



An inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops') and to irregular migrants arriving via 'small boats'

(May 2019 – December 2019)

David Bolt

Independent Chief Inspector of
Borders and Immigration

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Foreword

In 2016, when I looked at the Home Office's response to the sharp increase in encounters with migrants who had entered the UK clandestinely concealed in lorries, I found that while frontline staff had coped well with the extra demands, this had been at the expense of other enforcement priorities, to the extent that in some areas little other operational activity had been conducted. In approaching this inspection, a key question was whether the response to the surge in 'small boats' was having a similar impact on other BICS business.

In short, inspectors found that it was. Border Force's Maritime Command, the General Aviation/General Maritime Team based in Folkestone, Immigration Enforcement's Criminal and Financial Investigation directorate, and the Joint Debriefing Team, were all heavily occupied with small boats, as was UK Visas and Immigration (UKVI) Kent (Asylum) Intake Unit. Some staff in these teams, as well as other agencies, expressed concerns about what was being missed as a result, particularly people and goods smuggling, which inspectors were told "had not gone away" and may indeed have increased in other parts of the UK as smugglers looked to exploit the concentration of resources in the South east.

The Home Office has contended that the emergence in late-2018 of small boats as a favoured means of illegal entry was a consequence of the extensive investment over recent years, in collaboration with the French authorities, in strengthening security at and around the ports in northern France. But, while this may have made unaided clandestine entry harder, it is the case that the number of 'lorry drop' migrants encountered in the UK increased in 2019 by a third over the previous year, and organised smuggling of large groups concealed in road transport continues, often with casual disregard for the risks to the migrants' health and welfare, as evidenced by the discovery of the bodies of 39 Vietnamese migrants in a refrigerated trailer at Purfleet, Essex, in October 2019.

Overall, there are no signs of the threat of clandestine entry reducing and recent evidence points in the other direction. While the Home Office has shown some agility in marshalling and reprioritising resources in response, it is hard to avoid the conclusion that it has neither the capacity nor the capabilities, in particular in respect of criminal investigation and prosecution, required to manage this threat more effectively.

I have made five recommendations. These touch on skills, organisation and processes, partnership working, data and analysis, and staff management. None offers a 'quick fix' but this should not be a reason to delay.

This report was sent to the Home Secretary on 13 March 2020.

David Bolt
Independent Chief Inspector of Borders and Immigration

1. Scope and Purpose

- 1.1** This inspection examined the Home Office’s identification and handling of migrants first encountered away from a port of entry, having entered the UK concealed in a commercial vehicle, and those migrants seeking to cross the English Channel in ‘small boats’.¹
- 1.2** The inspection focused on the efficiency and effectiveness of the measures the Home Office had put in place to respond to these events. This included:
- an overview of efforts by Border Force to prevent clandestine departures from the European mainland, including through support and encouragement for European law enforcement and border security measures
 - the current response to ‘lorry drops’, including a review of the recommendations from the 2016 inspection report: “A short notice inspection of the Home Office response to ‘lorry drops’”
 - the response, since late 2018, to the arrival of migrants in small boats, including the impact on other previously planned activities and priorities
 - contingency plans for dealing with a surge in arrivals either via lorry drops or small boats or both

¹ The terms used to describe migrants and the means by which they seek to enter the UK can be contentious. For the sake of clarity, this report uses the following terms with the following meanings:

- ‘Irregular migration’: “the movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination” – International Organisation for Migration (IOM) <https://www.iom.int/key-migration-terms>
- ‘Illegal entry’: “(a) unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, or (b) entering or seeking to enter by means which include deception by single person.” – Section 33(1) of the Immigration Act 1971 <http://www.legislation.gov.uk/ukpga/1971/77/section/33>
- ‘Clandestine entrant’: “(1) A person is a clandestine entrant if: (a) he arrives in the United Kingdom concealed in a vehicle, ship or aircraft, (aa) he arrives in the United Kingdom concealed in a rail freight wagon, (b) he passes, or attempts to pass, through immigration control concealed in a vehicle, or (c) he arrives in the United Kingdom on a ship or aircraft, having embarked – (i) concealed in a vehicle; and (ii) at a time when the ship or aircraft was outside the United Kingdom, and claims, or indicates that he intends to seek, asylum in the United Kingdom or evades, or attempts to evade, immigration control.” – Section 32 of the Immigration and Asylum Act 1999 (as amended) <http://www.legislation.gov.uk/ukpga/1999/33/section/32>
- ‘Lorry drop’: clandestine entry involving concealment in a commercial vehicle, where the migrant is first encountered in the vehicle or at the roadside having left the vehicle at its first stopping point away from the port of entry
- ‘Small boats’: any vessel used to set off across the Channel with the aim of gaining entry to the UK either directly or having been intercepted en route and brought ashore. Although ‘small boats’ includes go-fast craft, yachts, motor cruisers, tugs and fishing vessels, this inspection focused on rigid-hulled inflatable boats (RHIBs), dinghies and kayaks.

2. Methodology

2.1 Inspectors:

- between 22 May and 5 June 2019, spoke to relevant operational and policy teams across the Borders, Immigration and Citizenship System (BICS) as part of the scoping process for this inspection
- reviewed relevant open source information, plus data and documentary evidence requested from the Home Office covering policies and operational guidance
- between 20 June and 5 July 2019, met senior managers from Border Force (including the Small Boats Lead), Immigration Enforcement, and Borders, Immigration, Citizenship System, Policy and Strategy Group (BICS PSG) and made familiarisation visits to:
 - the juxtaposed control areas at Calais, Coquelles and Dunkirk
 - the Coordination and Information Centre (in French, Centre Conjoint d'Information et de Coordination or CCIC) (Calais)
 - Border Force National Command Centre (NCC) (Croydon)
 - Border Force National Maritime Intelligence Bureau (NMIB) (Portsmouth)
 - Joint Maritime Co-ordination Centre (JMCC) (Portsmouth)
 - National Maritime Information Centre (NMIC) (Portsmouth)
 - Border Force South East & Europe General Aviation/General Maritime team (Folkestone)
 - Immigration Enforcement National Command and Control Unit (NCCU) (Manchester)
 - UKVI's Asylum Intake Unit (AIU) (Croydon)
 - UKVI's Kent Intake Unit (KIU) (Dover)
 - UKVI's Midlands Intake Unit (MIU) (Bedford)
 - National Crime Agency (NCA)
- on 18 July 2019, published a 'call for evidence' on the ICIBI website, seeking submissions from anyone with relevant knowledge, expertise or first-hand experience of the efficiency and effectiveness of the Home Office's identification and handling of irregular arrivals and entrants
- on 19 July 2019, wrote seeking the views of the British International Freight Association, British Ports Association, First Division Association, Immigration Law Practitioners' Association, Immigration Services Union, Maritime and Coastguard Agency, National Coastwatch Institution, National Police Chiefs' Council, Public and Commercial Services Union, Royal National Lifeboat Institution, Road Haulage Association, UK Chamber of Shipping, UK Harbour Masters Association, and UK Major Ports Group
- between 5 September and 1 October 2019, observed staff performing their roles in UKVI's AIU, KIU, and MIU; the Joint Debriefing Team (JDT); and the Clandestine Entry Civil Penalties Team (CECPT) (Folkestone)

- between 6 September and 1 October 2019, interviewed and ran focus groups involving:
 - Small Boats Gold Command Group
 - Small Boats Gold Commander
 - Small Boats Review Lead
 - Operation Cowl Lead
 - the Heads of Taskforces 1, 2 and 3
 - UKVI National Asylum Intake Unit (NAIU)
 - AIU, KIU and MIU
 - Border Force
 - Regional Director South East & Europe (Folkestone)
 - Maritime (Portsmouth), including JMCC, NMIC, NMIB
 - Border Force Intelligence (Folkestone)
 - People Strategic Intelligence Centre (Croydon)
 - Clandestine Threat Lead
 - CECPT
 - Cutter and Coastal Patrol Vessel (CPV) crews (Ramsgate and Dover)
 - SE & Europe General Aviation/General Maritime Team
 - Immigration Enforcement
 - Kent & Sussex (Folkestone) Immigration Compliance and Enforcement (ICE) Team
 - East of England (Bedford) ICE
 - Criminal and Financial Investigations (CFI) Team covering Kent & Sussex
 - CFI Team covering Surrey
 - CFI Team covering East of England
 - Strategic Clandestine Threat Team
 - Clandestine Threat Lead
 - CFI Clandestine Threat Lead
 - II Clandestine Threat Lead
 - Intelligence Analysts
 - NCCU (Manchester)
 - NCA
 - Devon and Cornwall Police (Chief Constable (NPCC Lead for Organised Immigration Crime, and Modern Slavery and Human Trafficking) and officers with lead or oversight responsibilities for Clandestine entrants, Maritime and Modern Slavery)
 - PCS union representatives
- on 24 October 2019, presented their ‘emerging findings’ to representatives from the Home Office

3. Summary of conclusions

- 3.1 For obvious reasons, the total number of migrants who are successful in entering the UK clandestinely is not known, nor do any robust estimates exist for this or for the overall size of the UK's illegal population.²
- 3.2 Not all clandestine entrants seek asylum. Some look to live and work in the UK undetected, while others, including victims of modern slavery, are prevented from contacting the Home Office by force or with threats. Therefore, the number of asylum claims received, which since 2015 has averaged around 30,000 a year, is not a reliable guide to the scale of clandestine entry. Nonetheless, the Home Office told inspectors that, when asylum claims were "data-matched" to the various forms of irregular entry, clandestine entry emerged as "the most common method of entry for asylum seekers".
- 3.3 The Home Office holds data for migrants encountered at different points in their clandestine entry journey: at the juxtaposed controls at Calais, Coquelles and Dunkirk; at UK ports of entry; and in the UK; and, latterly, in 'small boats' in the Channel, most of which are 'clandestine' only up to the point where they have put to sea. But, the picture is incomplete. For example, migrants detected at or around ports of departure before embarkation, or at the juxtaposed ports before they reach the UK-managed controls, are dealt with by the French authorities and these encounters are not routinely reported to Border Force.
- 3.4 While the precise scale of clandestine entry to the UK is therefore not known, the numbers of attempts and of migrants encountered at each point are undeniably high, and it is clear that the clandestine entry threat is serious, persistent and adept at responding to checks and opportunities.
- 3.5 The periodic threat assessments produced by Border Force, Immigration Enforcement and others, show an understanding of the different methods of entry but are less good at anticipating new and emerging threats.
- 3.6 The surge in small boats in late 2018 was not foreseen and it is at least arguable that had it been, and had more decisive action been taken earlier to demonstrate that these attempts would not succeed, the small boats route may not have become established in the minds of many migrants and facilitators as an effective method of illegal entry, as the evidence would suggest is now the case. By the beginning of 2019, it was already much harder to stop this threat from growing, and by the beginning of 2020 it appeared to be too late.
- 3.7 Initially, most small boats migrants were reported to be Iranian nationals. Between 2016 and 2019, Iranians made up less than 4% of the 155,000 migrants detected at the juxtaposed ports attempting to enter the UK clandestinely. The crossings in early 2020 have involved a wide

² Unless they have subsequently regularised their immigration status, migrants who have entered the UK clandestinely comprise part of 'the illegal population', alongside those who have entered the UK legally but have not complied with the terms of their leave, for example by overstaying their visa.

range of nationalities and the concern must be that this method of entry will look increasingly attractive to migrants of all nationalities.

- 3.8** It is not unconnected that operational managers and officers across Border Force and Immigration Enforcement dealing with clandestine entries complained to inspectors about the lack of timely, actionable intelligence. While the fixed-point immigration and customs controls, and time-bound 'intensification' operations, might reasonably claim to be intelligence led when determining where to focus their effort, much of the work on clandestine entry is reactive and event driven. This is particularly true of 'lorry drops' and small boats, both of which demonstrate how difficult, costly and progressively less effective efforts to combat clandestine entry are once the primary border controls have been breached or circumvented.
- 3.9** Inspectors were told about various operations and projects, most multi-agency, some involving international partners, that have focused on clandestine entry routes and methods of entry and concealment. Some are long-term and ongoing, others have been run as 'intensification' exercises, where resources have been concentrated on an issue for a fixed period, perhaps a month. One of the latter, run for a second time in May 2019, focused on clandestine entry in refrigerated vehicles. It was run again immediately following the discovery of 39 bodies in a refrigerated vehicle at Purfleet, Essex, in October 2019.
- 3.10** Intensification exercises are common across law enforcement and are an effective way of ensuring that a spotlight is shone on a particular problem. While they are running they are likely to have some deterrent effect, which may carry forward. However, their long-term impact is harder to assess, in particular where the criminal activity is organised, well-informed, agile and has options, as is the case with clandestine entry. Perhaps more than anything, they highlight the gap between the level of activity and the resources available to tackle it on a sustained basis.
- 3.11** For some years, the UK's strategy for combating clandestine entry has sensibly emphasised prevention: encouraging and supporting French efforts to stop the threat 'at source', including the part-funding of enhanced security measures at and around the ports in northern France, and close cooperation at an operational level between Border Force and others and their French (and Belgian) counterparts. The Home Office has said that the surge in small boats in the last quarter of 2018 was the result of the success of these enhanced security measures making other methods of entry much more difficult. However, the evidence for this is inconclusive.
- 3.12** Between 2016 and 2017 there was a significant reduction (from 33,807 to 15,457) in the number of migrants encountered at Calais attempting to pass clandestinely through the juxtaposed controls. The same was broadly true for Coquelles and Dunkirk. While physical security improvements at and around these ports will have contributed to a reduction in the numbers making it as far as the juxtaposed controls, it is difficult to draw any firm conclusions about the effectiveness of these measures compared with the effect of other factors, notably the dismantling of the Calais 'Jungle' migrant camp by the French authorities in October 2016, after which monthly detections fell sharply.
- 3.13** Equally, the figures for detections are not a reliable measure of the effectiveness of vehicle searching at the juxtaposed controls, since data for clandestine entries that succeeded despite the vehicle having been searched is necessarily incomplete. Clearly, the numbers and nationalities of migrants seeking to reach the UK from northern France are affected by world events, and the Home Office is alive to external 'push factors', however inspectors felt that the factors over which Border Force had control (staffing levels, targeted vehicles,

search techniques) would merit closer analysis, particularly given the significant fluctuations in detections from month to month.

- 3.14** This report looks in some detail at the way that BICS and other agencies, principally the police, are dealing with lorry drops. It shows a system that is misfiring at each point, with too many hand-offs and no clear ownership. Investigation of lorry drop events and the pursuit of negligent or complicit drivers are areas for concern. In 2018, more than 7,500 migrants³ were encountered in the UK having entered concealed in a vehicle. In two-thirds of cases, the vehicle involved was never identified. In 2019, there were over 10,000 encounters, with the vehicle identified in just over a quarter of cases.
- 3.15** BICS investigative capacity and capabilities are an issue. Immigration Enforcement's CFI command is clearly over-stretched, more so since it has had to prioritise small boats arrivals. According to CFI senior management there is a gap in terms of Level 3 (serious organised crime)⁴ investigations, with some cases beyond CFI's capabilities but not meeting the NCA's threshold. Meanwhile, the National Police Chiefs' Council (NPCC) Lead for Organised Immigration Crime (OIC) and Modern Slavery saw a gap at Level 1 (local crime), for example repeat offending by lorry drivers.
- 3.16** In 2015, ICIBI reported that Immigration Enforcement senior managers had "identified a gap in criminal investigation skills and experience in enforcement teams and had arranged for some officers to receive skills training in first-level investigations".⁵ At the time, inspectors were told of an ambition to have at least two members of each ICE team 'PIP 1 trained'.⁶
- 3.17** The 2015 report recommended that the Home Office should "ensure ICE Teams have the skills, experience and capacity to pursue criminal investigations". This was accepted. The Home Office responded that "the bringing together of ICE and Crime teams into one command has prompted a review of the overall demand for Level 1 prosecution activity. The number of ICE officers trained in conducting criminal investigations will be subject to continued review." This needs a further look, alongside consideration of training some Border Force officers in criminal investigation skills, so that CFI's time is not taken up with low-level prosecutions of 'lorry detections' at ports or in evidence-gathering where other BICS staff are already on the scene.
- 3.18** In 2016, the ICIBI inspection of lorry drops found that "while front-line staff had coped well with the extra demands [of the sharp increase in encounters during 2015], in some areas this "had been at the expense of other enforcement priorities" to the extent that in three ICE team areas "there was little other operational activity conducted"". In approaching this inspection, a key question was whether small boats was having a similar impact on other business.
- 3.19** In short, inspectors found that it was. Border Force's Maritime Command, the General Aviation/General Maritime Team based in Folkestone,⁷ CFI, and the JDT were all heavily occupied with small boats, as was the KIU. Some staff in these teams, as well as other agencies, expressed concerns about what was being missed as a result, [redacted].

3 This is the number reported by the police to the Immigration Enforcement National Command and Control Unit (NCCU). Where migrants are encountered in Kent, Sussex and Surrey and taken directly to the Kent (Asylum) Intake Unit by the police they may not be notified to the NCCU.

4 National Intelligence Model levels. <https://ict.police.uk/national-standards/intel/>

5 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547674/ICIBI-Report-on-illegal-working-December_2015.pdf

6 <https://www.college.police.uk/What-we-do/Learning/Professional-Training/Investigation/Pages/Investigation.aspx>

7 Each Border Force Regional Command has a General Aviation/General Maritime (GA/GM) team. The Folkestone team is part of the Southeast and Europe Command.

3.20 It was difficult to argue with the view expressed by the Small Boats Gold Commander that while the South East was a “hot spot” there should be a national approach to clandestine entry, except to add that in determining what this means for monitoring and protecting smaller ports and the coastline the focus should not be solely on migrants, since for the smugglers people are just another commodity.

4. Recommendations

The Home Office should:

- 4.1** Carry out a fundamental review of the Borders, Immigration and Citizenship System's criminal investigation and prosecution capabilities and capacity, looking at clandestine entry (incorporating people smuggling, trafficking and modern slavery) and other immigration-related crimes, and revisiting with the National Police Chiefs' Council (NPCC) and the National Crime Agency (NCA), and others if appropriate, where the underlaps are at National Intelligence Model (NIM) Levels 1, 2 and 3.
- 4.2** Review the roles and responsibilities of the Borders, Immigration and Citizenship System (BICS) teams involved in responding to 'lorry drops' and 'small boats' with a view to reducing the number of "hand offs" and requirements for staff to travel large distances or to be on detached duty from their normal place of work, including by:
 - a. conducting a skills audit and training needs analysis, with the aim of creating efficiencies and greater resilience through more multi-skilling;
 - b. considering whether the Midlands Intake Unit should operate in the same way as the Kent Intake Unit in terms of receiving migrants directly from the police, and whether similar facilities are required in any other regions.
- 4.3** Work with the National Police Chiefs Council to create joint plans for the monitoring and 'policing' of the whole of the UK coastline (including ports and harbours) for the smuggling of people and goods and related criminal activities, integrating Border Force/Immigration Enforcement priorities, resources and functions, including intelligence collection, with those of coastal police forces.
- 4.4** Produce a detailed monthly analysis of clandestine entry attempts detected at the juxtaposed controls and at UK ports, and 'failures' (vehicles later identified in connection with lorry drops), and the factors over which Border Force had control, including staffing levels, targeted vehicles, and search techniques used, (ensuring that the information provided by frontline staff is specific and complete), and use this analysis to identify the resources and tactics required to drive up detections and reduce lorry drop numbers.
- 4.5** Engage the Cutter and Coastal Patrol Vessel (CPV) crews in an open consultation exercise to review and address any concerns about their terms and conditions, training opportunities and career paths, providing them with as much clarity as possible about future plans for the Maritime Command. In the meantime, ensure that all crew members have the personal equipment they need to perform their duties effectively and safely and that Standard Operating Procedures (SOPs) are comprehensive and updated in line with events.

5. Background

Estimates of the size of the illegal population

- 5.1** In 2005, the Home Office published a report in which it noted, with some caveats, that the “central estimate” of “the total unauthorised migrant population” living in the UK in April 2001 was 430,000. A later report by the London School of Economics estimated that in 2007 the number of “irregular” migrants in the UK was 533,000.⁸ Meanwhile, a report by the European Migration Network synthesising national reports from EU Member States noted that in “late 2007” the UK’s “stock of irregular migrants” was estimated to be between 417,000 and 862,000.⁹
- 5.2** Successive governments have declined to provide official estimates for the UK’s illegal population and the Office for National Statistics (ONS) has cast some doubt on the earlier estimates as “the methodology behind this work requires huge assumptions thus making the estimates largely uncertain”. However, notwithstanding the challenges, the ONS reported in early 2019 that it had been working with Home Office statisticians and others, including academics, “to explore possible approaches to the measurement of illegal migration in the UK”.¹⁰
- 5.3** Meanwhile, in the course of this inspection, the Home Office told inspectors:
- “By its very nature, it is not possible to know the exact number of the illegal population and so we do not seek to make any official estimates on this. The Government is focused on making it harder for people to enter and live in the UK illegally, whilst ensuring that those who do have the right to reside in the UK can do so.”

Asylum claims

- 5.4** A proportion of those migrants who succeed in entering the UK clandestinely do so with the express intention of claiming asylum at the earliest opportunity. For those nationalities whose claims are more likely to succeed this may be the majority, while for others clandestine entrants, and visa overstayers, may look to remain undetected for as long as possible. Some may fear arrest and removal if they are discovered, while others, including victims of modern slavery, are prevented from contacting the Home Office by force or with threats.
- 5.5** It is similar for methods of clandestine entry. Since the end of 2018, most migrants setting off from the beaches of northern France in ‘small boats’ have claimed asylum on arrival in the UK. Meanwhile, the intentions of migrants found concealed in lorries, or encountered having entered the UK in a lorry and left it once it had passed through the port of entry, are not always

⁸ <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/illegalimmigrantsintheuk>

⁹ Cited in the European Migration Network’s 2012 research report, ‘Practical Measures for Reducing Irregular Migration’ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/irregular-migration/00a_emn_synthesis_report_irregular_migration_october_2012_en.pdf

¹⁰ <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/measuringillegalmigrationourcurrentview/2019-06-21>

so transparent, although some present themselves to the authorities and claim asylum as soon as they are able.

- 5.6 While the Home Office publishes figures for asylum claims received and decided each year (see Figure 1) these are not broken down by method of entry to the UK, and therefore they are not a guide to the numbers who have entered the country clandestinely. However, the Home Office told inspectors that from “data-matching” asylum claims to the various forms of irregular entry, clandestine entry emerged as “the most common method of entry for asylum seekers”.
- 5.7 Figure 1 shows the total numbers of migrants who have claimed asylum at a port and in-country since January 2014.

Figure 1
Asylum applications received Q1 2014 to Q1 2019

		Q1	Q2	Q3	Q4	Total
2014	Port	519	591	749	751	2,610
	In-country	5,339	4,971	6,154	5,959	22,423
	Total	5,858	5,562	6,903	6,710	25,033
2015	Port	579	507	792	1,040	2,918
	In-country	5,448	5,772	9,439	9,156	29,815
	Total	6,027	6,279	10,231	10,196	32,733
2016	Port	922	777	1,026	1,157	3,882
	In-country	7,358	7,062	6,522	7,225	28,167
	Total	8,280	7,839	7,186	7,442	30,747
2017	Port	888	844	1,046	1,295	4,073
	In-country	5,678	5,390	5,476	5,930	22,474
	Total	6,566	6,234	6,522	7,225	26,574
2018	Port	1,168	1,328	1,504	1,897	5,897
	In-country	5,545	5,256	5,940	6,742	23,483
	Total	6,713	6,584	7,444	8,639	29,380
2019	Port	1,639	Not yet published at the time this report was written			
	In-country	7,283				
	Total	8,922				

- 5.8 The data shows a substantial increase over the period in claims made at a port. Each of the last three quarters for which there are published figures (2018 Q3 and Q4, and 2019 Q1) is higher than any quarter since 2004 Q4. Nonetheless, claims at port remain a fraction of the total claims made each quarter. In-country quarterly totals have also been rising since the middle of 2018, with 2019 Q1 highest since 2016 Q1.¹¹

11 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803150/asylum1-mar-2019-tables.ods

- 5.9** The published data includes the number of asylum applicants by nationality. While the ‘top’ nationalities have remained broadly constant since 2014, the numbers for each have fluctuated from quarter to quarter, in some cases significantly. The trend for some has been one direction, for example, applications from Sri Lankan nationals have reduced year on year (from 1,292 in 2014 to 497 in 2018), while those from Vietnamese nationals have increased each year (from 381 in 2014 to 1,204 in 2018).
- 5.10** Over the five years to the end of 2018, the largest number has been from Iranian nationals (15,323), followed by Pakistanis (12,583), Eritreans (11,401), Iraqis (10,552), Sudanese (8,969) and Afghans (8,404). In this period, these six nationalities have accounted for 67,232 applications, almost half (46.5%) of the total of 144,467 received.

Clandestine entry ‘key events’ 2014 – 2018

2014-15: Clandestine entry ‘surge’

- 5.11** Between 21 June and 11 July 2014, over 8,000 attempts to enter the UK illegally were prevented by the French and British authorities at Calais, Coquelles and Dunkirk.¹²
- 5.12** Meanwhile, between April and September 2015, the Home Office encountered almost three times as many clandestine entrants in the UK (away from the port of entry) as they had done in the same period in 2014.
- 5.13** In July 2015, the Home Secretary told the House of Commons:¹³

“Since November 2014, we have committed to investing £12 million of which £6 million has already been spent to reinforce security at our juxtaposed ports in Northern France. This includes new fencing to secure the approaches to the port of Calais and joint work to improve traffic flow through the port and Border Force controls, so that more tourist vehicles can queue within the secure environment of the port. This work is due to be completed at the end of this month. In addition, we have funded a £2 million upgrade of detection technology and boosted our dog searching capability by another £1 million.

We have also provided funding for additional fencing to help secure approaches to the Channel Tunnel at Coquelles, where repeated incursions have taken place over the last few weeks. This work, which we announced last week, has already begun and is also due to finish by the end of this month. So today I can announce the creation of a new secure zone at the port of Calais for UK-bound lorries. This will provide a secure waiting area for 230 vehicles – the equivalent of removing a two-and-a-half-mile queue from the approaching road. This should transform protection for lorries and their drivers – removing them from the open road where they can become targets for migrants attempting to board their vehicles.”

¹² <https://hansard.parliament.uk/Commons/2015-07-14/debates/15071433000003/Calais>

¹³ <https://www.gov.uk/government/speeches/home-secretary-statement-on-illegal-immigration-in-calais>

2015-16: Two ‘critical incidents’ declared in response to ‘lorry drop’ numbers

- 5.14** On 23 July 2015, Immigration Enforcement declared a “regional critical incident”¹⁴ in response to the surge in lorry drop arrivals. This resulted in the creation of a centralised command structure to ensure that all relevant units and agencies were working collaboratively to address the issue and in additional resources being made available. The critical incident was maintained until 22 September 2015.
- 5.15** A second regional critical incident was declared on 10 October 2015 and maintained until 7 January 2016.

2016: ICIBI ‘lorry drops’ Inspection Report

- 5.16** Between October 2015 and January 2016, ICIBI carried out an inspection of lorry drops. The report, ‘A short notice inspection of the Home Office response to ‘lorry drops’’,¹⁵ was published in July 2016.
- 5.17** The inspection found that, despite a three-fold increase in lorry drop encounters, the Home Office had maintained the quality of its initial response. Front line staff had coped well with the extra demands. However, in the second half of 2015, in at least three ICE team regions – Kent & Sussex, East of England and the Midlands – the response to lorry drops had been at the expense of other enforcement priorities, such as illegal working and sham marriages, raising questions about Immigration Enforcement’s capacity and resilience, particularly if faced with a similar challenge in summer 2016.
- 5.18** The inspection found that the CFI teams had a high conversion rate of referrals of drivers and hauliers involved in a lorry drop into investigations and successful prosecutions. However, CFI resources in the South East and East of England had been stretched in 2015 by the increase in clandestine entrants, affecting its capacity to pursue other types of investigations.
- 5.19** Meanwhile, the CECPT was struggling. Despite the CECPT setting aside 448 referrals of drivers or hauliers because they were by that stage over one year old, as at January 2016 initial triaging of new referrals was taking two to four months. This raised questions about how CECPT would cope if the civil penalty regime were extended to rail and maritime carriers (which was out for consultation at the time of the inspection).
- 5.20** The inspection report noted that Operation Snowbird, a multi-agency initiative to collate information about lorry drops, had provided senior managers with a better understanding of the scale and nature of the clandestine entry threat, but front line officers were critical of it because they were having to input information but were getting little value from it, as intelligence had not been analysed and disseminated to them.
- 5.21** Roughly 93% of the clandestine entrants encountered in 2015 claimed asylum, the same as in 2014. From a sample of files for those encountered between April and September 2014, some 10% of claims remained outstanding after 15 months or more, which reflected the overall position for claims from this period. Sampling also illustrated the practical difficulties

¹⁴ Chapter 44 of the Immigration Enforcement Instructions and Guidance, in force at that time, defined a ‘critical incident’ as: “Any incident where the outcome or consequence of that incident is likely to result in: Serious harm to any individual; Significant community or business impact; or A significant impact on the confidence of the public in the Home Office (HO). In addition to the above, should an incident meet the following criteria then this will be escalated to a wider/national critical incident. Any incident: • that severely impacts on the ability of immigration enforcement (IE) and UK visas & immigration (UKVI) to deliver on its business; • that impact of the incident has gone beyond a HO single business area, or beyond the capability of a HO single business area to manage.”

¹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540577/ICIBI_inspection_of_lorry_drops_July_2016.pdf

of removing failed claimants, including where the latter had absconded and their whereabouts were not known.

- 5.22** The Home Office had managed to increase the number of initial asylum decisions made between April and September 2015 by 17% compared with the corresponding period in 2014. However, this still fell well short of the increased number of claims by clandestine entrants.
- 5.23** The report made six recommendations – see Annex A. The Home Office accepted four in full. These concerned: producing an Operating Mandate specifying the required security and immigration checks for clandestine entrants; improving training, guidance and feedback in relation to the identification of potential victims of trafficking; ensuring that outstanding asylum claims were not allowed to grow to problematic levels; and defining and promoting the information and evidence requirements for each part of the process for managing lorry drops.
- 5.24** Two recommendations were accepted in part. One was to: “Clarify with social services, the police and other bodies or agencies, roles, responsibilities and procedures in relation to unaccompanied children who abscond from care”. The Home Office referred to various statutory duties, policies and protocols and the work it was doing with others, and that it considered “the appropriate measures exist but that in the first instance the responsibility for reporting missing children is principally for external stakeholders”.
- 5.25** The Home Office also “accepted in part” the recommendation that it: “Ensure that the appropriate structures, staffing levels and contingency plans in relationship to ‘lorry drops’ are in place and properly resourced, and that any future surge in volumes does not result in the same deleterious impact on other enforcement priorities as experienced in the second half of 2015”. Here, it said that detailed contingency plans had been developed at regional and national level, including the steps to take when “the ability to handle clandestine arrivals within existing resources is exceeded”. However, while it would “continue to work across the Home Office” to minimise the impact: “Responses to unprecedented global pressures at times of crisis will still need to come from within existing staffing, which at times will impact on other normal-activity”.

2017-18: Enhanced security at the ports in northern France

- 5.26** In September 2018, in response to a Parliamentary Question, the Immigration Minister said that the enhanced security at the ports in northern France juxtaposed controls was working, citing a drop from over 80,000 recorded attempts to enter the UK via these ports in 2015 to just over 30,000 in 2017.¹⁶
- 5.27** Inspectors were told that the security enhancements had continued throughout 2018, for example, with additional barbed and razor wire and fencing erected around petrol stations near the ferry ports. Stopover areas alongside main arterial routes and motorways were also closed, reducing the opportunities for migrants to gain access to vehicles and conceal themselves.

2018: The emergence of small boats

- 5.28** There is plenty of evidence of irregular migrants, and of organised criminals involved in human trafficking and people smuggling, adapting their methods and routes in response to the measures the authorities take to stop them. The Home Office told inspectors that it regarded

¹⁶ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-07-24/167883>

the emergence of small boats as a method of crossing the English Channel a consequence of the enhanced security at the French ports, along with the dismantling of the migrant camps.

5.29 In fact, there were earlier attempts to cross the Channel. In 2012, the body of a woman who had attempted to make the crossing was found on a beach in northern France. In 2015, two bodies were found washed up on the shore, one in Norway and the other in the Netherlands. At the time, a Home Office spokesman said: “We are aware that this type of attempt to cross the Channel does happen, but we are not aware of any particular trend, and nor have we seen an upturn in this type of activity.”

5.30 However, during the summer of 2018, the Home Office observed that small boats were beginning to be used more frequently, and between October and December there was a “surge”. According to a Home Office statement:

“[In 2018] 539 migrants have attempted to travel to the UK on small boats. Of these, 434 (around 80%) made their attempts in the last three months of the year (since October 1). 227 (42%) were intercepted by the French before they made it to the UK.”¹⁷

5.31 Initially, the small boats were completing the crossing and landing at UK ports, wharfs, marinas and beaches. However, since summer 2018 most have been intercepted at sea by Border Force or other agencies, for example the Royal National Lifeboat Institution (RNLI), and escorted to the UK. Most of this small boats activity has occurred in an area of the Channel bordered by Calais and Cap Gris Nez, and North Foreland and Folkestone.

2018 (December): Declaration of a “major incident”

5.32 Between 25 and 31 December 2018, over 100 irregular migrants were detained in the UK having set off from France in small boats.

5.33 On 27 December 2018, the Immigration Minister released a statement:

“The number of incidents over recent days is deeply concerning. Some of this is clearly facilitated by organised crime groups while other attempts appear to be opportunistic.

We are in close and continual contact with the French authorities and law enforcement partners including through the new UK-France Coordination and Information Centre which opened in Calais at the end of last month to tackle criminality at the border.

Attempting to cross the Channel in this way is extremely dangerous and they are putting their lives at risk. People should also be in no doubt that Border Force and the Police Aux Frontières are working together 24 hours a day to prevent attempts, protect life and prosecute offenders.

At the same time the UK’s NCA-led Organised Immigration Taskforce is working to stop people smuggling at source.”¹⁸

5.34 The following day, the Home Secretary declared a “major incident”.¹⁹ This resulted in a number of coordinated actions by the UK and French authorities, including deploying a maritime

¹⁷ <https://www.gov.uk/government/news/home-secretary-bolsters-border-force-fleet-in-the-channel>

¹⁸ <https://homeofficemedia.blog.gov.uk/2018/12/27/immigration-minister-statement-on-boats-intercepted-in-the-channel/>

¹⁹ Media coverage including <https://www.bbc.co.uk/news/uk-46705128> and <https://www.theguardian.com/uk-news/2018/dec/28/channel-migrant-crossings-a-major-incident-says-sajid-javid>

response in the Channel, preventing further crossings, and pursuing the organised criminals facilitating this traffic.

- 5.35** On 31 December 2018, the Home Secretary announced that “in addition to the two [Border Force cutters] already undertaking enhanced patrols [in the Channel]” and “two Coastal Patrol Vessels (CPVs) that are currently operating and aerial surveillance of the area”, he had ordered the redeployment of two Border Force cutters, HMC Vigilant and HMC Protector “to assist in the Channel”. At the time, the two cutters were “deployed in the Aegean assisting with the FRONTEX humanitarian mission”.^{20 21}
- 5.36** On 3 January 2019, the Home Secretary announced that HMS Mersey, a HM Navy patrol vessel, would be deployed to the Channel to assist Border Force and the Maritime and Coastguard Agency while HMC Vigilant and HMC Protector were returning to UK waters.²²
- 5.37** On 24 January 2019, following talks between the Home Secretary and the French Interior Minister, the two countries agreed to a Joint Action Plan to prevent migrants attempting to cross the English Channel illegally in small boats.²³
- 5.38** A “Fact Sheet” published on GOV.UK on 27 February 2019²⁴ stated:
- “Border Force has a total fleet of five cutters and six Coastal Patrol Vessels (CPVs). Two CPVs and three cutters, HMC Vigilant, HMC Searcher and HMC Seeker, are currently deployed in the Channel working as part of an enhanced patrol rotation. A fourth cutter, HMC Protector, has now returned from the Mediterranean and is available to support operations in UK waters.”
- 5.39** The Fact Sheet set out the key features of the Joint Action Plan. It explained the functions of the 24/7 UK-France Coordination and Information Centre (in French, Centre Conjoint d’Information et de Coordination or CCIC), staffed by Border Force and the Police Aux Frontières (PAF), which was “opened in Calais in November 2018 as part of the ongoing co-operation between the UK and France to tackle criminality at the border”. It also described other collaborative efforts and mechanisms involving international and domestic partners, including:
- the “close dialogue” between Border Force Maritime Intelligence Bureau (MIB)²⁵ and Maritime Coordination Centre and “the French Customs operating both at sea and in the air, through the regional centre in Rouen and French law enforcement in Cherbourg” and MIB’s “daily contact with the Belgian and Dutch maritime intelligence centres to ensure information flows are maintained and communication systems manned 24/7”
 - the Home Office “Gold Command structure to oversee the cross channel migrant situation”, which “is now in place and reports weekly to the Home Secretary”
 - Border Force Maritime’s work with the Department for Transport (DfT) and the Maritime and Coastguard Agency (MCA) and commercial operators and Port Security Officers to ensure that sightings of potentially suspicious small vessels are reported immediately; with HM Coastguard (HMCG) to increase safety broadcasts to all vessels in the Channel,

20 <https://www.telegraph.co.uk/politics/2018/12/30/sajid-javid-will-not-stand-allow-reckless-criminals-take-advantage/>

21 <https://www.gov.uk/government/news/home-secretary-bolsters-border-force-fleet-in-the-channel>

22 <https://www.gov.uk/government/news/navy-vessel-to-be-sent-to-the-channel>

23 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773403/UK_France_declaration_24_Jan_13.00.pdf

24 <https://homeofficemedia.blog.gov.uk/2019/02/27/5232/>

25 Known as the National Maritime Intelligence Bureau (NMIB).

encouraging them to look out for and report small vessels; and through Project Kraken “to encourage the public and industry to report suspicious activity and reduce the threat from organised crime and terrorism”²⁶

- 5.40** Under the heading “Tackling smuggling at source”, the Fact Sheet referred to partnership working in the UK and overseas to identify and dismantle the organised crime groups facilitating illegal immigration, including Project Invigor “the UK’s NCA-led Organised Immigration Crime Taskforce that targets the criminal networks behind people smuggling”, in which Border Force and Immigration Enforcement take part.²⁷ It also referred to the UK’s efforts abroad to create jobs, tackle modern slavery, provide education and humanitarian assistance in response to conflicts and natural disasters in order “to reduce factors that may push or force people to make such journeys”.
- 5.41** In terms of enforcement, the Fact Sheet noted that “since April 2018, Immigration Enforcement have disrupted 57 organised crime groups involved in people smuggling”, listing a number of convictions between February 2018 and January 2019.²⁸
- 5.42** Under “Returns”, the Fact Sheet stated: “The UK continues to work closely with France and other countries to return more migrants who have entered the UK by small boat in order to provide a strong deterrent against the dangerous crossings. Since January, over ten people who entered the UK illegally on small boats have been returned to Europe.”
- 5.43** Under “Facts and statistics”, the Fact Sheet concluded: “Through our efforts, we have managed to reduce the number of individuals attempting the crossing from around 250 in December to around 90 in January.”

Media coverage

- 5.44** During 2018, there had been some local media coverage in Kent of migrants being smuggled into the UK in small boats, including reports of successful prosecutions of UK-based gangs arrested in 2016 and in 2017 for their involvement in people smuggling using rigid-hulled inflatable boats (RHIBs).²⁹
- 5.45** In October 2018, Kent Online carried a story about six Iranian suspected migrants who had been rescued from the beach at Folkestone, where they were found “wet and cold” with three treated at the scene for hypothermia: “One officer was reportedly carrying a couple of life jackets while escorting the men, and life jackets were seen floating in the sea.”³⁰
- 5.46** From November 2018, the national media began reporting small boats arrivals with increasing frequency, with photographs and video footage posted online showing the migrants and their rescuers. On 26 November 2018, the BBC reported that “Since 3 November, 101 migrants – including four children – have attempted the 21-mile journey across the Channel”. Under

26 According to GOV.UK, Project Kraken is “a joint law enforcement tackling maritime border crime around over 11,000 miles of British mainland coastline, which can be exploited by terrorists and serious criminals”. <https://www.gov.uk/government/publications/report-suspicious-behaviour-at-sea-project-kraken/report-suspicious-behaviour-at-sea-project-kraken> It was originally launched in 2010 and re-launched in July 2014. It aims to encourage members of the public, including ‘travellers and Maritime professionals’ to report “suspicious and unusual behaviour on UK waterways”.

27 Project Invigor began in 2015. <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/organised-immigration-crime>

28 “On 7 January 2019, a man was arrested in Dungeness on suspicion of assisting unlawful immigration into the UK. He was later charged and pleaded not guilty in court. He was remanded in custody and his trial is scheduled for 1 July 2019 at Canterbury Crown Court; On 31 January 2019, two British men were jailed for a total of nine years for attempting to smuggle four people, including a six year old child, into the UK at Ramsgate Marina; On 21 November 2018, two men were jailed for eight years each for smuggling people into the UK in small boats; In September 2018, seven members of an organised crime group who tried to use small boats and a jet ski to smuggle people into the UK were jailed for a combined total of 48 years and three months; In February 2018, two people smugglers were jailed for a combined total of nine years.”

29 For example, <https://www.kentonline.co.uk/dover/news/people-smugglers-jailed-after-danger-crossings-193865/>

30 <https://www.kentonline.co.uk/folkestone/news/suspected-migrant-rescue-off-of-kent-coast-192239/>

the title: “Why are Iranians crossing the Channel in dinghies?”, the BBC reported the Chief Executive of Refugee Aid Serbia as saying he believed migrants arriving in the UK were among the thousands who flew into Serbia after the country began offering visa-free access to Iranians in August 2017. Others interviewed by the BBC suggested that Iranians were “set apart from fellow migrants by their economic prosperity” and were therefore able to pay people smugglers to help them cross the Channel.³¹

- 5.47** Since the end of 2018, small boats arrivals have routinely been reported and have often made the headlines. They have also been the subject of a great deal of social media comment of all shades of opinion.

2019 (January): Parliamentary scrutiny of small boats

- 5.48** On 7 January 2019, the Home Secretary made a statement in the House of Commons explaining the government’s response to the small boats, in which he set out the main reasons for an increase in Channel crossings by migrants:

“instability in regions such as the middle east and north Africa; organised crime groups preying on and profiting from these vulnerable and often desperate people; and finally, the strengthened security at the French-UK border has meant it has become increasingly difficult for stowaways to illegally enter the UK in trucks and cars.”³²

- 5.49** On 17 January 2019, the Home Affairs Select Committee (HASC) launched an ‘English Channel crossings inquiry’. The inquiry took evidence from “stakeholders with experience in responding to the recent upward trend of migration across the English Channel” up to May 2019. Contributions were received from Help Refugees, the Refugee Council, Care4Calais, UNHCR, Kent Police, the National Crime Agency and the Maritime and Coastguard Agency, and the Committee exchanged correspondence with the Home Secretary, Immigration Minister and the Permanent Secretary at the Home Office.³³
- 5.50** On 28 January 2019, the Home Secretary provided Parliament with a written statement with an update.³⁴ He also instructed officials to revisit the Dublin III Regulations,³⁵ with the aim, in collaboration with the French authorities, of expediting the return to France of clandestine arrivals and of arranging return flights to countries of origin.

Treaties and agreements

- 5.51** Dissuading and preventing migrants from making attempts to enter the UK illegally, including clandestinely, has been a key objective for successive UK governments and is seen as an essential part of any managed migration strategy. Clearly, it relies on international cooperation and the UK is party to a number of treaties and agreements, in particular with France, that are relevant to the multi-national response to illegal migration.

31 <https://www.bbc.co.uk/news/uk-england-kent-46296249>

32 <https://hansard.parliament.uk/Commons/2019-01-07/debates/FD3F5D45-F095-4ED7-A089-C347E93DD7B2/MigrantCrossings>

33 <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2017/english-channel-migrant-crossings-inquiry-17-19/>

34 <https://hansard.parliament.uk/Commons/2019-01-28/debates/190128400007/MigrationCrossings?highlight=small%20boats#contribution-3988E46E-B096-41EA-A63F-42A8322F5432>

35 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797216/Dublin-III-regulation-v2.0ext.pdf

The Sangatte Protocol

- 5.52** The Sangatte Protocol,³⁶ formally the ‘Protocol between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the French Republic concerning frontier controls and policing, co-operation in criminal justice, public safety and mutual assistance relating to the Channel fixed link’, was signed on 25 November 1991 and was brought into effect on 2 August 1993 by the Channel Tunnel (International Arrangements) Order 1993³⁷ and by French Presidential decree.
- 5.53** The Protocol agreed the setting up of border checkpoints (both customs and immigration), by the French at Cheriton in Kent and by the UK at Coquelles in France, for those travelling via Eurotunnel between the two destinations.
- 5.54** On 29 May 2000, the Additional Protocol to the Sangatte Protocol was signed between France and the UK. This provided for immigration checkpoints to be set up by France in Eurostar stations in the UK and for immigration checkpoints to be set up by the UK in Eurostar stations in France. Customs checks on Eurostar passengers were unaffected and continued to take place upon arrival after leaving the train.
- 5.55** In July 2004, after a tripartite agreement was signed by Belgium, France and the UK, UK pre-embarkation immigration checkpoints were also established at the Eurostar station in Belgium. The French Federal Police conduct immigration checks in the UK on behalf of the Belgian authorities.

The Le Touquet Treaty

- 5.56** The Le Touquet Treaty, formally the ‘Treaty between the Government of the United Kingdom and the Government of the French Republic concerning the implementation of frontier controls at sea ports of both countries on the Channel and North Sea’, was signed on 4 February 2003 and brought into effect in the UK by the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003.
- 5.57** The Treaty provided for juxtaposed controls for a number of cross-Channel ferry routes. France established immigration checkpoints at the Port of Dover for passengers travelling to Calais or Dunkirk and the UK established immigration checkpoints at the ports of Calais and Dunkirk. Again, customs checks on ferry passengers were unaffected and continued to take place on arrival after leaving the ferry.

Joint Ministerial Declaration and other statements

- 5.58** On 20 August 2015, the Home Secretary and the French Interior Minister signed a Joint Ministerial Declaration concerning cooperation on managing migratory flows in Calais. This noted that: “the UK government has paid for new, high security fencing around the Port of Calais as part of the £12m/€15m Joint Fund, established by [the two ministers] in their joint statement published in September 2014.”
- 5.59** On 3 March 2016, at a UK-France summit, the Home Secretary committed a further £13 million for use by the French government to ease the migrant pressures in the Calais area.³⁸

³⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273137/2366.pdf

³⁷ <http://www.legislation.gov.uk/ukSI/1993/1813/made>

³⁸ <https://www.gov.uk/government/news/further-joint-action-between-uk-and-france-in-calais-region>

5.60 On 24 October 2016, the [new] Home Secretary provided Parliament with a statement about the clearance of the migrant camp at Calais, which she said supported the government’s priorities “to keep our border secure, to tackle the criminal gangs that profit from the lives of the vulnerable, and to ensure those in the camp in need of protection are moved to places of safety”. The statement focused on children and the process of transferring those “with a family link to the UK”. The Home Secretary noted that:

“Whilst responsibility for Calais lies with the French government, the juxtaposed controls are a vital part of the UK’s border security and are a valuable economic link. That is why the UK government will be contributing up to £36 million to maintain the security of these controls, to support the camp clearance and to ensure in the long term that the camp is kept closed. This funding will also be used to help keep children safe in France.

This contribution is not made unconditionally, and we will continue to work with the French government to ensure that the clearance operation is full and lasting.

Work in Calais is important, but the situation there is a symptom of a wider migration crisis. We are clear about our moral responsibility to assist those who are suffering, including by providing support in conflict regions, development work upstream and by providing protection to those who need it.

Mr Speaker, the French authorities face a huge challenge over the coming days and weeks to move people out of the camp in Calais. But let me be clear – neither government is prepared to allow people to continue to live in those conditions, and neither government is prepared to allow people smugglers to continue to profit from risking the lives of the people there. We will continue to support the French government in the operation and will continue with our progress in bringing those children with a right to come to the UK as quickly and safely as possible.

Clearing the camp isn’t just about fulfilling our legal and moral obligations; it is also in our national interest. The rise in the number of people in the camp has led some in France to question the Le Touquet agreement. This agreement has helped us better protect our borders and ensured strong trade links between Britain and France. By clearing the camp we can help secure the future of the juxtaposed controls, as well as playing our part to help those most in need in Calais.”³⁹

The Sandhurst Treaty

- 5.61** The Prime Minister and the French President met on 18 January 2018 at the Royal Military Academy Sandhurst and agreed to build on the Le Touquet Treaty.
- 5.62** The UK committed to spending £44.5 million (€50 million) on various projects designed to improve border security, reduce illegal migration flows towards northern French ports, and support France in returning migrants.
- 5.63** Both parties reaffirmed their joint desire for close cooperation in managing their shared border, which included reiterating their obligations to ensuring the efficient operation of Regulation 604/2013 of the European Parliament and of the Council of 26 June 2013, known as the ‘Dublin

³⁹ <https://www.gov.uk/government/speeches/statement-on-calais>

III Regulation'.⁴⁰ This included the allocation from within the £44.5 million of £3.6 million towards the process of transferring eligible children to the UK under Dublin III, and:

- establishing a joint governance structure to oversee the efficient operation of Dublin III
- continued dialogue about Dublin III
- the aim to respond to Dublin III requests “as quickly as possible”

5.64 Article 6 of the Sandhurst Treaty reaffirmed the commitment of both parties to establish a Joint Information and Co-ordination Centre (Centre Conjoint d’Information et Cooperation or CCIC). The CCIC became operational on 23 November 2018 and was formally opened by the UK Immigration Minister and the French Interior Minister on 25 January 2019. Its remit includes supporting the response to public order threats to cross-border infrastructure, and the disruption of smuggling, human trafficking and criminal networks.

Joint Action Plan

5.65 On 24 January 2019, the Home Secretary and his French counterpart agreed a “Joint action plan by the UK and France on combating illegal migration involving small boats in the English Channel”.⁴¹

5.66 The Plan noted that:

“Due to the success of the measures already taken to secure the principal ports and means of embarkation on the French coast, illegal migrants and their criminal facilitators have recently resorted to attempting to cross the Channel in small boats completely unsuited for the purpose, without navigational aids or proper clothing.

First and foremost, this is an exceptionally risky undertaking which endangers the lives of the migrants, as well as those who come to their assistance. Furthermore, it gives rise to serious criminal behaviour, disorder and the financial exploitation of vulnerable migrants. It also risks attracting illegal migrants in greater numbers to France and the French coast if no action is taken. And it threatens the integrity of the border control systems of the UK and France, which are vital in the fight against crime and terrorism.”

5.67 The Plan, which came into immediate effect, included an agreement that migrants encountered in the Channel would be taken to “a port of safety”, in accordance with international maritime law. Both parties committed to working closely, and with other countries, to return more migrants who had entered the UK by small boats in order to provide a strong deterrent against the dangerous crossings, including conducting return operations as quickly as possible under Dublin III.

5.68 The Plan agreed the investment of over £6 million (€6.75 million) in new security equipment, partly funded from the Sandhurst Treaty £44.5 million (€50 million) with a further £3.2 million (€3.6 million) of additional funding. The equipment, including night goggles and number plate recognition technology, was intended to assist UK and French border and maritime teams to detect illegal activity and tackle illegal migration by small boats.

⁴⁰ Home Office guidance states: “The Dublin Regulation (EU) No.604/2013 (‘Dublin III’) is EU legislation that establishes the criteria and mechanisms for determining which single State is responsible for examining an application for international protection (an asylum claim). It aims to prevent both ‘asylum shopping’, where an individual move between States to seek the most attractive regime of protection, and the phenomenon of ‘refugees in orbit’ where no single State permits access to an asylum procedure. It reflects the principle that those seeking international protection should seek asylum in the first safe country they reach.”

⁴¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773403/UK_France_declaration_24_Jan_13.00.pdf

5.69 Additional CCTV cameras were to be installed at French ports and in areas where migrants may attempt to embark boats with live feeds into the CCIC. The Plan also included increased surveillance of the Channel by air and boat patrols, and increased foot patrols by the French police along beaches and coastal areas.

Parliamentary Question regarding UK funding provided to the French government

5.70 On 6 February 2019, the MP for Dover tabled a Parliamentary Question (PQ) about the funding provided by the UK to the French government in relation to (a) border security, (b) border infrastructure, (c) countering organised crime (d) countering people trafficking and (e) any other payments linked to countering migrant and people trafficking activity in the Departments of Nord and Pas-de-Calais since 1 January 2019.

5.71 In response, the Immigration Minister wrote:

“The UK and France have for many years maintained close cooperation at our shared border and have worked to uphold high security standards. The UK has committed various funding packages to the French Government to support this work and uphold these standards.

The first payment to support this work was made by the UK to France in September 2014, totalling £14.7 million. These funds were dedicated to security improvements at the port of Calais. In 2015, both countries signed a Joint Declaration which committed £10 million towards security reviews of the juxtaposed controls and to moving migrants into reception centres across France. This was followed by payments in 2016 (£17 million) and 2017 (£36 million) to further strengthen the border and maintain the operation of the juxtaposed controls.

Most recently, in January 2018 both countries signed the Sandhurst Treaty, which demonstrates our ongoing commitment to preventing irregular migration, deterring engagement with organised crime groups and people traffickers, and to the continued operation of the juxtaposed controls. As part of this package, the UK made a further commitment of €50 million, of which a significant portion has been dedicated to improving border security infrastructure across Northern France.”⁴²

Joint Action Plan Addendum

5.72 On 29 August 2019, the Home Secretary and the French Interior Minister met in Paris to review progress against the Joint Action Plan. They agreed that the Plan needed to be updated in response to the increasing number of migrant crossings and two recent deaths. As a result, in September 2019, an Addendum to the Joint Action Plan was agreed. This noted that:

- “over €2 million had been committed or spent on new detection equipment for French forces
- seven smuggling networks had been dismantled since January 2019
- over 30 asylum-seeking migrants had been returned to France under Dublin III
- the French authorities had prevented the departure of 700 migrants

⁴² <https://www.parliament.uk/written-questions-answers-statements/written-question/commons/2019-02-06/217556>

- nearly all migrants at sea had been detected and escorted safely to the UK without incident”⁴³

5.73 As well as reaffirming that “loss of life at sea is to be avoided at all costs”, the Addendum included agreement that:

“the immediate objective should be to halve the number of successful migrant crossings from the number accounted for during the summer months by the end of October, and to reduce it further by the end of December 2019, such that by Spring 2020 it has become an infrequent phenomenon.”

⁴³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839500/Small_Boats_Action_Plan_Addendum_-_26th_September_consolidated_text__2019.10.01__002_.pdf

6. Inspection findings: Strategic assessments, governance and practical guidance for Home Office staff and first responders

Assessments of the clandestine entry threat before the 'small boats' surge

Threat assessments

- 6.1 The Home Office Borders, Immigration and Citizenship System (BICS) directorates produce quarterly and annual assessments of the threats to the UK's borders and immigration controls. Clandestine entry is a recognised threat, along with other threats such as abuse of legitimate immigration routes, for example overstaying.
- 6.2 Assessments of border and immigration threats have also been produced by other bodies, with input from Border Force and Immigration Enforcement and other agencies.
- 6.3 Inspectors reviewed the BICS assessments produced before the surge in 'small boats' events in the last quarter of 2018 to understand to what extent the increase in this particular method of clandestine entry was foreseen and how other methods of clandestine entry were viewed. Inspectors also looked to see how these threats were reflected in multi-agency assessments.

The Immigration Annual Threat Assessment 2018

- 6.4 The 2018 Immigration Annual Threat Assessment (ATA), published in October 2018, was commissioned by Immigration Enforcement and UKVI "to highlight trends and changes in the immigration abuse threat picture". Produced by Immigration Intelligence, the ATA was "based on intelligence collated from October 2017 to June 2018 and looks at how the threats may evolve through 2019, and where possible considers longer term developments".
- 6.5 The ATA's Executive Summary stated: "Over the last 12 months the overall threat picture has not changed significantly. The 'Abuse of legitimate [immigration] routes' and 'Modern Slavery and Human Trafficking' remaining the two highest threat areas for immigration abuse."
- 6.6 The ATA identifies [redacted] threat areas, one of which is "Concealed entry and exit", about which it states:

"It is highly likely that juxtaposed controls will remain the primary means for clandestine entry. Clandestine entry to the UK has remained relatively static in terms of volume and mode. Although there has been a shift of nationalities entering Europe through Western Mediterranean routes rather than Central Mediterranean routes, it is unlikely to produce any substantial shift in UK clandestine entry in the next 12 months."
- 6.7 "Concealed entry and exit" is broken down into [redacted] ranked in order of importance. [redacted]. Small boats are not mentioned, but commercial vehicles are mentioned in relation to [redacted] threats, though not specifically 'lorry drops'.

- 6.8 [redacted] “Vietnamese nationals are being smuggled or trafficked into the UK in large groups concealed in lorries and are likely destined to work in nail bars and cannabis factories. Many migrants claim to be a minor and subsequently go missing.”⁴⁴ Concealment in refrigerated HGVs is also mentioned as a known method of clandestine entry, though not in relation to Vietnamese nationals.

Border Security Strategic Threat Analysis

- 6.9 [redacted]
- 6.10 [redacted]
- 6.11 [redacted]
- 6.12 [redacted]

Assessments of the clandestine entry threat after the small boats surge

- 6.13 Inspectors also looked at assessments produced after the surge in small boats at the end of 2018 to see how quickly and how far this affected BICS’ understanding of clandestine entry threats.

Immigration Enforcement Quarterly Threat Assessment

- 6.14 The ‘Immigration Enforcement Quarterly Threat Assessment’ (QTA) takes the form of an Excel spreadsheet with [redacted] tabs, each representing a recognised threat. One of these is “Concealed entry/exit”.
- 6.15 For Q1 (January to March) 2019, “Concealed entry/exit” listed [redacted] sub-threats. Each sub-threat was given a BRAG (black, red, amber, green) rating⁴⁵, using the MoRiLE scoring system.⁴⁶ [redacted]:
- “Use of small vessels, primarily RHIBs and fishing boats to facilitate Iranian nationals across the English Channel to the Kent Coast.”
- 6.16 The “Who, What, Where, Why, When and How” for each sub-threat is summarised. For example, for Q1 2019, for the “Concealed entry/exit”, under “Who” it stated:
- “Mostly Iranian nationals, so far predominately male, but including a small number of females and children. Iraqi groups have also been encountered and are also being regularly encountered.”
- 6.17 The QTA noted the significance of the weather in relation to small boats arrivals:
- “The number of incidents is linked to weather patterns with increased activity during periods of good weather.” It concluded that “As the weather improves during the spring and summer it is likely that these types of events will increase in number.”

44 On 23 October 2019, 39 Vietnamese nationals were found dead in a refrigerated trailer at Purfleet, Essex.

45 The ATA gave the following explanation of BRAG ratings: “Threats are rated black, red, amber or green based on the severity of their threat score (BRAG rated). This is done by quartile, so black threats are the highest scoring threats making up the top 25% of the total threat score, red threats the next 25%.”

46 <https://www.gov.uk/government/publications/management-of-risk-in-law-enforcement-morile-based-scoring>

6.18 Much of the rest of the assessment was and (at the time of writing) remains operationally sensitive, although not directly actionable since the QTA has a strategic rather than tactical focus. However, it showed that knowledge of the small boats (sub-)threat was quickly improving, through debriefing of migrants, analysis of the modus operandi of the OCGs involved, and information sharing with the French authorities.

Border Force Quarterly Threat Assessments

6.19 The ‘Border Force Intelligence Analysis Threat Update’, produced quarterly, is in two sections: “People” and “Commodities”.

6.20 Under “People”, the April – June 2019 Update (Q2 2019) contained a subsection for “Clandestine Entry”, which was further divided into “Increase in Threat from General Maritime⁴⁷ (GM) Clandestine Entry Attempts” and “Increase in Use of Purpose-Built Hides”. The threats are described in some detail, comparing the latest quarter with previous periods for clandestine encounters and claimed nationalities, with current modus operandi, emerging trends and background information.

6.21 In relation to small boats, the April – June 2019 Update noted that in Q2:

- “11 separate migrant events took place in one morning. Of these events, ten were rescued at sea/landed in the UK, and the other was intercepted in France.”

6.22 The 11 events involved a variety of “small inflatable craft”. However, the Update also noted the use of yachts for clandestine entry during Q2:

- “there were two failed attempts to reach the UK by migrants departing from the Netherlands, with one of these rescued to Belgium. A third departed from either the Netherlands or Belgium and successfully landed in Ramsgate marina. In both instances the vessel used was a yacht.”
- “the first GM migrant attempt involving Vietnamese nationals [was] detected in the [Border Force] South region with 39 migrants smuggled into Newlyn harbour, Cornwall on a yacht.”

6.23 In relation to these events, the Update observed that multiple simultaneous events could indicate a deliberate attempt to overwhelm law enforcement and could become a regular occurrence, and that while it was not uncommon for Vietnamese nationals to make clandestine entry attempts in large numbers, this was the first time such a large group had been detected using GM as a mode of entry.

6.24 Looking ahead, it assessed that small boats crossing attempts were likely to continue to increase, and there would be more attempts made from the Netherlands and Belgium by yacht.

JSTAC Agency Quarterly Threat Update

6.25 The Joint Slavery and Trafficking Analysis Centre (JSTAC), which is hosted by the National Crime Agency (NCA) and comprises analysts from NCA, police, Border Force, Immigration Enforcement, HM Revenue and Customs, and the Gangmasters and Labour Abuse Authority (GLAA), also produces a Quarterly Threat Update (QTU).

⁴⁷ ‘General Maritime’ is defined by Border Force as non-scheduled, un-canalised (does not run to a schedule and does not have a pre-defined port of arrival) and non-commercial maritime traffic (including vessels such as yachts, tugs, Rigid Hull Inflatable Boats (RHIBs) and small motor boats. It can also include small commercial vessels, identified through intelligence as being used solely for smuggling purposes).

- 6.26** Under “Organised Immigration Crime”, the QTU for Q2 2019-20 (July - September 2019) discussed the modus operandi of organised crime groups (OCGs), including “Clandestine people smuggling”. It noted that there had been “a surge in clandestine attempts” in the approach to the initial EU exit date of 31 March 2019, which had subsequently declined, but “partly due to uncertainties over EU exit, and possibly increased UK border controls, clandestine numbers are likely to rise until November 2019”.⁴⁸
- 6.27** Looking at the crossover between the Organised Immigration Crime (OIC) threat and the Modern Slavery and Human Trafficking (MSHT) threat, the QTU referred to the risk that over the coming 12 months “The small boats threat to the UK increases and diversifies, including in terms of migrant nationalities”.

Governance

- 6.28** The range and scale of clandestine entry threats, and the number of Home Office and other parties involved in combating them, meant that the governance structures and processes were multi-layered and complex. There was a risk of blurred lines and bureaucracy, which increased following the declaration of small boats as a “major incident” in December 2018.

Clandestine Threat Board

- 6.29** In January 2019, the Home Office created a Clandestine Threat Board. Chaired by a Border Force Director, the Board comprised representatives from across BICS, other relevant Home Office business areas, plus the NCA, the NPCC and the FCO. The Board would meet “fortnightly until January 2020 where meetings will be held monthly”.
- 6.30** Its Terms of Reference suggested that the Board would be concerned with practicalities. It would “set the operational and tactical response to clandestine entry into the UK, in accordance with the strategic intelligence assessment”. This would include “acting as a conduit for [and coordinating the development of] intelligence flows between internal and external stakeholders” and “co-ordinating” and “support[ing]” measures to reduce the threat, including “the seaborne threat and ... use of high risk methodologies that present a threat to life”.
- 6.31** From a governance perspective, the Clandestine Threat Board would “feed into the Strategic Co-ordination and Oversight Group (SCOG) who will set the overarching illegal migration strategy” and would also be “accountable to the National Crime Agency’s Vulnerabilities Strategic Governance Group”.
- 6.32** Inspectors were unable to establish how well these arrangements worked in practice. Those directly involved may have been clear about their respective authorities and accountabilities, but the language of the Clandestine Threat Board’s Terms of Reference was inexact and open to interpretation.

Home Office Guidance and Standard Operating Procedures

2017 Guidance

- 6.33** On 11 May 2017, the Home Office published guidance entitled ‘Clandestine illegal entrants’. The guidance, which was written for Immigration Enforcement officers, is available on the Home

⁴⁸ This was written at a time when there was a possibility that the UK would leave the EU without a deal on 31 October 2019.

Office intranet (Horizon) and also on GOV.UK but with some sections redacted.⁴⁹ It sets out the end-to-end process for handling clandestine entrants, including the actions required on initial encounter and who is responsible.

6.34 The guidance describes various scenarios in which a clandestine entrant might be encountered: “the most common of which are:

- escaping, or being released, from a lorry or other vehicle (lorry drop):
- these events are often reported to the police by the vehicle driver or an eyewitness and can take place on the motorway, at services stations, lorry parks, industrial parks, on isolated roads or at the vehicle’s final destination
- reporting to a police station to claim asylum
- reporting to a Home Office building and claiming asylum

While these are the most common, clandestine entrants have also been known to use other means such as light aircraft and small boats. Whether or not the clandestine entrant claims asylum, all those encountered must be assessed to consider their welfare issues and vulnerability.”

6.35 The guidance goes on to state:

“Clandestine illegal entrants may routinely be encountered by several agencies. The police encounter clandestine entrants that voluntarily attend police stations to claim asylum and are often the first responders to roadside incidents. They are responsible for:

- arresting the clandestine entrants
- preserving the crime scene
- considering the arrest of vehicle drivers for facilitation
- safeguarding the welfare of children and vulnerable adults
- conducting missing person investigations in cases where children abscond from care after initial processing.

Police may also conduct welfare assessments and take fingerprints in accordance with locally agreed procedures or following agreement with Command and Control Unit (CCU).”

6.36 In terms of follow-up investigation, the guidance notes that:

“Immigration Enforcement CFI⁵⁰ teams will (if resources allow) deploy officers to the scene of arrival and take over the investigation of suspected facilitation by vehicle drivers to establish if the case meets their current adoption criteria. If adequate evidence can be gathered they will pursue the prosecution. They will also gather and feedback intelligence from the scene. See Criminal investigations (Immigration Enforcement).

Immigration Enforcement ‘Operation Nexus’⁵¹ and ICE⁵² teams are responsible for establishing each migrant’s nationality and identity and for the service of immigration papers. They will also refer cases on for detention or accommodation and make relevant counter terrorism (CT), modern slavery and safeguarding referrals as the first responders.

⁴⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/618085/Clandestine_Entrants_v1.pdf

⁵⁰ Criminal and Financial Investigations.

⁵¹ <https://www.gov.uk/government/publications/operation-nexus-high-harm>

⁵² Immigration Compliance and Enforcement.

If Nexus officers, who are based at police stations, are unable to respond then cases will be referred back to the ICE team for them to assist.”

2018 Standard Operating Procedures

- 6.37** In July 2016, Border Force issued an Interim Operational Instruction (IOI) in relation to ‘Clandestine entrants: Maritime, juxtaposed, and other locations’. The 2017 ‘Clandestine illegal entrants’ guidance informs readers to “See also” this IOI. However, the hyperlink to the IOI works only on the Home Office intranet (Horizon) version of the guidance as the IOI is protectively marked and therefore not publicly available.
- 6.38** On 18 January 2018, the Home Office issued an updated version (Version 6.0) of ‘Clandestine entrants: maritime, juxtaposed, and other locations’, this time in the form of Standard Operating Procedures (SOPs) for Border Force officers. However, in January 2020 the hyperlink in ‘Clandestine illegal entrants’ still opened the original 2016 version of the IOI.
- 6.39** Protecting information that could hand a tactical advantage to criminals and others is necessary and routine. However, it is unclear how the third parties referred to in the SOPs, who do not have Horizon access, were made aware of what Border Force expects from them. For example, for maritime encounters the SOPs state:

“Small boats may occasionally be detected offshore that are suspected of containing clandestines. In these circumstances, Border Force, the Coastguard or other law enforcement agency should direct those vessels to the nearest suitable port, preferably where there is a Border Force presence. This includes those intercepted by law enforcement vessels for example a Border Force CPV or cutter. The final decision on the arrival port where a law enforcement vessel is involved will rest with the commander of the law enforcement vessel concerned.

Individuals onboard the small boat should be asked to remain within the immediate site of arrival, or to remain before any existing immigration controls, and processed using on-entry procedures by Border Force. In instances where an agency other than Border Force (for instance the Royal National Lifeboat Institution (RNLI)) directs or escorts a vessel to a port with no Border Force presence then Immigration Enforcement will take primacy. In such instances where Border Force is already in attendance, then they will take primacy.”

- 6.40** Similarly, for migrants rescued at sea, they state:

“The master of any vessel or aircraft involved in the rescue of persons at sea, who they suspect may be clandestines, should inform Border Force through the Maritime and Coastguard Agency (MCA) of any such individuals and agree an appropriate location to take them to. Passengers and crew should be asked to remain on the site (that is to say, within the immediate marina or beach area) until Border Force officers arrive, unless the police have already called Immigration, Compliance and Engagement (ICE) teams to the scene.

Individuals requiring medical assistance should be referred to the emergency services at the earliest opportunity, and the incident should be managed in a manner that ensures the welfare of all those involved.”

- 6.41** The SOPs contain a detailed “Migrant Arrival Action Plan” with the steps that must be followed. This includes roles and responsibilities for Border Force officers and others, measures for ensuring the health and welfare of the migrants, and administrative tasks, such as taking down

personal particulars and the issuing of forms. From the context, it would appear that the Plan has been agreed with the other parties involved, but again it is unclear in what form the Plan has been shared and whether everyone understands their and others' responsibilities.

6.42 The SOPs refer to interactions with the police at ports or places of entry:

"In instances where the police have encountered individuals who Border Force would consider to be inadmissible passengers, who arrive at locations where there is no Border Force or Immigration Enforcement presence, then Immigration Enforcement will have primacy. Border Force will assist when requested and where possible via the National Command Centre."

"In instances where both the police and Border Force are in attendance at the scene, primacy will reside with Border Force. For example, where a small boat has been directed to a small port and both Border Force and the police have been informed and are in attendance to meet the vessel, primacy will rest with Border Force to handle the arrival of the individuals. Individuals will then be processed using on-entry procedures."

6.43 Some expectations are confined to Home Office (BICS) staff. For encounters at Kent ports, for example, and those encountered offshore and brought into a Kent port, Border Force officers "must refer clandestine entrants to the Kent Intake Unit (KIU) in line with current standard operating procedures".

6.44 Meanwhile, for in-country encounters, the SOPs look to define the limits of Border Force's responsibilities:

"Where a clandestine is encountered beyond a Border Force controlled area at a maritime port, you must contact the Immigration Enforcement (IE) Command and Control Unit (CCU) and the local police force. Where IE are able to immediately assume primacy, the local Immigration, Compliance and Engagement (ICE) team will be deployed in line with local practices to complete the handover of the illegal entrant. The CCU can be contacted on [telephone number provided]. While Border Force involvement in the case will end upon attendance of the IE ICE team or the police, the Border Force National Command Centre (NCC) should be informed of the situation at the earliest opportunity. This is in line with agreed enforcement policy.

While waiting for Immigration Enforcement attendance, an arrest trained Border Force officer can administratively arrest the individual under paragraph 17(1) of Schedule 2 to the Immigration Act 1971 as a person who may be liable to detention and removal from the UK."

Other agencies

National Police Chiefs' Council

6.45 Inspectors were provided with a copy of the National Police Chiefs' Council's 'Clandestine Entry General Guidance', which had:

"been designed to give practitioners, key information as first responders to clandestine movement incidents, focusing on:

- Safeguarding of vulnerable people;

- Initial investigation – scene preservation/evidence seizure/arrests/communication with Command & Control Unit (Immigration Enforcement);
- Submission of intelligence, particularly where there is potential link to OCG involvement.”

6.46 The guidance stresses the importance of the police gathering intelligence through their initial response and the:

“need to be aware that another agency, primarily Immigration Enforcement will pursue any subsequent investigation. To support Immigration Enforcement in this, we need to ensure that any package following our initial investigation is of the highest quality.”

6.47 The guidance provides a list of all legislation relevant to clandestine entry, with hyperlinks, plus contact details for Immigration Enforcement’s NCCU. Under “Initial investigation” it makes it clear that: “Notwithstanding priority around safeguarding, every clandestine event, particularly lorry drops, should be treated as a crime scene, which will inevitably have victims, suspects, evidential exhibits, forensic and intelligence opportunities available.” This is followed by a list of considerations for officers responding to a clandestine event. Finally, there is a two-page aide memoire for frontline officers, which includes: “In the first instance, where clandestines are encountered, as soon as possible, contact Immigration Enforcement’s Command and Control unit: [Phone number].”

Maritime and Coastguard Agency

6.48 The Maritime and Coastguard Agency (MCA) told inspectors that HM Coastguard (HMCG) had Standard Operating Procedures (SOPs) for dealing with suspect migrant vessels. It explained that its primary responsibility was to rescue those on board and take them to a place of safety, notifying Border Force and the police to agree the location. Should it be necessary, any casualties would be airlifted to hospital by Coastguard helicopter, again notifying Border Force and the police of the destination.

6.49 MCA said that, when HMCG was made aware of such a vessel at sea:

“a response is coordinated as though this was a vessel in distress, given that the vessels are typically overloaded, present a risk to other mariners and themselves, and the occupants often have no maritime experience and limited communication systems”.

6.50 There were no formal Memoranda of Understanding (MoUs) in place between MCA and the Home Office specific to migrants. However, there was an effective working relationship with Border Force, who were a “declared asset” to HMCG, enabling HMCG officers to request deployment of Border Force vessels. Meanwhile, HMCG maintained an operational presence in the National Maritime Information Centre (NMIC), where it worked alongside Border Force so that ‘live’ information could be shared as events developed.

6.51 In July 2019, the MCA told inspectors that since the beginning of the year the number of incidents involving suspected migrant vessels to which HMCG had responded each month had reduced. MCA assessed that the current level of activity was not having a meaningful impact on its resources.

6.52 The monthly figures for 2019 for HMCG responses ranged from eight to 11, around half of what they had been in November and in December 2018. The reductions in HMCG helicopter and HMCG Rescue Team responses since the end of 2018 had been sharper. Between January and

June 2019, the helicopter had responded to six events and the Rescue Team to 11. In November 2018, they had responded on six and 11 occasions respectively, and, in December 2018, to five and ten.

Royal National Lifeboat Institution

- 6.53** The Royal National Lifeboat Institution (RNLI) told inspectors that, while there was no formal MoU with Border Force, it had worked closely with Border Force and HMCG following the small boats surge towards the end of 2018 to ensure that their efforts were well coordinated. They had shared experiences and liaised at national and at local level, the latter including some joint training. As a result, there was a better understanding of their respective responsibilities, working practices and limitations, including concerns in some quarters that the RNLI was getting involved in areas of border activity outside of its charitable mission.
- 6.54** Inspectors were told that the demand on RNLI resources in relation to small boats had put some additional pressure on certain RNLI stations. This had peaked at the end of 2018 and had “diminished significantly” after the arrival of the Border Force vessels in the Channel. Figures provided by MCA confirmed this, showing just six incidents in the first half of 2019 where RNLI had responded, while the monthly figures for November and December 2018 had been six and five respectively.

7. Inspection findings: ‘lorry detections’ and ‘lorry drops’

Lorry detections

Physical security

- 7.1 All maritime ports servicing international routes must conform to minimum standards of physical security laid down in the International Maritime Organisation’s International Ship and Port Facility Security (ISPS) Code.⁵³
- 7.2 Since 2014, the UK has worked closely with France to strengthen the security measures around the main ports of embarkation for the UK in an attempt to reduce the opportunities for migrants to conceal themselves in vehicles ahead of the controls. This has included improved perimeter fencing around ports, with alarm cables and infra-red detection beams, additional lighting, more frequent patrols, more CCTV, and vehicle screening cameras. A Border Force Team based in Folkestone is responsible for keeping the UK’s investment in these measures under review.

Juxtaposed ports

- 7.3 Where a migrant concealed in a vehicle is encountered at a juxtaposed immigration control point in France, whether by Border Force officers or by contractors working under the direction of Border Force, this is classed as a ‘lorry detection’. This term is also applied to migrants found concealed in vehicles at UK ports (excluding Dover) where the encounter takes place before the vehicle has left the controlled area of the port.
- 7.4 At Calais, Coquelles and Dunkirk, migrants found concealed in vehicles inside the port area before they have reached the juxtaposed controls, by the French police, port authorities, or ferry companies, are not counted as ‘lorry detections’. In such cases, the migrants are offloaded and handed to the local police. These encounters are not reported to the UK authorities in a consistent format or in some cases at all.
- 7.5 Home Office figures⁵⁴ for migrants encountered trying to pass clandestinely through the juxtaposed controls at Calais, Coquelles and Dunkirk each month between January 2016 and December 2019 are at Figure 2.

53 The International Maritime Organisation (IMO) is a specialised agency of the United Nations <http://www.imo.org/en/Pages/Default.aspx>

54 The figures show attempts at entry. The same individual may make several attempts.

Figure 2

**Migrants encountered at Calais, Coquelles and Dunkirk
attempting to pass clandestinely through the juxtaposed controls**

	Calais				Coquelles				Dunkirk			
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
January	1,488	1,049	875	1,575	960	678	614	1,021	1,324	397	770	576
February	1,410	1,215	724	1,574	923	522	559	771	716	491	243	487
March	1,845	1,217	993	1,880	913	779	792	1,138	546	656	526	714
April	3,119	795	962	1,184	810	485	621	721	635	312	551	540
May	4,008	1,069	925	1,088	1,124	504	751	609	586	341	587	502
June	4,402	1,184	1,382	1,162	1,281	629	955	566	824	286	673	518
July	4,778	1,359	1,681	1,178	1,627	654	1,011	765	562	585	696	813
August	4,604	1,378	1,722	1,191	2,119	783	873	691	862	722	828	600
September	3,520	1,670	1,475	1,301	2,023	1,185	1,189	861	1,032	580	797	491
October	2,764	1,990	2,122	1,425	1,166	1,250	1,250	1,072	505	861	963	914
November	834	1,436	1,963	1,213	477	848	1,347	827	359	866	1,045	489
December	1,035	1,095	1,714	758	482	769	1,003	809	463	475	626	397
Total	33,807	15,457	16,538	15,529	13,905	9,086	10,965	9,851	8,414	6,572	8,305	7,041
	81,331				43,807				30,332			

7.6 The combined annual totals for the three ports are at Figure 3:

Figure 3

**Combined annual totals for migrants encountered at Calais, Coquelles and Dunkirk
attempting to pass clandestinely through the juxtaposed controls**

	Calais	Coquelles	Dunkirk	Total
2016	33,807	13,905	8,414	56,126
2017	15,457	9,086	6,572	31,115
2018	16,538	10,965	8,305	35,808
2019	15,529	9,851	7,041	32,421
Total	81,331	43,807	30,332	155,470

7.7 While physical security improvements at and around the ports will have contributed to a reduction in the numbers making it as far as the juxtaposed controls, it is difficult to draw any firm conclusions about the effectiveness of these measures alongside the effect on migrant flows and intentions of other factors, notably the dismantling of the Calais 'Jungle' migrant camp by the French authorities in October 2016, after which monthly detections fell sharply.

7.8 Equally, the figures for detections are not a reliable measure of the effectiveness of vehicle searching at the juxtaposed controls. The Home Office did provide some information about vehicles that had been searched and cleared to explain why some drivers of vehicles in which migrants had successfully entered the UK, were not being pursued for possible civil penalties

or criminal investigation. However, knowledge of attempts that succeeded despite the vehicle having been searched is necessarily incomplete.

- 7.9** From the available data, it would appear that since 2017 the numbers of lorry detections at Calais and Coquelles have remained more or less at the same level each year, although there have been significant fluctuations in the monthly totals. The Home Office was alive to external “push factors”,⁵⁵ however inspectors felt that the factors over which Border Force had control (staffing levels, targeted vehicles, search techniques) would merit closer analysis.
- 7.10** Clearly, the numbers and nationalities of migrants seeking to reach the UK from northern France are affected by world events. Since 2016, over three quarters (77%) of those encountered trying to pass clandestinely through the juxtaposed controls have claimed to be either Eritrean, Iraqi or Afghan nationals – see Figure 4.

Figure 4
Top ten claimed nationalities for migrants encountered at Calais, Coquelles and Dunkirk attempting to pass clandestinely through the juxtaposed controls between January 2016 to December 2019

	Calais	Coquelles	Dunkirk	Total
Eritrea	26,972	12,494	11,284	50,750
Iraq	15,292	13,129	11,692	40,113
Afghanistan	19,244	8,207	1,838	29,289
Iran	2,744	1,643	1,363	5,750
Vietnam	2,962	2,217	310	5,489
Syria	2,605	1,582	1,272	5,459
Albania	3,042	1,353	617	5,012
Sudan	2,413	1,347	514	4,274
Not known	3,724	324	162	4,210
Pakistan	1,087	884	881	2,852
Sub-Total	80,085	43,180	29,933	153,198
Others	1,246	627	399	2,272
Total	81,331	43,807	30,332	155,470

⁵⁵ In response to a query from inspectors about the lower numbers detected at Calais during the first five months of 2018, the Home Office commented: “In an average year, detections of clandestine entry attempts at the juxtaposed controls are typically lower in the first few months of the year and reach a peak around October. We assess that is likely because they are driven in part by recent Mediterranean crossings which peak in the warmer summer months, the migrants taking some weeks to reach northern France. In 2018, the slightly more pronounced reduction was most likely caused by a pact between Italy and Libya in February 2017 that had substantially reduced arrivals across the central Mediterranean, which was a key route for migrants whose intended destination was the UK. At the same time, the EU-Turkey Statement, which had been in place since early 2016, was functioning more effectively than it is now reducing entry to Europe across the Aegean – another key route for UK-bound migrants.”

Joint working with the Belgian Federal Police

- 7.11** Border Force’s work to combat clandestine entry to the UK at ports of embarkation has not been confined to northern France. For over a decade, it has been working with the Maritime and River department of the Belgian Federal Police at the port of Zeebrugge to detect and prevent clandestine entrants.
- 7.12** At Zeebrugge, the ferry operators are responsible for security at the port. Both P&O and Cobelfret Ferries employ G4S to provide security. Border Force has provided CO2 probes, motion detectors and a boom scanner to assist with detection. However, Border Force officers have no legal powers in Zeebrugge. They attend at the invitation of the Belgium Federal Police and must be accompanied by a Belgium official at all times.

Lorry detections at UK ports

- 7.13** The Home Office provided figures for clandestine detections within the Border Force controlled areas of UK ports (excluding Dover) between January 2016 and June 2019. The annual totals were: 2016: 1,013; 2017: 835 and 2018: 1,052, with 457 detections in the first six months of 2019. As with the detections at the Juxtaposed controls, there were significant fluctuations from month to month, with no immediately discernible pattern. Again, this would merit closer analysis of the factors over which Border Force had control.

Lorry drops

Lorry drop data

- 7.14** Where a migrant has entered the UK concealed in a vehicle and leaves the vehicle after it has passed beyond the port of entry this is commonly referred to as a ‘lorry drop’.
- 7.15** The Home office provided data⁵⁶ for migrants encountered in response to a lorry drop event, together with the number of these migrants where the vehicle involved was identified, and the number of identified vehicles – Figure 5.

⁵⁶ The data was provided by the Performance Reporting and Analysis Unit (PRAU) with the caveat “Data source pre-November 2018 was extracted from the National Operations Database (NOD), data source post-November 2018 is a mixture of NOD and Pronto”.

Figure 5

Migrants encountered in response to a lorry drop event in 2018 and 2019, with the number for which the vehicle involved was identified and the number of identified vehicles

	2018			2019		
	Migrants encountered	Vehicle identified	Number of vehicles	Migrants encountered	Vehicles identified	Number of vehicles
January	555	222	60	703	188	49
February	399	114	35	728	162	46
March	513	207	53	841	217	61
April	434	126	40	776	219	68
May	426	121	35	729	214	68
June	669	257	65	682	183	57
July	728	267	62	905	340	82
August	673	176	54	972	214	53
September	610	190	53	1,003	237	67
October	703	191	63	1,016	284	71
November	904	277	71	774	239	70
December	926	242	59	905	248	55
Total	7,554	2,390	650	10,034	2,745	747

- 7.16** The actual numbers of lorry drops and of migrants encountered as a result are higher as some lorry drop migrants are referred directly to UKVI’s KIU and these cases may not get reported to NCCU call handlers and entered by them into the National Operations Database (NOD)/Pronto.
- 7.17** Inspectors asked in how many cases where the vehicle involved in a lorry drop had not been identified at the time the migrants were encountered follow-up actions had been taken to try to identify the vehicle and with what success. They were told: “There is no information recorded in our data about follow up actions if no vehicle is identified.”
- 7.18** Inspectors asked more generally about the efforts to identify vehicles where they had departed the scene of a lorry drop. They were told:

“The Lorry Drop Response Plan⁵⁷ was introduced to improve crime scene management and increase the identification of lorries. It outlines the roles of each law enforcement partner when an inland detection is made. Alongside this a daily clandestine entry detections report is compiled by the clandestine threat team. From this report, ROCU⁵⁸ embeds (or the Snowbird⁵⁹ team where there is no embed coverage) consider the circumstances and identify any research and development opportunities. Where necessary further enquiries are made to establish vehicle details - whilst this can include obtaining CCTV footage

57 This is a reference to the ‘Clandestine illegal entrants’ guidance issued in 2017.

58 ROCU – Regional Organised Crime Unit. ROCUs are police units that investigate and disrupt organised crime groups operating across force boundaries and work in partnership with other law enforcement agencies.

59 Operation Snowbird is a multi-agency initiative to collate all information about lorry drops.

although previous experience has been that this rarely yields positive results. All intelligence is recorded in intelligence databases (IMS⁶⁰ and SIP⁶¹) and disseminated where appropriate to operational teams for further consideration.”

Initial response to a lorry drop event – Home Office guidance

- 7.19** Home Office guidance, ‘Clandestine illegal entrants’, produced for Immigration Enforcement officers in 2017, explains that: “The police encounter clandestine entrants that voluntarily attend police stations to claim asylum and are often the first responders to roadside incidents.”
- 7.20** According to the guidance, the police are responsible for arresting the migrants, ensuring that any children or vulnerable adults are properly safeguarded, and for transporting them to a police station. Where the lorry and driver are present, they should also consider arresting the driver (for facilitation) and preserving the potential crime scene.
- 7.21** The guidance notes that the initial responder to a lorry drop should immediately contact the NCCU, which operates 24/7, except for lorry drops in Kent where the procedure is to contact the KIU at Dover Eastern Docks for authority to transport the migrants directly to the KIU. This arrangement is sometimes extended to lorry drops in Sussex and Surrey, provided KIU has the capacity to accept the migrants and the police are able to transport them to the KIU.

Police guidance

- 7.22** The police have their own guidance, produced by the NPCC. ‘Clandestine Entry General Guidance’ is designed for “first responders to clandestine movement incidents”. It focuses on safeguarding, initial investigation including preservation of the scene and evidence, and the submission of intelligence, especially where organised crime is suspected. The accompanying aide memoire for front line officers instructs officers “as soon as possible” to contact Immigration Enforcement’s NCCU “where clandestines are encountered”.

Police perspectives

- 7.23** Through the NPCC, inspectors asked police forces in England and Wales about their experiences of dealing with clandestine entrants and of working with the Home Office. Almost half (20) of the forces responded, with one providing some regional data that took in three further forces.
- 7.24** Geography clearly affected the frequency with which forces encountered lorry drop migrants (and more so General Maritime arrivals). However, as one force pointed out, the demand on police resources was not simply a matter of the number of events but also of their scale and location. A large group of migrants stopped on the hard shoulder of a busy motorway required a significantly greater police response, and placed greater demands on custody spaces, than one or two migrants encountered at a service station.
- 7.25** The general view was that the demand had remained broadly constant since 2016, with some forces experiencing a small increase in call-outs, walk-ins and reports from members of the public and lorry drivers. One force had noticed that its lorry drop events were concentrated over short periods with lengthy gaps in between and thought that this might

60 IMS – Intelligence Management System – is a Home Office IT system designed to process all information received relating to immigration and commodities crimes.

61 SIP – Single Intelligence Platform – is a cloud-based intelligence system shared by Border Force, Immigration Enforcement and HM Passport Office. It is used to record, develop and share intelligence to combat serious and organised crime.

be because arrivals at its ports had been displaced from other ports of entry as a result of enforcement activity.

- 7.26** Most forces referred to the NPCC guidance and the requirement to refer the incident to the NCCU. However, some noted that compliance with the requirement was inconsistent and depended on frontline officers knowing the correct procedure. One force referred to embedding this through training, but was confident that, as a “failsafe”, NCCU would be informed by the relevant custody office whenever the force had arrested any irregular migrant.
- 7.27** A number of forces stated that they had a good working relationship with Immigration Enforcement (and with Border Force). Several referred to planned joint operations, though these tended to focus on illegal working and modern slavery, while the response to lorry drops was essentially reactive. A number mentioned embedded staff and secondments, in both directions, however it seemed that some of these arrangements had recently ceased. Almost all forces saw the benefits of collaborative working and information sharing, in particular in relation to serious and organised crime and the safeguarding of victims.
- 7.28** The NPCC lead for Organised Immigration Crime (OIC) and for Modern Slavery and Human Trafficking (MSHT) told inspectors that in 2016 NPCC had worked closely with Immigration Enforcement to produce and promote a national response plan to clandestine events, which ensured that police and Immigration Enforcement procedures were complementary. It was a matter “for individual Chief Constables whether to adopt the policy or, alternatively, to build on it”. From the force responses, it was clear that some had gone on to develop their own force-level plans.
- 7.29** In terms of the NPCC ‘Clandestine Entry General Guidance’, which was produced during 2017 in collaboration with the NCCU, the NPCC lead was aware that “control rooms and front line officers are not consistently contacting Immigration Enforcement at the first opportunity for advice” and NPCC was working with Immigration Enforcement on “the Communication strategy and Delivery” to try to improve this.
- 7.30** The NPCC lead noted that Immigration Enforcement had always been “an excellent partner to work with and this has mutual benefits to both agencies”. Recognising that it would have resource implications, the NPCC lead observed that it might be more effective in tackling OIC if Immigration Enforcement and Border Force had dedicated officers embedded with police forces.
- 7.31** In relation to investigating criminal involvement in clandestine entry, there was concern that no-one was looking at Level 1 crime, for example repeat offending by lorry drivers. Neither the police nor ICE teams were looking at this, so the NPCC Lead believed that Immigration Enforcement’s CFI teams should be doing so, rather than focusing on serious and organised crime, the evidence of which was limited.

Reporting of lorry drops

- 7.32** NCCU call handlers have a six-page ‘lorry drop script’ with questions for the reporting officer. This aims to capture the date, time and place of the ‘event’, any witnesses, plus details of the vehicle, its ownership, driver, journey (including point of departure, stops, destination, security features, checks made by the driver), all of which appear as prompts in the NPCC aide memoire.
- 7.33** The call handler also asks for the name, nationality and date of birth of each migrant, their intentions (“usually to claim [asylum] or find work”), and prompts the reporting officer to

“consider collecting and bagging all mobile phones and SIM cards and any pieces of paper containing anything appearing to show names, addresses or phone numbers in the UK”. Again, these are mentioned in the NPCC aide memoire.

Follow-up deployments

- 7.34** Having input the information received into the NCCU enquiries database and the Immigration Enforcement NOD,⁶² call handlers have a number of tasks. These include to:
- speak to the local CFI team about the viability of prosecution and their availability to attend the scene
 - advise the local ICE team [via a notification on the Pronto system] of the known details⁶³
- 7.35** The responsibilities of ICE and CFI are set out clearly in the ‘Clandestine illegal entrants’ guidance. With these in mind, inspectors sought to understand how, in practice, ICE and CFI teams typically responded when alerted to a lorry drop.

ICE attendance and service of papers

- 7.36** ‘Clandestine illegal entrants’ guidance states:

“Immigration Enforcement ‘Operation Nexus’⁶⁴ and ICE teams are responsible for establishing each migrant’s nationality and identity and for the service of immigration papers. They will also refer cases on for detention or accommodation and make relevant counter terrorism (CT), modern slavery and safeguarding referrals as the first responders. If Nexus officers, who are based at police stations, are unable to respond then cases will be referred back to the ICE team for them to assist.”

- 7.37** ICE teams are spread around the UK, brigaded in three commands: London and South; North Midlands and Wales; and, Scotland and Northern Ireland. Inspectors met officers from two ICE teams: Kent & Sussex (Folkestone) and East of England (Bedford).
- 7.38** Inspectors were told that in most cases where migrants are taken to a police station from a lorry drop, one or more ICE officers will attend the police station to interview them. The East of England team, which covered eight counties with [redacted] staff, told inspectors that there were “peaks and troughs” in lorry drops but they responded to “a couple a week, every second or third day”. However, this was “nothing like it was a few years ago” and it seldom interfered with planned ICE operations or visits. Nonetheless, some felt that lorry drops would be better dealt with “start to finish” by a dedicated team, which would ensure that nothing was missed.
- 7.39** At the end of the interview process, the ICE officer(s) will serve immigration (illegal entry) papers. At this point, unless the decision is to place them into detention, the migrants will be released on Immigration Bail. Where they require asylum accommodation, this is organised by UKVI’s Asylum Routing Team. ‘Clandestine illegal entrants’ guidance states that UKVI “is responsible for assessing and determining asylum claims and is also responsible for providing accommodation for the claimant whilst their claim is being considered in association with National Asylum Allocation Unit (NAAU).”
- 7.40** ICE officers expressed some concerns about what happened to migrants who were not detained after their ICE interview. Inspectors were told that taxis were typically used to transport them to their asylum accommodation, but the taxi could take a long time to arrive. For example, the East of England ICE team, based in Bedford, told inspectors that the taxi firm

UKVI used to collect migrants from its area was in Birmingham. As many police stations did not have any facilities or public waiting areas and were not open 24/7, ICE officers sometimes bought the migrants food from fast-food outlets and asked them to wait at a particular location until the taxi arrived. The next day, ICE team Duty Officer would make enquiries with the taxi firm and Asylum Support colleagues to check that the migrant(s) had been collected and taken to the correct address(es).

- 7.41** Concerns were also expressed about instances where the migrant’s age was disputed. Social Services attended the police station to assess age-disputed cases, but the assessments varied greatly in quality from fantastically detailed to woefully inadequate”. ICE teams appreciated that Social Services were stretched, but there were issues with ‘out of hours’ attendance despite Social Services having a duty officer system. This resulted in some minors being detained for longer periods.

UKVI’s Asylum Intake Units

- 7.42** The process differed for migrants who were taken directly to the KIU by the police. ICE was not involved and KIU staff carried out the initial interview and served immigration papers. Contingency plans were in place where the KIU had no more capacity: making use of other National Asylum Intake Unit (NAIU) resources, including moving migrants to the MIU for processing, and/or using ‘small boats’ Taskforce 2 resources.⁶⁵
- 7.43** For the MIU, the Home Office guidance states: “[MIU] are only able to accept cases where the identity and nationality have already been established and immigration papers have been served by Nexus or ICE staff.” While this remained true for lorry drops, some migrants who had arrived by small boats had been transported to the MIU for processing when the KIU did not have the capacity to receive and process them. The Home Office told inspectors that, since 2019, this had been necessary only on days where there had been “a large intake” of small boats arrivals.

Criminal and Financial Investigations

- 7.44** ‘Clandestine illegal entrants’ guidance sets out how CFI teams will respond when alerted to a lorry drop event by NCCU:
- “Immigration Enforcement CFI teams will (if resources allow) deploy officers to the scene of arrival and take over the investigation of suspected facilitation by vehicle drivers to establish if the case meets their current adoption criteria. If adequate evidence can be gathered they will pursue the prosecution. They will also gather and feedback intelligence from the scene.”
- 7.45** According to CFI Management, at the end of November 2019, there were 439 CFI staff in post⁶⁶, around three-quarters of whom were at Executive Officer or equivalent grade.

⁶⁵ See Chapter 8.

⁶⁶ CFI’s budget was for 500 full-time equivalents.

- 7.46** Over recent years, CFI had taken a number of police officers on secondment to improve its investigative capability and help with the upskilling of its permanent staff, many of whom were new and lacked law enforcement experience. It had also recruited some former police officers on a permanent basis, particularly to more senior positions.
- 7.47** At the time of this inspection, police forces had taken back most seconded officers and only a handful remained. Meanwhile, CFI had been trying to reduce its reliance on “bought-in” law enforcement experience and had invested heavily in staff training as part of the ongoing upskilling process. However, inspectors were told and observed that experienced officers still played an important part in many investigations.
- 7.48** Most CFI staff are in regional Criminal Investigation teams. These teams, which vary in size, cover: London; South East; Heathrow; Midlands & East of England; North East; North West; Wales & South West; Scotland & Northern Ireland. Their job is described as “to disrupt and dismantle organised criminal networks involved in immigration crime. Criminal Investigations target the most harmful criminal networks”.
- 7.49** Published guidance, ‘Criminal investigations (Immigration Enforcement), Version 1.0’, dated January 2017, provides “an overview of the areas of responsibility and the types of criminal offences investigated by Criminal and Financial Investigations (CFI) [and] describes the requirements and processes to be followed on encountering individuals who could be subject to criminal prosecution”.⁶⁷
- 7.50** In relation to “Lorry drops: clandestine entrants”, the guidance states:
- “A CFI manager⁶⁸ will carefully consider whether to pursue the prosecution of a driver of a vehicle containing clandestines (concealed people) encountered in the UK.”

CFI caseload and priorities

- 7.51** According to the data shared with inspectors, at the beginning of 2019-20 CFI was running over 150 live investigations into clandestine entry, the majority originating from its Dover office. CFI senior management told inspectors that clandestine entry investigations represented roughly two-thirds of CFI’s overall caseload. Over 80% of the clandestine entry investigations were classed as National Intelligence Model (NIM) Level 2.⁶⁹ In terms of the “Primary Crime Type”, just over 10% of CFI’s Level 2 and 3 clandestine entry investigations were recorded as “Human Smuggling – via Lorry”. Most were recorded as “Human Smuggling – via Van/Car”.
- 7.52** Inspectors were told that CFI had a good relationship with the NCA. They were in daily contact and the NCA had provided support with forensic examination in small boats cases, for example. According to CFI, NCA was focused on NIM Level 3 Organised Immigration Crime (OIC) cases and had far fewer “live” investigations than CFI. There was some frustration that CFI did not receive any of the Project Invigor funding from NCA, despite a lot of CFI’s work being reported under that banner.
- 7.53** [redacted]

⁶⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/584221/Criminal-investigationsv1_0_ext.pdf

⁶⁸ Typically, a Higher Executive Officer.

⁶⁹ The National Intelligence Model (NIM) is an established model used by UK law enforcement agencies for setting strategies and allocating resources based on assessments of threat and risk. The model classifies criminal activity according to whether it is local (Level 1), regional (Level 2), or national/international (Level 3) in its scope and impact and in terms of the resources required to combat it.

Refrigerated lorries

- 7.54** Inspectors were told by CFI and by others, including Border Force and ICE teams, that while more attention had been focused on refrigerated lorries since the discovery of 39 bodies in a trailer at Purfleet, Essex, in October 2019, a growing trend in this method of clandestine entry had already been identified.
- 7.55** Over the previous 12 months there had been 323 events involving refrigerated HGVs, with a total of 1,696 migrants detected (two thirds of whom were either Iraqi or Iranian nationals). Three-quarters (240) of these events had occurred at a port, 214 at the juxtaposed controls and 26 at a UK port (Portsmouth, Dover, Plymouth and Poole). These 240 lorry detections had involved 1,177 migrants. There were also 83 inland lorry drops (519 migrants), with Dover and “the north Kent coast near Tilbury/Purfleet”⁷⁰ identified as “hotspots”, along with the main arterial roads.
- 7.56** In May 2018, Border Force, Immigration Enforcement, UKVI and the police ran a month-long operation seeking to improve the investigation of organised crime groups linked to clandestine entry via refrigerated vehicles and to safeguard the migrants involved, through increased detections and enhanced first response from the emergency services. The operation also aimed to improve the intelligence picture of organised crime group involvement in modern slavery and human trafficking.
- 7.57** The operation was judged to be a success, with 28 ‘events’, most of which were at one of the juxtaposed controls, and half of which fell to the French authorities to pursue. Of the migrants encountered at Coquelles (UK jurisdiction) and in the UK the majority were Vietnamese nationals, including one group of 18 encountered at Coquelles. The Joint Debriefing Team⁷¹ debriefed 20 of the migrants.
- 7.58** The evaluation report recommended that the operation should be run again “in the next few months” and it was immediately following the Purfleet incident. The ‘Operational Order’ explained that for the period of the operation (again a month) all lorry drop events involving refrigerated vehicles (whether the refrigerator is switched on or not) will have a comprehensive operational response from all agencies involved. As well as CFI, this included Border Force, the police, NCCU, ICE, JDT and the CECPT.
- 7.59** In January 2020, a CFI team in the northwest confirmed to inspectors that where it received a lorry drop call involving a refrigerated lorry it would always attend “especially in the present climate”.

CFI Performance

- 7.60** Since April 2016, CFI had made over 1,000 arrests in relation to clandestine entry and charged over 500 individuals, almost all of whom were convicted, with custodial sentences totalling over 1,300 years. Director of CFI told inspectors that he was disappointed by the length of many of the custodial sentences, which were often reduced because the accused had entered guilty pleas but were already generally shorter than sentences for smuggling drugs and other commodities.
- 7.61** CFI also measured its ‘disruptions’ of serious and organised criminal groups, according to how long and to what degree it had managed to stop or inhibit the group’s criminal activities.

⁷⁰ Tilbury and Purfleet are in Essex.

⁷¹ See paragraphs 7.77-7.84

The methodology for measuring this had been developed by the NCA. The numbers of CFI disruptions had grown by almost 50% since 2016-17. Inspectors sat in on a monthly meeting to assess disruptions, also attended by partner agencies, and saw at first hand that, although the process involved an element of supposition, the cases presented as disruptions were rigorously assessed.

CFI adoption of lorry detections and lorry drops for investigation

- 7.62** Inspectors were told that few lorry drops were adopted by CFI for investigation, principally because CFI's adoption criteria included an assessment of whether there was the evidence that would support an arrest and this was seldom the case.⁷²
- 7.63** One of the key difficulties was that where the police were the first responder, as for most lorry drops, their priority was the welfare of the migrants and there was less of a focus on whether a crime may have been committed and the need to gather and preserve evidence. Director CFI told inspectors that this situation was improving. CFI had held events around the country and had worked with the NPCC to raise police awareness.
- 7.64** Because they generally occurred in a controlled environment where the evidence was more easily captured, there was a greater prospect of a successful prosecution with lorry detections. This was reflected in CFI's adoptions, and inspectors were told that 50% came from Border Force referrals.

CFI regional team perspectives

- 7.65** As well as interviewing the CFI senior management, in September 2019 inspectors interviewed and ran focus groups with CFI officers from the Midlands & East of England region and from Kent & Sussex, including officers from Dover.
- 7.66** Officers from the Midlands & East of England team [redacted] told inspectors that in the last two years the team had adopted 26 "in-country referrals" for investigation but "none went anywhere". There had been just over 100 lorry drop referrals in the last year, but only a dozen of these had been adopted. The officers estimated that 60-70% of the referrals the team received were for lorry drops, most from the police via the NCCU (in line with the guidance). They were rarely contacted directly by the police.
- 7.67** Timely notification was key, so that CFI could attend a lorry drop at the roadside and examine the lorry in situ, although the team explained that it covered six counties and it might take CFI officers two hours to reach a lorry drop site. However, inspectors were told that NCCU were not always helping, by calling the wrong numbers and by not consulting CFI.
- 7.68** In some lorry drop cases the police had made an arrest where, had they been contacted first, CFI would have advised them not to do so. Inspectors were told about a recent lorry drop where the police had remained with the driver at the roadside and CFI was able to attend. The CFI officers identified that the side of the vehicle had been damaged to enable the migrants to gain access, so CFI did not adopt the case. Meanwhile, where CFI did investigate, officers felt they were "dealing with OCGs [organised crime groups] at the level of the driver ... we haven't stopped the OCGs. They can throw [away] as many drivers as they want."

⁷² In early March 2020, in its factual accuracy response, the Home Office stated that: "Statistics for 2020 show there have been 23 referrals marked as human smuggling via lorry. 12 were not adopted, 6 were NFA'd and 5 are being investigated. This amounts to 23%."

- 7.69** The team confirmed that it had been involved in a programme to raise police awareness of their requirements and further sessions were planned. Currently, they saw considerable differences in the way forces responded. Officers also mentioned that they had been consulted about the NCCU ‘lorry drop script’, which they described as “very long”, adding to the delay in CFI being notified, while the quality of the information provided was described as “poor”.
- 7.70** The Kent & Sussex team also worked out of a number of different sites, including Croydon and Dover. The team told inspectors that there was a difference between the “border-facing jobs” it did and “inland jobs”. The former, which were principally referrals from Border Force, were completed relatively quickly “without expansive lines of enquiry” and more admissions of guilt, since the subjects were caught “red-handed”. The latter were more challenging.
- 7.71** Inspectors were told that the adoption criteria had become tougher. The emphasis was on Level 2 criminality, which meant looking for indications of organised crime. But it was often difficult to make a decision on the spot about this and whether to adopt a case. Ideally, the team would like to interview everyone involved before deciding, but it did not have the resources to do so.
- 7.72** Both regional teams referred to the challenge of retaining staff, although management commented that this was worse in other parts of Immigration Enforcement. Inspectors were told that CFI investigators often left on promotion, but some left to join NCA or Border Force, where the teams understood the pay was better, including a better rate of the Annualised Hours Working (AHW) allowance in Border Force.
- 7.73** CFI lost specialists too, such as financial investigators and digital media investigators. CFI spent time training them, but other agencies paid them more. Inspectors were told that there had been a plan to have a financial investigator and intelligence analyst in each CFI office, but it was unclear whether this was still the intention. Meanwhile, both CFI senior management and investigators saw intelligence as a problem. It was described as “disconnected” and “not effective”. ICE teams had Intelligence Officers, but CFI relied on Crime Development Teams (CDT) and were not getting actionable “fast-time” intelligence. One team said they believed they “did not have access to half the intelligence” as CFI did not have a license for the Police National Computer (PNC) or interpreters and had to access them through ICE.
- 7.74** Both teams also referred to the training programme for new recruits. There was a view that this was too long, with new staff “on constant training”. Inspectors were told that investigator training involved two years of studying, attending courses, sitting exams. Having completed this programme, new staff were more qualified than officers who had been in post five or six years, which was described as “strange”.
- 7.75** Inspectors were told (in September 2019) that CFI had run a recruitment campaign and had been “inundated” with applicants, including from Border Force and some serving police officers. Although some felt that CFI’s profile was too low, management believed that CFI was beginning to be regarded as “exciting and interesting” and “the challenge over the next 18 months” was to fill all posts. Some teams were fully staffed, but others in London for example had significant vacancies.

CFI’s Clandestine Investigation Brigade

- 7.76** Inspectors were told in early 2020 that CFI now had a permanent Clandestine Investigation Brigade (CIB), [redacted]. This had been a plan “for some months”, but it had taken time to

realign resources from across CFI. Additionally, the Home Secretary had agreed an uplift in CFI [redacted].

Joint Debriefing Team (JDT)

- 7.77** The list of actions for the NCCU call handler when the police report a lorry drop included to “contact the Immigration Enforcement JDT to inform them of any cases which they may have an interest in and which meet their criteria.”
- 7.78** In June 2015, the Prime Minister announced the creation of the Organised Immigration Crime (OIC) Taskforce, bringing together officers from Border Force, Immigration Enforcement, the NCA and the Crown Prosecution Service (CPS) “to exploit every opportunity at source, in transit countries and in Europe, to tackle organised crime gangs’ criminal operations”.⁷³
- 7.79** In October 2015, the OIC Taskforce created a UK-based JDT, comprising officers from Border Force, Immigration Enforcement, NCA and Kent Police, to debrief migrants arriving in the UK to gather intelligence on the methods and structure of organised crime groups responsible for people smuggling.
- 7.80** In 2016, the previous lorry drops inspection was told that, as well as conducting targeted debriefs directed by the NCA, the JDT’s role was to follow up on the most useful debriefs conducted by ICE teams around the UK. However, ICE teams told inspectors that they did not see value in conducting debriefs in all cases, as the information gathered from clandestine entrants was often limited and potentially unreliable. The ICE teams also said that they had not received any feedback to indicate that debriefing was producing useful intelligence.
- 7.81** At the time of the current inspection, the JDT was funded by Project Invigor. [redacted]. It was in place until April 2020 and the JDT risk register highlighted the withdrawal of this funding as a risk, noting that there was no contingency plan and that it would result in the loss of intelligence about clandestine arrivals.
- 7.82** JDT officers were based at both the Kent (KIU) and Midland (MIU) Intake Units and debriefed migrants who had arrived in the UK clandestinely via lorry drops and small boats. In September 2019, JDT officers at both Intake Units told inspectors in that their priority was now small boats, with 80-90% of their time spent debriefing small boats arrivals.
- 7.83** Inspectors observed a JDT interview at the MIU of a migrant who had arrived the previous day in a small boat along with a large number of others. As a result, MIU had stopped taking any lorry drop referrals while it processed this group of migrants. The interview inspectors observed produced little useful information. Inspectors were told that this was not unusual, but some interviews were more productive than others.
- 7.84** Inspectors were also told that the JDT did not get to interview minors received at the KIU as they were processed quickly (on average 90 minutes). JDT officers felt this was a missed opportunity to gather intelligence. They also raised concerns that minors were asked only

⁷³ <https://www.gov.uk/government/news/uk-steps-up-counter-smuggling-efforts>

[redacted] questions before being handed over to Social Services, after which many of them absconded, particularly certain nationalities, such as Vietnamese.⁷⁴

Civil Penalties levied against drivers and owners of vehicles

Clandestine Entry Civil Penalty (CECP)

7.85 Sections 32 – 39 of Part II of the Immigration and Asylum Act 1999 set out the legal liabilities for carriers of clandestine entrants. Section 32(2) empowered the levying of a civil penalty:

“The Secretary of State may require a person who is responsible for a clandestine entrant to pay (a) a penalty in respect of the clandestine entrant; (b) a penalty in respect of any person who was concealed with the clandestine in the same transporter.”

7.86 The 1999 Act set the maximum penalty at £2,000 for each clandestine entrant, which can be levied on both the driver and on the owner of the vehicle where the driver is an employee of the owner. This maximum has never been increased.

7.87 A driver or owner issued with a ‘Penalty Notice IS11’ has 60 days to pay the amount indicated, but may lodge an objection against the penalty, including the amount, within 28 days of receipt. Where the driver or owner can demonstrate that they have complied with the ‘Home Office Civil Penalty Prevention of Clandestine Entrants Code of Practice’ the penalty may be reduced or cancelled. The Code of Practice states that:

“it is a defence to show that:

- he [the driver and/or owner] did not know and had no reasonable grounds for suspecting that a clandestine entrant was, or might be, concealed in the transporter;
- there was an effective system in operation in relation to the transporter to prevent the carriage of clandestine entrants; and
- on the occasion concerned, the person or persons responsible for operating that system did so properly.”

7.88 Under ‘Guidance for hauliers on preventing clandestine entrants’,⁷⁵ GOV.UK contains a document ‘How to avoid a penalty: 10 steps to an effective system for drivers to prevent clandestine entry’ in English, and in Bulgarian, Czech, Dutch, French, German, Hungarian, Italian, Lithuanian, Polish, Portuguese, Romanian, Spanish and Slovakian. The first foreign language versions were published in 2014, the most recent (Portuguese) in 2019.

7.89 Where a lorry detection occurs at a juxtaposed port or UK port of arrival, Border Force decides locally whether to initiate the penalty process by issuing a ‘Notice of Liability to a Civil Penalty’ (a form IS11D). If the decision is not to issue an IS11D this is noted in the Port Log with the reason(s).

⁷⁴ In its factual accuracy response, the Home Office commented: “The Home Office has a legal duty to ensure that its processes take into account the need to safeguard and promote the welfare of children and that they must not be detained other than in the very exceptional circumstances specified in the Immigration Act 1971. This legislation and caselaw requires the Home Office to refer unaccompanied children into local authority care as soon as possible after arrival and limits the type of information the Home Office is permitted to collect from the child at their first encounter. As a result, the Home Office can only ask questions on arrival to obtain information that is essential for:

- a meaningful booking-in process (including bio data)
- identifying welfare concerns
- identifying trafficking concerns

The questions permitted at first encounter are set out in the revised welfare form.”

⁷⁵ <https://www.gov.uk/government/publications/guidance-for-hauliers-on-preventing-clandestine-entrants#history>

7.90 For clandestine entrants encountered at a UK port beyond the Border Force-controlled area, the ‘Clandestine entry: Maritime, juxtaposed controls and other locations’ guidance states that the encounter should be treated as “in-country”. Border Force officers are instructed to report the details to Immigration Enforcement’s NCCU and also to Border Force’s National Command Centre (NCC). At Dover, clandestine entrants encountered anywhere within the port area counted as “in-country” as they are deemed to have passed beyond the immigration controls at one of the juxtaposed ports.

Clandestine Entry Civil Penalties Team (CECPT)

7.91 The Clandestine Entry Civil Penalties Team (CECPT) is part of Border Force South East and Europe Region. When it was created CECPT was based near Heathrow airport, but it was seen as more practical and efficient for part of the team to be based nearer to the source of most referrals, significantly more of which result from lorry detections than from lorry drops. Therefore, a second CECPT office was opened in Folkestone. Initially, CECPT was split across the two sites, but in 2016 the decision was taken to consolidate the team in one location and since 2018 it has operated solely from Folkestone.

7.92 CECPT records indicated that, between January and September 2016, it issued 1,652 penalties and collected £3,375,713. In the following 27 months (October 2016 to December 2018), CECPT issued just 469 penalties and collected £642,444 despite the annual number of cases referred to CECPT in 2016, 2017 and 2018 being broadly the same: 2,101, 2,040 and 2,445 respectively, with the increase in 2018 explained by higher monthly totals from June (up from an average of 150 per month to 200+ every month). Referrals peaked in November 2018 at 293.

7.93 ‘An inspection of Border Force operations at south coast seaports (January – May 2018),⁷⁶ published in November 2018, looked at the Civil Penalty scheme and identified the dramatic falling off of penalties issued and fines collected. It described the system as “broken” and in need of urgent attention. The report recommended that the Home Office should:

“In relation to the detection of clandestine arrivals at south coast seaports: as a matter of urgency, fix the Civil Penalty scheme, so that Notices (fines) are issued wherever appropriate and payment is pursued promptly.”

7.94 The recommendation was accepted. In its response, the Home Office referred to the importance of civil penalties as:

“part of our response to the clandestine challenge, to encourage road hauliers and others to take appropriate measures to secure their vehicles and prevent them from being used by those seeking to circumvent the UK’s border control... [following an internal review] ... Plans are now in place to deploy additional personnel to the Civil Penalty team to undertake retrospective penalty imposition and Border Force expect that the team will be back to a business as usual position within the next 12 months.”

7.95 Responding to the particular criticisms in the report about the failure to impose penalties at the south coast seaports, the Home Office commented:

“It should be noted that south coast ports represent a very small proportion of potential civil penalty cases, the majority emanating from juxtaposed locations which are not part of south coast ports.”

⁷⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755272/ICIBI_An_inspection_of_South_Coast_Ports.pdf

7.96 For the current inspection, inspectors reviewed recent CECPT data. This showed a significant increase in penalties issued each month from January 2019. However, by this point there was a backlog of almost 5,000 referrals awaiting a recommendation whether to serve a Civil Penalty Liability Notice.

7.97 The Home Office provided data showing its progress in dealing with this backlog during 2019 – see Figure 6.

Figure 6

CECPT throughput of referrals 2019

	Total files “pre- imposition”	Awaiting Rec	Awaiting imposition	Recs completed	Impositions completed	Oldest file awaiting Rec	Oldest file awaiting imposition
Jan	4,881	2,040	2,841	449	239	05/03/18	08/09/16
Feb	4,811	2,001	2,810	263	238	05/04/18	28/09/16
Mar	4,794	1,869	2,925	394	218	06/05/18	30/09/16
Apr	4,619	1,585	3,034	470	303	09/06/18	30/09/16
May	4,395	1,261	3,134	441	267	02/07/18	30/09/16
Jun	4,259	1,072	3,187	303	192	12/07/18	30/09/16
Jul	4,027	1,010	3,017	231	263	01/08/18	04/10/16
Aug	3,885	813	3,076	325	247	11/09/18	06/10/16
Sep	3,651	635	3,012	336	332	23/10/18	29/11/16
Oct	3,425	605	2,816	260	397	20/11/18	08/02/17
Nov	3,294	351	2,943	469	328	N/A	24/02/17
Dec	2,898	276	2,622	264	551	N/A	08/05/17

7.98 From Figure 6 it would appear that significant headway was made with the backlog of referrals awaiting a recommendation whether to impose a Civil Penalty Liability Notice. However, the effect during the first half of 2019 was to increase the number where one was recommended but not yet imposed. This number started coming down from July 2019, but at the end of the year was almost as high (2,622 against 2,841) as it had been in January.

7.99 Meanwhile, some cases awaiting imposition of a Penalty Notice were almost three years old, which called into question the deterrent value of any eventual penalty and was open to the argument that such a delay was procedurally unfair. CECPT senior management told inspectors that there was no time limit in the legislation for issuing a Penalty Notice or fine and it had “had legal advice and policy support” for pursuing old cases, which it was doing “on a case by case basis”.

7.100 CECPT staff told inspectors that they believed a number of factors had contributed to the dip in performance and backlog of referrals: the closure of the unit at Amadeus House, near Heathrow, had been protracted, as had been the staffing up of CECPT in Folkestone, and during this period there had been few people to do the work. They also felt a lack of interest in CECPT from senior managers and believed it had not been seen as a priority.

7.101 Inspectors were also told of problems in late 2018 when the payment collection system transferred over to a new Home Office application, Metis. There had been an eight-week

period when no payments could be taken. According to staff, the problem was finally resolved at the start of 2019.

7.102 In October 2019, following the “Emerging Findings” meeting for this inspection, the Home Office wrote to ICIBI about CECPT resources:

“Border Force is actively progressing actions to ensure the CECPT is structured and resourced to address current workloads, including historical casework. This includes the consolidation of two processing sites into one to improve efficiency and effectiveness, increases in core resourcing levels, including at management grades, and use of a short-term surge capability. We have recruited a second Senior Officer for the unit, increased numbers at Higher Officer and are spending £300k in 19/20 on temporary staffing. We currently have 10 fully trained agency personnel with a further 4 to arrive in the next few weeks. This will be further supplemented over the next 3 months through re-deployment of EU Exit transit resource.

Since the 1st January this year all new cases have been processed in ‘real time’ and we have increasingly been able to simultaneously direct effort on the historical casework with total files pre-imposition reducing from 4,619 in April to 3,651 currently. The pace of this reduction will increase now that most of the agency staff are recruited and trained. The increased core resource will be sufficient to continue to process new cases in ‘real time’, based on current casework levels, once temporary resource is released.”

7.103 On 31 October 2019, inspectors were informed that CECPT staffing was:

Figure 7

CECPT staff in post on 31 October 2019

	Full-time Equivalent	Detached duty staff	Total FTEs
Senior Officer	1.0	1	2.0
Higher Officer	2.3	3	5.3
Executive Officer	6.76	-	6.76
Administrative Officer	7.41	-	7.41
Agency Staff	12.0	-	12.0
Total	28.47	4	32.47

7.104 Inspectors were told that the agency staff had been brought in to deal solely with the backlog, leaving permanent staff free to process current referrals.

Escalation

7.105 Where a driver and/or owner fails to pay a fine the details of the vehicle are added to a Vehicles Action List, which is updated weekly and circulated to Border Force, Immigration Enforcement and the police. Where the vehicle is next detected, CECPT should receive a referral and, if payment is still outstanding, it contacts the owner and advises them that the vehicle will be detained until payment is received, with any costs incurred added to the fine. If payment is still not forthcoming, permission is sought from the court to sell the vehicle at auction.

Data integrity

- 7.106** The information referred to and processed by CECPT was recorded in different places. CECPT used an Access database, created when the unit was first established at Amadeus House. In addition, it maintained a paper file for each event. The database had since been supplemented by several spreadsheets. For example, the juxtaposed ports maintained local spreadsheets for lorry detections with the outcome of all their events, including whether an IS11D was served. The paper copies of the IS11D were sent to CECPT in batches by internal post and reconciled against the relevant spreadsheet.
- 7.107** CECPT staff told inspectors that the database did not have the functionality to enable them to print addresses on the Civil Penalty Liability Notices and these had to be added by hand. Staff commented: “a new database would be lovely. [The current one] is not designed for what we need it to do.” A manager added “time savings would be massive if we had a tailor-made system”.

Compliance with the referral process and CECPT ‘conversion rates’

- 7.108** For lorry drops where the vehicle is identified, CECPT use the details recorded in NCCU “lorry drop script” to decide whether to issue a Civil Penalty Liability Notice or to take no further action. Where issued, Penalty Notices normally go to both the driver and the owner of the vehicle.
- 7.109** To test compliance with the referral process, inspectors asked for NCCU data for lorry drops for February 2019 and compared this with CECPT data for referrals and also looked at how many referrals had resulted in a Civil Penalty Liability Notice – see Figure 8.

Figure 8

**National Command and Control Unit (NCCU) data
for lorry drops in February 2019**

Breakdown	Number
Inland clandestine entry incidents	425
Clandestine entrants associated with those incidents	727
Incidents originating from Border Force (at Dover Eastern Docks)	18
Incidents where a vehicle was identified	47

- 7.110** In relation to this data, NCCU commented:

“A vehicle is identified in roughly 20% of cases. In the others, no record can be made of the vehicle of entry and therefore no civil penalty is possible.

The 80% consists of:

- Persons walking into police stations to seek protection
- Persons who approach police officers in public
- Persons who approach members of the public

- Persons arriving by small boat
In each of these cases there is no vehicle to identify therefore no opportunity to proceed with the civil penalty sanction.
- Cases where, although a vehicle was present, the police officer dealing did not record the details. This accounts for approx. 5% of all incidents with a vehicle and reflects the primary focus of police officers to safeguard the clandestine entrants discovered.”

7.111 CECPT told inspectors it had received 41 “lorry drop scripts” from February 2019, not the 47 indicated by the NCCU data. NCCU subsequently confirmed that six “lorry drop scripts” had not been sent to CECPT, as required. NCCU was unable to explain why this had happened but provided a brief summary of the circumstances of each of these lorry drops:

- “Driver & vehicle were allowed to proceed, no referral to CFI”
- “Vehicle not present at time of call but details noted by police”
- “CFI stated no interest”
- “Vehicle was a van, driver reported, wasn’t referred to CFI”
- “No details of lorry available by custody, NCCU were advised it was seized”
- “No vehicle details available”

7.112 NCCU clarified: “the last two events were due to not having vehicle details so CECPT were not required to be copied in.” However, this statement seemed to be at odds with the reference to one of the vehicles having been “seized”.

7.113 Of the 41 lorry drop referrals received by CECPT, only four had been “set up as inland cases”, which meant that they would be considered for a Civil Penalty Liability Notice. CECPT acknowledged that this was “quite a low set up rate”. It provided a brief note explaining why 36 of the 37 had not been “set up”.⁷⁷ According to CECPT, the most common reason was that no details of the driver or vehicle, or time of arrival in the UK, had been provided.

7.114 Although all of these cases had been recorded by NCCU as “Incidents where a vehicle was identified”, the description of the event provided by CECPT suggested this was unlikely in some cases, for example, three were described as “walk in”, one noted “just one clandestine found at services”, another “clandestine found walking round town centre”, and another “been in UK for 2 days”.

7.115 Four of the 36 descriptions noted that the vehicle had been “searched” or “checked”, in which case a Civil Penalty Liability Notice, if issued, would be likely to be successfully appealed:

- “Had been searched by border force in Calais with clandestines removed”
- “Checked by Border Force in Calais”
- “Had been searched by border force with detector dogs”
- “Had been searched by French police and UK Police with search dogs”

7.116 In a fifth case, the note was “No arrival details and searched by immigration”. It was unclear whether the “searched” referred to the vehicle or the migrants, or both. Meanwhile, in two cases, the note indicated that a criminal investigation was underway: “driver arrested, possible facilitation” and “pursued for facilitation”. If there is an intention to prosecute the Civil Penalty is not pursued but, if not, it may be reconsidered.

⁷⁷ There was no explanation for the 37th.

7.117 Of the four referrals that had been “set up” by CECPT, two had had a Civil Penalty Liability Notice imposed (one on 10 April and the other on 1 August 2019), one was “awaiting Penalty imposition. Delayed as further enquiries were made re driver facilitation” (as at 21 August 2019), and one was “NFA [No Further Action] as provided satisfactory evidence”.

Civil Penalties following ‘lorry detections’

7.118 Border Force provided the data for lorry detections in February 2019 – see Figure 9.

Figure 9

Lorry detections recorded by Border Force in February 2019

Breakdown	Juxtaposed port	UK port	Total
Clandestine detection events	795	32	827
Number of persons detected ⁷⁸	2,832	90	2,922
Incidents where a vehicle was identified	768	23	791

7.119 The data was caveated: “Juxtaposed controls operating at Brussels, Calais, Coquelles, Dunkirk, Lille and Paris detections made by Border Force, its contractors and French authorities”. While the data gives an indication of the overall scale of detections, only those made by Border Force may be liable for a civil penalty. Since these were not separately reported it was not possible to establish the “conversion rates” from detections to Civil Penalty Liability Notices imposed to penalties issued and fines paid. However, in February 2019, CECPT recorded a total of 210 referrals, so it would appear that most clandestine detection events at juxtaposed ports are not pursued for a civil penalty.

⁷⁸ An individual may make several attempts at entry, and therefore be recorded more than once (juxtaposed locations only).

8. Inspection findings: ‘small boats’

The emergence of small boats

Improved security at the juxtaposed ports

- 8.1** The Home Office told inspectors that it regarded the emergence in 2018 of small boats as an established modus operandi for migrants looking to enter the UK illegally as a consequence of the success of the extensive work done by the UK and its European partners, in particular the French, in making other methods of illegal entry more difficult.
- 8.2** According to media reporting,⁷⁹ at the height of the 2014-15 migrant crisis an estimated 2,000 migrants a night were attempting to enter the UK clandestinely, most concealed in the backs of lorries. Estimates of the numbers of migrants living in the so-called ‘Calais Jungle’ at that time were as high as 6,000,⁸⁰ the majority young men. Physical security at the ports was ineffective and, as a result, there were large-scale incursions at Calais, with migrants storming the port. In 2015, the Eurotunnel shuttle was affected on a nightly basis. On one day, 186 migrants managed to board the shuttle, resulting in one fatality and major disruption to the service.
- 8.3** The UK and French governments invested substantial sums in improvements to perimeter fencing around the ports and the Eurotunnel, with CCTV and additional guards and dogs. Buffer zones were created around Calais, Coquelles and Dunkirk. Inspectors were told that this had a huge impact on the number of migrants entering the port areas to stow away on lorries and trains bound for the UK.

Small boats prior to 2018

- 8.4** The Home Office was aware of isolated cases of migrants arriving in the UK clandestinely by small boats before 2014-15. In 2016, it launched Operation Taxes. The ‘Operational Order’, dated June 2016, described the threat posed by organised crime groups and “opportunistic individuals” utilising small boats or yachts to facilitate cross-Channel illegal migration activity. It noted that between July 2014 and May 2016 there had been nine confirmed incidents of migrants reaching the UK having crossed the Channel in a small vessel:

“Whilst numbers currently remain low, the risk that numbers could increase over the summer period and the potential for the loss of life requires a proportionate response, agreed by all key partners. It remains highly likely that RHIBs⁸¹ will continue to be used to smuggle people and illicit material and commodities from near Europe to the UK.”

⁷⁹ <https://www.bbc.co.uk/news/uk-29074736>

⁸⁰ The Economist, 7 November 2015.

⁸¹ Rigid-hulled inflatable boats.

The 2018 ‘surge’

- 8.5** The Home Office began to observe an increase in the frequency of crossings in small boats in the first half of 2018 and assessed that organised crime groups were quick to identify this as a way of making large profits, arranging crossings for around £5,000 per migrant.
- 8.6** Between October and December 2018, there was a surge in small boats arrivals. The last quarter of 2018 saw a four-fold increase in attempts by migrants to enter the UK by this method compared with the first nine months of the year.⁸² On Christmas Day 2018, the media reported “Record number of migrants try to cross Channel”.⁸³ Reports referred to five separate attempted crossings, involving “40 migrants, including two children”. The following day, the BBC carried a story headed “Channel migrants: More than 60 people found on Boxing Day”⁸⁴, 49 of whom “in four boats were met by Border Force and brought to England, while a further two boats were dealt with by French authorities.”

Declaration of a “major incident”

- 8.7** On 28 December 2018, the Home Secretary declared the small boats crossings to be a “major incident”,⁸⁵ which resulted in the deployment of additional UK patrol vessels in the Channel and a series of coordinated actions by the UK and French authorities aimed at preventing further crossings and pursuing the organised criminal facilitators.

Critical incident planning

- 8.8** Following the surge in clandestine entries in 2015, Immigration Enforcement had devised a critical incident response plan for dealing with any future surge where the numbers of in-country encounters were beyond the levels that it and the police, along with others, were able to manage safely. It had yet to be invoked.
- 8.9** While the plan did not envisage a surge in small boats, it did set “tolerance levels” that had to be breached before a national critical incident could be declared (although these did not apply to the declaration of a local critical incident). These levels were set significantly higher than the numbers arriving by small boats in the period up to the end of 2018:
- 100 encounters on five consecutive days
 - 300 encounters on two consecutive days

82 The Home Office reported that 539 migrants attempted to travel to the UK on small boats in 2018, 434 of whom made their attempts in the last three months of the year.

83 <https://www.telegraph.co.uk/news/2018/12/25/record-number-migrants-try-cross-channel-christmas-day/>

84 <https://www.bbc.co.uk/news/uk-england-kent-50916544>

85 Media coverage including <https://www.bbc.co.uk/news/uk-46705128> and <https://www.theguardian.com/uk-news/2018/dec/28/channel-migrant-crossings-a-major-incident-says-sajid-javid>

Small Boats Gold Command Group (Strategic Governance Group)

Strategy and Objectives

8.10 Following the Home Secretary's declaration of a "major incident" in December 2018, the Home Office set up a Small Boats Gold Command Group⁸⁶ to "direct and coordinate the response to the migrant crossing issue".⁸⁷

8.11 The Group's objectives were:

- to prevent loss of life by migrants
- to reduce the risk to personnel and others at sea, and
- to protect the UK border and integrity of the UK immigration system

8.12 In order to achieve these objectives, the Group identified a number of strands of work and the responsible parts of BICS and other agencies, including the NCA, Ministry of Defence (MoD) and the French authorities. The strands included:

- investigating and arresting criminal networks
- disrupting criminal activity, including by preventing access to boats and enhancing physical security
- deploying maritime assets to intercept and rescue anyone at sea
- securing returns to France and third countries to remove the incentive to attempt the crossing
- reviewing asylum policy and practice to ensure that abuse is minimised, and the principle of the first safe country is adhered to
- using strategic communications, where possible jointly with France, to send the right messages to the migrants/facilitators
- reaffirming the commitment to a fair asylum and immigration system that protects the vulnerable and those genuinely at risk of persecution

8.13 The Gold Command Group first met in January 2019. Initially, there were daily meetings, which later became weekly. Attendance varied from week-to-week, but always included a senior representative (typically a Director or Deputy Director) from the relevant parts of BICS, Home Office Legal Advisors, Press Office, plus the NCA. Minutes and actions were circulated to attendees.

Small boats: Lessons Learnt Review

8.14 In March 2019, the Gold Command Group commissioned a 'Cross-BICS Lessons Learned Review' of the response to small boats. The Review was led by a Grade 6 from Immigration Enforcement (Criminal and Financial Investigations), with a team of nine Senior Executive Officers/Higher Executive Officers, one Executive Officer and a Police Inspector,⁸⁸ with support

⁸⁶ The Gold, Silver, Bronze command and control structure was developed initially for policing but has since been adopted by the emergency services and others, particularly for large-scale or complex operations requiring different resources and/or agencies to work together. Gold is the strategic level (Silver is tactical and Bronze operational).

⁸⁷ Taken from a letter from the Gold Commander to the Home Secretary dated 2 January 2019.

⁸⁸ On loan from the National Police Chiefs' Council's Modern Slavery and Human Trafficking Portfolio.

from the Home Office Lessons Learned Team. The review was scheduled to run from 3 April to 19 May 2019.

- 8.15** The Review's Objectives were to determine "from all key partners and stakeholders:
- What worked well & what could have been better, what should be done differently next time?
 - What was the innovative learning and how could this be translated to wider irregular migration responses?
 - What combination of actions had the most impact? What had less impact?
 - How well did the different teams work together at a tactical level and strategic level and what could be improved for more effective outcomes?
 - What systemic changes are needed to oversee and effectively manage the small boats response going forward and will this have wider implications for other irregular migration routes?
 - How much did the response cost? Was it value for money? How much would any proposed changes cost?"
- 8.16** Although the Review was tasked with considering the views of "non-Home Office partners" their actions were out of scope, as were "foreign law enforcement and government bodies" and "financial and contractual management (although costs and value for money will be considered)".
- 8.17** The report, dated June 2019, was protectively marked and therefore not published. In the Executive Summary, the reviewer referred to "upstream messaging" and "complex" tactics to deter migrants and to remove the organisers, and "cooperation [with] the French to stop small boats from launching". She also noted that there had been "significant weather windows where there have been no crossings at all". While finding that the response had been "co-ordinated and professional with key milestones and innovations", she concluded that despite public and Parliamentary demands for a quick solution, encouraged by media coverage, there was no "silver bullet".
- 8.18** The Review made 32 recommendations. These were wide-ranging, covering: Strategic Oversight, Governance, Critical Incident Response, International Relations, Operational Response, Maritime Response, Investigations, Intelligence, Asylum, Policy, Communications and Data. A theme running through them was the need to improve the collective understanding of threats, roles, capabilities, processes, and to create structures, links and flows of information and intelligence that were capable of managing the response to small boats and any major/critical incident.
- 8.19** Each recommendation was allocated to one or more "Owner(s)". However, these were business areas rather than named individuals. No timescales were attached to the recommendations, though some, particularly those involving external partners, were clearly longer-term aspirations, while others, such as sharing analysis and patterns of weather with response teams were intended to be implemented quickly.

Gold Command

- 8.20** One of the outcomes from the review was a clearer command structure for all BICS operational activity, with a Gold Commander (Immigration Enforcement's Crime and Enforcement Director)

in a role that was closer to the original Gold, Silver, Bronze policing model than the Gold Command Group arrangement. Inspectors noted in the written evidence provided by the Home Office that the latter appeared to have been renamed the Strategic Governance Group.

Creation of Taskforces

- 8.21** Under “Operational Response”, one of the recommendations from the Review was that Border Force, Immigration Enforcement and UKVI should “Establish options, with costs, risks and benefits for a taskforce approach in South East to small boats and other clandestine threats”.
- 8.22** In July 2019, inspectors were told that three “virtual taskforces” had been created, each with a different focus: Upstream and near Europe; UK operational response, including in the Channel; and, Returns. The Taskforce leads were designated Silver Commanders, and each reported to the Gold Commander.

Implementation of the Review’s other recommendations

- 8.23** In mid-September 2019, the officer who had led the Review told inspectors she believed that things had moved forward in respect of much of what had been recommended, in particular in relation to the command structure and governance of the small boats response. As a result, there was more of an operational focus to the response.

Intelligence

A “piecemeal” approach

- 8.24** Six of the 32 recommendations from the small boats Review were concerned with intelligence and included the “creation of a multi-agency intelligence hub (MAH) dedicated to illegal migration via clandestine methods”.⁸⁹
- 8.25** The Review argued that intelligence was key to being able to focus resources in the right place and to predict the next trend and that, currently, the approach was “piecemeal” with separate intelligence teams in Border Force and Immigration Enforcement, as well as other agencies, working on clandestine entry.

Border Force and Immigration Enforcement threat assessments

- 8.26** In the case of ‘lorry detections’ and ‘lorry drops’, inspectors confirmed that responsibility was split, respectively, between Border Force (People Strategic Intelligence Centre), and Immigration Enforcement Intelligence. Inspectors were told that both teams of analysts were quite clear about this demarcation, although there was a “potential grey area” concerning intelligence gathered at the port of Dover where a lorry detection by Border Force officers was deemed to be in-country as it had passed through the juxtaposed controls.

⁸⁹ At the time of the Review, the existing Kent Multi-Agency Hub was an intelligence collaboration between Border Force, Immigration Intelligence, National Crime Agency, and Department of Work and Pensions, who were collocated “to identify and enhance intelligence taking place in the South East, along the Kent coastline and Juxtaposed controls focused primarily on General Maritime Organised Immigration Crime and clandestine activity”. In January 2020, the Home Office told inspectors that ‘Gateway’ would supersede and subsume the Kent MAH, with effect from early February 2020. Gateway would include additional law enforcement partners, would cover a broader range of ‘high-harm threats’ and its reach would extend along the South and East coasts to Plymouth and Hull respectively. In due course, Gateway would “coordinate the intelligence activities of the Centre Conjoint d’Information et Coordination (CCIC)”. In its factual accuracy response, the Home Office confirmed that the “MAH Gateway went live with a “soft launch” on 3 February 2020.”

8.27 Inspectors looked at the quarterly strategic assessments produced by both teams (see Chapter 5) to see how well the clandestine intelligence threat was understood and explained and how the assessments had dealt with the surge in small boats after October 2018.

Joint Slavery and Trafficking Analysis Centre

8.28 Both teams shared intelligence with the Joint Slavery and Trafficking Analysis Centre (JSTAC) for inclusion in the latter's quarterly threat analysis.

8.29 JSTAC's primary function is to produce a single intelligence picture of human trafficking. However, following the surge in numbers, small boats arrivals had become a large part of JSTAC's work, with JSTAC producing a weekly small boats report.⁹⁰ This had had an impact on other areas of its work, including Project Invigor.

8.30 In its Quarterly Threat Update for Q2 2019-20, JSTAC identified the risk that "the small boats threat to the UK increases and diversifies, including in terms of migrant nationalities", for which the indicators would be:

[redacted]

Intelligence collection

8.31 It was clear from the various quarterly threat assessments that there was a good understanding of the various methods of clandestine entry. The Border Force and Immigration Enforcement teams kept up to date with trends and emerging risks as indicated by encounters, other events and intelligence reporting from a range of sources. Inspectors looked at the latter in relation to small boats.

Intelligence Management System

8.32 The BICS Intelligence Management System (IMS), introduced in 2012, is used to record all allegations of immigration crime received by the Home Office, both from members of the public and from Home Office staff.

8.33 The online portal for reporting immigration crime offers users the following categories:

- no permission to stay in the UK
- illegal working
- employer employing illegal workers
- student working full time
- fake marriage
- fake or false documents
- helping people to enter or stay in the UK illegally
- lied on application
- human trafficking/smuggling/slavery
- other immigration crimes

8.34 There is no category for "clandestine entry". In June 2019, the Home Office told inspectors:

⁹⁰ Known as the 'CRIP' and produced jointly with Immigration Enforcement and Border Force analysts.

“Clandestine reporting is not specifically captured in the options above, however clandestine is a term that would not really resonate with the public. We have conducted a key word search term for the term “clandestine” reporting within the last 12 months. We have received 42 referrals within the last 12 months with the term clandestine in the title. This number represents referrals from both members of the public and internal ones made by staff. It should be noted that this will not represent all intelligence regarding clandestine activity, just the referrals we can specifically search for.”

Operations and projects

- 8.35** Planned “operations” and “projects” are the usual way to prioritise and focus resources on particular threat either for a fixed period or long-term. Inspectors were told about a large number of operations and projects over recent years that have focused on clandestine entry. Many have been multi-agency, involving BICS directorates and UK and international partners. In most cases, whatever the overall operational aim of the operation or project, the objectives have included gathering intelligence and improving knowledge: of routes; methods of entry and concealment; criminal groups; and what works in combating them.

General Maritime “Small Craft” threat: Operation Tuxes

- 8.36** Operation Tuxes began in July 2016. It was a multi-agency Border Force-led operation focused on the use of “small craft or yachts” for illegal migration or smuggling. It sought to deter such activity through an increased and more visible law enforcement presence on both sides of the Channel, and a more co-ordinated response should activity be identified.

- 8.37** The Operational Order acknowledged that the ICIBI report, ‘An inspection of General Aviation and General Maritime (February – July 2015)’,⁹¹ published in January 2016, had identified the absence of intelligence collection capabilities in relation to General Maritime (GM) as a risk. It stated:

“Intelligence is vital to tackling this threat; we already have strong working relationships within the UK, and frontline agencies also have long-standing intelligence-sharing relationships with their French, Belgian and Dutch counterparts.

This Operational Plan is complementary to extant policy, projects and initiatives (National Crime Agency, Special Branch, Prefet de Maritime in Cherbourg), to combat organised immigration crime activity across the Channel in in-shore and coastal areas. It also complements the expansion of Project KRAKEN⁹² which supports regionally-focused activity, to engage with and provide a law enforcement capability in remote harbours, ports and coastlines, where there is limited shore presence. This will deliver a better understanding by port authorities of reporting requirements and a more regular two-way information flow, with the aim of improving Border Forces understanding of extant intelligence gaps.”

- 8.38** Much of the response to small boats that was developed at the end of 2018 was trailed in the Tuxes Operational Plan, which recognised that “the best way to tackle the small boat threat is to stop craft from leaving continental Europe”, and that success relied on effective intelligence sharing and strong working relationships in the UK and with the French, Belgians and Dutch. The main differences were the perceived scale of the threat, which was based on the small

⁹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547695/ICIBI-report-on-GAGM-January_2016.pdf

⁹² <https://www.gov.uk/government/publications/report-suspicious-behaviour-at-sea-project-kraken/report-suspicious-behaviour-at-sea-project-kraken>

number of known incidents at that time, and the assumption that neither Border Force nor any other agency would be likely to have any vessels in place to intercept boats at sea.

General Maritime threats: Project Kraken

- 8.39** ICIBI has referred to the shortcomings of Project Kraken in several previous inspection reports, most recently 'An inspection of Border Force operations at south coast seaports (January – May 2018), published in November 2018, which recommended, in relation to General Maritime, that the Home Office should "look again at Project Kraken, in particular at the reporting arrangements, and identify if it could be made more effective". This was accepted, with the comment that: "Border Force is currently reviewing the reporting arrangements within Project Kraken and will produce an evaluation with recommended next steps by November 2018."
- 8.40** During this inspection, Border Force Intelligence Directorate told inspectors that Field Intelligence Officers (FIOs) were now leading on Project Kraken. In its factual accuracy response, the Home Office corrected this, explaining that Border Force National Operations HQ had the lead for Kraken, while FIOs promoted it and were recipients of the information it generated. However, Border Force South East and Europe Intelligence Officers and FIOs felt that the public were confused about who to report suspicious activity to: Border Force, Crimestoppers or the Police.

Border Force Field Intelligence Officers

- 8.41** 'An inspection of General Aviation and General Maritime (February – July 2015)', noted:
- "There is now a network of around 100 Field Intelligence Officers working for Border Force based around the country, able to work with airfield operators, harbourmasters and voluntary groups to ensure that suspicious activity is reported and acted upon.
- Border Force managers described the FIO role as providing the link between frontline staff in ports and [Border Force Regional Intelligence Teams], exchanging intelligence, and receiving and giving feedback on its quality and validity."
- 8.42** Border Force Intelligence managers felt that FIOs spent too much time "tied to their desk" and wanted to see them more active within the maritime community. This view was echoed by Joint Debriefing Team (JDT) officers. The concern about time spent in the office versus time spent in the field was not new. The 2015 GA/GM inspection report noted:
- "... in interviews and focus groups, Border Force FIOs said that in practice they were unable to engage with frontline staff because of time constraints caused by their office based administrative duties, which included monitoring inboxes and sending out internal communications. Frontline staff commented that they were not aware of the existence of FIOs and their role."
- 8.43** 'An Inspection of the Intelligence Functions of Border Force and Immigration Enforcement (November 2015-May 2016)', recommended that the Home Office should:
- "Review the responsibilities and workloads of field intelligence officers with a view to reducing their time spent on office based administrative duties and enabling them to get 'into the field' to collect feedback and new intelligence from frontline staff."

8.44 The Home Office accepted this recommendation. In its response it stated that Border Force had “reduced much of the unnecessary and duplicated administrative work from the FIO role. As a result, they are spending increasing time in the field forming relationships and gathering intelligence from key partners and we will continue to work to increase the time spent in the field to improve the overall intelligence picture.” However, it would appear that this may merit a further look.

National Maritime Information Centre

8.45 The National Maritime Information Centre (NMIC) was established in April 2011 following the 2010 Strategic Defence and Security Review (SDSR). The SDSR acknowledged that no single department or body had the capacity or capability to deliver what was needed to monitor the maritime environment and counter threats the UK faced both in territorial waters and internationally.

8.46 NMIC provides a cross-government understanding of the maritime situation around the UK, and internationally in areas of national interest, in order to ensure information about any threats is disseminated, analysed and acted upon in a coordinated manner. NMIC is staffed by Border Force, MOD (Navy), the Maritime & Coastguard Agency (MCGA), DEFRA (Marine Management Organisation (MMO)), UK law enforcement agencies (NCA and the police), and the intelligence agencies.

8.47 Border Force FIOs complete Intelligence Reports which are shared via the Single Intelligence Platform (SIP). They conduct ‘quick time’ checks via the Border Force Maritime Intelligence Bureau (within NMIC), and the information is developed into actionable intelligence and/or shared with the relevant partner agency. NMIC told inspectors that FIOs were a “very effective way to gather intelligence”, but there were not enough of them. [redacted].

8.48 NMIC officers felt that the smuggling of people and commodities by yacht was, and had always been, a particular threat, but they were unclear how much time and effort was spent looking at this. There were concerns about what was being missed by concentrating Border Force’s maritime resources in the Southeast, including illegal entry elsewhere along the coast via fishing vessels and yachts. The Small Boats Gold Commander agreed that while the South East was a “hot spot” there should be a national approach to clandestine entry.

Police perspectives

8.49 The NPCC Lead for Organised Immigration Crime (OIC) and for Modern Slavery and Human Trafficking (MSHT) shared the view that “yachts and other maritime vessels, such as fishing vessels” were a concern, particularly where they arrived at smaller ports, and he believed that there was both a knowledge gap and an operational gap in respect of this threat. In relation to clandestine arrivals in general and small boats in particular, there was a concern that there was little actionable intelligence, because no one was looking for it. This became a vicious circle.

8.50 “Coastal forces”, such as Devon and Cornwall Police, were seeing an increase in clandestine entry, while there were indications that increased security at the juxtaposed ports had displaced some activity to ports such as Portsmouth and Hull. Meanwhile, Border Force was too focused on airports and was less interested in vessels entering and leaving UK territorial waters and this was being exploited by serious organised crime groups. [redacted].

- 8.51** The presence of Immigration Enforcement in the Regional Organised Crime Units (ROCs) was welcomed, but the NPCC Lead felt that a more effective way of ensuring coverage of the entire coastline would be to have Border Force/Immigration Enforcement officers sitting in coastal police forces, sharing intelligence and conducting visible joint operations.
- 8.52** In discussion with senior police officers responsible for maritime matters, inspectors were told that the police were better placed to lead Project Kraken, with Border Force support, as police and community support officers had more contact with communities around UK waterways and the coast.
- 8.53** Inspectors were told about a recent programme of visits to ports and sites that people smugglers and migrants might target to enter the UK illegally using small vessels involving Border Force, Immigration Enforcement, the NCA and Kent Police. Over 300 visits were made, but because forces were notified at the last minute they were not able to contribute fully. More generally, although relationships with Border Force and Immigration Enforcement were described as good, particularly at a senior level, the geographic and functional spread of Border Force and Immigration Enforcement officers meant that their participation in regional meetings was inconsistent. Meanwhile, it was felt that police, Border Force and Immigration Enforcement frontline officers did not fully understand each other's roles and capabilities.
- 8.54** For obvious reasons, Kent Police had been more affected than other forces by clandestine entry via small boats, including being the first responders where migrants were landing at Kent beaches (since the surge in small boats most have been escorted to Dover docks).
- 8.55** Kent Police saw the benefits of collaboration and joint working, since no one agency had the capacity or capabilities to deal with the illegal entry threat alone. It worked closely with Border Force, Immigration Enforcement and NCA on specific Operations, and in more permanent set-ups, such the Joint Debriefing Team where it had two officers. According to Kent Police, working relationships were good.
- 8.56** Kent Police had also had a long working relationship with its French counterparts and referred to the new "Joint Information and Coordination Centre", which provided "a platform to exchange information and coordinate incidents in live time".

Coordination and Information Centre in Calais

- 8.57** The Coordination and Information Centre (Centre Conjoint d'Information et Coordination or CCIC), is located at Calais within the port area. The CCIC was officially opened in February 2019, although it had been operating from the end of 2018.
- 8.58** The UK had agreed to provide €2,213,000 towards the setting up of the CCIC, plus 50% of its running costs (€600,000 in the first year). The CCIC's "tasks" were set out in a 'Declaration of Intent' between the two governments, signed in July 2018. These were:
- a. the management and prevention of threats to public order on cross channel transport infrastructures ...
 - b. assistance in the prevention of intrusions and attempts to breach the shared border"
- 8.59** The 'Declaration of Intent' made it clear that "public order management is under sole French competency", and in relation to "assistance" it listed: use of CCTV "respecting French data protection legislation"; a jointly produced analysis of the threats and vulnerabilities; dynamic analysis of traffic flows; and the exchange of information about cross border criminality.

The CCIC would also “act as an operational crisis management centre and a tool to help decisions in favour of the administrative authorities and French operational departments”.

8.60 The UK-France Joint Action Plan, signed on 24 January 2019, referred to the CCIC. It stated:

“... the CCIC, based on the joint UK-France declaration signed in July 2018, is staffed by law enforcement officers from a range of British and French law enforcement agencies. It supports the fight against smugglers, human traffickers and related criminal networks in the region and Calais, thanks to close cooperation between the relevant policing agencies. It will contribute to an effective response to incidents and maintain an agreed picture of the threat.”

8.61 The Joint Action Plan agreed a number of “new actions” for the CCIC:

- “(i) The CCIC fosters the exchange of information between law enforcement agencies of both countries on the deployment of law enforcement resources to prevent irregular migrants from attempting to cross the Channel. The CCIC contributes to better analysing and understanding organised crime activity.
- (ii) The CCIC will also oversee wider port security measures at the juxtaposed ports in northern France, and at Boulogne, to ensure continued port security and that legitimate traffic and trade can pass unhindered through the relevant ports. Its capability in this regard will be enhanced through the CCTV inputs from security cameras positioned at ports and strategic embarkation points, in accordance with applicable law on data protection.
- (iii) The CCIC will contribute to the production of a regular joint assessment of the migration and related organised crime threat to inform CCIC tactical activity and in support of law enforcement partners engaged in wider upstream disruption activity.”

8.62 In April/May 2019, the ‘Small Boats: Lessons Learned Review’ assessed that, after three months of operation, the CCIC had yet to realise its full remit. But, it judged that the CCIC was making progress and gaining traction, by assisting with the prevention of illegal border crossings, exchanging real-time intelligence, and analysing cross-Channel traffic flows. Inspectors visited the CCIC in July 2019 and, from speaking to officers and observing them at work, it was clear that the role and remit of the CCIC was still evolving.

8.63 However, the Review noted that some of those consulted felt that the CCIC was being side-lined in order to preserve existing communication channels and that the opportunity to improve the intelligence picture and investigations capability was being missed: “the expectations placed on the CCIC are great, but support with intelligence and information flows, or consistent attendance has not always been forthcoming from partner agencies. Border Force are providing 24/7 attendance alongside the PAF, but most partners attend for weekly meetings on an ad hoc basis, limiting the capability to respond in real-time to events.”

8.64 In September 2019, inspectors asked senior managers responsible for the response to small boats their views on the CCIC. The Small Boats Gold Commander told inspectors that the CCIC’s role and remit needed further clarification, in particular whether it should be a Command and Control centre or an intelligence gathering and dissemination hub, or both. Meetings were planned with the French to try to resolve this.

- 8.65** The Taskforce 1 Lead told inspectors that they would like to see the CCIC “run more operations, manage more threats, pass on information and have more of an intelligence capability”. They also wanted to see the CCIC work more closely with the French partners.
- 8.66** Meanwhile, Border Force South East and Europe senior management, who had developed close working relationships with the French authorities over a number of years, told inspectors that CCIC “could do better” but it was “maturing” and in time would be doing a lot more.

Preventing small boats departures

- 8.67** Inspectors found general agreement that, notwithstanding the importance of increased aerial and maritime surveillance of the English Channel and intelligence sharing between the UK and French authorities, the key to tackling the small boats threat was prevention: stopping boats from setting off from the beaches and ports in northern France, arresting and prosecuting the organised criminal groups and others facilitating this method of illegal entry, and persuading migrants of the risks and consequences of attempting to cross the Channel in this way.

Stopping embarkations

- 8.68** The Small Boats Gold Commander was regularly engaging with his French (and latterly Belgian) counterparts to encourage and support their efforts to combat small boats at source, and the Home Office was aware of increased foot patrols of beaches by French police and the installation of CCTV cameras covering ports and coastal areas where boats might be launched.
- 8.69** Throughout this inspection, inspectors were told that the weather played a critical part in the timing of attempted crossings, with the migrants, the facilitators, and the authorities all regularly checking various weather and satellite apps for good weather ‘windows’. Consequently, the data shows that in 2019 August was the busiest month for small boats ‘events’ and resulted in the largest monthly total of migrants who succeeded in reaching the UK. According to the data, August was also the most successful month for the French authorities in preventing small boats, with 60 small boat events (involving 774 people) either aborted or prevented from departing or intercepted and returned to France.

Persuasion

- 8.70** On 17 September 2019, the Home Office published a news article on GOV.UK stating:

“Over the weekend Home Office staff were deployed to the camp to inform people about the harsh realities of crossing the Channel in small boats and entering the UK illegally, as part of Operation Focal. The initiative sees officers countering the misinformation being spread by other sources, including organised crime groups, about making the journey and what life is like for migrants who reach the UK.”⁹³

- 8.71** The Home Office was involved in earlier attempts to persuade migrants not to seek to enter the UK illegally. In 2017, Home Office staff deployed to the migrant camps in northern France to encourage migrants to claim asylum in France, outlining what would happen to them should they succeed in entering the UK illegally. They pointed migrants to French NGOs and offered migrants the option of returning voluntarily to their home countries. As a result, the number

⁹³ The Home Office told inspectors of two further deployments in September 2019. Over the course of the three deployments, officers spoke to over 200 migrants.

of migrants claiming asylum in France from the camps increased from 400 in 2016 to 1,200 in 2017. A similar exercise in 2018 resulted in 2,500 migrants claiming asylum in France.

Arrests and prosecutions

8.72 The UK and French governments have committed to prosecuting all criminals involved in facilitation and trafficking of migrants. In early February 2020, responding to recent small boats events, the Home Office Director for Crime and Enforcement stated:

“We are tackling illegal migrant crossings on all fronts with every agency including Border Force, Immigration Enforcement, NCA (National Crime Agency) and policing teams working in tandem with the French and Belgian authorities.

We have extra patrols on French beaches, drones, specialist vehicles and detection equipment which has been deployed to stop small boats leaving European shores.

And it’s working. Last year one hundred people smugglers were convicted for a total of 320 years.”

Responding to small boats in the Channel

Operation Deveran

8.73 Operation Deveran is the Border Force-led response at sea to the threat of illegal migration using small craft, fishing vessels or yachts to breach or evade UK border controls. It began in May 2019 and aims to address the tactical and operational elements of the Joint Action Plan agreed between the UK and French governments in January 2019.

8.74 The NMIC is able to identify, monitor and track vessels with active transponders and also by radar. But small boats do not have transponders and are too small to register on radar. However, NMIC has a Skype connection with the French Naval base in Cherbourg Harbour and receives notifications of sightings of small boats by French Naval vessels in French and UK waters.⁹⁴ Consequently, NMIC is often the first UK body to be notified of a ‘small boats’ event.

8.75 Border Force officers at NMIC told inspectors that due to the surge in small boats, and NMIC’s links to the French Navy, they had taken on the role of receiving and managing the immediate response to any small boat events. Their involvement ended when the vessel was brought into port. However, this work took them away from their primary role of intelligence gathering and they thought it should sit elsewhere.

The Border Force fleet

8.76 In 2019, Border Force had a fleet of five Cutters and six Coastal Patrol Vessels (CPVs). Due to essential maintenance and crew availability, not all of these vessels were operational at any one time.

8.77 Since early 2019, Border Force had had one Cutter, operating out of the Port of Ramsgate, and two CPVs, operating out of the Port of Dover, ready to respond to small boats events in the

⁹⁴ The 1982 United Nations Convention on the Law of the Sea defines territorial sea as a belt of coastal waters extending at most 12 nautical miles (1 nautical mile = 1.1508 statute miles) from the baseline (usually the mean low-water mark) of a coastal state. The territorial sea is regarded as the sovereign territory of the state. Sovereignty extends to the airspace over and seabed below the territorial sea. The Territorial Sea Act 1987 passed the 12-mile limit of the territorial sea into UK law. The same territorial sea limit applies on the other side of the Channel.

Channel, although because Ramsgate is a tidal harbour the Cutter was not able to leave the harbour at low tide.

- 8.78** Inspectors were told that one CPV was also operating out of Troon and another out of Plymouth, with a Cutter operating out of Inverness, while one of the Cutters was non-operational as it was undergoing planned maintenance.
- 8.79** The CPVs were purchased in 2016 to “offer a quicker and more nimble alternative to the OPVs (Operational Patrol Vessels) and cutters in territory closer to shore but with a capability to deploy up to 60 nautical miles off-shore as high transit and surge capacity”.⁹⁵ They were previously deployed in the North Sea oil fields as emergency response vessels and Border Force had had them converted for its use. The May 2016 business case for purchasing the CPVs stated that £2.9 million would deliver four boats into operational service by the end of 2016.⁹⁶
- 8.80** Officers from Border Force Maritime Command told inspectors that the CPVs were initially “a good buy”, but they now required a lot of maintenance to keep them seaworthy and this was expensive. When first refurbished they were expected to have a life-span of ten years. But, because they had since been worked much harder than planned, the crews believed they might need to be replaced in another two to three years.
- 8.81** Four of the Cutters were purchased (by HM Customs and Excise) between 2001 and 2004 at an average cost of £4.3 million each. The fifth was purchased, second-hand, in 2013 for c. £300 k. When built, the Cutters had a life expectancy of 20 years and inspectors were told that they were reaching the end of their working lives. Maintaining them was expensive and they needed to be replaced.
- 8.82** Border Force Maritime Command senior management referred to the CPVs as “work horses” that could be deployed at short notice, but they were too big to access some coastal areas and of limited use as search and rescue vessels. The Cutters were better suited to responding to small boats and were proving “very useful”.⁹⁷ However, the current fleet needed to be replaced with a greater variety of vessels that could be better matched to the different tasks Border Force had to perform. Work was underway in Border Force to map the likely medium- to long-term requirements and to cost the options.

European comparisons

- 8.83** In 2016, the Home Affairs Select Committee highlighted the disparity between the maritime capacity of Border Force and that of other European countries.⁹⁸ At that time, there were three Border Force Cutters deployed in UK waters and Border Force had yet to acquire its CPVs – see Figure 10.⁹⁹

⁹⁵ From the business case for purchasing CPVs, dated May 2016 – an internal Home Office document.

⁹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755272/ICIBI_An_inspection_of_South_Coast_Ports.pdf

⁹⁷ In its factual accuracy response, the Home Office suggested the following amendment: “Border Force Maritime Command senior management referred to the Cutters as “work horses” that could be deployed at short notice, but they were too big to access some coastal areas, which could be better accessed by the CPV’s. Although the Cutters, through deployment of their RIB, were very effective at intercepting and rescuing migrants the CPVs had also been shown to be very effective at responding to ‘small boats’ and were proving “very useful”.” ICIBI has retained the original text as this accurately reflects what inspectors were told during the inspection. Inspectors were also told that the launching and redocking of a Cutter’s Rigid-Hulled Inflatable Boat was a difficult business and the size of the RHIB meant that it could be used to recover only a few migrants at a time.

⁹⁸ <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/24/2402.htm>

⁹⁹ According to its website: “As part of its inter-ministerial remit, French Customs watches over more than 5,000 km of the country’s coastlines, both in metropolitan France and overseas. Its coast guard department employs 800 marine and aviation specialists deployed on 40 ships and 15 aircraft – 2 of which are fitted with marine pollution-detecting equipment – and 9 helicopters.” The website does not say how many of these assets are permanently based in the Pas de Calais. The coast guard department’s key missions include “combatting smuggling and human trafficking” and “rescuing individuals and providing assistance to ships in danger”. <https://www.douane.gouv.fr/sites/default/files/documentation/pdf/french-customs-your-partner-for-safety-at-sea.pdf>

Figure 10

Comparison of maritime capacity		
Country	Number of vessels	Coastline (miles)
UK (Border Force)	3	7,723
Italy (Guardia di Finanza)	600	4,722
Turkey (Coast Guard Command)	107	4,473
Spain (Civil Guard)	147	3,085
Greece (Hellenic Coast Guard)	240	8,497
Croatia (Croatian Coast Guard)	9	3,625
Netherlands (Netherlands Coast Guard)	16	280

8.84 These are not like-for-like comparisons, since they do not take account of the different remits of the agencies that are listed or of other agencies who share some of the coastal protection responsibilities. Nonetheless, they provide an indication of the scale of the challenge facing Border Force when deciding where and how to deploy its resources, not just its vessels but also its ports-based and mobile teams.

Border Force Maritime Command

8.85 In 2019, Border Force Maritime Command had agreed an establishment of 235 full-time equivalents, of whom around two-thirds were Cutter and CPV crew members.¹⁰⁰ However, senior management told inspectors in late September 2019 that the Maritime Command had never been able to reach its full establishment and was being asked to deliver “well beyond our resources”.

8.86 In September 2019, inspectors visited the Cutter and CPV crews operating from Ramsgate and Dover as part of Operation Deveran. CPVs had a crew of five. Cutters had been operating with a crew of ten for routine deployments. However, for Operation Deveran Cutter crews had been increased to 12 to meet to the additional operational demands presented by having to rescue and secure the occupants of the small boats. Inspectors were told that “the aim was to move to each Cutter team having a total of 15 officers to provide the resilience needed to deploy minimum numbers”.

Training

8.87 Inspectors were told that Cutter and CPV crew members received mandatory training in sea survival, firefighting and basic first aid, and also had to gain the ENG1 Seafarers Medical training certificate.¹⁰¹ There was further training for specific roles, for example, Skippers, Watch Keepers and Engineering Officers had to have the relevant qualifications.

8.88 However, the crew members to whom inspectors spoke were unhappy about training opportunities. They felt that training was not delivered when it was needed. In part, this was because they could not be released to attend courses as there was no-one to cover their roles,

¹⁰⁰ In its factual accuracy response, the Home Office explained that the agreed establishment of 235 FTEs allowed sufficient crew to deploy four CPVs and three Cutters “on an enduring basis (including one in the Aegean) and a fourth Cutter for short term deployments”. As staff numbers were below establishment, the Maritime Command was “not able to deliver this profile when factoring in training and other activity”.

¹⁰¹ <https://www.gov.uk/seafarer-medical-certificates>

but they were concerned about the repercussions if something went wrong at sea and they had not had the appropriate training.

- 8.89** For example, they told inspectors that the basic first aid training they received was not sufficient given their new small boats role. They were often the first responder and might have to deal with any number of health issues, including hypothermia. But they had been told that Border Force would not fund any additional first aid training.
- 8.90** Some crew members were yet to receive immigration enforcement training, or in some cases enforcement refresher training. There had not been any formal search and rescue training. They had produced their own Standard Operating Procedures (SOPs), but believed they needed training to assist them in locating a small boat where they were the first responder. They also believed they needed training in how to tow a small boat, although there was a question about whether the Cutters and CPVs had the necessary equipment for this.
- 8.91** A number of Cutter and CPV crew members working on Operation Deveran had previously been stationed in the Aegean assisting European partners with search and rescue efforts there. Some had witnessed the bodies of migrants recovered from the sea. Of those inspectors met, only one had received any training (a two-day trauma training course) to help them deal with such situations or any consequent mental health issues.¹⁰²

Equipment

- 8.92** Crew members told inspectors that they had not been provided with the right equipment to do their jobs, including proper uniforms. They were working alongside Border Force colleagues who had been provided with dry suits, life jackets and helmets, but did not have access to similar equipment and felt like the “poor relation”. A number of crew members told inspectors that they had been waiting for over three years to receive made-to-measure body armour and had had to “scrabble stuff together”.

Pay and Conditions

- 8.93** Cutter and CPV crews told inspectors that they were also unhappy with their pay and conditions. They felt disadvantaged compared to other Border Force officers. They said that their pay and conditions had not been reviewed since 2004 and, while they had received increases in basic pay in line with other Home Office staff, their allowances had “stagnated”.
- 8.94** As a result, their earnings were lower than shore-based staff, with new recruits coming from shore-based roles earning “about £5,000” more than experienced officers who were training them. This affected morale and retention. One group said that morale was so bad that “everyone is actively looking for jobs elsewhere”. Inspectors were told that once they got their seafarer’s qualifications some officers left to earn more elsewhere with better conditions, for example, on the local windfarms.
- 8.95** The crews were particularly concerned that they did not qualify for the Annualised Hours Working allowance (AHW), despite working a range of different shifts and rotas. Crews understood that some Border Force officers at Dover received an additional 49% of their basic pay as AHW, but “management” had told them that Border Force “could not afford” to pay them AHW.

102 In its factual accuracy response, the Home Office stated that: “Since June 2019 last year all Cutter crews get regular wellbeing visits to make them aware of what support is available to them i.e. MHFA (Mental Health First Aid) or EAP (Employee Assistance Programme) and the opportunity to speak with a MHF Aider.”

8.96 Crew members told inspectors that they did not have contracts and “no-one can get a copy from HR”. Inspectors asked the Home Office for a copy of the employment contract for Cutter crew. In respect of allowances, this stated: “Cutter crew are not entitled to claim Annualised Hours Allowance; the Maritime and Cutter Allowance takes its place.” The rates for the latter were quoted – see Figure 11:

Figure 11

Maritime and Cutter Allowance Rates		
Job title	Grade (Equivalent)	Rate
Maritime Enforcement Officer	Border Force Officer (Executive Officer) ¹⁰³	£11,530
Senior Maritime Enforcement Officer	Border Force Officer (Executive Officer)	£11,936
Chief Engineer – Cutters	Border Force Higher Officer (Higher Executive Officer)	£15,679
First Officer – Cutters	Border Force Higher Officer (Higher Executive Officer)	£13,296
Cutter Commander	Border Force Senior Officer (Senior Executive Officer)	£19,586

8.97 Crew members told inspectors that they received 21 days leave a year but understood that shore-based officers received 32 days. They had asked why this was the case but had not received a response. With regard to working hours and leave, the contract stated:

“Your working pattern will include working three weeks on followed by three weeks off but initially, the attendance pattern may be two weeks on and two weeks off. Neither of these patterns should be considered contractual as the needs of the service may change over time. We will, however, give you as much notice as possible regarding potential changes.

Because of the nature of your attendance, you are required to take your annual leave entitlement including any days taken in lieu of public and privilege holidays during the weeks off in your attendance pattern. You will not be entitled to take any leave on days you are scheduled in any attendance pattern to be at work.”

8.98 Maritime Command senior management recognised that pay and conditions were the cause of a lot of resentment, tension and a sense of unfairness and uncertainty. They told inspectors that there were six different sets of pay and conditions in operation, with complicated allowances and progression via courses attended, which made it “a complete mess”. They would prefer to see one simple allowance for all seafaring officers, compensating crews properly for the hours and patterns they were required to work.

8.99 In September 2019, inspectors were told that pay and conditions were being reviewed, the purpose being to “Undertake a review of contracts and reward elements providing recommendations on the optimal set of employee terms and conditions to maximise the productivity, efficiency (including cost and affordability) and effectiveness of the Border Force

¹⁰³ According to the transparency data published by the Home Office, and updated in May 2019, the payscale minimum for an Executive Office is £23,330 and the maximum is £30,896.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/685164/170331_Junior_Staff_-_HO.csv/preview

Maritime Service while ensuring health, safety and wellbeing for employees in the function". Maritime Command management understood that the review was due to be completed by the end of October 2019.

8.100 However, the scope of the review "...relates only to the service and workforce deployed in the Maritime Teams working for National Operations HQ. This includes solely land based staff within Maritime Command who receive Maritime and/or specialist skills allowances. It does not apply to small boats operations deployed and managed elsewhere in Border Force. It does not apply to solely based on shore support staff/management". The issues raised with inspectors by the Cutter and CPV crews were therefore out of scope.

Priorities

8.101 Inspectors were told by everyone they spoke to within the Maritime Command that for all seafarers the safety of life at sea (SOLAS) was the first priority. However, Cutter and CPV crews were conscious that they also wore a law enforcement "hat" and they felt that their SOLAS responsibilities meant they had little time for their law enforcement duties, including looking to identify anyone on board a small boat who might be a facilitator. If they did see someone who appeared to be in charge, they informed their shore-based colleagues when handing the migrants over to them.

8.102 The Cutter and CPV crews understood that small boats were a Border Force priority and they had to be ready to respond at short notice, but there were concerns that migrants were beginning to regard them as a "taxi service". In the beginning, the small boats would attempt to make it all the way to the UK, but now they reached a certain point and then phoned the emergency services in order to be rescued.

8.103 This concern was echoed in comments made to inspectors by senior managers from other BICS business areas, who questioned whether the Border Force response had had any deterrent effect on small boats and that vessels patrolling the Channel, even if there were many more of them, would not make a difference as this was not an effective way of controlling this method of illegal immigration.

8.104 Inspectors asked about other Border Force priorities. Prior to Operation Deveran, the UK-based Cutters and the CPVs had been deployed mostly on "customs work". Inspectors were told that the Cutters were still being used for customs work and given the example of a Cutter deployment to Fishguard in August 2019 to assist in the seizure of a large shipment of cocaine.¹⁰⁴

8.105 [redacted]

8.106 [redacted]

Handling of small boats on arrival in the UK

Scale

8.107 In 2018, there were 44 recorded small boat arrivals with 297 migrants in total. Of these, 37 events with 269 migrants occurred between 1 October and 31 December 2018. In the first

¹⁰⁴ <https://www.bbc.co.uk/news/uk-wales-51265829> and <https://www.nationalcrimeagency.gov.uk/news/drug-smuggling-duo-from-liverpool-who-sailed-huge-haul-of-cocaine-across-the-atlantic-jailed-for-33-years?highlight=WyJmaXNoZ3VhcmQiXQ==>

six months of 2019, there were 56 small boat arrivals with 589 migrants on board. By the end of 2019, the totals for the year were 165 small boat arrivals and 1,840 migrants.

Figure 12

Small boats arrivals by month during 2019		
Month	Small boats events	Migrants encountered
January	6	47
February	8	84
March	7	67
April	8	80
May	13	147
June	14	164
July	17	195
August	31	344
September	19	208
October	9	79
November	12	142
December	21	283
Total	165	1,840

- 8.108** Inspectors were told by Border Force officers that before the surge in small boats arrivals, where a small boat was encountered it typically had three to five migrants on board. However, this changed and the average number of migrants per vessel had increased to around ten.
- 8.109** Inspectors were also told that the migrants reported that they had paid traffickers from £3,000-£5,000 per person, sometimes more, to be facilitated to the UK but often did not know how this would be done, whether by lorry or in a small boat. Some claimed to have been forced to board the latter, in some cases at gunpoint. However, there were some doubts about whether this was true, since the French police had not found any weapons when stopping boats before they had put to sea.

Border Force South East and Europe Command

- 8.110** Border Force South East and Europe Command’s General Aviation/General Maritime (GA/GM) team, based in Folkestone, covered small boats arrivals between 6.30 am and midnight. [redacted]. The Border Force Flexible Resources Command covered the night shift and the GA/GM could call on it for assistance, if required.
- 8.111** Since the end of 2018, the GA/GM team had been heavily focused on responding to small boats arrivals. Even when they were not busy with an arrival, other operational activity was restricted as they had to be ready to respond quickly to any small boats. They were in the process of recruiting additional officers, which would enable more sea patrols at night¹⁰⁵ and create

105 The GA/GM team has access to two rigid-hulled inflatable boats (RHIBs).

greater flexibility to deal with other priority work, including customs and immigration checks at Ashford International, cruise arrivals and high-risk General Aviation arrivals.

- 8.112** The Regional Director told inspectors that during summer 2019 his officers were working “flat out” at the same time as trying to train new recruits. However, while the response to small boats had put a strain on staff and on relationships with port operators, he did not think it had resulted in other Border Force priorities not being covered.
- 8.113** During this period, the Border Force frontline had been “quite thin”. In previous years, the Flexible Resources Command would have been used throughout the summer months to bolster staff on the juxtaposed controls in France, but this was restricted in 2019 due to small boats demands. Border Force had had to rely more on its Seasonal Workforce,¹⁰⁶ and on officers working six days a week. Consequently, by September 2019 the regional budget was overspent.

Dover Eastern Docks – Migrant Boat Triage Area

- 8.114** In order to capture and preserve evidence, the GA/GM team had an allocated area in Dover docks where small boats that had been recovered were examined and kept. This included forensic examination by the NCA. The evidence obtained might be used in any subsequent prosecutions, while other information might be used for intelligence purposes.

Immigration Enforcement

- 8.115** CFI senior management told inspectors that the declaration of small boats as a “major incident”¹⁰⁷ had had a significant impact on CFI. Director CFI was the Immigration Enforcement Lead for “critical incidents” and was leading one of the three small boats Taskforces. Meanwhile, the Deputy Director for CFI London, South East and Heathrow, who oversaw CFI’s response to the clandestine threat, had also been heavily involved and had led the ‘Small Boats: Lessons Learned Review’.
- 8.116** CFI management estimated that small boats had taken up just 3% of CFI’s effort in 2018 but that this figure was nearer 30% in 2019, with the clear direction from ministers from September 2019 that General Maritime and particularly small boats was to be CFI’s priority. Given that CFI resources were spread around the UK, this created certain practical difficulties. Some other cases referred to CFI Dover, including lorry detections, had been adopted and distributed to other teams to investigate, while CFI staff were also being redeployed from around the country on detached duty to the southeast as part of the small boats response. This was costly and put a strain on the staff. It was not sustainable indefinitely.
- 8.117** There were also opportunity costs in terms of other business. There was always more that could be done than the resources permitted. It was a case of “constantly juggling”, but all CFI teams were now “full” in terms of caseloads and the percentage of new referrals CFI had been able to adopt had reduced significantly compared to 2018-19, which caused tensions with other business areas that believed certain threats were not getting enough investigative attention.

¹⁰⁶ The Seasonal Workforce (SWF) are a pool of individuals employed on casual contracts. Many are retired police officers or former Home Office staff with relevant experience. Their contracts are managed by Border Force National Operations Headquarters (NOHQ), but their deployment is managed by local planning teams. They are used to make up any shortfalls. SWF staff are trained to carry out a restricted range of duties at the immigration controls, known as ‘pre-IS81 actions’. Passengers subject to further examination are issued with an IS81 form. SWF staff are able to issue an IS81 but the further examination must be carried out by an appropriately-trained Border Force officer.

¹⁰⁷ The College of Policing defines this as: “An event or situation, with a range of serious consequences, which requires special arrangements to be implemented by one or more emergency responder agencies.”

- 8.118** CFI officers told inspectors that small boats investigations were difficult because there were no organised crime group members onboard the boats, although one of the migrants might have agreed with the facilitators to act as a “chaperone” for a reduced fee. Much of the organised criminal activity took place in France. CFI looked for the UK links but without the evidence it was not possible to launch a joint investigation.
- 8.119** Some concerns were expressed about the time CFI officers spent “babysitting” rather than investigating. Inspectors were told that where there were multiple arrivals, CFI had to “down tools” and help out the GA/GM team, which included taking migrants to hospital, for example. There were also issues with “lots of calls” from members of the public misreporting tourists and other members of the public as illegal migrants. One team described the amount of CFI resources that were going into small boats as “disproportionate” since the number of migrants entering clandestinely by lorry were much greater.
- 8.120** Senior managers were more positive and believed that CFI’s expertise in General Maritime threats had increased and there would be more successful small boats investigations over time. A lot of work had been done with Border Force regarding the preservation of forensic opportunities. Meanwhile, CFI was putting a great deal of effort into evidence gathering and CFI senior management believed that this was something that Border Force could be doing.

Welfare Unit, Tug Haven, Dover

- 8.121** Small boats encountered in the Channel are either escorted to a UK port, in most cases Dover, or where this cannot be safely achieved the migrants are transferred to a Border Force vessel which returns with them. Migrants landed at Dover are taken to a Welfare Unit, located at the Tug Haven in the Port of Dover.
- 8.122** Border Force told inspectors that the “mobile facility (container)” had originally been equipped and used by Immigration Enforcement during the migrant crisis of 2015-16 and was installed at the Tug Haven at the start of March 2019 as a temporary reception area. It was described as providing a warm and dry environment, with some basic kitchen facilities and a chemical toilet.
- 8.123** There was room for up to ten migrants at a time. When the numbers exceeded this, as was increasingly the case, migrants had to wait outside. Border Force had purchased a canvas cover to provide some additional shelter, but the need for a larger welfare facility had been recognised and funding had been secured for a larger portacabin building, which it was hoped would be installed during spring 2020. Meanwhile, two further container-based units identical to the first had been installed on 1 December, increasing the Welfare Unit’s capacity to 30 migrants.
- 8.124** Inspectors visited the Welfare Unit in June and September 2019. The portacabin had a seating area and kitchen area with long shelf-life food, water and tea and coffee. It also had supplies of thermal survival blankets, clothing, footwear, sanitary products, nappies and other supplies for babies and young children.
- 8.125** The Unit was staffed by the GA/GM team. Inspectors were told that only GA/GM team members and Flexible Resources Command officers had the range of training required: immigration and customs skills, dockside awareness and personal safety training (Level 3). The

GA/GM team completes a simple search of the migrants and serves immigration paperwork, including IS91 and IS91M.¹⁰⁸

- 8.126** CPV crews told inspectors that because the GA/GM team did not work a 24-hour rota there had been some delays in getting migrants ashore. Meanwhile, Kent Intake Unit (KIU) staff told inspectors they felt that the processing of migrants at the Welfare Unit took too long and referred to delays in transferring migrants to the KIU, which were often put down to the non-availability of vehicles for transport. The transfer was done by the contractors who held the escorting contract for immigration detainees. Inspectors were told that because the original portacabin was not within the controlled zone of the port, the media were often present taking pictures as migrants were arriving and leaving.
- 8.127** In January 2020, Border Force told inspectors: “We have also looked to maximise the speed of transfer from the Tug Haven to KIU by providing additional transport, with migrants ideally spending no more than 60 minutes, and frequently much shorter periods of time, at the Tug Haven.”

Kent Intake Unit

- 8.128** The KIU occupies a large building within the Port of Dover, formerly a departure lounge for ferry passengers that was refurbished for KIU’s use.
- 8.129** KIU is part of the UKVI’s National Asylum Intake Unit, which includes the Asylum Intake Unit (AIU) in Croydon and the Midlands Intake Unit (MIU). The three units work closely together, assisting one another during peaks and troughs.
- 8.130** The KIU is open 24/7. Staff work shifts: early, day, late, night. Each shift has a duty Chief Immigration Officer (CIO) or equivalent,¹⁰⁹ and two to four Immigration Officers, except for the day shift when the numbers may be higher. As well as the Home Office staff working in the KIU, Migrant Help and Refugee Action are also represented.
- 8.131** KIU staff told inspectors about delays created by the booking-in process. The process, which was done by Home Office contractors,¹¹⁰ was supposed to take roughly 15 minutes but could take 30-35 minutes. The layout meant that only one person could be booked in at a time and each migrant had to be spoken to individually, often through an interpreter, to ascertain any special requirements, for example any medical needs. Migrants were also searched and provided with dry clothing. The booking-in area had seating for 14 people. If there were more than 14, they had to be held elsewhere, often at the Welfare Unit or in the transfer vehicle, until there was room.
- 8.132** Inspectors were told that there had been a plan to move the KIU to Folkestone Police Station (Bouverie House), but since June 2019 this was no longer on offer. Two potential alternative sites were being explored, both in Dover. In the meantime, KIU managers were looking at ways of increasing the flow at reception by improving the current facilities and the arrangements with the contractor.
- 8.133** Migrants could be detained at the KIU for up to 48 hours. There was one large room with capacity for up to 58 detainees and a separate small room for families. Migrants, including

108 An IS91 form authorises the detention of an individual for immigration purposes. An IS91M is a movement notification form used where neither the detention nor the movement of a detainee is being arranged via DEPMU. The form must be completed and used to notify both the detaining authority and the escorting agency of the proposed move.

109 Higher Executive Officer.

110 The detention and escorting contract is held by Mitie.

women and young children, were often detained overnight.¹¹¹ There were no beds but there are large bean bags and “comfortable seating”. If required because of surges, including small boats arrivals, KIU can utilise the Frontier House, Folkestone, short-term holding facility,¹¹² which holds up to 42 detainees; the residential short-term holding facility in MIU ‘Bunting wing’, which holds 36 detainees; or, in extremis, and with eight-hours notice, can stand up the MIU ‘Avocet wing’, which holds 130 detainees.

- 8.134** KIU staff completed security and immigration checks on all newly-arrived migrants. Photographs and fingerprints were taken and uploaded onto the Home Office system, with fingerprints checked on the Immigration and Asylum Biometrics System (IABS)¹¹³ and Eurodac¹¹⁴ systems. Staff told inspectors that obtaining the results from fingerprint checks could cause delays. They did not have access to Livescan¹¹⁵ equipment, so were unable to run fingerprints through the Home Office system. The unit that did this for them was open between 7am and 7pm and fingerprints submitted after 7pm were not processed until the following day, which meant that release from detention was delayed.¹¹⁶
- 8.135** Once KIU staff had completed the asylum screening interview they served the migrant with the necessary immigration paperwork, granted immigration bail and they were released. Where initial asylum accommodation had been arranged, the migrants were collected and taken to their accommodation.
- 8.136** KIU staff told inspectors that the increased pressures from small boats arrivals had exacerbated the underlining issues with the KIU’s facilities. They felt that Home Office senior managers had been slow to act in response to small boats. Although they had started to see small boats arrivals from October 2018, this appeared to receive little attention until it became headline news in the national press at the end of 2018.

Returns

Returns at sea

- 8.137** In early 2019, the Home Office had explored the option of returning small boats migrants intercepted at sea directly to France. It was recognised that there were legal issues that needed to be fully explored, including in relation to the use of force where the vessel was in French territorial waters. However, inspectors were told that the French authorities would not intervene until the migrants had disembarked and were on the quayside.
- 8.138** Inspectors were told by Border Force that, in practice, a small boat intercepted anywhere off the French coast would be returned directly to France only if it was “in trouble”, for example, it was taking on water, the engine had failed, or it was losing buoyancy.¹¹⁷ The belief was that migrants would resist being returned to France, and inspectors were told that there had been instances of migrants dangling babies overboard, and taking off life jackets and

111 In its factual accuracy response, the Home Office commented that “family groups and UASCs” were “prioritised to limit the time they were detained”.

112 <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/dover-seaport-frontier-house-and-longport-freight-shed-short-term-holding-facilities/>

113 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720850/Home_Office_Biometrics_Strategy_-_2018-06-28.pdf

114 <https://www.dataprotectionauthority.be/eurodac>

115 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720850/Home_Office_Biometrics_Strategy_-_2018-06-28.pdf

116 In its factual accuracy response, the Home Office commented that “agreement to bypass these results could be sought at a senior level”.

117 Many of the small boats used have been rigid-hulled inflatable boats (RHIBs), constructed with a rigid hull bottom joined to side-forming air tubes that are inflated with air to a high pressure to give the sides rigidity. Loss of air pressure compromises the integrity of a RHIB and its buoyancy.

threatening to jump into the sea, to frustrate efforts to board their vessel. As the number of migrants onboard was often above the safe level, any engagements at sea had to be managed extremely carefully.

- 8.139** In September 2019, the Small Boats Gold Commander told inspectors that returning migrants at sea remained an option and the UK and French authorities needed to continue looking for solutions to these legal and operational problems.

Returns from the UK – Operation Sillath

- 8.140** In January 2019, following the declaration of the small boats arrivals as a “major incident”, Asylum Operations created Operation Sillath to track and manage cases. In practice, this meant attaching an Operation Sillath marker to the case in the Home Office’s Casework Information Database (CID). The ‘Operational Order’ stated:

“Asylum Operations will be managing these arrivals as a specific cohort and report on case progression and outcome of cases, with a particular focus on Third Country Removals. The cohort will be formed of channel arrivals by small boat from the 1st October 2018. These will be recorded under the name Op. Sillath.”

- 8.141** In July 2019, the qualifying date for inclusion in the Operation Sillath cohort was backdated to 1 January 2018 and the relevant CID records were flagged accordingly.

- 8.142** The Home Office told inspectors that between 20 October 2018 and the end of 2019 it had used the Dublin III Regulations to return 126 Operation Sillath migrants, either to France or another “third country”. By September 2019, there had been only 24 returns, which is some indication of the lead time for such cases. In relation to substantive consideration of asylum claims by Operation Sillath migrants, the ‘Operational Order’ was clear that they “will be made in line with all other claims”, but:

“additional case handling processes have been put in place to ensure cases from this cohort are quickly identified, tracked through the asylum process and escalated where appropriate, taking account of case handling factors such as potential media interest.

The National Asylum Allocation Unit (NAAU) will maintain a separate record of Operation Sillath cases and keep senior officials informed of any asylum claims from small boat arrivals.”

- 8.143** The ‘Operational Order’ explained how UKVI’s Third Country Unit (TCU) would process claims:

“TCU will receive all cases with potential for third country removal (EuroDac match or evidence of presence in another Member State for a period of 5+ months) expeditiously from NAAU¹¹⁸ and will prioritise them through the removal process.

TCU will continue to follow current processes either under the Dublin Regulation or the inadmissibility guidance depending on the nature of the case but where possible utilising the expedited process currently in place with France in relation to this cohort.

Cases not suitable for third country return will be routed to asylum hubs as per our existing business rules.”

118 National Asylum Allocation Unit.

- 8.144** Inspectors were told that it is typical for a large number of TCU cases to drop out of the process and to have their substantive asylum claims considered in the UK. Some potential third country returns were not pursued because of the difficulty of returning migrants to particular countries.
- 8.145** Inspectors were also told about the frequent disruption of third country returns by non-compliant returnees. According to Home Office senior management, the success rate for third country returns using scheduled flights was only 14%, so charter flights and escorts were often used. These had a success rate of 40% but arranging such flights could delay the process.
- 8.146** According to KIU managers, absconding was also an issue. Once KIU had granted immigration bail to small boats migrants whom it had established should be returned under the Dublin Regulations, “a large number” failed to comply with their reporting restrictions and became absconders. They believed this explained the low number of returns and felt that more use could be made of detention for small boats migrants who were considered to be removable.
- 8.147** TCU had received no additional resources for Operation Sillath. Between December 2018 and March 2019, it had incurred £5,400 in overtime payments (302 hours) for staff processing small boats arrivals. More significantly, other TCU work had not been completed as a consequence of prioritising small boats over “business as usual (BAU)”.
- 8.148** The Home Office provided inspectors with an estimate of the costs incurred between December 2018 and March 2019 as a consequence of TCU’s focus on Operation Sillath cases:

“TCU (Third Country Unit) case cost – This estimated figure (£504,000) is based on the assumption of providing S95¹¹⁹ accommodation & support for an additional 12 weeks to 335 single applicants @ £125.37 per week (this is a locally obtained estimated cost).

Due to diverting resource from BAU to Op Sillath, 532 third country cases have not been worked during Q4. With approximately 70% of cases being accepted by other Member States, in the range of 372 third country decisions have not been made. The majority of which will now have their asylum claims considered in the UK leading to further cost. Approximately 90% of these cases will be claiming asylum support.”

Postscript

- 8.149** This inspection covered the period to the end of 2019. As inspectors were gathering the evidence for the inspection, the small boats threat continued to develop, and the Home Office told inspectors in September 2019 that it was seeing an increase and diversification in small boats events, with more opportunists and more entrepreneurs and organised crime groups looking to exploit the chance to make money.
- 8.150** In early 2020, there were a number of instances when several small boats set off across the Channel at the same time, resulting in record numbers of migrant arrivals in a single day. On 6 February, 90 migrants were encountered on one day, then a record, and 102 the following day. Media reports quoted the National Crime Agency (NCA) describing these as “surge tactics” designed to increase the chances of success by overwhelming the authorities. Meanwhile, the range of nationalities using this method of entry had widened. As well as Iranian nationals, the 102 included Iraqis, Afghanis, Pakistanis and Syrians.

119 Section 95 of the Immigration Act 1999 <http://www.legislation.gov.uk/ukpga/1999/33/section/95>

8.151 It appeared that migrants who had reached northern France now regarded this as a successful method of irregular entry into the UK and, if the weather was good, believed it was possible to make the crossing without being intercepted or rescued. However, in response to the incidents at the beginning of February 2020, the Home Office Minister of State for Security referred to the resources deployed to stop boats departing from France and Belgium and the UK's support for security enhancements and increasing intelligence sharing, and stated:

“The majority of migrants who attempt this journey are being stopped, only 25% have made it to the UK this year, compared with 48% last year”.

Annex A: ‘A short notice inspection of the Home Office response to ‘lorry drops’ (October 2015 – January 2016)’ Recommendations and Home Office responses

Recommendation 1

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

Home Office response

1.1 Accepted; action in progress.

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

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

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

Recommendation 2

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

Home Office response

2.1 Accepted in part; action in progress

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

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

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

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

Recommendation 3

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

Home Office response

3.1 Accepted; action in progress.

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

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

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

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

3.6 All referrals to the NRM are now entered on the Intelligence Management System and are assessed and triaged for action, trends and intelligence development opportunities. We accept that feedback to

frontline staff is crucial in developing knowledge and work is ongoing to improve and develop a better mechanism for doing this.

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

Recommendation 4

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

Home Office response

4.1 Accepted; action in progress.

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

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

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

Recommendation 5

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

Home Office response

5.1 Accepted, implemented in part.

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

and Control Unit (CCU) and the Kent Intake Unit and amalgamated by the Strategic Clandestine Threat Team, which shares data, augmented by weekly and monthly data from PRAU, on a weekly basis with the Immigration Enforcement senior leadership team and Home Office partners. The Strategic Clandestine Threat Team and Immigration Intelligence examine individual events to determine how these inform tactical improvements. Feedback is provided to all operational staff on a daily basis with additional updates provided in the event of any significant clandestine events being encountered.

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

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

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

Recommendation 6

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

Home Office response

6.1 Accepted in part; action in progress.

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

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

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

Annex B: Role and remit of the Independent Chief Inspector

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

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (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; and
- 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 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.

Annex C: ICIBI's 'expectations'

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are 'right first time'

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly 'put right'

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) 'owner'

- The BICS 'owner' is accountable for
 - implementation of relevant policies and processes
 - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
 - resourcing (including workforce planning and capability development, including knowledge and information management)
 - managing risks (including maintaining a Risk Register)
 - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
 - effective monitoring and management of relevant contracted out services
 - stakeholder engagement (including customers, applicants, claimants and their representatives)

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