



# COMMON TRAVEL AREA

REVIEW OF NEW ARRANGEMENTS AT NORTHERN IRELAND SEA PORTS

**SECURING OUR BORDER CONTROLLING MIGRATION**

## Section 1: Executive Summary

### Introduction

- 1.1 In November 2010, the UK Border Agency ended the secondment of 3 police officers from Dumfries and Galloway Police. In parallel, responsibility for the identification of illegal migrants travelling between the West of Scotland and Northern Ireland sea ports transferred to the UK Border Agency's local immigration team in Northern Ireland, where an increase in enforcement staff means that more immigration officers can be deployed at Northern Ireland sea ports to intercept illegal migrants before they reach Great Britain.
- 1.2 Scottish concerns resulted in the matter being raised during Prime Minister's Questions on 24 November 2010 when it was confirmed that the new arrangements would be monitored and assessed to ensure that they were working properly.
- 1.3 The following report outlines the emerging findings from the UK Border Agency's initial review of the new arrangements which has included consultation with Dumfries & Galloway Constabulary.

### Emerging Findings

- 1.4 The new arrangements have had the following results.
  - In the 4 months January to April 2011 a total of 102 immigration offenders were detected at Scottish and Northern Ireland sea ports.
  - That represents a 65% increase on the same period in 2010.
  - 57 offenders were detected by the police in Scotland and 45 were detected by the UK Border Agency in Northern Ireland.
  - The new arrangements did not weaken UK Border Agency operations on domestic flights at Northern Ireland airports (73 immigration offenders were detected at Northern Ireland airports between 1 January and 30 April - a 300% increase on the same period in 2010).
  - In total 175 immigration offenders were detected at Northern Ireland ports (both air and seaports) and at West of Scotland seaports – a 200% increase on the same period in 2010.
- 1.5 Emerging results therefore suggest that the new arrangements have strengthened Common Travel Area defences and an increasing number of immigration offenders are being detected in Northern Ireland, before they can travel to Scotland by ferry and to the whole of the UK by air.
- 1.6 To date the new arrangements have yet to reduce time used by Dumfries and Galloway Constabulary on immigration matters which, during the review period, increased when compared to the same period in 2010 which is a continuing concern for the Force.
- 1.7 Positive working relations have been maintained between the two agencies in the course of the review and work has commenced to address the Force's concern about the time that it uses on immigration matters. The UK Border Agency and Dumfries and Galloway Constabulary have agreed to analyse intelligence obtained to assist the UK Border Agency in identifying the most at-risk services and are working in partnership to introduce a 10 point plan that will help increase the proportion of immigration work conducted in Northern Ireland and ease the pressure on the Constabulary's Counter Terrorism/ National Security police resources. These measures will come into operation during August 2011.
- 1.8 The following assessment examines performance between 1 January and 30 April 2011 in detail. Its conclusions suggest that the new arrangements have been successful in increasing the number of immigration offenders detected by the UK Border Agency in Northern Ireland, although

further development of the arrangements is needed to shift the pressure of this work away from the police in Scotland and on to the UK Border Agency in Northern Ireland.

- 1.9 The report recommends (and both Agencies agree) that a further assessment should be conducted and reported on early in 2012.

## **Section 2: Background**

### **The Common Travel Area (CTA)**

- 2.1 The CTA comprises the United Kingdom, the Crown Dependencies (the Channel Islands and the Isle of Man) and the Republic of Ireland. It allows free movement within the Area to all nationals of the CTA member states and to all EEA nationals.
- 2.2 In respect of non-CTA/non-EEA nationals there is a general presumption that a person granted leave to enter as a visitor in one part of the CTA will not normally need permission to enter another part while that permission remains valid and provided that they do not leave the CTA at any point. However, if the non-CTA/non-EEA national was admitted on another basis to the first CTA member state, they may need permission to move between states and may also require a visa before travelling.
- 2.3 The Irish land border coupled with differences between Irish and UK visa requirements means that the CTA is susceptible to abuse and a risk to UK and Irish immigration controls.
- 2.4 Immigration offenders transit Northern Ireland to reach Great Britain and in the opposite direction to reach the Republic of Ireland.

### **Operation Gull**

- 2.5 The Northern Irish and Western Scottish sea ports are not designated ports within the meaning of immigration legislation (ie. they are not international ports of entry in the way that Dover and Calais are.) Ferry routes between Northern Ireland and Scotland are domestic UK services and are, legally and in immigration control terms, no different to ferry services between the Scottish mainland and the western isles or between Hampshire and the Isle of Wight.
- 2.6 While there are no formal immigration controls at these ports they are known nexus points for illegal migrants moving between the Great Britain and the Irish Republic using the Irish land border and Northern Ireland as a route of illegal entry.
- 2.7 The UK Border Agency's main response to deter, disrupt and detect this type of abuse of travel across the Irish land border is called Operation Gull.
- 2.8 The UK Border Agency's immigration officers in Northern Ireland check the status of passengers arriving from, or leaving for, Great Britain targeting routes shown to be most at risk.
- 2.9 In Northern Ireland, until recently, Operation Gull focused largely on domestic flights in and out of Northern Ireland with three seconded Dumfries and Galloway Constabulary officers doing similar work at West of Scotland ports on the Northern Ireland sea routes.

### **Seconded Dumfries & Galloway Police Officers**

- 2.10 In the course of their Counter Terrorism / National Security policing duties at Scottish sea ports, Dumfries & Galloway Constabulary continue to encounter people whom they suspect may be immigration offenders. In these circumstances they contact the UK Border Agency to establish a person's immigration status in the UK. This is known as a police call out.
- 2.11 In July 2006, the UK Border Agency funded three police officers from Dumfries and Galloway Constabulary to assist its immigration work at the ports of Stranraer and Cairnryan.
- 2.12 At that time the UK Border Agency's main Scottish office in Glasgow was the nearest location able to service this work as UK Border Agency staffing levels in Northern Ireland were minimal. Operation Gull activity in Northern Ireland was reliant on an enforcement team based in Liverpool being flown in on a fortnightly basis to conduct four-day operations.

- 2.13 Since that time, the UK Border Agency has built up its capability in Northern Ireland. In July 2009, it opened a new local immigration team in Belfast that now provides a wide range of immigration services, including an increased enforcement team to expand and strengthen the work of Operation Gull.
- 2.14 In November 2010 the UK Border Agency's Criminality and Detention Group, took over responsibility for crime and also assumed responsibility for all police secondments to the UK Border Agency.
- 2.15 A review of seconded police resources in Scotland concluded that the secondees from Dumfries & Galloway did not fit into the new focus on organised crime. Coupled with the increase in UK Border Agency resources in Northern Ireland it was decided that the work of detecting illegal migrant flows between the Republic of Ireland and Great Britain through the Galloway ports would henceforth fall to the UK Border Agency with more immigration officers being deployed at Northern Ireland sea ports. The funding for the police posts therefore ceased from 23 November 2010.
- 2.16 Dumfries & Galloway Constabulary, Scottish Government ministers and local politicians expressed concern about the changes and the potential negative impact on the integrity of the West of Scotland ports. The change was also covered in the Scottish media.

### **Review of the New Arrangements**

- 2.17 The issue was raised during Prime Minister's Questions on the 24 November 2010. The Prime Minister confirmed the new arrangements and said that their effectiveness would be monitored to ensure they were working properly.
- 2.18 The numbers and outcomes reported below have been agreed between the UK Border Agency and Dumfries and Galloway Constabulary.

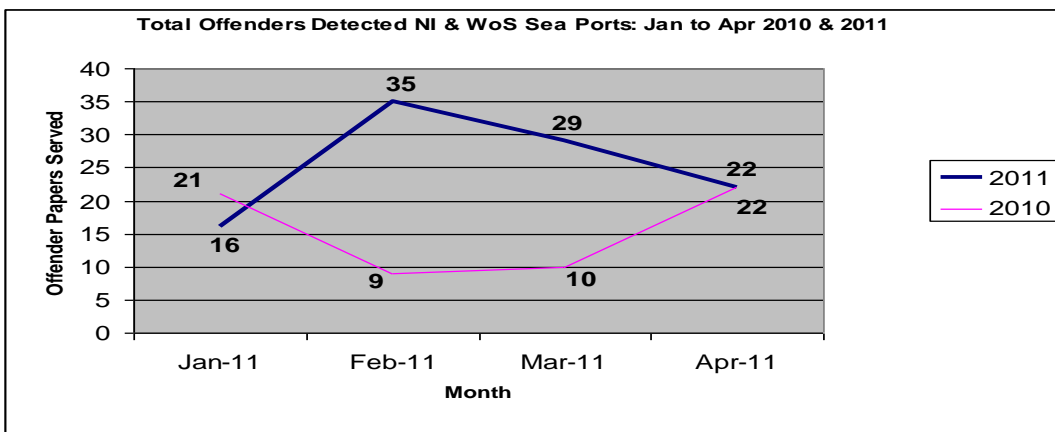
## Section 3: Emerging Findings

### Detection rates at Northern Ireland & West of Scotland Sea Ports

- 3.1 People found to be in the UK unlawfully may be arrested and removed from the UK. Immigration Officers have criminal powers of arrest where persons are suspected of committing immigration related criminal offences and also administrative powers of detention where the intention is to remove an immigration offender from the UK. Once a person is treated as an immigration offender they can be held in immigration detention for removal from the UK.
- 3.2 Illegal immigrants who are already known to the UK Border Agency and who are permitted to travel within the UK are not counted as immigration offenders. To do so would be to double count their illegal presence in the country. On encounter, illegal immigrants are subject to a finger print check and details of their travel are logged on to their individual immigration records to ensure that a history of their movements is maintained by the UK Border Agency.
- 3.3 In the course of the review, the UK Border Agency and Dumfries and Galloway Constabulary compared results recorded for January to April in both 2010 and 2011 to ensure a common understanding of the definitions used to ensure a like for like comparison of results, both for this report and for future collaboration<sup>1</sup>. The figures in this report have been agreed by both agencies.
- 3.4 The review has tested whether or not these new arrangements have had a negative impact on the number of offenders being detected using this route. It has also identified how many new offenders are being detected by UK Border Agency resources in Northern Ireland and how many continue to be detected by Dumfries & Galloway police resources in Scotland.
- 3.5 In the medium term UK Border Agency resources should shoulder more of the work of dealing with immigration offenders using this route to ease the pressure on Dumfries & Galloway Constabulary.
- 3.6 In the long run, more effective controls should lead to an overall reduction in immigration arrest rates as people are deterred from travelling unlawfully through these routes.

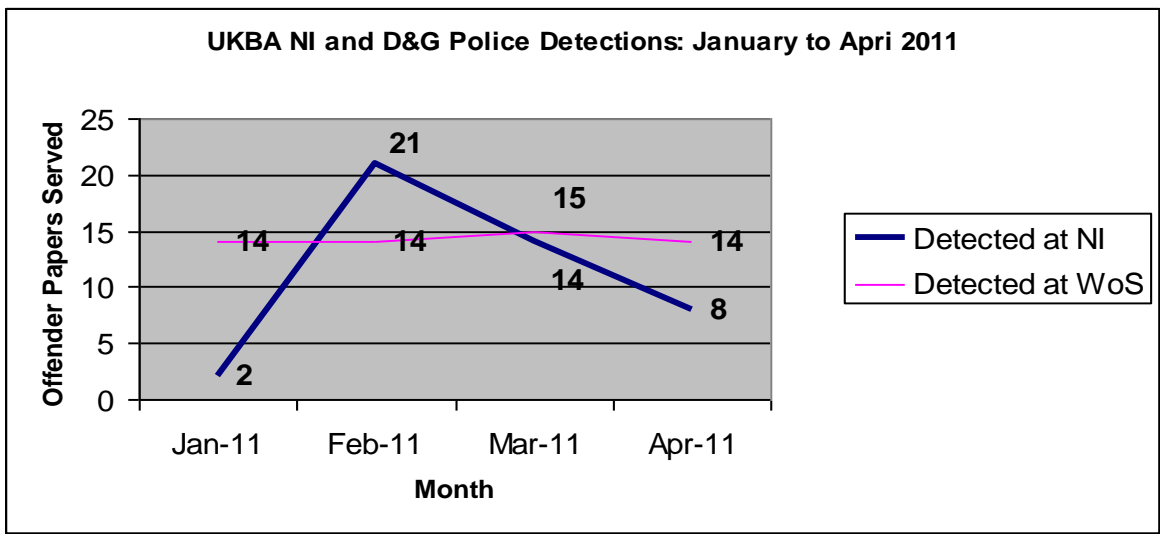
### The Review Period

- 3.7 While assessment over a longer period of time will provide a more complete picture, early results are positive. More offenders have been detected since the introduction of the new arrangements. The collective total of offenders detected travelling through Northern Ireland and West of Scotland sea ports between January and April 2011 increased by 65% from 62 to 102 over the same period last year.
- 3.8 The table below shows the month on month detection comparison for both years.

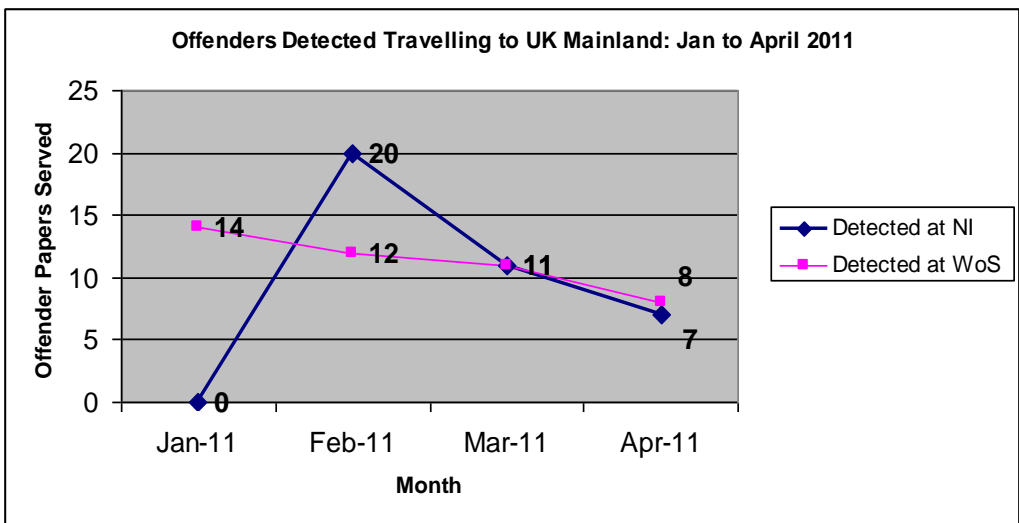


<sup>1</sup> West of Scotland detections have been adjusted for January to April 2010 (from 48 down to 40) and 2011 (from 65 down to 57) to take account of 16 cases of known offenders who were travelling lawfully through the sea ports and who were neither wanted nor missing.

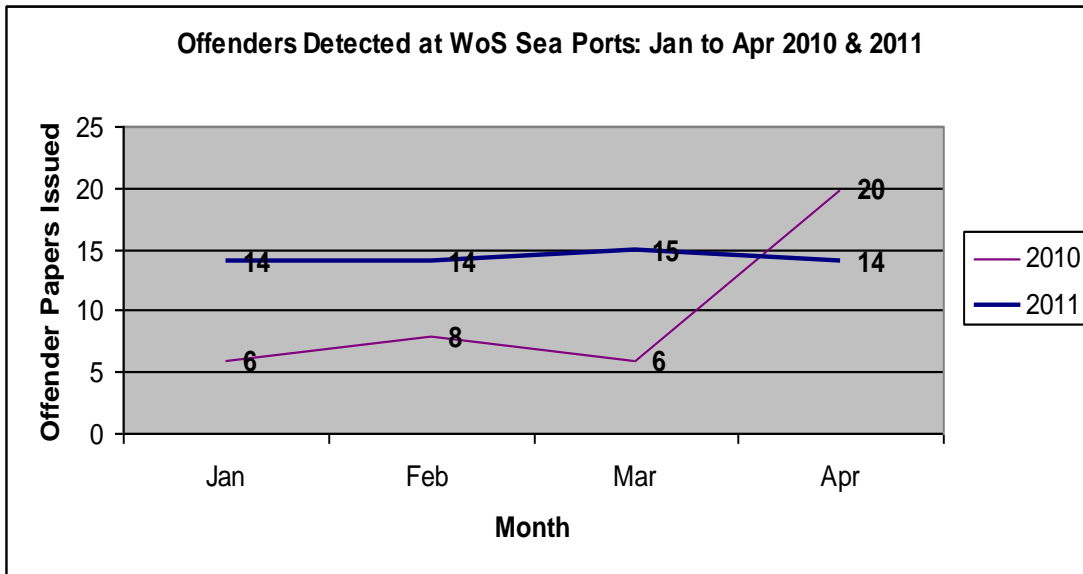
- 3.9 The overall increase is largely attributable to a sharp rise in detection rates during February and March which accounted for 64 (63%) of the 102 offenders detected over the 4 months since January 2011. The same months in 2010 accounted for only 31% of detections.
- 3.10 The number of UK Border Agency deployments in January 2011 was affected by the extreme weather conditions, negotiating protocols with port authorities and designing and introducing safe systems of working. The rise in UK Border Agency detections at Northern Ireland sea ports from February coincides with increased deployments at these locations.
- 3.11 Collectively between the two agencies, detections have increased to an average of 25 per month or a 65% increase on the equivalent detection rate for the same period in 2010. This increase in detections has had the effect of improving the security of Scotland and Northern Ireland as a whole.
- 3.12 The table below shows the comparative UK Border Agency/Police detection trends from January 2011.



- 3.13 Over the period from January to the end of April 2011 UK Border Agency detections at Northern Ireland sea ports were 45 and Police detections in Scotland were 57.
- 3.14 The table below shows detections of offenders travelling from Northern Ireland to Great Britain.

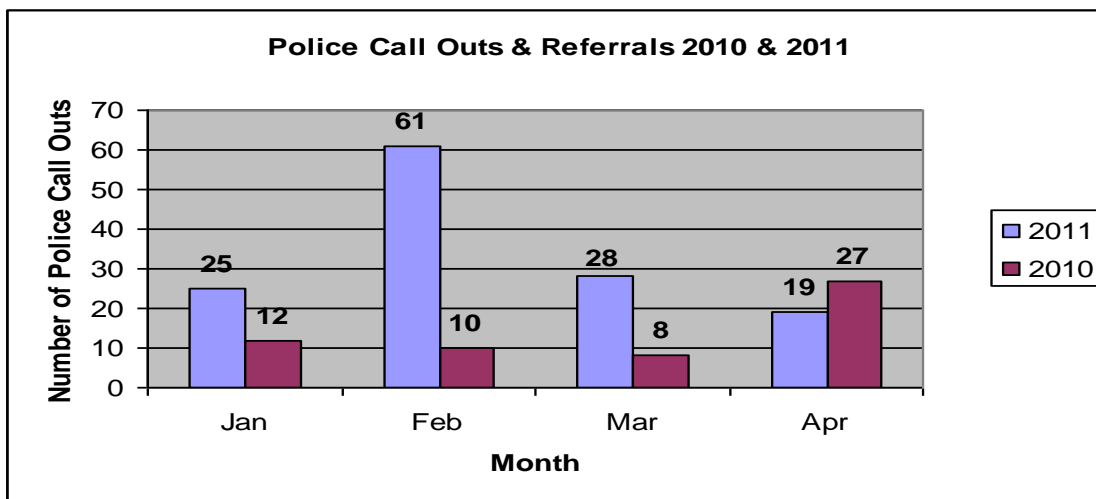


3.15 The table below shows that over the 4 months under review an average of 14 detections per month were made by the police at West of Scotland sea ports – up 40% on the average 10 police detections per month in 2010 over the same period.



3.16 From the table above it is clear that the police at the Galloway ports have increased their previous detection rate significantly.

3.17 The table below shows that there was also a marked increase in the number of police call outs and referrals between January and April 2011 (133) compared with the same period last year (57).



3.18 In the course of their Counter Terrorism / National Security policing duties at Scottish sea ports, Dumfries & Galloway Constabulary continue to encounter people whom they suspect may be immigration offenders. In these circumstances, they contact the UK Border Agency to establish a person's immigration status in the UK. This is known as a police call out.

3.19 43% of Dumfries and Galloway Constabulary's checks or referrals resulted in an offender being identified against 70% in the same period last year.

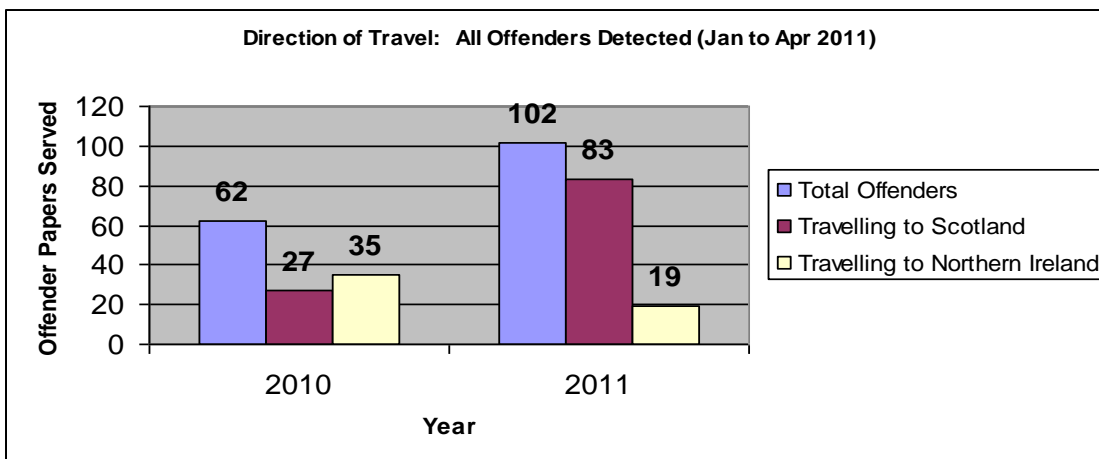
3.20 Between 6 and 11 February 2011, immigration officers from Glasgow worked alongside Dumfries & Galloway Constabulary at the Galloway ports to assess the impact on referrals and detection rates that might be achieved by having a UK Border Agency physical presence.



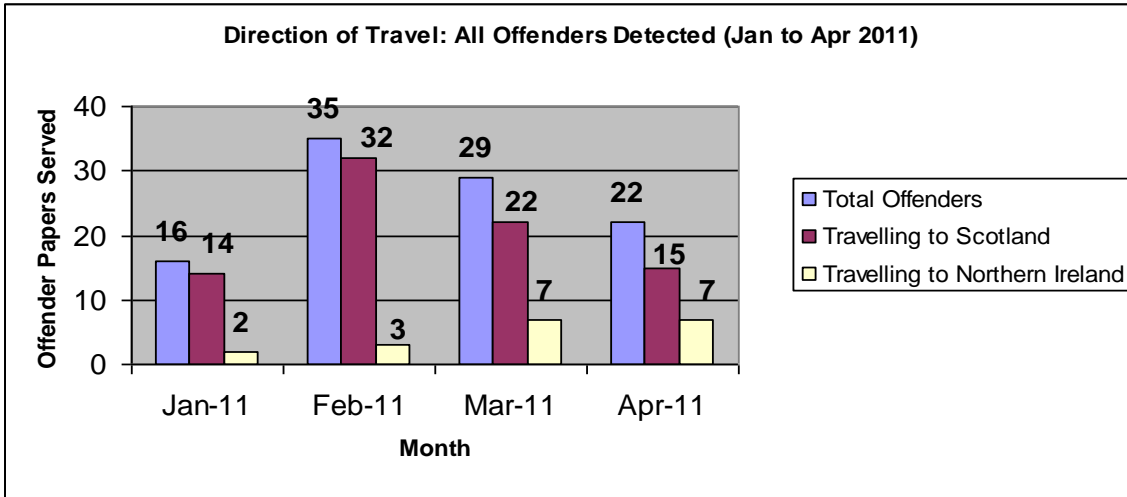
- 3.21 During this exercise, 35 suspected offenders were referred directly by police to the UK Border Agency's officers on the spot, resulting in the detection of 6 immigration offenders. A further 8 offenders were detected by Dumfries & Galloway Constabulary outside of the joint exercise bringing February's total to 14 offenders detected at West of Scotland sea ports.
- 3.22 There is no reason to believe that the 6 offenders dealt with by the UK Border Agency during the joint exercise would not have been detected had the police been working alone at the sea ports. The advantages for the police were however that they had an immediate point of contact to refer suspects to and significantly less police time was needed to establish the status of suspects and process offenders.
- 3.23 The UK Border Agency and Dumfries and Galloway Constabulary have agreed further measures aimed at reducing police time needed to deal with immigration suspects and offenders on these routes. These new measures will be introduced from August 2011 and their effectiveness jointly monitored over the remainder of the year.

**Direction of Travel**

- 3.24 There was a significant shift in the direction of travel of offenders detected travelling between Northern Ireland and Scotland. The table below shows that 83 (81%) of the 102 offenders detected during January and April 2011 were attempting to travel to, or had already arrived at, Scottish sea ports - compared with 27 (44%) for the same period last year.



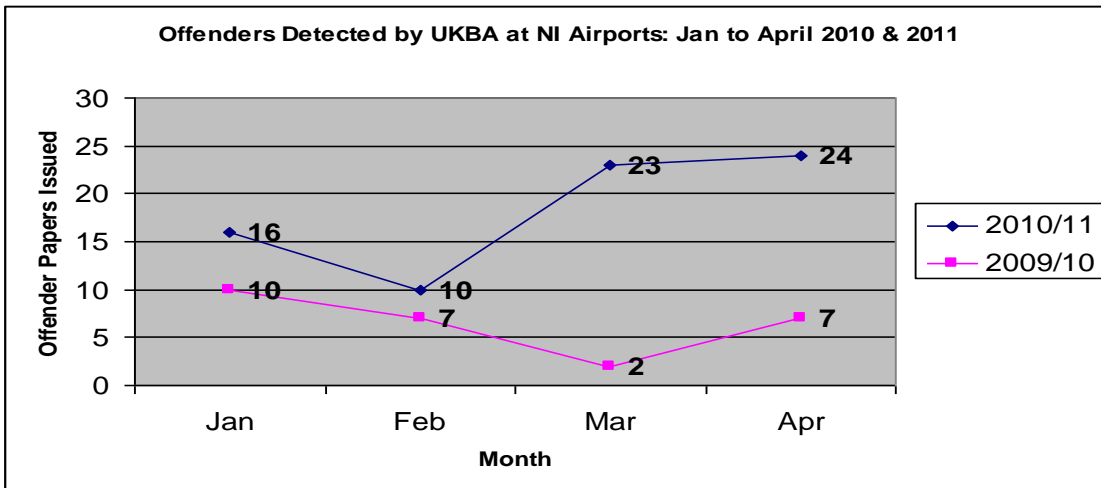
- 3.25 It is too early to establish whether the number of people attempting to travel unlawfully to the Great Britain is increasing or whether the new arrangements at the sea ports are simply more effective at identifying immigration offenders.
- 3.26 False (offender) optimism following press reports of weakened controls in Scotland and a worsening economic climate in the Republic of Ireland may also be combined factors in the directional change and the economic situation may also be the reason for the overall decrease in numbers heading towards Northern Ireland.
- 3.27 Whilst the vast majority of offenders were detected on route to Great Britain, March and April 2011 saw an increase in offenders detected who were heading towards Northern Ireland.
- 3.28 The table below shows a month on month comparison.



- 3.29 February's joint exercise with Dumfries and Galloway Constabulary also included an increased presence of UK Border Agency staff at the main bus stations in London and Manchester focused on buses bound for the West of Scotland sea ports with connections to Northern Ireland.
- 3.30 While no immigration offenders were detected trying to board the buses for Scotland, the visibility of uniformed UK Border Agency officers may have acted as a deterrent and may (or may not) be a factor in the rise in Northern Ireland bound offenders since February 2011.
- 3.31 Information about immigration offenders' direction of travel will continue to be gathered consistently and monitored jointly by the UK Border Agency and Dumfries and Galloway Constabulary.

**Airport Operations**

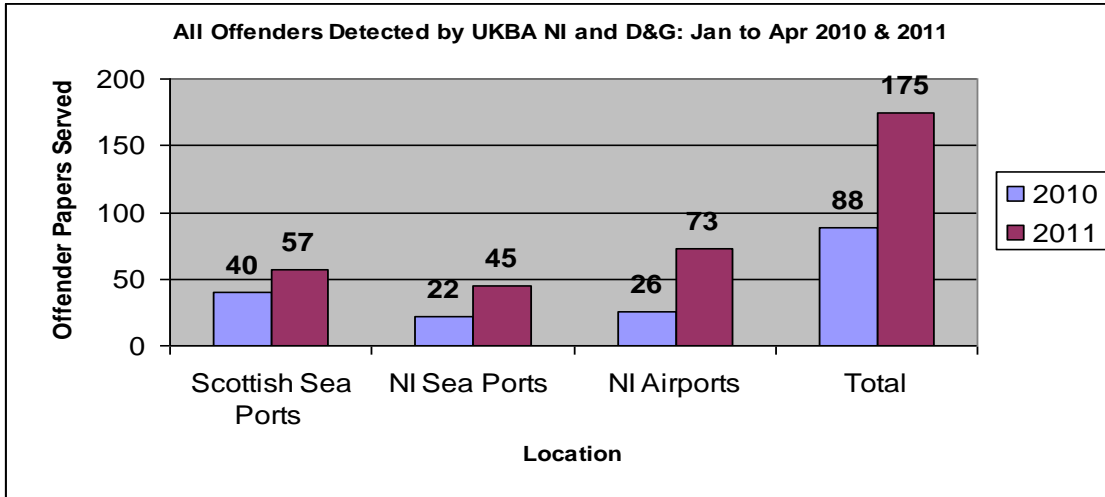
- 3.32 The table below shows that the introduction of the new sea port arrangements in Northern Ireland did not negatively impact on the internal CTA work that the UK Border Agency conducts at Northern Ireland airports. Increased capacity combined with smarter risk based deployments has also returned a higher detection rate at the airports than achieved during the same period last year.



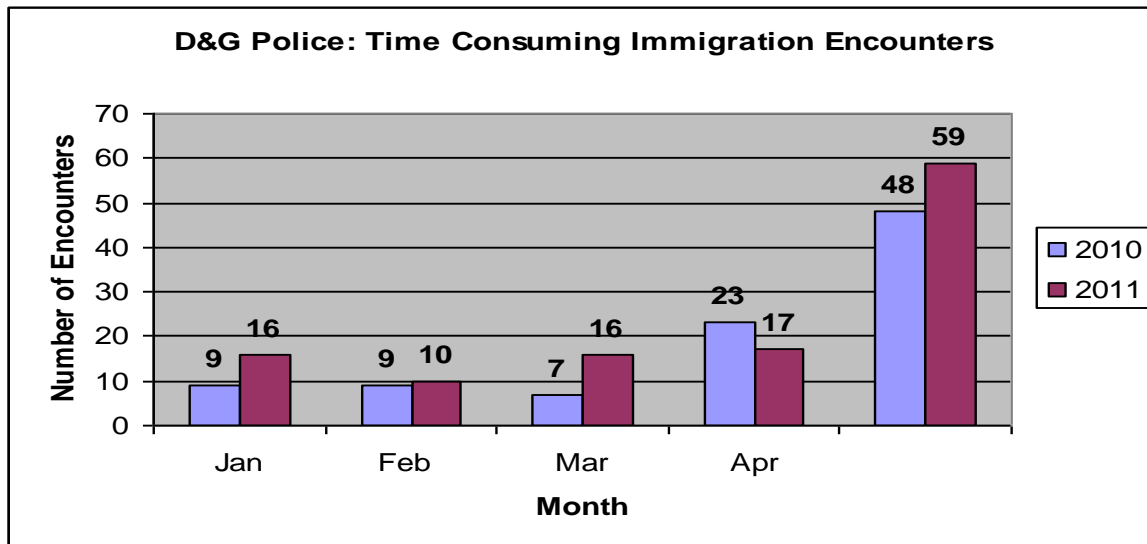
- 3.33 Month on month detections show a total of 73 offenders were detected at Northern Ireland airports during January to April 2011 compared to 26 for the same period last year – an increase of almost 300%.
- 3.34 All Northern Ireland enforcement staff have been trained to operate internal intelligence led operations at sea and air ports, significantly increasing the UK Border Agency's flexibility and capacity to deploy and protect the UK at these locations.

### The Mid Term Position

- 3.35 For the mid term, early results suggest that with appropriate levels of co-operation, smart deployments and an increased ratio of detections by the UK Border Agency in Northern Ireland further improvements can be made in the detection rates of immigration offenders using the Galloway ports as a transit route between the UK and the Republic of Ireland.
- 3.36 The table below shows that a total of 175 offenders were detected at Northern Ireland sea and air ports and at the Galloway sea ports between January and April 2011 – a 200% increase on the same period in 2010 when 88 offenders were detected.



- 3.37 The table below shows that, with the exception of April, the work of Dumfries and Galloway Constabulary to process immigration suspects and offenders increased during the review period.



- 3.38 During January and April 2011 Dumfries and Galloway Constabulary identified 59 potential immigration offenders, of which 57 were subsequently arrested. This compares with 48 potential offenders of which 40 were arrested over the same period in 2010.

## Next Steps

3.39 The UK Border Agency has worked closely with Dumfries and Galloway Constabulary to identify and agree a 10 point plan aimed at reducing the immigration pressure at Galloway sea ports while sustaining high performance in the detection of immigration offenders. The key measures are shown below.

No	Measure	Purpose
1	Systematic sharing of intelligence	To inform joint threat assessments and continuously improve counter measures
2	Joint tasking and co-ordination of resource deployments	To optimise coverage at the highest risk times at Northern Ireland sea ports and reduce the number of immigration offenders who need to be processed by the police in Scotland
3	A rapid response telephone advice line provided by the UK Border Agency in Northern Ireland (including an out of hours on call service)	To ensure that Dumfries and Galloway Constabulary speak with a CTA expert as a first point of contact and in doing so reduce time required for police call outs and subsequent processing of immigration suspects and offenders
4	Arrangements for the immediate transfer of (suitable) immigration offenders detected at Scottish sea ports to UK Border Agency detention	To reduce time and work needed by Dumfries and Galloway Constabulary to detain and process immigration offenders detected embarking or disembarking at Scottish harbours
5	UK Border Agency immigration checks in Northern Ireland on travellers in vehicles embarking on ferries heading to Scotland	To reduce time and work needed by Dumfries and Galloway Constabulary to stop, question, detain and process immigration suspects and offenders travelling by vehicle
6	An advance notification system to advise the police of travellers en route to Scotland by foot or vehicle who have already been cleared as lawful travellers by the UK Border Agency on embark in Northern Ireland	To reduce the impact on lawful travellers whose immigration status has already been established and reduce duplication of effort.
7	Periodic joint working between the UK Border Agency and Dumfries and Galloway Constabulary at Scottish sea ports	To maintain strong working relations, allow transfer of skills and competencies and continuously compare outcomes from separate and joint operations
8	Closer working between the UK Border Agency and other law enforcement agencies at Northern Ireland sea ports	To maximise use of resources and deployments at Northern Ireland sea ports, reducing time and work needed by Dumfries and Galloway Constabulary to deal with immigration matters
9	Monthly operational meetings	To share and agree results, learn from experiences and identify and introduce best practice
10	Quarterly strategy meetings	To review progress of current arrangements, agree any required adjustments and assess progress against longer term objectives

3.40 Our joint objective over the next 6 months is to introduce and refine these measures to deliver the majority of detections and detentions in Northern Ireland and reduce Dumfries and Galloway Constabulary time and work needed to deal with immigration suspects and offenders who are encountered at the Scottish sea ports.

## Section 4: Conclusions & Recommendations

### Conclusions

- 4.1 While the new arrangements have improved control and detection of illegal migration via the Galloway ports, more time is needed to test sustainability. Early indicators of effectiveness are largely positive. In particular, since February 2011:
- collectively, the UK Border Agency and Dumfries and Galloway Constabulary have returned a marked increase in the number of immigration offenders detected during the first four months of 2011
  - more trained staff and more harbour deployments in Northern Ireland have resulted in significantly more immigration offenders being detected at Northern Ireland ports
  - UK Border Agency coverage at Northern Ireland airports has not been affected by an increased focus on its sea ports – airport detection numbers have increased on the same period last year
  - time needed by Dumfries and Galloway Constabulary to deal with immigration matters at Galloway ports has increased and not decreased as the Force had hoped
  - the UK Border Agency and Dumfries and Galloway Constabulary have agreed the principles and are working in partnership on the detail of a 10 point plan to take new work forward to reduce police time required to process immigration suspects and offenders at Galloway sea ports.
- 4.2 In Northern Ireland new operating procedures; intelligence systems; and critical partnerships with the Police Service of Northern Ireland and other key parties need further time to develop and grow to maturity.
- 4.3 Close and continued co-operation with Dumfries and Galloway Constabulary remains a key factor in effectively protecting the UK from illegal immigration.

### Recommendations

- 4.4 **It is recommended that:**
- **the new arrangements continue to be monitored**
  - **the UK Border Agency and Dumfries & Galloway Constabulary continue to work in partnership to ensure that the new arrangements work effectively**
  - **a further assessment of effectiveness is conducted to cover the full year from January to the end of December 2011 in early 2012.**