only four were granted in line with the Immigration Guidance. An example of a grant of TA that was not in line with the Immigration Guidance is set out below.

Case study 5: Grant of Temporary Admission not in line with Border Force Immigration Guidance

The passenger, an Australian national:

- On 27 November 2015, had entered the UK as a visitor for six months;
- Had remained in the UK for eight and a half months, before attempting to enter Ireland; and
- On 13 August 2016, sought leave to enter the UK for three and a half months, having been refused entry into Ireland and returned to the UK.

Border Force:

- On 13 August:
 - at 18.36, issued the passenger with an IS81
 - at 23.15, conducted a secondary examination interview in which the passenger admitted she had been working as a babysitter for family friends in the UK

- On 14 August:
 - at 02.01, refused leave to enter the UK
 - at 02.15, granted Temporary Admission until her flight to Australia on 21 August 2016, noting on the TA risk assessment form that there was no evidence of previous non-compliance, that the passenger had not breached Immigration Rules, and that she had not attempted to deceive

Chief Inspector’s Comments:

The risk assessment was inaccurate. The passenger admitted to having overstayed in the UK for two and a half months, and to working in the UK, both breaches of the Immigration Rules for someone granted entry as a visitor.

Home Office response:

‘The TA risk assessment clearly records that the passenger was not considered an absconder risk, had credible sponsors, and the SO was content with TA.’

Centaur records

- 8.32 Border Force officers use a computer system called Centaur to record details of customs detections made. Centaur is used by the Border Force to collate statistics and to analyse seizure performance. Officers told inspectors that records could also be requested by the court as evidence of a seizure. Therefore, these entries had to be accurate.
- 8.33 Inspectors compared the Centaur record with what was recorded in officers’ notebooks for 50 cases, comprising 30 detections and 20 searches of person. In 21 of the 50 cases the records did not match. Most of the discrepancies related to the record of the time of the detection and/or seizure.
- 8.34 There were some practical obstacles to maintaining accurate Centaur records. Officers told inspectors that it was often difficult to access computers to record data following a seizure. There were only two computer terminals in the customs channels at Gatwick South, and sometimes two teams (each consisting of 10 officers) were needing to use them. Meanwhile, many of the officers did not have their own Centaur accounts and had log-in and record seizure details under another officer’s account.

Notebooks

- 8.35 Inspectors found examples of non-compliance with Border Force Immigration Guidance in half (25) of the 50 officer notebooks examined, such as officers not signing off entries with their warrant number or leaving blank spaces on pages rather than ruling through them. Most of these were unlikely to have any material adverse consequences, but some were more serious. For example, in 10 of the 30 detection cases the reason for selecting the passenger was not clearly recorded, so Border Force did not have a robust audit trail to justify its actions if challenged.

Assurance

- 8.36 Border Force’s published ‘Assurance Checks Scheme of Control’ details the minimum assurance standards that business units are expected to achieve, and instructs BFSOs in relation to immigration case files as follows:

'Randomly select 10% of immigration port files ... and check whether:

- The files have been correctly stored;
- The decision to subject to further examination has been justified on the file, including a copy of the IS81;
- The file notes confirm that the decision taken was reasonable and in accordance with the Immigration Rules;
- Evidence of carriage (ticketing etc) has been placed on file;
- The file has been completed in accordance with guidance;
- All actions have been carried out and recorded in a timely manner;
- All detention paperwork (IS81, IS91, IS91R) has been completed and served correctly;
- The decision to detain has been justified on the file and the IS91RA has been fully completed and placed on file;
- Detention (IS81, IS81 DAP, IS91) has been authorised by the appropriate grade and that detention reviews have been completed and recorded in line with policy, guidance and legislation;
- For asylum cases, that all appropriate checks have been made, the file and CID record has been raised within 24hrs of arrival, a checklist has been fully completed and is on file, all relevant paperwork has been countersigned by the BFHO;
- All refusal and removal paperwork has been completed and notes show that it was served correctly and authorised by the appropriate grade;
- Contemporaneous interview notes have been completed in line with guidance; and
- The baggage search proforma and SOP details have been accurately and fully completed.'

8.37 Border Force Operational Assurance Directorate's 'Spot Check' in March 2015 highlighted shortcomings in Gatwick's assurance processes. It listed the following areas for improvement:

'... there is an over-reliance on the use of day books by managers for recording assurance checks completed, issues identified, and any remedial action taken. Whilst easier for individual managers, this practice is creating a disconnect between what is actually checked, what is evidenced and what is reported.'

'The overall quality of the port files was acceptable but there were minor omissions or issues in all of the files sampled:

- Decisions were clear and justified in most cases but there was a general lack of information showing what happened between the serving of the IS81 and the IS91.
- Port file etiquette was not being followed completely.
- Interview notes were started and finished incorrectly and other minor exclusions.
- Forms / paperwork were regularly not signed by the officer or countersigned by the HO. There was use of UKBA branded paperwork.
- Baggage search proformas were not generally of a good quality, few had been countersigned by the HO, few stated who had conducted or witnessed the search and the SoP sections were not completed.'

- 8.38 Inspectors examined 100 case files (50 immigration cases and 50 customs cases, from the period 1 June to 31 August 2016, selected at random). All 50 immigration case files contained at least one omission or error that should have been identified by an assurance check completed in accordance with the Assurance Checks Scheme of Control. In two of these cases an assurance check had taken place. In 48 of the 50 customs cases, there was no evidence on file of any assurance checks having been done. In 25 of these cases, the officer's notebook had not been completed in accordance with the guidance.

Case study 6: Local management assurance check and result of file sampling

A case was subject to local assurance checks by a Border Force Senior Officer at Gatwick South as part of routine assurance measures. The assurance log stated:

- 'BRA⁵⁷ male, arrived from Berlin, tried to take dom⁵⁵ flight to Newquay. Very poor immigration [sic] history. RLE - file excellent in all areas.'

Note: The CID record for this case was not assured.

Examination of the same file by inspectors found:

- There was no copy of the IS81 on file
- There was no evidence on file that the interview transcript had been communicated to the passenger to confirm its accuracy
- The IS83 did not contain the passenger's arrival details
- The IS91R bail rights were listed as having been explained in English – however the passenger was interviewed in Portuguese as he did not speak English
- The IS82 (refusal notice) explained the passenger was being refused as the officer was not satisfied they were a genuine visitor, but no reference was made to the relevant Immigration Rules
- The IS82 stated that the passenger had been refused for employing deception but no reference was made to the relevant suitability Rules
- The IS82 referred to paragraph 320(7B) but should also have stated that the applicant may be refused under Appendix V, Paragraph 3.7
- There was no evidence on file that any assurance check had been done

Chief Inspector's Comment:

Assurance checks are useful only if done thoroughly and correctly recorded.

- 8.39 Border Force Officers painted a mixed picture of levels of assurance checking and feedback from line managers. Some said they received regular feedback, some said it was rare and only when they had made an error. Officers questioned how cases were selected for assurance checking, and some stated that they have previously been asked by managers for 'easy files' to be forwarded to them for assurance.⁵⁸
- 8.40 Senior managers told inspectors that the number of checks required as part of the quality assurance process felt excessive, and the pressure to complete all the required checks alongside other priorities meant that quality suffered. They believed that the response to previous inspections and OAD assurance visits had been simply to add more assurance checks, which did not necessarily drive improvement.

⁵⁷ BRA is the country code used for Brazil.

⁵⁸ Domestic.

9. Inspection findings – working with others

Introduction

- 9.1 Border Force Gatwick’s efficiency and effectiveness depends to a significant degree on the quality of its relationships with other Border Force commands, with law enforcement agencies, and with others, not least with the airport operator. Inspectors examined documentary evidence and spoke to Border Force Gatwick’s key partners to understand how well it was working with others.

Border Force Intelligence Directorate and National Border Targeting Centre

- 9.2 Border Force aims to be intelligence-led. Officers are deployed on the basis of threat and risk assessments and target intelligence.
- 9.3 The Border Force National Border Targeting Centre (NBTC), based in Manchester, runs checks against law enforcement and Home Office databases and looks for indicators to identify individuals who may present an immigration or customs risk to the UK. NBTC issues risk-based targets to Border Force operational commands, such as Gatwick, to action. The targets are categorised according to expected outcomes, and action is mandatory for some categories.

Handling of targeting alerts at Gatwick South

- 9.4 Inspectors observed the intelligence and targeting process in action at Gatwick. Alerts were received into a dedicated inbox, which was monitored 24 hours a day by the Gatwick Command Centre (GCC). Upon receipt, alerts were logged, allocated a reference number, saved and disseminated to the relevant Gatwick terminal.
- 9.5 Inspectors found that Border Force at Gatwick South was meeting the requirements of the Border Force Control Strategy, in that officers were deployed to respond to all category A and B alerts.⁵⁹
- 9.6 Inspectors looked at the success rate for intelligence alerts received at Gatwick in 2015. The data showed that 3,500 pre-arrival intelligence alerts were received across Gatwick’s passenger and freight routes. Of these, 8% resulted in a positive outcome.⁶⁰ This percentage is broadly consistent with the success rates at London Heathrow Airport in the period 1 April to 31 July 2014.⁶¹
- 9.7 Border Force officers of all grades told inspectors that the quality of targeting and alerts generated by NBTC was not high enough, and the requirement to respond to all category A and B alerts was resource intensive without generating the results to justify the number of officers required.

⁵⁹ Border Force officers must action all Category A and Category B alerts. Category C alerts should be actioned ‘wherever available resources permit’.

⁶⁰ This information was internal management information provided by Border Force. It had not been quality assured to the level of published National Statistics and should be treated as provisional and therefore subject to change.

⁶¹ <http://icinspector.independent.gov.uk/wp-content/uploads/2015/07/Inspection-of-Border-Force-Heathrow-15.07.2015.pdf>.

- 9.8 The Home Office confirmed to inspectors that ‘when NBTC issue an alert, the port currently attends the flight even when the airline concerned confirms that the person subject of an alert has not travelled’.⁶² In the period 1 June to 30 November 2016, 39 alerts were issued to Gatwick Airport where it was known that the individual had been offloaded by the carrier or was a ‘no-show’ at the departure airport.
- 9.9 Officers gave their personal accounts of what they regarded as the inefficient handling of alerts – an example is at Figure 9.

Figure 9: Personal account of inefficient handling of intelligence alerts

Officer A

‘My team of 5 was deployed to carry out a document check at the door of an arriving aircraft, tasked with identifying a passenger who was subject to an NBTC alert. This passenger had been identified via the targeting hub and their details were already included on Home Office systems.

The alert indicated that the passenger had been booked to travel but had not boarded the aircraft. I called NBTC to query this and it was confirmed that the most recent flight manifest indicated that the passenger was not on board. I followed this up by making enquiries with the airline, who also confirmed that the passenger had not boarded the aircraft.

I discussed this with my manager, highlighting my views on the apparent waste of resources in taking 5 staff away from the primary control, to carry out a document check in search of a passenger who by all indications was not on board the plane.

I was told that we had to meet the plane, as the passenger may have used an alternative or counterfeit document and/or identity to board the plane. I pointed out that in the event the passenger did board the aircraft using a counterfeit document, then we would have more capability to identify this at the PCP, as this is where we had our IT systems and greater forgery equipment.

I was then instructed that given the categorisation of the alert, we needed to action it. As a result my team of 5 staff spent a period of over 1.5 hours on this task, with the end result being confirmation that the passenger was not on board the aircraft. This type of thing is typical and happens regularly, impacting on our ability to run an effective border control.’

- 9.10 Inspectors observed Border Force meeting a targeted passenger. This involved six members of a Commodity and Response Team (CART) being redeployed from the customs channel to the PCP in order to observe and intercept one individual. The passenger was identified and intercepted effectively, but it took six officers away for 45 minutes, leaving insufficient officers to cover the customs controls when other high priority flights had arrived. This was described to Inspectors as ‘typical’.

Feedback

- 9.11 Border Force officers are directed by the Operating Mandate to provide feedback to the targeting hub for all category A and B alerts. The Mandate states: ‘During the examination, contact must be maintained with the relevant targeting hub. Full feedback of the examination should be provided to the targeting hub.’

⁶² This statement was provided in response to a request to the Home Office for evidence in relation to this inspection.

- 9.12 The March 2015 ‘Spot Check’ of Gatwick North and South Terminals by the Border Force Operational Assurance Directorate (OAD) identified that the processes in place at that time did not allow for sufficient assurance of the timeliness or quality of feedback in relation to alerts received. As a result, OAD recommended encouraging Gatwick to amend local processes to allow greater assurance to the alert feedback process.
- 9.13 Inspectors looked at the levels of feedback provided in relation to alerts. Since the OAD report, changes had been made to the processes at Gatwick, and feedback was now collated, recorded and sent via the GCC. Statistics showed that between 1 June 2016 and 30 November 2016, Gatwick Airport received 525 alerts and provided feedback on 476 (91%) occasions.

Law enforcement partners

- 9.14 Border Force Gatwick’s principal law enforcement partners are the National Crime Agency (NCA), the NCA-led Joint Border intelligence Unit (JBIU), and Sussex Police. Border Force Gatwick meets with these partners and with Border Force targeting teams three times a week to consider and gather feedback on intelligence alerts.
- 9.15 The NCA regards the JBIU as key to border security and to working effectively with Border Force. Inspectors were told that relationships within the JBIU were good. At the time of the inspection, two Border Force officers were embedded full-time in the JBIU. The staffing level agreed with NCA in October 2016 was three: two officers and a supervisor grade.

Referrals

- 9.16 File sampling of 50 immigration and 50 customs case files did not identify any recorded instances of Border Force officers at Gatwick South referring cases to law enforcement partners, or to Border Force intelligence colleagues or others, for example Criminal and Financial Investigation Teams.
- 9.17 Border Force Officers at Gatwick South had no written guidance about when to make a referral. Records seen by inspectors for the number of referrals made by Gatwick South appeared to indicate a marked reduction in the first half of 2016/17 compared to previous years.⁶³

Figure 10: Referrals made 1 April 2014 to 30 September 2016

Period	Referrals Made	Referrals Investigated
2014/15	152	77
2015/16	201	85
2016/17 (01/04/2016 – 30/09/2016)	23	16

- 9.18 Officers in the Border Force Regional Intelligence Unit based at Gatwick Airport told inspectors that the decrease in referrals received from frontline staff was due to a combination of factors, including PCP queue pressures and the use of seasonal workers and brigade staff. They also felt that the intelligence session in the Core Skills 1 training package⁶⁴ was insufficient, and as a

⁶³ This information was internal management information provided by Border Force. It had not been quality assured to the level of published National Statistics and should be treated as provisional and therefore subject to change.

⁶⁴ The Core Skills 1 training package delivered to permanent PCP staff contained a three hour session on the role of the intelligence teams. However, seasonal workers did not receive the same training package.

result frontline staff lacked an awareness and understanding of the functions and remit of the intelligence team.

- 9.19 The NCA and Sussex Police Special Branch (SB) told inspectors that, while there had been some positive outcomes, referrals from Border Force at Gatwick South tended to be ‘low level, easy wins’, which conflicted with NCA and SB priorities which focused on high-level cases with aggravating factors.
- 9.20 The Proceeds of Crime Act 2002 (POCA) enables Border Force officers to seize cash they suspect is linked to criminality and cash detections were a Border Force high priority. Border Force officers at Gatwick South were detecting cash both inbound and outbound, but were not conducting their own investigations and instead, in line with national agreements, looked to other agencies⁶⁵ to investigate and prosecute cases. While POCA enabled Border Force to seize amounts of £1,000 or more, these other agencies had their own thresholds and took a range of factors into account before adopting a case for criminal investigation. Consequently, some Border Force detections were not investigated, and Border Force officers had become less inclined to refer cash detections to the other agencies, so the cash was not seized.
- 9.21 Between 14 August and 15 September 2016, Border Force, NCA, HMRC, Immigration Enforcement and GAL Security Department jointly undertook a cash intensification exercise at Gatwick Airport. The aim of ‘Operation Madam’ was to increase and strengthen cooperation between the partner agencies and detect, deter and disrupt Organised Crime Groups (OCGs) and Individuals seeking to move the proceeds of crime into and out of the UK through Gatwick Airport. Although Border Force detected cash to the value of £763,000 during Operation Madam, the amount seized was only £60,650.

Airport operator (Gatwick Airport Limited)

- 9.22 Although their priorities were sometimes different, the relationship between Border Force senior managers and GAL were broadly positive. The main area of difficulty concerned the time Border Force took to process passengers at the Primary Control Point (PCP).
- 9.23 At Gatwick, as at other ports, Border Force operates to a Service Level Agreement (SLA) that covers the maximum time that arriving passengers should be required to queue at the immigration controls. For UK and EEA nationals this is 25 minutes, and for non-EEA nationals it is 45 minutes. The SLA requires Border Force to achieve this in 95% of cases.
- 9.24 Border Force senior management emphasised that Border Force Gatwick was exceeding the SLA. Recorded queue times between April and September 2016 confirmed that Border Force at Gatwick South had met its EEA SLA over 98% of the time and its non-EEA SLA over 96% of the time. Where the SLA was breached, in most cases it was due to a high concentration of flight arrivals.
- 9.25 GAL, however, stressed that the SLA was a national agreement and the ‘one-size-fits-all’ approach did not work for them. If Border Force took up to the 25 and 45 minutes limits to process passengers arriving at Gatwick South, the queues would stretch out of the Arrivals Hall.
- 9.26 On 10 October 2016, Border Force embarked on a ‘Premium Service’ trial at Gatwick, deploying additional officers to the PCP with the aim of reducing the maximum queuing times to 15 minutes for EEA nationals and 30 minutes for non-EEA nationals. GAL funded the additional officers, who were drawn from the pool of seasonal workers. At the time of the inspection,

⁶⁵ National Crime Agency, Her Majesty’s Revenue and Customs (HMRC), and Immigration Enforcement.

the outcome of the trial was being analysed, but initial indications were positive, with shorter queues across the controls. Local managers told inspectors that they had consistently met the reduced times and that officers were pleased to have additional resources deployed to the PCP.

9.27 Since 2013, GAL had employed Behavioural Detection Officers (BDOs) at Gatwick. The BDOs studied passenger behaviour to identify any passengers who may pose a risk to security and notify Border Force or the relevant law enforcement agency. Although the BDOs worked closely with Border Force, there was no written agreement in place between Border Force and GAL governing this working relationship.

9.28 Border Force and GAL were working together on a number of other initiatives to improve the airport infrastructure, including adding 10 new ePassport gates (at GAL's expense) in the South and North terminals. Border Force had also been supportive of GAL's introduction of 'presenters' to direct arriving passengers to the correct queues in the immigration hall and to complete the correct landing cards.

Appendix 1 – Role and remit of the Chief Inspector

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

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

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

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

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

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

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

Appendix 2 – Criteria used in this inspection

OPERATIONAL DELIVERY

1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Resources should be allocated to support operational delivery and achieve value for money.
4. Complaints procedures should operate in accordance with the recognised principles of complaints handling.

SAFEGUARDING INDIVIDUALS

5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
6. Enforcement powers, should be carried out in accordance with the law and by members of staff authorised and trained for that purpose.
7. All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.
8. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.

CONTINUOUS IMPROVEMENT

9. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
10. Risks to operational delivery should be identified, monitored and mitigated.

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