Immigration Bill

Factsheet: Embarkation Checks (clause 61 and Schedule 8)

Immigration Minister Mark Harper:

"We have already committed to introducing exit checks by 2015. This legislation will introduce powers to enable carrier and port operator staff to play a role in carrying out these checks.

"This will help improve our already robust security at the border, while causing as little disruption to passengers as possible. Our aim is to make it much harder for offenders to flee British justice and to better identify those who are in the UK illegally."

Background

The UK has one of the most secure borders in the world. It has a number of safeguards in place to ensure that security is maintained: stopping people getting on planes in the first place; Border Force teams intercepting high-risk immigration individuals when they disembark; intelligence sent to the front line before passengers arrive in the UK; and every passenger being checked against the warnings index at passport control.

Since 2010, the Government has driven considerable improvements to ensure that passengers travelling to Britain are checked across a variety of databases before departure and upon arrival. We conduct electronic exit checks on a substantial number of journeys - we already screen approximately two-thirds of passengers who leave the UK with the help of advance passenger information, and we have reached agreement with a major European carrier starting next month which will increase our coverage to 75% on all routes and 90% of all air passengers.

The Home Office remains committed to introducing Exit Checks by 2015. When combined with data about people entering the country, exit check information helps show who is in the country. This allows us to target the most harmful individuals who are intending to leave the UK by those routes, and informs us who has in fact left.

The technological capability delivered by the Border Systems Programme will provide part of the solution to implementing exit checks. Work to deliver the full capability will also focus on partnership with carriers, particularly on rail and maritime routes.

What we are going to do:

- Not all exit checks will be able to be done remotely, using advance passenger data. We will have to check some passengers at the border itself, and so will need to collect data to support those checks.

- There are several different ways in which this could be done. We want do so in a way which minimises the impact on legitimate passengers as they pass through our ports.

- We will therefore enable those already involved in outbound passenger processes, such as carrier and port operator staff, to play a role in exit checks.

How we are going to do it:

- We will introduce a power in this Bill to allow carrier and port operator staff and others to carry out embarkation checks; and a power to compel them to do so if necessary.

- We will enable powers of examination (currently only exercisable by an immigration officer) to be exercised, to a limited extent, by a designated person in relation to persons leaving the UK.

- These provisions will allow those who currently have a role in outbound passenger processes to be designated and trained to perform the basic checks required to establish a passenger's identity, to collect the data necessary to identify threats or persons of interest and to confirm departure.

- It is not intended that designated persons should exercise any other powers of an immigration officer such as powers of search or detention.

- We will enable the Secretary of State to direct a carrier or port operator to make arrangements for a designated person to exercise those powers.

- We will create an offence for non-compliance with any such direction.

Benefits

- Each year, over 100 million passengers travel out of the UK, passing through our airports, seaports and international rail terminals. Continuing our work on exit checks will allow us to screen those who leave the UK to identify threats and persons of interest to Border Force, Immigration Enforcement and other law enforcement bodies, and to enable an appropriate response.

Next steps

- The Government will continue to talk with industry to discuss our plans for implementation.

- Their views on our proposals and the impact they would have, as well as any alternative suggestions, will be important in helping us to develop an efficient exit checks system which contributes most effectively to protecting the public from crime, terrorism and illegal immigration but which disrupts legitimate passenger traffic as little as possible.

Q&A

Isn't this going to put the onus on carriers to do immigration checks? Won't this lead to long delays at ports?

These checks are important for border security purposes, however, we want to minimise the impact on passengers and ports and integrating checks with existing port operations and processes will help do this.

This is why we are introducing powers in the Bill to allow those already involved in outbound passenger processes, such as carriers and port operators, to be designated and trained to perform the basic checks required that will contribute to an efficient and effective exit checks capability.

https://www.gov.uk/government/organisations/home-office/series/immigration-bill

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