



Equality Impact Assessment [EIA]

1. Name and outline of policy proposal, guidance, or operational activity

Reform of the Clandestine Entrant Civil Penalty Scheme

Introduction

Illegal migration is facilitated by serious organised criminals exploiting people and profiting from human misery. The same criminal gangs and networks are also responsible for other illicit activity ranging from drug and firearms, trafficking to modern slavery and serious violent crimes. A significant number of people, who arrive in the UK through concealment in vehicles by tourist and freight transport routes, have had their entry illegally facilitated by organised criminal gangs. Despite extensive work with overseas partners to strengthen our shared borders and enhance our strategic partnerships, this method of entry continues and endangers the lives of those involved. In many cases, this is a result of criminal gangs and opportunistic migrants taking advantage of unsecured or poorly secured vehicles to smuggle people or enter the UK clandestinely.

For these reasons, the UK operates a scheme to tackle illegal migration called the Clandestine Entrant Civil Penalty Scheme ('the Scheme'). The Scheme as it currently operates means that when clandestine entrants are found in a vehicle, a penalty of up to £2,000 per entrant can be imposed on any responsible person connected to the vehicle in question, up to a maximum aggregate of £4,000 in total per clandestine entrant. A responsible person is defined as the owner, hirer or driver of the vehicle. The Scheme applies to all vehicles, commercial and private, as well as anything that is designed to be towed or carried by a vehicle (such as trailers, caravans, containers etc). In circumstances where the driver is employed by the vehicle owner or hirer, such as an HGV, the employer is also liable for the driver's penalty. The penalty level has not been changed since 2002.

During the financial year 2020-2021, there were 3,145 incidents where clandestine entrants were detected concealed in vehicles, despite the Covid-19 pandemic causing a lower volume of traffic. This rose to 3,838 incidents during the financial year 2021-2022. The Government is therefore concerned that the Scheme is not having enough of an effect, as drivers are not taking the steps required to secure vehicles, and clandestine entrants are continuing to use these routes to enter the UK.

It is for this reason that the Government committed to review and overhaul the Scheme, as part of a wider package of reforms to the immigration and asylum systems.. A public consultation on the wider package was held from 24 March to 6 May 2021. The Government then introduced changes to the Scheme through the new Nationality and Borders Act 2022 ('the 2022 Act').

The changes under the 2022 Act include narrowing the statutory defences available to those who have carried a clandestine entrant. This means that where a clandestine entrant has been carried, it will no longer be a statutory defence to say that an effective system for preventing the carriage of clandestine entrants was in operation, and that person may still be issued with a penalty. However, if the person has complied with regulations to be issued by the Secretary of State, which will require them to take actions to secure their transporter, report unauthorised access and keep records to show they took these steps, this could mean the level of the penalty is reduced.

The 2022 Act also introduces a new civil penalty for failing to adequately secure a goods vehicle, regardless of whether a clandestine entrant has been found. The Secretary of State will also make regulations which set out what is meant by a goods vehicle being adequately secure and the required vehicle security standards that will determine whether liability arises under this new offence. These include vehicle checks, reporting unauthorised access and retaining records to demonstrate steps taken.

Before any regulations can be made, the Secretary of State has a statutory duty to consult with such persons as she considers appropriate. The government also agreed to consult on the level of penalty for the new offence of failing to adequately secure a goods vehicle, with a view to bringing into operation a new Level of Penalty: Code of Practice. The Secretary of State discharged these obligations through a second consultation, which was held from 18 July to 12 September 2022. The government carefully considered consultation responses. It is publishing its response on 16 January 2023.

Key objective of changes

The key objective of the changes being made to the Scheme is to increase the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Summary of changes

Level of penalty

The maximum penalty for carrying clandestine entrants will be increased from £2,000 per responsible person per clandestine entrant to £6,000 for a first incident and £10,000 for a second or subsequent incident in the past five years. The maximum aggregate penalty per clandestine entrant will be increased from £4,000 to £12,000 for a first incident, and £20,000 for a second or subsequent incident in the past five years.

The maximum penalty for failing to adequately secure a goods vehicle will be £1,500 per responsible person for a first incident, £3,000 for a second in the past five years and £6,000 for a third or subsequent incident in the past five years. The maximum aggregate penalty for a first incident will be £3,000, £6,000 for a second incident in the past five years and £12,000 for a third or subsequent incident in the past five years.

By 'maximum aggregate penalty', we mean the maximum total penalty payable by all liable responsible persons per clandestine entrant.

Statutory defences

The statutory defences for carrying clandestine entrants are being narrowed. As set out above, it will no longer be a statutory defence to say that an effective system for preventing the carriage of clandestine entrants was in operation, and that person may still be issued with a penalty. The only statutory defence will be duress, which is to say that someone was forced to do the things that led to a penalty being issued.

The only statutory defence to failing to adequately secure a goods vehicle will be duress.

[REDACTION STARTS – SECURITY IMPLICATIONS]

[REDACTION ENDS – SECURITY IMPLICATIONS]

Reductions to the level of penalty

Reductions to the level of penalty for carrying clandestine entrants will be considered in the following circumstances:

- 50% discount to the starting point level of penalty will be applied if the responsible person is a member of the Civil Penalty Accreditation Scheme.
- A further 50% discount will be applied to the starting point level of penalty if the responsible person is the driver, or another responsible person who was present during the vehicle or detached trailer's journey to the United Kingdom, and they complied with the Regulations.
- A further 50% discount will be applied to the starting point level of penalty if the responsible person is not the driver and was not present during the vehicle or detached trailer's journey to the United Kingdom, but they acted to ensure compliance with the Regulations.

Reductions to the level of penalty for failing to adequately secure a goods vehicle will be considered in the following circumstances:

- 50% discount will be applied if the responsible person is a member of the Civil Penalty Accreditation Scheme.
- A further 50% discount will be applied to the starting point level of penalty if the responsible person is not the driver and was not present during the vehicle or detached trailer's journey to the United Kingdom, but they acted to ensure compliance with the Regulations.

The Secretary of State may also consider any other matters the Secretary of State thinks relevant.

Means testing

The Secretary of State will consider requests from responsible persons to apply means testing to reduce any remaining level of penalty.

For individuals, means testing will take into account that individual's income, including any overtime income, for the three months prior to the incident. The starting point for the reduction will be that the level of penalty will be no higher than their average monthly income for those three months. In determining the exact level of penalty, the Secretary of State will consider any representations made by the individual regarding their personal financial circumstances, such as their outgoings.

For companies which are issued with a penalty, means testing will be available for small to medium sized enterprises (SMEs). The starting point for the reduction will be that the level of penalty will be reduced as follows:

Business size	Turnover or balance sheet total	Headcount	Starting point for reduction of any remaining level of penalty
Micro	Less than or equal to €2 million or €2 million	Less than 10	75% reduction
Small	Less than or equal to €10 million or €10 million	Less than 50	50% reduction
Medium	Less than or equal to €50 million or €43 million	Less than 250	25% reduction

The Secretary of State may also consider any other matters the Secretary of State thinks relevant. The Secretary of State may decide, having considered a request, not to apply means testing. For example, where insufficient evidence is presented regarding the financial circumstances of the individual or company in question or where that evidence does not support any request being made.

2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

We have considered the potential impact of these changes on two cohorts: responsible persons; and clandestine entrants.

It is worth noting that no potential equalities impacts or potential impacts on vulnerable people were identified by any of the people or organisations who participated in the consultation we ran in the summer of 2022.

Responsible persons

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We do not routinely gather data about the characteristics of responsible persons. However, some data about the characteristics of HGV drivers has been published by the Office for National Statistics (ONS). Further data has been published by Eurostat. We have used these data sets as proxies for the characteristics of responsible persons. These data relate to 2020, the last year for which such data was published by Eurostat¹ We do not have data about every protected characteristic, but we do have some data about age, race (nationality) and sex.

According to the ONS, an estimated 268,000 people in the UK were employed as HGV drivers between July 2020 and June 2021. This is 39,000 fewer than the year ending June 2019 and 53,000 fewer than the peak for HGV driver employment, during the year ending June 2017 (321,000).

In terms of age, in the period October 2021 – September 2022, the Annual Population Survey showed that 32% were aged 46-55, 25% were aged 56-65, 19% were aged 36-45, 17% were aged 26-35, 4% were aged 66+ and 3% were aged 16-25 (percentages do not add up to 100% due to rounding – data for 16-25 year olds is based on a small sample size and should be treated with caution). This suggests that drivers tend to be older, with 61% aged over 46.

In terms of race (nationality), 88% were British, 11% were from the EU and 1% were not from the EU. The total sample size included those who did not state their nationality, and percentages have been rounded).

According to Eurostat, in 2020, the last year for which data are published by Eurostat, 10.8 million people aged over 15 were employed in transport occupations in the EU. 35% of these were employed driving heavy trucks or buses. We use these data as a proxy for data about the nature of the sector in the EU, but we do so with caution, noting that not all drivers – and more broadly, not all of those employed in transport occupations – in the EU will drive vehicles to the UK.

In terms of age, 37% of those employed in transport occupations in the EU were 50 years old or over and 36% were aged 35 to 49.

In terms of race (nationality), data shows that in 2020, across the EU, there were 29 transport workers per 1,000 people. However, in some parts of

¹ See 'Almost 29 transport workers per 1000 people in the EU', published by Eurostat on 23 September 2021 at:

<https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-20210923-2>

See also 'Fall in HGV drivers largest among middle-aged workers', published by ONS on 10 October 2021 at:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/fallinhgvdriverslargestamongmiddleagedworkers/2021-10-19>

See also 'HGV drivers by nationality and 10 year age group,' released by ONS 27 September 2022 and updated 14 December 2022 at:

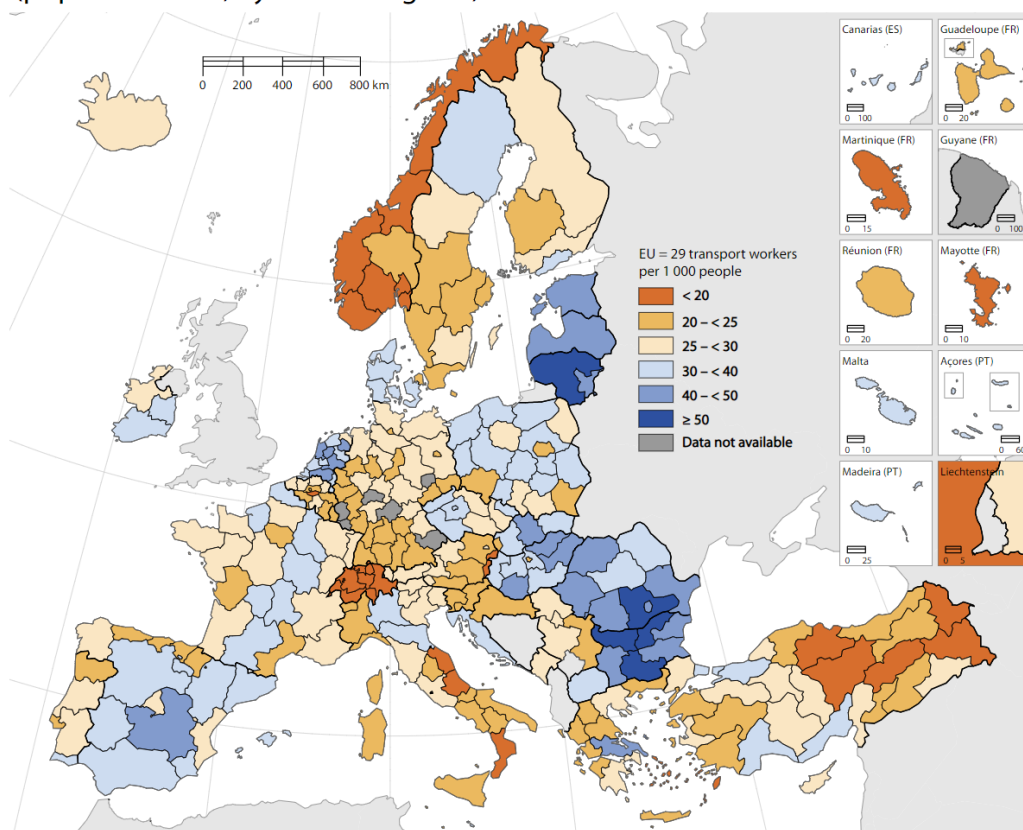
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/adhocs/14398hgvdriversbynationalityand10yearagegroup>

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Europe, the proportion was higher. For example, rates tended to be higher in Eastern Europe, with higher than average rates being particularly noticeable in the Baltic States, Poland, Slovakia, Hungary, Romania and Bulgaria. There were also noticeably higher than average rates in Denmark, the Netherlands, Ireland and Spain.

Transport workers per 1 000 people in 2020

(population 15+, by NUTS 2 regions)



Estonia, Cyprus, Latvia, Luxembourg, Malta, Iceland, Montenegro and North Macedonia: single regions at this level of detail.

Administrative boundaries: © EuroGeographics © UN-FAO © Turkstat
Cartography: Eurostat - IMAGE, 09/2021

To read the footnotes at regional level of detail, please refer to the article.

ec.europa.eu/eurostat

Source: EU Labour Force Survey [special data extraction](#) and [lfst_r_lfsd2pwn](#)

In terms of sex, the vast majority of all transport workers in the EU were male (85%).

Characteristics of clandestine entrants

We do not routinely gather data about the characteristics of detected clandestine entrants. However, we do gather some data about the characteristics of people making small boat crossings and about those engaging in irregular migration to the UK. We have used these data sets as proxies for the characteristics of clandestine entrants, although it should be noted that the characteristics of these cohorts may differ² We do not have

² See 'Factsheet: Small boat crossings since July 2022', published by the UK Government on 2 November 2022 at: <https://www.gov.uk/government/statistics/factsheet-small-boat-crossings-since-july-2022/factsheet-small-boat-crossings-since-july-2022>

data about every protected characteristic, but we do have some data about age, race (nationality) and sex. We have also used data about sex and human trafficking published by the Counter Trafficking Data Collaborative.³

In terms of age, since January 2018, around one sixth (17%) have been children under the age of 18.

In terms of race (nationality), since January 2018, Iranians have comprised 22% of all small boat arrivals, and they represented the majority of small boat arrivals in 2018 (80%) and 2019 (66%). However, a greater mix of nationalities have been detected making the crossing since 2020, with Albanian and Afghan nationals becoming noticeably more common in 2022.

In January to September 2022, half of small boat arrivals were from just these two nationalities - Albanians (35%) and Afghans (15%). In the latest quarter alone (July to September 2022), 45% of small boat arrivals were Albanian (9,076), and there were days where as many as 80% of arrivals were Albanian.

In terms of sex, overall, males represented 87% of small boat arrivals in January to September 2022. This proportion is similar to previous years.

According to the Counter Trafficking Data Collaborative, most female victims of human trafficking are trafficked to do domestic work or to work in the hospitality industry. Most male victims are trafficked to work in the agriculture and construction sectors. Female victims are more likely to be subjected to psychological, physical and sexual control than males.

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

Age

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – responsible persons are more likely to be older, in particular, they are more likely to be over the age of 35. However, we do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible

See also 'Irregular migration to the UK, year ending September 2022', published by the UK Government on 24 November 2022 at:

<https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-september-2022>

³ See also 'Human Trafficking and Gender: Differences, Similarities and Trends', published by The Counter Trafficking Data Collective (not dated) at:

<https://www.ctdatacollaborative.org/story/human-trafficking-and-gender-differences-similarities-and-trends>

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persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – clandestine entrants are more likely to be adults, but significant minority – around a sixth - may be under 18. This may be a consideration if it is harder to attempt clandestine entry via a vehicle and children are displaced to other risky routes to enter the UK. Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command. We do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Disability

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – if it is harder to attempt clandestine entry via a vehicle, would be clandestine entrants who are disabled may be displaced to other risky routes to enter the UK. Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command. We do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.
- Reasonable Adjustments – none identified.

Gender Reassignment

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Marriage and Civil Partnership

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Pregnancy and Maternity

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – if it is harder to attempt clandestine entry via a vehicle, would be clandestine entrants who are women or girls with factors linked to pregnancy or maternity may be displaced to other risky routes to enter the UK. Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command. We do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Race [colour, nationality, ethnic or national origins]

Colour

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Nationality

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – responsible persons may be more likely to come from particular countries, in particular the UK, countries in Eastern Europe. This may be a consideration if higher levels of penalty lead to an adverse impact on responsible persons from countries

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where incomes are lower. We will mitigate this impact by implementing our means testing policy. Nationals of countries where English is not spoken may not be able to read and understand guidance about the changes we are making to the Scheme. We will mitigate this impact by providing materials translated into other languages. We do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – small boats arrivals at the time of writing much more likely to come from Albania and Afghanistan, although there have also been higher proportions of entrants from Iran. It should be noted that mix of different nationals coming to the UK may change over time. We have used these data sets as proxies for the characteristics of clandestine entrants, although it should be noted that the characteristics of these cohorts may differ. However, – if it is harder to attempt clandestine entry via a vehicle, would be clandestine entrants of particular nationalities may be displaced to other risky routes to enter the UK. However, we do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Ethnic or national origins

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Religion or Belief

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Sex

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Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – responsible persons are much more likely to be male – around 85%. However, we do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – clandestine entrants are much more likely to be male – around 87%. This may be a consideration if it is harder to attempt clandestine entry via a vehicle and males are displaced to other risky routes to enter the UK. However, we do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Sexual Orientation

Responsible persons

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

Clandestine entrants

- Direct discrimination – none identified.
- Indirect discrimination – none identified.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

Age – Changes to the Scheme may prompt people who are vulnerable because of factors linked to their age to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.

Disability – Changes to the Scheme may prompt people who are vulnerable because of factors linked to a disability to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.

Gender Reassignment – We do not identify any specific ways in which we could implement the policy so as to advance equality of opportunity for people who share this protected characteristic.

Pregnancy and maternity – Changes to the Scheme may prompt women and girls who are vulnerable because of factors linked to pregnancy or maternity to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.

Race – (Colour) – We do not identify any specific ways in which we could implement the policy so as to advance equality of opportunity for people who share this protected characteristic.

Race – (Nationality) – Changes to the Scheme may prompt people to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity. In particular, we identify nationals of Albania, Afghanistan and Iran.

Race – (Ethnic or national origins) – We do not identify any specific ways in which we could implement the policy so as to advance equality of opportunity for people who share this protected characteristic.

Religion or Belief – We do not identify any specific ways in which we could implement the policy so as to advance equality of opportunity for people who share this protected characteristic.

Sex – Changes to the Scheme may prompt people who are vulnerable because of factors linked to their sex to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity. In particular, we identify a cohort of females who may be particularly vulnerable to trafficking to do domestic work or to work in the hospitality industry and a cohort of males who may be particularly vulnerable to trafficking to do work in the agriculture and construction sectors. We note that female victims are more likely to be subjected to psychological, physical and sexual control than males.

Sexual Orientation – We do not identify any specific ways in which we could implement the policy so as to advance equality of opportunity for people who share this protected characteristic.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

This policy will apply to all persons who do not comply with security processes. This policy will help us to reinforce our commitment to the security and integrity of our borders and to show that our controls apply to all equally, fostering good relations between different groups who share a protected characteristic and those who do not.

Age – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Disability – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Gender Reassignment – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Maternity and Pregnancy – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Race (Colour) – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Race (Nationality) – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Race (Ethnic or national origins) – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Religion or Belief – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Sex – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

Sexual Orientation – We do not identify any specific ways in which we could implement the policy so as to foster good relations for people on the basis of this protected characteristic.

4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
Age	Both.	<p>Responsible persons are more likely to be older, in particular, they are more likely to be over the age of 35.</p> <p>Clandestine entrants are more likely to be adults, but significant minority – around a sixth - may be under 18. This may be a consideration if it is harder to attempt clandestine entry via a vehicle and children are displaced to other risky routes to enter the UK. However, changes to the Scheme may prompt people who are vulnerable because of factors linked to their age to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.</p>	<p>We do not identify any specific action to address negative impact. We do not consider that the changes we are making will amount to indirect discrimination. Any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.</p> <p>Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command.</p>
Disability	Both.	<p>If is harder to attempt clandestine entry via a vehicle, would be clandestine entrants who are disabled may be displaced to other risky routes to enter the UK. However, changes to the Scheme may prompt people who are vulnerable because of factors linked to a disability to decide not to attempt a dangerous clandestine journey</p>	<p>We do not identify any specific action to address negative impact. We do not consider that the changes we are making will amount to indirect discrimination. Any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying</p>

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		to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.	with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK. Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command.
Gender Reassignment	None identified.	None identified.	None identified.
Marriage and Civil Partnership	None identified.	None identified.	None identified.
Pregnancy and Maternity	Both.	If is harder to attempt clandestine entry via a vehicle, would be clandestine entrants who are women or girls with factors linked to pregnancy or maternity may be displaced to other risky routes to enter the UK. However, changes to the Scheme may prompt women and girls who are vulnerable because of factors linked to pregnancy or maternity to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.	We do not identify any specific action to address negative impact. We do not consider that the changes we are making will amount to indirect discrimination. Any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK. Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command.
Race		Responsible persons may be more likely to come from particular countries, in particular the	We will mitigate the risk of negative impact on responsible persons from countries where

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		<p>UK and countries in Eastern Europe. This may be a consideration if higher levels of penalty lead to an adverse impact on responsible persons from countries where incomes are lower. Nationals of countries where English is not spoken may not be able to read and understand guidance about the changes we are making to the Scheme.</p> <p>Small boats arrivals at the time of writing much more likely to come from Albania and Afghanistan, although there have also been higher proportions of entrants from Iran. It should be noted that mix of different nationals coming to the UK may change over time. We have used these data sets as proxies for the characteristics of clandestine entrants, although it should be noted that the characteristics of these cohorts may differ. However, – if it is harder to attempt clandestine entry via a vehicle, would be clandestine entrants of particular nationalities may be displaced to other risky routes to enter the UK.</p> <p>However, changes to the Scheme may prompt these nationals not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity. In</p>	<p>incomes are lower by implementing our means testing policy. We will mitigate the risk of responsible persons not being able to read and understand guidance in English by providing materials translated into other languages.</p> <p>Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command.</p>
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		particular, we identify nationals of Albania, Afghanistan and Iran.	
Religion or Belief	None identified.	None identified.	None identified.
Sex		<p>Responsible persons are much more likely to be male – around 85%.</p> <p>Clandestine entrants are much more likely to be male – around 87%. This may be a consideration if it is harder to attempt clandestine entry via a vehicle and males are displaced to other risky routes to enter the UK.</p> <p>However, changes to the Scheme may prompt people who are vulnerable because of factors linked to their sex to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity. In particular, we identify a cohort of females who may be particularly vulnerable to trafficking to do domestic work or to work in the hospitality industry and a cohort of males who may be particularly vulnerable to trafficking to do work in the agriculture and construction sectors. We note that female victims are more likely to be subjected to psychological, physical and sexual control than males.</p>	<p>We do not identify any specific action to address negative impact. We do not consider that the changes we are making will amount to indirect discrimination. Any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.</p> <p>Broader activity is being undertaken by the Government to tackle illegal migration by this cohort, including the activity of the recently established Small Boats Operational Command.</p>

EIA enquires **must** also be sent to PSED@homeoffice.gov.uk

Sexual Orientation	None identified.	None identified.	None identified.
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EIA enquires **must** also be sent to PSED@homeoffice.gov.uk

5. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

We will mitigate the risk of negative impact on responsible persons from countries where incomes are lower by implementing our means testing policy.

We will mitigate the risk of responsible persons not being able to read and understand guidance in English by providing materials translated into other languages.

We do not identify any further specific actions to address negative impact.

We do not consider that the changes we are making will amount to indirect discrimination.

Any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.

Review date: 31 March 2024

6. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SCS sign off:

Name/Title: David Livesey

Directorate/Unit: Border Policy and International Migration Directorate

Lead contact: Jonathan Sanders (jonathan.sanders3@homeoffice.gov.uk)

Date: 6 January 2023

For monitoring purposes all completed EIA documents and updated EIAs **must** be sent to the PSED@homeoffice.gov.uk

Date sent to PSED Team: 13 January 2023

EIA enquires **must** also be sent to PSED@homeoffice.gov.uk