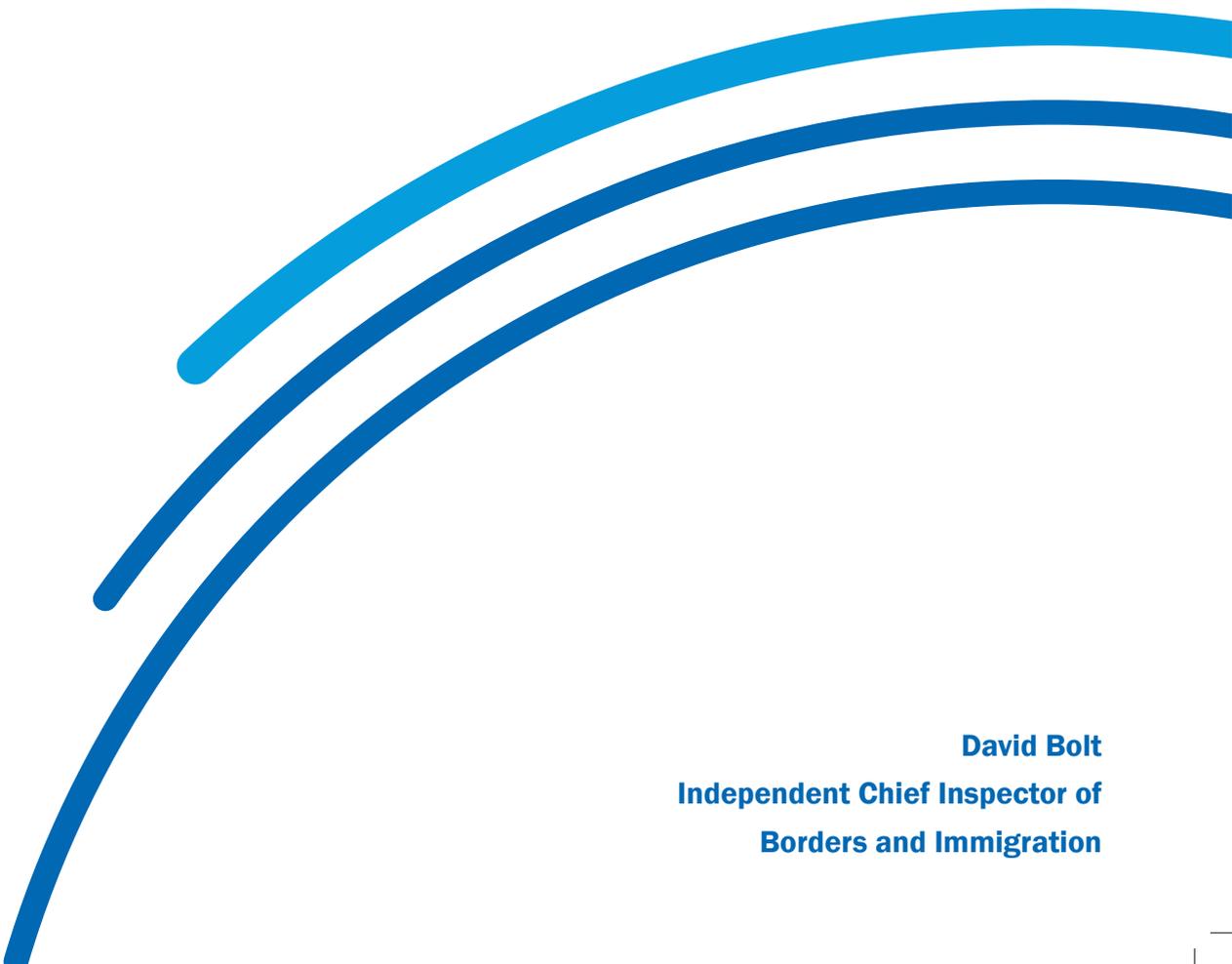




# Inspection of Border Force Operations at Heathrow Airport

June–October 2014



**David Bolt**  
Independent Chief Inspector of  
Borders and Immigration



# **Inspection of Border Force Operations at Heathrow Airport**

June–October 2014

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

July 2015



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Print ISBN 9781474123730  
Web ISBN 9781474123747  
ID 13071501 07/15

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

## **Our Purpose**

We provide independent scrutiny of the UK's border and immigration functions, to improve their efficiency and effectiveness.

## **Our Vision**

To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.

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# Foreword

London Heathrow Airport is the biggest and busiest airport in the UK. Terminal 5 is Heathrow's busiest terminal. In the 12 months to April 2014, Terminal 5 handled over 13 million passenger arrivals.

Border Force is responsible for securing the border by carrying out immigration checks and customs controls for people and goods entering the UK.

This inspection examined Border Force operations at Heathrow, focusing primarily on Terminal 5.

The inspection found that Border Force at Heathrow had made a number of improvements since the last inspection and, for the most part, was performing effectively and efficiently. In particular, the Border Force Operating Mandate, published in 2012, was widely understood and was making a positive difference to the management of the passengers arriving at the Primary Control Point (Immigration), and to ensuring Border Force Officers maintained a balance between border security and customer service. Overall, the quality of decisions made to refuse entry was good, and Border Force Officers interacted professionally with passengers both at the immigration and at the customs controls.

However, the inspection also found some areas of poor performance, and makes six Recommendations for improvements. Some of these are repeated from earlier inspections and relate to record-keeping, which has been identified as a weakness in a number of previous reports. It is hoped that Border Force will give sufficient priority to addressing this issue to ensure it does not continue to be a cause for concern.

This report was submitted to the Home Secretary on 2 June 2015.

**David Bolt**

**Independent Chief Inspector of Borders and Immigration**

# 1. Scope and Purpose

1.1 The scope and purpose of the inspection were to:

- assess the efficiency and effectiveness of decision-making within the immigration and customs environments, including in the latter the effectiveness of customs controls in detecting and preventing passengers from carrying prohibited and restricted goods into the UK;
- establish whether Border Force officers were complying with the Border Force Operating Mandate;
- review the effectiveness of assurance processes, assessing whether they provided the level of assurance necessary to satisfy senior managers that officers were operating in accordance with legislation, policy and guidance, and
- consider what progress had been made in implementing the Recommendations in previous Border Force inspections, notably the 2011 Inspection of Border Control Operations at Terminal 3, Heathrow Airport, which resulted in the Home Secretary commissioning the Chief Inspector to undertake an investigation into border security checks, which was published on 20 February 2012.

1.2 The inspection involved:

- a review of Border Force management information, guidance and instructions relating to border control operations at Heathrow;
- a survey of all operational Border Force staff at Terminal 5;
- sampling of 281 case files across the key categories of immigration and customs work;
- (during September 2014) observation of the immigration and customs control areas and onsite interviews and focus groups with managers and staff; and
- meetings with key stakeholders, including the port operator, airline representatives and Her Majesty's Revenue & Customs (HMRC).

1.3 On 7 October 2014, the Inspectorate provided feedback on high-level emerging findings to Border Force.

## 2. Key Findings

### What worked well

- 2.1 The inspection found that all Border Force Officers (BFOs) were aware of, and conducting all security checks in accordance with, the Border Force Operating Mandate.
- 
- All Border Force Officers (BFOs) were aware of, and conducting all security checks in accordance with, the Border Force Operating Mandate.*
- 
- 2.2 File sampling indicated that most decisions whether or not to refuse entry to the UK were made in accordance with policy and guidance. Relevant background checks had been conducted in all but three cases, demonstrating staff understood the importance of completing background checks when these were necessary, despite the considerable queuing pressure they sometimes faced at the Primary Control Point<sup>1</sup> (PCP).
- 
- Most decisions whether or not to refuse entry to the UK were made in accordance with policy and guidance.*
- 
- 2.3 While on site, the inspection team observed efficient and effective decision-making at the PCP. BFOs interacted professionally with passengers at the PCP, as they also did at the customs controls.
- 2.4 There had been a significant increase in staff working across the Heathrow estate since the Inspection of Border Control Operations at Terminal 3, Heathrow Airport, published in May 2012.<sup>2</sup> Resource planning initiatives, including the creation of resource planning tools, ensured PCP resourcing was much more closely aligned with passenger volumes, as witnessed by the inspection team when observing immigration activity across all five Heathrow terminals concurrently. This was a visible improvement on what the inspection team had seen in September 2011.
- 2.5 Border Force had also made improvements in relation to forgery detection at Heathrow. Regular forgery detection training was being provided, supported by the introduction of a dedicated forgery officer at the PCP. The case files indicated that forgery cases were being managed and progressed efficiently and effectively.
- 2.6 Border Force had introduced a number of initiatives in relation to safeguarding individuals, including a log to record safeguarding concerns about passengers and any action taken. BFOs were also taking steps to safeguard and promote the welfare of children in accordance with Section 55 of the Borders, Citizenship and Immigration Act 2009.
- 
- Border Force had introduced a number of initiatives in relation to safeguarding individuals.*
- 
- 2.7 Steps had been taken to address some of the concerns raised in the earlier inspection in relation to the use of customs examination powers to search baggage in the absence of passengers<sup>3</sup>. This included developing and delivering an effective training package, which was highly regarded by staff and managers.

<sup>1</sup> The Primary Control Point (PCP) refers to the immigration control area (arrivals hall) where passengers present their travel documentation and may be questioned by Immigration Officers about their reasons for entering the UK.

<sup>2</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/Inspection-of-Border-Control-Operations-at-Terminal-3-Heathrow-Airport1.pdf>

<sup>3</sup> Published 3 April 2014 – <http://icinspector.independent.gov.uk/wp-content/uploads/2014/04/An-inspection-of-the-use-of-Border-Force-customs-examination-powers-to-search-baggage-in-the-absence-of-passengers.pdf>

## Areas for Improvement

- 2.8 The main area for improvement was record-keeping. As with previous port inspections, this inspection identified serious weaknesses in Border Force's creation, maintenance and storage of records.
- 
- This inspection identified serious weaknesses in Border Force's creation, maintenance and storage of records.*
- 
- 2.9 The inspection identified records that failed to:
- demonstrate actions taken by BFOs were lawful and proportionate; and
  - show that officers were complying with policy and guidance.
- 2.10 Border Force was not maintaining accurate passenger detention records in all instances. In some cases Border Force was unable to demonstrate that the initial detention and the time spent in detention were necessary, leaving it open to challenge and criticism.
- 2.11 Border Force was unable to provide the inspection team with the all of the documentation it requested in relation to search of person activity. Therefore, it was unable to demonstrate that all search of person activity within the customs channels was lawful and proportionate. In 29 (63%) of the cases sampled no justification for intercepting the passenger was recorded, and in two-thirds of cases there was nothing to show that passengers had been informed of their rights.
- 
- It was unable to demonstrate that all search of person activity within the customs channels was lawful and proportionate.*
- 
- 2.12 BFOs in the customs channels were not always adhering to guidance which required them to complete notebook records at the time, or shortly after, an event had taken place, despite the fact that Border Force guidance made it clear that notes that are not written up as soon as possible may not be relied upon by an officer if the case were to go to court.
- 2.13 Passengers stopped in the customs channels were not being asked to sign notebook entries. Although not a requirement under current guidance, the inspection team was told that training given to BFOs was clear that they must record notes of questions asked, and answers given by passengers, and passengers should be given the opportunity to sign the notebook entry to confirm its accuracy.
- 2.14 BFOs were not always storing their notebooks on official premises. This was in breach of Border Force guidance. Some managers were aware of this practice, but had taken no action. Notebooks often contain personal information relating to passengers, in addition to sensitive operational information, and must be properly protected and readily retrievable.
- 2.15 Some BFOs were not complying with interviewing guidance when conducting immigration interviews, for example failing to ask standard closing questions and/or to ensure the interview record was signed by the passenger.
- 2.16 Some BFOs were failing to comply with guidance setting out when and how a Warnings Index (WI) entry should be removed from the system. Out-of-date entries remained on the system, which meant some passengers were being needlessly delayed and staff time was being wasted carrying out checks which added no value.
- 2.17 BFOs were not always enforcing the law when passengers travelling from outside the EU were detected in the customs channel carrying goods in excess of their duty free allowance, despite Border Force having accepted a Recommendation made in the Inspection of Gatwick Airport North Terminal, published on 10 May 2012, to
- 
- Were not always enforcing the law when passengers travelling from outside the EU were detected in the customs channel carrying goods in excess of their duty free allowance.*
-

stop this practice. The law does not give BFOs any discretion in this matter.

## Overall Finding

- 2.18 This inspection found many examples of good practice and of improvements in performance for which Border Force deserves credit. However, what is overall a positive picture in terms of core business is somewhat let down by failings in basic procedures and practices, which with more effective management oversight and assurance should have identified and tackled.

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*Many examples of good practice and of improvements in performance for which Border Force deserves credit.*

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## 3. Summary of Recommendations

### The Home Office should:

1. Maintain adequate audit trails, and undertake necessary assurance activity to ensure that:
  - detailed and accurate records are maintained of every passenger detention that demonstrate the detention is lawful and the duration of the detention is no longer than is necessary; and
  - records are created and retained in all cases in line with guidance, and fully justify and evidence the rationale for decisions.
2. Ensure all searches of person are lawful and proportionate, and have been conducted in accordance with guidance, with proper documentary records maintained.
3. Ensure that passengers are informed about their right to appeal prior to a search of their person being conducted under Customs and Excise Management Act 1979 powers, and that the Border Force paperwork accurately reflects this, together with the justification for the search and any supporting information.
4. Produce (keep updated) and disseminate to all affected Border Force staff a single, written set of notebook guidance, and put measures in place to ensure this guidance is consistently followed in order to improve the reliability of its records and to enable managers to undertake more effective assurance activity.
5. Ensure all notebooks are stored on official premises and are easily retrievable.
6. Ensure all detection staff are reminded of the requirement, without exception, to enforce the law in relation to passengers attempting to enter the UK with any goods in excess of non-EU allowances, and that managers assure that this is happening.

## 4. The Inspection

### Background

- 4.1 Border Force is the part of the Home Office responsible for securing the UK border by carrying out immigration and customs controls for people and goods entering the UK. Heathrow is the UK's largest and busiest airport, processing over 72 million passengers in 2013. At the time of our inspection there were five operational terminals at Heathrow<sup>4</sup>, with Terminal 5 receiving the most incoming passengers. Figure 1 shows the numbers of passengers that arrived at Heathrow between April 2013 and March 2014.

**Figure 1: Heathrow passenger arrival figures April 2013 - March 2014**

TERMINAL	Non-EEA	EEA	Total
Heathrow 1	1,515,377	3,632,464	5,147,841
Heathrow 3	3,013,212	6,159,465	9,172,677
Heathrow 4	2,221,603	3,027,947	5,249,550
Heathrow 5	2,388,936	10,909,655	13,298,591

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

- 4.2 During the course of an inspection at Heathrow Airport Terminal 3, between 26 September and 19 October 2011, we identified a number of inconsistencies in the way border security checks were being operated. These concerns were brought to the attention of the Chief Executive of the UK Border Agency on 2 November 2011 and led to the Home Secretary commissioning the Chief Inspector to investigate and report to her on this matter. Our Report was published in February 2012. We found that:
- between June 2010 and November 2011, secure ID checks<sup>5</sup> had been suspended at Heathrow 463 times without ministerial authority;
  - border controls had been relaxed on a local initiative which had not undergone any scrutiny by more senior managers or ministers ; and
  - managers discouraged staff from questioning visa nationals at the PCP.
- 4.3 A new system of border security checks was subsequently introduced, and the Border Force Operating Mandate was created to address the concerns highlighted in our Report.
- 4.4 The inspection of Border Control Operations at Terminal 3, Heathrow Airport, was published in May 2012 and highlighted 12 recommendations, nine of which were accepted in full by the Home

<sup>4</sup> Terminal 2 was officially opened on 4 June 2014 and therefore does not appear in the statistics in Figure 1.

<sup>5</sup> Checks passengers' fingerprints at the immigration controls and verifies them against those previously provided during the visa application process.

Office and three in part<sup>6</sup>. Those accepted in full included to:

- *ensure that all arrests and searches of person are justified, proportionate and conducted with a legal basis and in line with guidance and with proper documentary records maintained;*
- *implement a formal quality assurance framework to identify case working errors and provide regular feedback to immigration staff at the Primary Control Point to drive improvements in decision making quality; and to*
- *take action to improve its performance in relation to absconder recovery action, ensuring that people who have lost their appeals are located and removed from the UK.*

4.5 Following the investigation, a short-notice inspection was conducted of Border Security Checks at Heathrow Airport, Terminal 3 and 4<sup>7</sup> (published in July 2012) to assess what progress had been made against the recommendations relating to border security. This Report made three recommendations, all of which were accepted in full by the Home Office. These were to:

- ensure that its new framework of border security checks, set out in its Operating Mandate, are resourced appropriately to deliver an efficient and effective service;
- ensure that officers from the secondary detection area receive the necessary support and training to carry out immigration work to the same standards as staff with an immigration background; and
- examine the forgery aspect of its work to satisfy itself that:
  - all forgery detection equipment is working effectively;
  - its staff are appropriately trained to use this equipment; and
  - forgery refresher training is delivered to all staff at least annually.

## Methodology

4.6 The Chief Inspector's inspection criteria<sup>8</sup> (set out in Appendix 2) were used to assess the efficiency and effectiveness of Border Force operations, under the themes of:

- Operational Delivery;
- Safeguarding Individuals; and
- Continuous Improvement.

4.7 In advance of the onsite phase of the inspection, we undertook:

- a pre-inspection familiarisation visit to the Watchlist and Information Control Unit (WICU)<sup>9</sup> on 27 August 2014;
- an examination of Border Force management information, guidance and instructions relating to Heathrow;
- a staff survey<sup>10</sup>; and
- file sampling of 281 case files, notebook records, and Search of Person (SoP) records, broken

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6 <http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/Border-Force-response-to-the-Heathrow-Terminal-3-report.pdf>

7 <http://icinspector.independent.gov.uk/wp-content/uploads/2012/06/ICIBI-Short-Notice-of-Heathrow-T3-T4.pdf>

8 All criteria of the Independent Chief Inspector of the UK Border Agency can be found at: <http://icinspector.independent.gov.uk/wp-content/uploads/2013/08/ICI-CORE-CRITERIA-REVISION-FOLLOWING-ABOLITION-OF-UKBA-August-2013.pdf>

9 The unit within Border Force responsible for updating and maintaining the Home Office Warnings Index (WI) system.

10 We conducted a survey, which was sent to all operational Border Force staff at Terminal 5. Full results of the survey (126 respondents) can be found in Appendix 3.

down as follows:

- 91 cases where passengers were refused leave to enter the UK;
- 72 cases where passengers were granted permission to enter the UK, after being issued with an IS81<sup>11</sup>;
- 38 Carriers Liability cases<sup>12</sup>
- 12 cases where Border Force had taken civil penalty action;
- 46 SoP records; and
- 22 notebook records.

4.8 The onsite phase of the inspection took place between 8 and 18 September 2014. Our onsite inspection included:

- observation of Terminal 5 immigration and customs controls on weekdays between 07.00 and 21.00 and on a Sunday between 07.00 and 12.00;
- concurrent observation of the immigration and customs controls across all five Heathrow terminals ;
- observation of three detailed passenger interviews<sup>13</sup>;
- a review of 17 cases in which an officer working at the PCP had intercepted a passenger attempting to enter the UK using a forged document; and
- focus groups and interviews with staff, team leaders and senior managers involved in immigration and customs operations.

**Figure 2: Breakdown of staff interviewed by grade**

Grade	Number
Administrative Officer (BFAO)	14
Officer (BFO)	26
Higher Officer (BFHO)	10
Senior Officer (BFSO)	4
Assistant Director / Grade 7	3
Deputy Director / Grade 6	2
Director / Grade 5	1
Total	60

4.9 While on site, we also met with the following stakeholders:

- Heathrow Airport Holdings Limited(the port operator);
- Board of Airline Representatives in the UK;

<sup>11</sup> A form issued by Border Force to passengers who are delayed at the PCP notifying them that they are subject to further examination under the Immigration Act 1971 (in effect this allows BFOs to carry out further checks to determine whether a passenger should be granted entry to the UK).

<sup>12</sup> cases where Border Force had initiated a penalty against an airline, for example, for failure to ensure their passengers held the appropriate documentation to travel e.g. a valid passport.

<sup>13</sup> These interviews are a fundamental part of the decision-making process in determining whether to grant or refuse entry to the UK for the passengers concerned.

- British Airways; and
- Her Majesty's Revenue & Customs (HMRC);

4.10 On 7 October 2014, the inspection team provided feedback on emerging findings to Border Force. The inspection identified six Recommendations to improve the efficiency and effectiveness of Border Force operations at Heathrow Airport. A Summary of Recommendations is at page 8 of this Report.

## 5. Inspection Findings – Operational Delivery

### Staff professionalism

5.1 We observed Border Force Officers (BFOs) working in both the immigration and customs channels in all five Heathrow terminals. We observed 45 officers working at the PCP (a total time of 23 hours and 35 minutes) and 78 officers working in the customs channels (24 hours and 45 minutes). During these observations we found BFOs acted professionally at all times. This included:

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*During these observations we found BFOs acted professionally at all times.*

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- asking appropriate questions to determine whether entry to the UK should be granted or further searches were necessary for customs purposes;
- assisting passengers to complete missing details on landing cards; and
- ensuring passengers understood the reason further checks were required at the PCP.

### Security checks at the PCP

- 5.2 During our investigation into border security checks, we found secure ID was suspended 482 times between June 2010 and November 2011. 463 (96%) of these suspensions occurred at Heathrow. During this inspection, we found no recorded instances of secure ID checks being suspended between 1 June 2013 and 31 May 2014. We also found that there had been no suspensions of Warning Index (WI) checks<sup>14</sup> during this period. These findings were supported during our observation sessions, when we saw BFOs carrying out all security checks in accordance with the Border Force Operating Mandate.
- 5.3 Information provided to us showed that between 1 June 2013 and 31 May 2014 the WI and secure ID IT systems were each down four times due to technical problems. We were told that during these periods contingency measures (i.e. using laptops which although not connected to the server are regularly refreshed) were in place ensuring that border security was maintained. At the time of our inspection, changes were being made to the WI system to reduce the likelihood of IT failures.

### Biometric chip-reading facility

- 5.4 Border Force Officers at the PCP are required to scan the biometric chip in all travel documents where this feature is present, including those belonging to European Economic Area (EEA) citizens. This allows them to check that the passenger's passport photo corresponds with the photo embedded in the biometric chip.
- 5.5 During our investigation into border security checks we looked at 10 ports, including Heathrow, and found that between January and June 2011 the biometric chip-reading facility had been regularly deactivated by BFOs at ports. As part of this inspection, we asked Border Force how many times the biometric chip-reading facility had been deactivated across all Heathrow terminals between 1 June 2013 and 31 May 2014. Due to a technical issue, Border Force was unable to provide confirmation that the chip reading had not been deactivated by any officer between February and May 2014.

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<sup>14</sup> Used to ascertain whether passengers are of interest to Border Force, the police, or other government departments.

However, we were told there had been no instances of the chip reading facility being deactivated at Heathrow between 1 June 2013 and the end of January 2014.

- 5.6 Border Force also told us that refresher training had been given to all staff to remind them of the requirement to open and read all biometric chips in relevant travel documents in order to comply with the Operating Mandate. Our observation confirmed that BFOs were fully aware of this requirement, and we saw no instances of deactivation of the biometric chip reading facility while we were on site.

### Deleting out-of-date Warnings Index entries

- 5.7 Guidance for Border Force Officers processing passengers at the PCP sets out when and how a Warnings Index (WI) entry should be removed from the system. This states that BFOs should make a recommendation to the Watchlist Information Control Unit (WICU) to delete an entry when it is no longer valid, for example where a visa applicant has had a recent visa application granted, following an earlier refusal.
- 5.8 During our observation sessions in Terminal 5, we found some BFOs were not clear about when and how to delete out-of-date WI entries, and this was also apparent from some focus groups and interviews. One example is illustrated in the case study at Figure 3.

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*We found some BFOs were not clear about when and how to delete out-of-date WI entries.*

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#### Figure 3: Case study – Out-of-date WI entry

##### The passenger:

- Had been refused leave to enter the UK in 2009;
- Had subsequently been issued with two visas – one for six months, and a later one for five years; and
- Was stopped at the PCP, issued with an IS81, and asked to wait while further checks were carried out.

##### The BFO:

- Conducted relevant checks;
- Acknowledged to an Inspector that leaving the entry on the system would mean the passenger would be stopped again the next time they sought UK entry; and
- Did not recommend the deletion of the WI entry, despite being asked whether this was correct by a more junior officer.

##### Chief Inspector's Comments:

- The Home Office IT system showed that the Entry Clearance Officers who granted the passenger the two visas had been aware the individual had previously been refused leave to enter;
- The WI entry was clearly no longer valid and the BFO should have recommended its deletion; and
- The BFO failed to act in accordance with Border Force guidance, compounding this by giving a junior officer incorrect information regarding when a WI entry should be deleted.

- 5.9 Prior to the onsite phase of the inspection, we asked Border Force for monthly statistics showing the number of times BFOs had requested deletion of a WI entry by entering text to this effect in the ‘Comments’ section on the system, as required in order to have an entry removed from the system, rather than the using the Delete button, which did not remove the entry. We were told that this data could not be extracted electronically. We believe failure to delete out-of-date WI information results in:
- passengers being needlessly delayed, some repeatedly; and
  - staff wasting time on nugatory checks, which puts greater pressure on the PCP.
- 5.10 Managers told us that refresher training had been given to BFOs to improve performance in this area. We reviewed the training material, which was produced in May 2014, and found it provided clear instructions for officers to: *“recommend deletion or amendment of WI entries whenever applicable, especially when the entry is no longer valid.”* This, along with other training material, provided examples of when and how an entry should be deleted. However, the guidance was not always being followed.
- 5.11 As part of our staff survey (see Appendix 3), we asked staff how they accessed guidance to help them to carry out their job. Twenty-nine (27%) respondents told us they referred to centrally-issued online guidance, but 41 (38%) told us they would rely on verbal or written information from colleagues. As illustrated in the case study at Figure 3, this information is not always accurate. Meanwhile, 92 (84%) respondents felt they were not given sufficient time to keep up to date with changes in policy and procedure. This goes some way towards explaining why staff often relied on colleagues and why the centrally-issued guidance was not always applied.
- 5.12 It was evident that Border Force was making efforts to ensure BFOs were clear about when and how a WI entry should be deleted. However, it needs to do more to ensure staff refer to centrally-issued guidance. Managers would be better able to monitor and improve performance in this area if management information showing when requests for deletion of WI entries have been made using the incorrect process was collated and reviewed.

## File sampling

- 5.13 We requested 323 cases, chosen at random, which included entries written in notebooks that were opened between 1 January and 30 June 2014. Of these, we received and sampled 281 case files. Figure 4 sets out the case categories and details of the case files provided by Border Force.

**Figure 4: Table showing the type and number of cases requested / sampled**

Category	Requested	Files received	Files not received	Out of scope	Sampled
Refusals of leave to enter	100	94	6	3	91
Landings after IS81 issued	75	17	58 <sup>15</sup>	3	72 <sup>16</sup>
Carriers liability	38	38	0	0	38
Civil penalty	12	12	0	0	12
Notebook records	50	29	21	7	22

SoP records <sup>17</sup>	48	46	2	0	46
<b>TOTAL</b>	<b>323</b>	<b>236</b>	<b>87</b>	<b>13</b>	<b>281</b>

## Refusals of leave to enter

- 5.14 We requested 100 files where the passenger had been refused leave to enter at Heathrow Terminal 5. We did not receive six of these files because:
- four could not be located; and
  - two were cases where the passenger had elected to re-embark voluntarily, prior to a decision being reached on their request for leave to enter, therefore, no file was created.
- 5.15 Of the 94 files received, in three further cases the passenger had elected to re-embark, prior to a decision being reached about their entry to the UK, so we excluded these cases from our sample.

## Decision quality

- 5.16 The vast majority of the decisions to refuse passengers leave to enter in our sample were reasonable and supported by strong evidence (84 cases out of 91 – 92%). Figure 5 details one such example.

*The vast majority of the decisions to refuse passengers leave to enter in our sample were reasonable and supported by strong evidence.*

### Figure 5: Case study – Effective refusal decision

#### Background:

- The passenger held a valid UK visit visa but after preliminary questioning at the PCP, the BFO had concerns about whether they were a genuine visitor and served them with an IS81 in order to make further enquiries.
- A telephone interview was conducted with the sponsor, who stated that they were not expecting anyone and did not know the passenger.
- In the further interview, the passenger's explanation of the purpose of their visit and relationship with their supposed sponsor was rejected, resulting in the passenger correctly being refused entry to the UK.

#### Chief Inspector's Comments:

- Despite the passenger holding a valid UK visit visa, the BFO carried out appropriate checks with the sponsor and conducted a further interview using effective questioning to inform the decision-making process.
- Central Reference System (CRS) checks revealed that the passenger's interview prior to the decision to issue the visa had been poorly conducted and extremely brief. This individual should not have been granted a visa, but this error was corrected by the BFO on the PCP.

<sup>15</sup> Border Force subsequently told us that files were not created in 44 of these cases.

<sup>16</sup> 55 of these cases were sampled without access to the file – using the Case Information Database (CID), an administrative tool used by Border Force to perform case working tasks and record information electronically.

<sup>17</sup> Although we requested that the SoP record should include all paperwork, including notebook entries for at least the requesting officer and search officer, three-quarters of the SoP records we received were incomplete

5.17 Despite the considerable pressure on the PCP due to the volume of passengers processed by Border Force at Terminal 5, we found that relevant background checks had been conducted in all but two (98%) of our sample cases, meaning Border Force had used the tools at its disposal to inform the decision in the overwhelming majority of cases. Our onsite observations provided further evidence that BFOs were regularly carrying out such checks to help inform decision-making.

*We found that relevant background checks had been conducted in all but two (98%) of our sample cases.*

5.18 However, we did identify two cases where we felt the refusal would have been strengthened if the officer considering the case had sought to authenticate the passengers' supporting documents, or asked further questions about the passengers' personal circumstances.

## Passenger Interviews

5.19 Border Force guidance sets out a number of requirements covering how interviews with passengers at ports should be conducted and recorded, and Figure 6 describes the key requirements.

**Figure 6: Border Force guidance regarding interview conduct**

- When conducting further interviews at ports, BFOs should take notes which must be dated, timed and signed with the name of the BFO conducting the interview being clearly shown.
- Before commencing the interview the person must be asked whether they are fit and well enough to be interviewed and their response recorded.
- Where a crucial admission is made, further questions should be asked in order to rebut any future contentions that a misunderstanding arose.
- Where a sponsor has been interviewed prior to the interview of the passenger any discrepancies between the two statements should be clearly recorded, these discrepancies should be put to the parties concerned and their responses noted fully.
- Any breaks for refreshments should be timed in the notes.
- At the conclusion of the interview the passenger should be allowed to add anything that they think may be of assistance, and you should seek to confirm that they have understood everything you have discussed and again record their response. Once again the notes should be dated, signed and timed.

5.20 A further interview had been conducted prior to the decision to refuse leave to enter in 80 (88%) of the 91 cases we sampled. In 67 (84%) of these cases, we were satisfied that the interview was carried out in accordance with Border Force guidance. However, in 11 (14%) cases the interview did not meet the required standard, as illustrated in Figure 7.

**Figure 7: Interview quality**

Departure from guidance	Number of cases
Interview record not signed by passenger. <sup>18</sup>	2
Not all salient points addressed.	2
Closing questions not asked.	6
Passenger not invited to explain discrepancies.	1
<b>Total</b>	<b>11</b>

<sup>18</sup> The requirement for the interview record to be signed by the passenger was not stipulated in the guidance. However, the interview record form included a section for passengers to sign.

5.21 We could see no evidence that any management assurance activity had been carried out in these 11 cases, for example, managers observing interviews and/or reviewing interview records. Meanwhile, the staff survey that we conducted showed that while 49 (50%) respondents felt the feedback they received from their managers about the quality of their work was helpful, 35 (32%) stated that they had never received any feedback, and a further 11 (10%) stated their work was never checked.

5.22 This is not the first inspection to identify management assurance shortcomings. Following our 2011 inspection of Border Control Operations at Terminal 3, Heathrow Airport we reported that managers did not join any of the interviews we observed. More recently, following our inspection of Border Force Operations at Stansted Airport<sup>19</sup>, we reported that management oversight was ineffective at identifying errors. The Border Force has recognised the need for more robust assurance mechanisms to identify and eradicate errors and, in 2014, created the Border Force Operational Assurance Directorate to address such shortcomings.

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*This is not the first inspection to identify management assurance shortcomings.*

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5.23 In the two (2%) remaining cases, we were unable to assess the quality of the interview because the interview record had not been retained on file. This was a significant improvement compared to the findings of our inspection on Juxtaposed Controls,<sup>20</sup> published in August 2013, where there was insufficient documentation in 38% of our sample (39 cases). However, interview notes should be maintained and kept on file in every case where evidence obtained from the interview is used to support a decision to refuse entry to the UK.

5.24 While on site, we observed three passenger interviews at Terminal 5. In two of these cases we found BFOs:

- explored all relevant matters in sufficient detail;
- asked the required opening and closing questions;
- gave passengers the opportunity to explain their personal circumstances;
- considered all relevant facts of the case in order to reach a justified decision; and
- gave passengers the opportunity to read and sign each page of the interview record.

5.25 In the third case, the officer misinterpreted some of the passenger's responses (for example, in relation to nature of their employment) and did not allow the passenger to explain their circumstances fully. Although Border Force has improved its performance in this area, managers need to ensure BFOs consistently follow guidance when conducting interviews with passengers.

## Timeliness

5.26 Border Force had no specified targets for the time taken to make a decision on whether to grant leave to enter once a passenger had been stopped at the PCP following the service of an IS81 form. We found that the length of time passengers waited for a decision varied greatly in our sample of 91 refusal cases – the shortest time taken was five minutes and the longest was 22 hours. Figure 8 shows the breakdown of the time taken to reach a decision in these cases.

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<sup>19</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2014/01/An-Inspection-of-Border-Force-Operations-at-Stansted-Airport.pdf>

<sup>20</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2013/08/An-Inspection-of-Juxtaposed-Controls-Final.pdf>

<b>Figure 8: Decision timeliness for refusals</b>		
<b>Time to decision after service of IS81 (hours)</b>	<b>Number of cases</b>	<b>% of total</b>
<b>0-2 hours</b>	14	15%
<b>2-4 hours</b>	25	28%
<b>4-6 hours</b>	26	29%
<b>6-8 hours</b>	15	17%
<b>8-10 hours</b>	4	4%
<b>10-12 hours</b>	2	2%
<b>12+ hours</b>	3	3%
<b>N/A*</b>	2	2%
<b>Total</b>	91	100%

\*In two cases the passengers were imprisoned because of customs offences and the refusal decision was not made until several months later.

- 5.27 In two of the three cases where it took over 12 hours to make a decision, records indicated that there were legitimate reasons for the time taken.
- 5.28 In the first of these cases the passenger was identified as a possible victim of trafficking. The case was therefore passed through the relevant referral mechanisms and additional safeguarding procedures in order for Border Force to be satisfied that the refusal decision would not put the passenger at additional risk.
- 5.29 In the second case, the further interview with the passenger highlighted several issues of credibility that needed to be clarified with the sponsor. Border Force made attempts to contact the sponsor but were unable to reach them for a long time.
- 5.30 In the third case, the record maintained by Border Force did not adequately explain why it had taken over 17 hours to reach a decision. In this case, the Border Force Higher Officer (BFHO) had waited over eight hours until the Border Force Senior Officer (BFSO) started their shift the following morning, but there was no evidence that the BFSO was involved in making the eventual decision, and none to show that the time was needed in order to carry out further checks. On the available evidence, this was an example of poor practice.
- 5.31 In every case where there are reasons why a decision regarding leave to enter cannot be made for a matter of hours, these reasons should be carefully documented.

### **Administration/record keeping**

- 5.32 We found evidence of poor administration in 12 (13%) refusal cases, primarily:
- failure to complete necessary paperwork in a timely manner, such as the IS125<sup>21</sup> form;
  - failure to complete required fields on the Case Information Database (CID)<sup>22</sup>, such as the time released from detention; and

21 This form relates to decisions that have been made to either grant or refuse entry to the UK and is completed by BFOs. It should contain a summary of the case, and set out the reasons for the decision to either grant or refuse entry to the UK.

22 The Case Information Database is an administrative tool used by Border Force to perform case working tasks and record information electronically.

- failure to retain records of interviews conducted with sponsors.

- 5.33 The IS125 form provides a summary of the immigration case, including the refusal wording and the facts relating to how that decision was reached. Once completed it must be checked and countersigned by a BFHO and uploaded onto the WI as soon as possible following a person's removal from the UK. This is because, although the WI will alert an officer to a previous refusal, the IS125 details the circumstances of the refusal. Completion of this form is particularly important for Entry Clearance Officers (ECOs) in overseas visa sections to inform their decision-making, as they do not have access to CID. Prior to going on site, we asked Border Force for monthly statistics showing the number of IS125s from Heathrow that had been scanned onto the WI system. However, we were told this information was not available.
- 5.34 Our file sampling of refusal cases revealed 49 (54%) cases where the IS125 was not completed until several months after the passenger was refused entry. The majority of these forms were completed in August 2014, after we had requested the files from Border Force.
- 5.35 Following the onsite phase of our inspection, Border Force issued an Interim Operational Instruction (8 November 2014) informing BFOs they were no longer required to complete form IS125. The instruction added that BFOs must still record a complete summary of the case on CID notes pages at the time of refusal, which must be updated after the passenger had been removed from the UK.
- 5.36 This instruction noted that this decision would affect ECOs working in overseas visa sections, as they did not have access to CID. Ports and Regional Command Centres were instructed that information should therefore be provided to ECOs if they enquired about the reasons and circumstances of previous refusals of leave to enter. Border Force will need to ensure that this message is understood by staff and communicated effectively to ECOs overseas to ensure that the quality of visa decision-making is not adversely affected by this change.

### Passengers granted entry after service of IS81

- 5.37 IS81 forms are issued to passengers who are stopped at the PCP, advising them of their liability to further examination under Schedule 2 of the Immigration Act (in effect, this enables BFOs to carry out further checks to determine whether a passenger should be granted entry to the UK).
- 5.38 We requested 75 cases where passengers had been stopped at the PCP for further enquiries and served with an IS81 form but, following these checks, Border Force had been satisfied that the passenger was entitled to enter the UK. Three files were not sent to us as they related to a fourth which formed part of our file sample. Of the remaining 72, Border Force was able to provide only 17 (24%) files. Border Force guidance for the maintenance and retention of files for this type of case is shown in Figure 9.

#### Figure 9: Guidance on file retention policy

Once a case has been concluded, storage of the file must follow the guidance on the retention and storage of Home Office Port and Enforcement records.

Please note that the guidance sets out how all files – **including files for cases where a passenger has been granted leave to enter** – must be stored for a minimum of 7 years and explains what must be done after that time to either extend the storage time of a file or arrange for its disposal.

- 5.39 Border Force told us that port files are not created in all cases where an IS81 has been served. For example, if a passenger was delayed for only a few minutes while basic checks were performed which confirmed they were entitled to leave to enter. We accept that the above guidance is not relevant in such cases, as a port file and associated paperwork would not be required. This accounted for 26

(36%) cases where Border Force did not provide a port file in response to our request.

5.40 However, in the 29 (40%) remaining cases, we consider port files should have been created and retained for at least seven years in line with the guidance. For example, in cases where baggage searches had been conducted, or fingerprints taken or detention papers had been served. In all 29 cases the relevant papers should have been retained along with the justification as to why they were authorised. This was confirmed during our onsite focus groups, where staff told us that once a passenger had been formally processed, which involved a baggage search and their fingerprints being taken, a port file was always created.

5.41 Staff told us that prior to summer 2014 they had been given no formal guidance in terms of file retention for cases where the applicant was granted leave to enter. As a result, some BFOs retained them, while others shredded them. The guidance at Figure 9 is dated August 2013 and was in force during the period of our file sample, but staff appeared to be unaware of its existence. Figure 10 refers to one such case.

#### **Figure 10: Case study – Failure to adhere to file retention policy**

##### **Background:**

- On 4 March 2014, the passenger sought leave to enter the UK as a visitor for three weeks.
- The reason for the service of IS81 was not clear from CID and no case file was provided by Border Force.
- Notes on CID indicated that the Border Force officer had read the case file and interviewed the passenger.
- The passenger was in detention for three hours and 50 minutes before a decision was made to grant entry.

##### **Chief Inspector's Comments:**

- This passenger was detained for almost four hours and despite a further interview taking place and a case file being produced neither was retained, in breach of Border Force guidance.

5.42 We asked Border Force why an IS81 was served in this case and were told it was not possible to comment on the facts of the case without speaking to the officer who served the IS81. However, almost six months had elapsed. It is unrealistic to expect BFOs to recall from memory the specific details of every case they encounter at the PCP, especially after several months.

5.43 In the absence of a record that adequately demonstrates that a detention was lawful and reasonable, Border Force is unable to defend its actions should a passenger challenge or complain about the circumstances of their detention.

5.44 We have raised this issue in a number of previous port inspections, including in our inspection of Juxtaposed Controls, where Border Force accepted a recommendation to create and maintain file records in all cases in line with guidance. However, it was clear from this latest inspection that this was not happening at Heathrow. Border Force should ensure BFOs follow guidance and maintain an adequate audit trail in all cases, so that casework decisions can be justified. This activity should be monitored by the Border Force Operational Assurance Directorate. We therefore echo part of our earlier recommendation from the Juxtaposed Controls inspection.

### Recommendation: The Home Office should:

Maintain adequate audit trails and undertake necessary assurance activity to ensure that:

- detailed and accurate records are maintained of every passenger detention that demonstrate the detention is lawful and the duration of the detention is necessary; and
- records are created and retained in all cases in line with guidance, and fully justify and evidence the rationale for decisions.

## Carriers' Liability Cases

- 5.45 A “carrier’s liability” fine is a charge made against an airline under section 40 of the Immigration and Asylum Act 1999. A fine of £2,000 can be made against the owner of a ship or aircraft for every non-EU/EAA/Swiss passenger who arrives in the UK without a valid immigration document which satisfactorily establishes the identity and nationality or citizenship of the passenger, and a valid visa, where one is required. This legislation means the carrier should ensure that:
- all passengers have a passport or travel document which is acceptable in the UK;
  - the passenger is the rightful holder of the document;
  - the document is valid; and
  - (if the person requires a visa) the visa is of the required kind and is valid for the holder and any accompanying persons named in the visa.
- 5.46 Carriers can apply for ‘Approved Gate Check status’ (AGC) on particular routes to the UK. This is an arrangement between the carrier and the Home Office. The carrier must apply to the Carriers Liaison Section (Home Office) for AGC status on each route operated and must be able to demonstrate an audited high standard of document checking and security procedures at the relevant port of embarkation. They must also demonstrate a good level of co-operation with the Carriers Liaison Section, with Border Force at ports, and with Risk and Liaison Overseas Network staff in overseas posts..
- 5.47 When AGC status is granted the carrier is exempt from charges for non-documented arrivals and certain mutilated documents, plus two waived technical charges per quarter<sup>23</sup> per individual route.<sup>24</sup> We were told that AGC accreditation was reviewed against performance on a regular basis and would be suspended should numbers of inadequately documented arrivals increase unacceptably.
- 5.48 We reviewed 38 files in which a carrier’s liability fine was issued to an airline relating to flights arriving at Terminal 5. The fines had been issued because passengers had arrived:
- without a travel document (17 cases);
  - without a visa (13 cases);
  - with a deferred<sup>25</sup>, expired or invalid visa (five cases); and
  - with a false document (three cases).
- 5.49 In all but one case where a fine was issued, we were satisfied there was sufficient evidence to do so. In the one case, there was insufficient evidence on the file or CID for us to determine whether a fine should have been issued.

<sup>23</sup> These are known as ‘technical waivers’ and can only be applied in cases where passengers arrive with no visa, a deferred visa or an expired visa.

<sup>24</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275925/AGC\\_Fact\\_Sheet\\_for\\_Carriers\\_V3\\_Jan\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275925/AGC_Fact_Sheet_for_Carriers_V3_Jan_2014.pdf)

<sup>25</sup> A deferred visa is a visa that is not yet valid.

- 5.50 In 35 (92%) of the 38 cases we looked at the charge had been waived. In one case the charge was levied and in the other two cases there was insufficient evidence on file or CID for us to understand the outcome of the case.
- 5.51 In 14 (40%) cases the charge was waived as the airline had AGC status.
- 5.52 In 15 (43%) cases there was insufficient evidence on file to show why the charge had been waived. Since it affects the public purse, albeit the sums are not large, the justification for the waiving of any charges relating to Carriers' Liability fines must be clearly recorded in every case.

## Civil Penalty Cases

- 5.53 The customs Civil Penalty process is owned by HMRC. It allows financial penalties to be imposed on importers/agents for a range of offences, including evasion of import duty and misdeclaration of goods. Prior to the onsite phase of the inspection we reviewed a Home Office internal audit report relating to Heathrow. This revealed that Border Force had also put in place a scheme of Civil Penalties to penalise drivers who were not complying with the Cyclamen process<sup>26</sup> at Heathrow.
- 5.54 Although penalty notices under this scheme were issued by HMRC, Border Force was responsible for issuing warning letters informing non-compliant drivers that the case would be referred to HMRC who would decide what further action would be taken. The internal audit report noted that the level of understanding amongst Border Force staff about when a Civil Penalty should be considered was poor.
- 5.55 Border Force told us that a Civil Penalty had been imposed at Heathrow Terminal 5 on a total of 12 occasions between 1 April 2013 and 31 March 2014. We reviewed all 12 cases and found that 11 related to penalties imposed on drivers/vehicles who were not complying with the Cyclamen process. However, the evidence on these files was sparse, which meant we were unable to determine whether:
- Border Force had issued warning letters to the drivers in all 11 cases;
  - a Civil Penalty had actually been imposed in 10 of these cases; and
  - the Civil Penalty had been paid in the one case where there was evidence that one had been imposed.
- 5.56 We asked Border Force whether it ever received feedback regarding the outcome of cases referred to HMRC. We were told that of the 14 cases referred to HMRC since June 2012 Border Force had received a response in only one case, where a penalty had been issued to a warehouse manager for failure to follow the correct customs clearance procedures. The record-keeping in this case was of a much higher standard than the Cyclamen cases we reviewed and included details of the Civil Penalty imposed, together with the warehouse manager's response.
- 5.57 Our 2013 inspection of Border Force Freight Operations<sup>27</sup> identified poor communication between Border Force and HMRC at an operational level. We recommended that Border Force strengthened lines of communication with HMRC. Our findings during this inspection indicated continuing room for improvement. In this instance, the lack of routine feedback from HMRC about Civil Penalty cases means Border Force is unable to assess the effectiveness of this deterrent measure. Given the small number of cases, it should not be difficult to ensure feedback is received in relation to every case.

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<sup>26</sup> Cyclamen is the government programme under which fixed and mobile portals have been installed at UK ports to screen traffic (people, vehicles and goods) entering the UK to identify radiological or nuclear material.

<sup>27</sup> Published 21 November 2013 – <http://icinspector.independent.gov.uk/wp-content/uploads/2013/11/An-Inspection-of-Border-Force-Freight-Operations-FINAL-PDF.pdf>

## Searches of passengers for customs offences

### Search of Person Powers

- 5.58 Passengers at the border may be subjected to search under either:
- Customs and Excise Management Act 1979 (CEMA) powers; or
  - Police and Criminal Evidence Act 1984 (PACE) powers.
- 5.59 Under S.164 of CEMA<sup>28</sup> a passenger may be searched for prohibited or restricted material, which can then be seized, while PACE is used for such searches after a person has been arrested.
- 5.60 Passengers required to submit to a search of person (SoP) under S.164 CEMA should be informed they may appeal to an independent superior of the officer requiring the SoP against a rub-down search. In the case of a required strip or intimate search, they should be informed they may appeal to an independent superior or to a Justice of the Peace.
- 5.61 However, we found some passengers being served with documentation advising them they could appeal against an imminent S.164 CEMA SoP when they had already been arrested and should have been searched using PACE powers. Figure 11 provides a breakdown of the legislation used to conduct a SoP in the cases we sampled.

**Figure 11: Legislation used to conduct Search of Person**

Legislation	Number of SoPs conducted
CEMA (S.164)	20
PACE	13
None recorded	10
Unclear	3
N/A – no search	0
<b>Total</b>	<b>46</b>

- 5.62 Section 32<sup>29</sup> of PACE contains the power to search a person if they are arrested away from a Police station (or similarly designated place of formal detention, such as a Border Force custody suite) and is designed to secure evidence they might have on them, or to locate any item that might assist them in escaping from lawful custody, or harming themselves or others.
- 5.63 Section 54<sup>30</sup> of PACE empowers the custody officer at a police station to authorise a search of a person when arrested at a police station, or brought to a police station after being arrested elsewhere, in order to ascertain everything the person has with them at that time.
- 5.64 In addition to the confusion of CEMA and PACE procedures noted above, we found examples of Border Force Higher Officers wrongly authorising a S.54 PACE SoP to locate evidence following arrest, rather than using S.32 PACE powers, and of BFOs failing to record which legislation was being used to conduct some SoPs. A senior manager told us that “after arrest all searches are conducted under S32 at the ports. All SoPs should be authorised as per BF policy. S32 actually allows the officers to search for evidence and items which may be used to escape custody”.

28 <http://www.legislation.gov.uk/ukpga/1979/2/section/164>

29 <http://www.legislation.gov.uk/ukpga/1984/60/section/32>

30 <http://www.legislation.gov.uk/ukpga/1984/60/section/54>

5.65 We asked Border Force why S.54 of PACE had been used away from a custody office. They responded that use of such powers depended on the circumstances of the arrest, but did not address why S.54 PACE was used within the airport terminal buildings. We were told subsequently that the legislation was modified in 2013 to allow a search of an individual in custody at a customs office or otherwise in customs detention.

## Search of Person records

5.66 Border Force guidance sets out a mandatory requirement for all officers involved in a SoP to make a notebook entry detailing their involvement in the case. Normally, a SoP will involve an officer:

- requesting the SoP;
- authorising the SoP;
- searching the passenger (this can be the requesting officer, but may be a third officer, for example, if the requesting officer is not the same gender as the passenger); plus
- witnessing and corroborating the SoP, as required by the guidance (as an alternative to making their own notebook entry an officer witnessing a SoP may corroborate the searching officer's notes by signing the searching officer's notebook).

5.67 For sampling purposes, we requested 50 SoP records from all cases that involved a SoP at Terminal 5 between 1 April 2013 and 31 March 2014. We expected to see at least two notebooks for each of the 46 SoP case records actually provided to us, together with copies of the central SoP register, and copies of the Border Force form that notifies a passenger of their right to appeal against a CEMA search before the search takes place. However, only eight (17%) of these included notebooks for both the requesting officer and the authorising officer. In seven (15%) cases the only documentation we received was the SoP record itself – form BOR1412.

5.68 Border Force told us it was unable to provide all of the records we requested because they could not be located. Border Force was therefore unable to demonstrate that its staff were acting in compliance with:

- Border Force policy and guidance;
- their legal obligations under CEMA, PACE and the Criminal Procedure and Investigations Act 1996 (CPIA)<sup>31</sup>; and
- Home Office data protection policies.

## Search of Person record quality

5.69 Thirty-one (67%) of the SoP notebook entries we reviewed had not been completed to the required standard. This included 23 (50%) cases where there was no record that a second officer had witnessed the search in accordance with the guidance, and six (13%) where passengers were not given an opportunity to read, agree and sign notebook entries. We also identified 10 (22%) records where officers had not made notes at the time of, or shortly after, the event.

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*Thirty-one (67%) of the SoP notebook entries we reviewed had not been completed to the required standard.*

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## Grounds for stopping and speaking to passengers

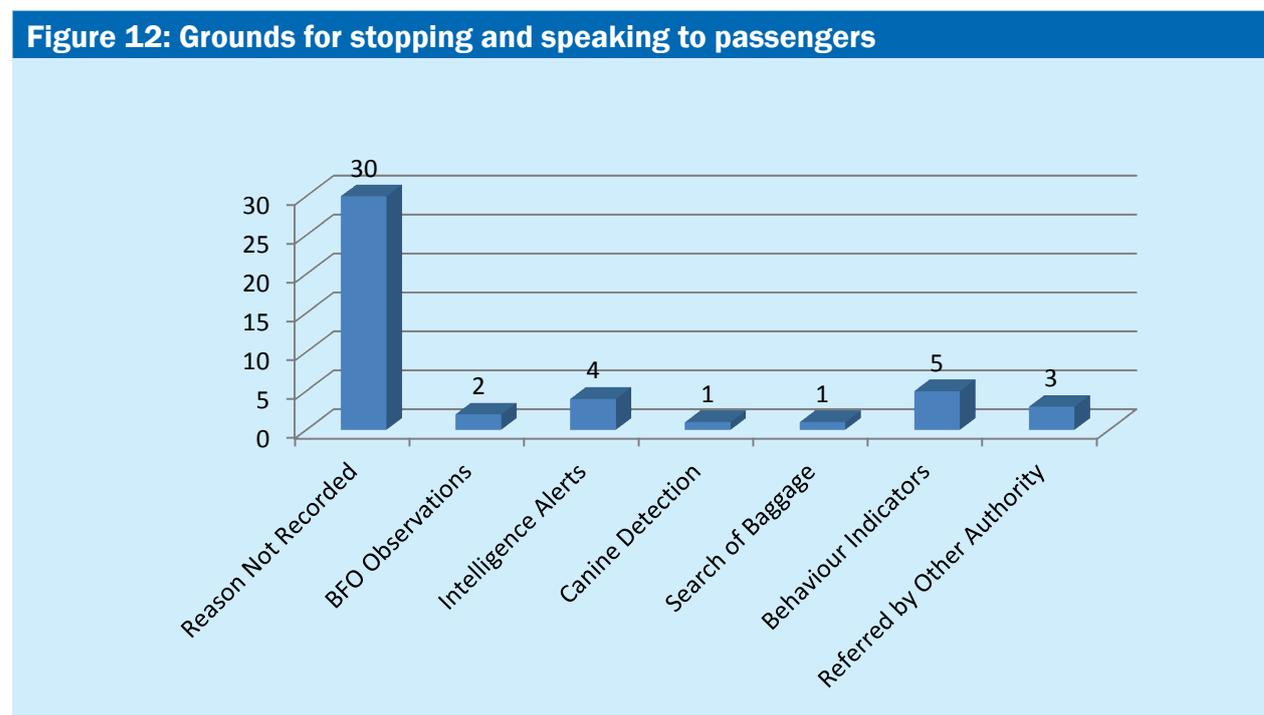
5.70 The justification for requesting a CEMA SoP may be based on prior intelligence, but in many cases it is only after an officer has stopped and spoken to a passenger that the officer determines a SoP

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<sup>31</sup> The Criminal Procedure and Investigations Act 1996 compels the prosecution to record, retain and reveal all material generated during the course of an investigation. Courts may permit non-disclosure of sensitive material but they must first be shown the material in order to allow this (<http://www.legislation.gov.uk/ukpga/1996/25/contents>).

is necessary. The initial grounds for stopping and speaking to a passenger (often based upon an officer's expertise and training in how to recognise potential smugglers) will not always be the same as the justification for a SoP. For example, a passenger who appears to be nervous (e.g. is sweating excessively) may in fact be ill (e.g. suffering from flu) and this may be clear from speaking to them. However, if the same passenger became more nervous and was evasive during conversation with the officer, and was carrying drug paraphernalia in their suitcase, this might provide the justification for requesting a SoP.

5.71 We reviewed the grounds for initially stopping and speaking to passengers in our sample of 46 SoP cases. In most instances, this was not recorded, leaving Border Force vulnerable to accusations of discrimination. Figure 12 shows a breakdown.

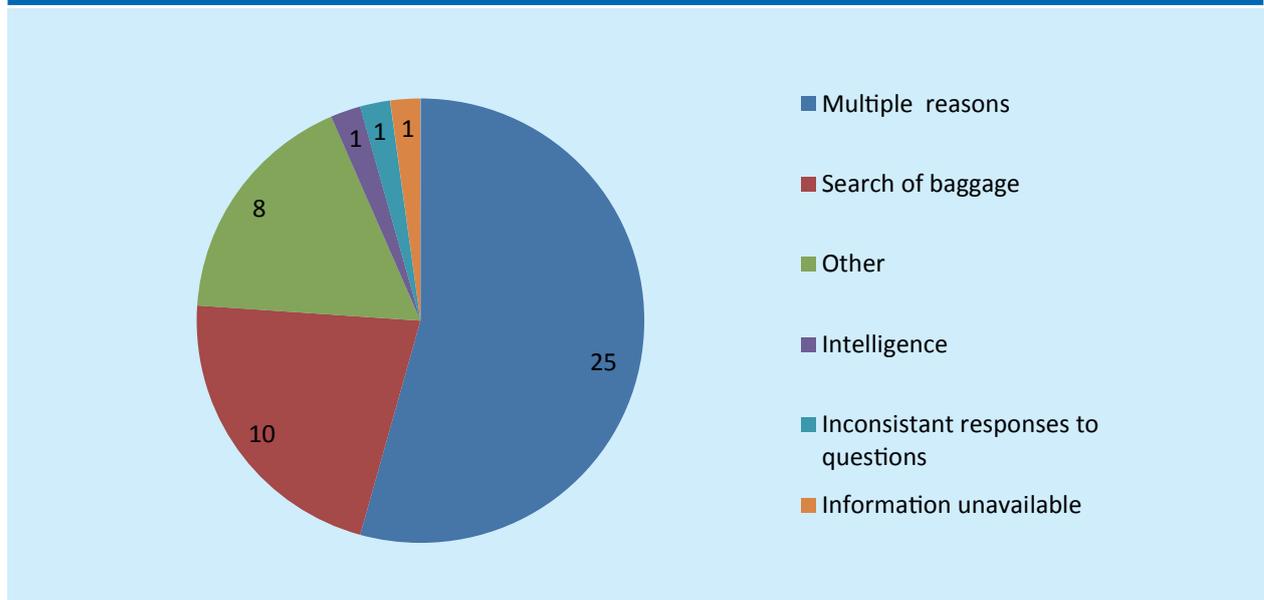


## Justification and authorisation for carrying out a Search of Person

5.72 SoPs can be a 'rub-down' (any search which does not become a strip search or an intimate search and involves the passing of the hands over the clothed body and is limited to the removal of outer garments, e.g. outer coat, jacket, jumper, gloves), or a strip search (a search that involves the removal of clothing that is being worn, wholly or partly, either next to the skin or next to an article of underwear). In practice, the latter ranges from the removal of some undergarments to the removal of all clothing and the close visual examination of a person's body orifices.

5.73 An officer wishing to have a passenger searched must request authorisation for the search, and must present a justification to an independent member of staff of at least Higher Officer grade (HO) before undertaking the search. The HO will consider the request and will authorise it only if convinced it is necessary. Figure 13 illustrates the justification recorded for requesting SoPs.

**Figure 13: Justification for carrying out a Search of Person**



Note: ‘Multiple reasons’ means more than one of the indicators listed. ‘Other’ indicates another reason for conducting a search, for example, an x-ray scan result that indicated the presence of prohibited or restricted material, or the passenger attracting the attention of a drug detector dog.

5.74 Border Force was unable to provide us with all relevant documents in the 46 SoP cases that we sampled. We were therefore unable to assess whether the justifications for requesting searches were reasonable, or whether they were properly authorised.

*We were therefore unable to assess whether the justifications for requesting searches were reasonable, or whether they were properly authorised.*

5.75 Based on the information available to us, we identified some cases where the reasons officers gave for believing a SoP was justified were open to question. For example, references to “behavioural indicators” and “provable lies” with no details or supporting evidence. In one case, the justification recorded was that the passenger’s “crutches felt heavy”, which might be grounds for X-raying the crutches but not justification for a SoP.

5.76 One SoP record indicated the passenger had been searched under Immigration Act 1971 powers, and was recorded as having been authorised by a Border Force Higher Officer (BFHO). When we received the case file it was accompanied by an email from the BFHO stating that the SoP should have been conducted under customs powers and authorised by a designated customs officer. The BFHO stated that they did not authorise the SoP, despite their details being recorded on the SoP record. It is not possible to say whether this search was conducted with lawful authority.

5.77 An officer’s observations concerning a passenger’s behaviour, questions posed and answers given, and the officer’s conclusions (i.e. what makes them believe that a SoP is appropriate) should all be recorded accurately and in sufficient detail in their notebook. This was not what we found in our sampling.

5.78 Our inspection of Border Control Operations at Terminal 3, Heathrow Airport, published in May 2012, produced almost identical findings. The then UK Border Agency<sup>32</sup> was unable to demonstrate that searches were justified, proportionate or in line with guidance and legislation in two-thirds of the SoP cases we examined. We therefore recommended that Border Force “ensures that all arrests and searches of person are justified, proportionate and conducted with a legal basis in line with guidance and with proper documentary records maintained.”

32 On 1 March 2012, the UK Border Agency and the Border Force became separate organisations.

5.79 In its response to our Report, the Home Office accepted our recommendation, and stated it:

- had issued an instruction to all detection team leaders reminding them of their responsibilities and the records they and their teams are required to keep;
- was undertaking one-to-one meetings, or team leader briefing sessions, with detection managers to emphasise the importance of rectifying the issues raised;
- had introduced a higher level of independent scrutiny in respect of strip searches, which would have to be authorised by an independent team leader or senior officer; and
- had revised its assurance standards to include specific requirements to conduct regular checks on notebooks including reasons for searches.

5.80 Notwithstanding the above, the evidence from our inspection of Heathrow was that notebook records still failed to justify fully the reasons for conducting a SoP.

### Search of Person – Right of Appeal

5.81 The SoP record form (BOR1412) advises passengers being searched under S.164 (Sub-section 3) of CEMA, and who have not been arrested, that they may appeal to an independent superior of the officer concerned against a rub-down search, or a Justice of the Peace or an independent superior, against a strip or an intimate search. Passengers are required to sign this form, acknowledging that they have been informed of their appeal rights. We found that the SoP record was not signed by the passenger in 32 (70%) of the cases we sampled. Failure to ensure that passengers sign the SoP record acknowledging their appeal rights:

- prevents Border Force from demonstrating that passengers were being told they could appeal against the search, making any claim for damages for an unlawful search difficult to defend; and
- is a serious breach of legislative authority.

5.82 In two further cases (4%), we found that the SoP record had not been dated, timed and signed by the passenger until after the SoP had been completed. It is therefore possible that the passengers in these two cases may have been denied their right of appeal.

5.83 This issue, together with others we have highlighted in relation to SoPs, raises questions about whether BFOs were sufficiently aware of the need to evidence the use of their powers. This would be consistent with our earlier inspections of Border Force Freight Operations and Border Force Operations at Stansted Airport, which identified a loss of Border Force skills and knowledge within the criminal justice environment.

*Raises questions about whether BFOs were sufficiently aware of the need to evidence the use of their powers.*

5.84 Border Force's inability to provide all of the notebooks we requested made it impossible for us to determine which SoPs were properly authorised and conducted and which were not. It also made it impossible to make an accurate overall assessment on their level of performance in this area. Border Force must ensure that the central SoP records contain a copy of every relevant notebook that is completed before the end of each shift, and must also ensure that BOR1412 forms are retained and linked to the correct centrally-held file. We therefore make the following recommendation.

#### **Recommendation: The Home Office should:**

Ensure that passengers are informed about their right to appeal prior to a search of their person being conducted under Customs and Excise Management Act 1979 powers, and that the BF paperwork accurately reflects this, together with the justification for the search and any supporting information.

## Search of Person assurance records

- 5.85 Border Force provided us with five separate internal SoP assurance reports for Terminal 5, from April 2013 to September 2014.<sup>33</sup> These reports were completed by managers to determine whether BFOs were complying with guidance in relation to SoP records, to find areas of effective practice, and to identify whether any areas of performance needed to be improved. We noted that all of these reports identified the same problems that we found during our file sampling, including:
- SoPs being authorised by the relevant team's Higher Officer and not an independent Higher Officer;
  - grounds for SoPs not being fully recorded; and
  - relevant legislation not being recorded in notebooks at all.
- 5.86 By the time of our inspection, we found that Border Force's own assurance work had had little apparent impact in driving improvement in staff behaviours, despite areas of poor performance and poor record-keeping having been identified and managers alerted. The repeated detection of the same errors did not prompt effective remedial actions, and the risks resulting from failing to ensure that search powers were being managed properly had not been addressed effectively.
- 5.87 During our earlier inspection of Gatwick Airport North Terminal<sup>34</sup>, published in May 2012, we found notebooks did not include either the legislation under which the passenger was stopped, or the legislation under which the search was conducted. At that time, we recommended the Home Office should ensure all searches of a person were justified, proportionate and conducted in accordance with the law and guidance, with proper documentary records maintained. This recommendation was accepted. However, the evidence from our inspection of Heathrow is that the same errors and omissions persist. We therefore repeat our earlier recommendation.

### Recommendation: The Home Office should:

Ensure all searches of person are proportionate and lawful, and are conducted in accordance with guidance, with proper documentary records maintained.

## Notebooks

### Notebook sampling

- 5.88 Border Force guidance for BFOs sets out that the purpose for maintaining notebooks is to record evidence of what is seen, found, heard or done during the course of their duties, when conducting primary and secondary checks and subsequent investigations. Notebooks are original notes of evidence and must always be completed in as full, detailed and accurate a manner as possible.
- 5.89 As part of this inspection, we reviewed the general quality of notebook records. In addition to the 50 SoP records discussed above, we requested 50 notebooks randomly selected from all notebooks (40 customs and 10 immigration) opened between 1 January and 30 June 2014 by officers working across all Heathrow terminals.
- 5.90 Of the 50 notebooks requested, Border Force was able to locate only 29 (58%), raising concerns regarding data protection that we address in Section 5 of this Report. Of the 29 notebooks received, seven were blanks and still in use. Therefore, we were able to review only 22 notebooks – 20 for BFOs working at customs controls and only two for BFOs working at immigration controls. We

<sup>33</sup> This data was found in five successive assurance reports: 1) April–June 2013, 2) July–September 2013, 3) October–December 2013, 4) January–March 2014, 5) April–September 2014

<sup>34</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/Inspection-of-Gatwick-Airport-North-Terminal.pdf>

found many BFOs had not been issued with notebooks, despite guidance stating that they should be. This is covered in more detail under ‘Notebook usage – immigration’ (paragraph 4.98).

## Notebook quality

- 5.91 In 16 (73%) of the notebooks we reviewed entries had not been completed to the required standard set out in guidance. This was either because officers had failed to make notebook entries at the time of, or shortly after, an event taking place (five cases), and/or because passengers were not given an opportunity to read, agree and sign the notebook entries relating to their interception (14 cases). Figure 14 is an example of a case where notebook records were not completed at the time of the event and the passenger was not given an opportunity to sign them.

### Figure 14: Case study – Notebook entry dated 10 April 2014

#### The Border Force officer:

- Recorded as the justification for requesting a SoP that the passenger was wearing a “blocked-up shoe”<sup>35</sup> and had become hostile during a baggage search, giving “inconsistent answers” to questions – in addition, there was a positive ‘ion scan’<sup>36</sup>.
- Following the SoP, recorded asking the passenger whether they would consent to being x-rayed and to providing a urine sample, but then allowed the passenger to continue their journey.
- Wrote detailed and verbatim notes of the conversation with the passenger, including the listing of two separate passport numbers.

#### Chief Inspector’s comments:

- The BFO did not start writing their notebook entry until more than 90 minutes after the passenger had departed the controls.
- The BFO did not keep contemporaneous notes, calling into question the accuracy of the “verbatim” record of their conversation with the passenger.
- The notebook entry did not support the justification of “inconsistent answers”, nor did it record whether the passenger consented to the X-ray and urine test or whether these tests were conducted.
- Border Force managers were asked about this case, specifically: whether a “blocked up shoe” justified a SoP, given that X-ray equipment was available; what the “inconsistent answers” were; whether a conversation recorded 90 minutes later, without contemporaneous notes, and not checked or signed by the passenger, was considered a reliable record; and why the passenger was asked to consent to a urine test and X-ray examination and their response not recorded.
- Border Force was unable to provide any further information about what had happened in this case due to *“the time lapse of the individual search of person, staff availability and the lack of records.”*

- 5.92 This case underlines the importance of making accurate records at the time, which are retrievable, in order to be able to demonstrate if called upon that actions undertaken were lawful and in accordance with Border Force policy and guidance. Failure to do so lays Border Force open to challenge and criticism, and could jeopardise any prosecution. Figure 15 provides a further example of poor record-keeping.

<sup>35</sup> Presumed to mean a shoe with a very thick sole or heel.

<sup>36</sup> An ion scan machine detects minute particles of prohibited or restricted material (e.g. drugs or explosives) that may be present on a passenger’s property or clothing.

## Figure 15: Case study – Missing and incomplete notebooks

### The Border Force officer recorded:

- They collected a passenger from the “immigration hold room” in order to conduct a customs examination;
- The passenger’s passport had been issued by “UKPA”; and
- As part of the customs’ examination, “scans proved inconclusive”; and
- They then immediately arrested the passenger.

### Chief Inspector’s comments:

- At the time of the onsite phase of the inspection (September 2014) Border Force was asked to clarify a number of points in relation to this case. It did not address the points directly, but stated that not all BFOs working at the PCP had notebooks.
- We were therefore unable to establish: why the passenger was initially stopped and referred for customs examination; and why an “inconclusive” scan result prompted the passenger’s immediate arrest, if there were insufficient grounds to arrest the passenger before the scan.
- In January 2015, Border Force provided a further response in relation to this case, explaining that the passenger was of interest as the British passport they presented had been obtained fraudulently. However, they did not explain why the passenger had been referred for customs examination.

- 5.93 For the reasons already stated, it is important that that in every case notebook entries record the legal powers used, the detailed grounds for search and arrest, and the passenger receiving their legal rights.

### Passenger endorsement of notebooks

- 5.94 We asked Border Force to confirm whether notebook guidance required passengers to agree the content of and to sign notebook records. We were told by a manager that written Border Force guidance did not require officers to ask passengers to sign their notebooks to agree that the content was accurate unless the passenger had been arrested or was subject to a Civil Interview for alleged excise offences. However, the Border Force Operational Assurance Directorate told us that training given to BFOs made it clear that they must record notes of questions asked and answers received from passengers, who should be given the opportunity to sign the notebook entry. It was clear from our review of notebooks and search of person documentation that:

- this was not reflected in existing guidance;
- the message had not reached staff at Heathrow; and
- it had not been adopted at operational level.

- 5.95 The guidance relating to Civil Interviews for alleged excise offences contained a standard that interviewees should always be invited to read the pages of the notebook relevant to their interview so that they may sign it as an accurate record of events. This is good practice and should be applied to all interactions with passengers where a notebook entry is required, particularly after a SoP or search of property, especially where the latter has been damaged in the process. This would increase the reliability of the records should a passenger subsequently make a complaint or be the subject of further actions.

## Contemporaneous notes

5.96 Border Force guidance relating to contemporaneous notes stated:

- *You should always aim to maintain a contemporaneous note of events in an official notebook. If this is not possible and a trigger or ancillary note is used, your official notebook must be written up at the earliest opportunity;*
- *Any trigger or ancillary notes must be expanded in your official notebook as soon as possible;*
- *Make notebook entries at the time of the event or as soon as possible thereafter; and*
- *If a notebook entry is not contemporaneous and is being made as soon as possible thereafter, enter the 'event time' in the body of the notebook (and enter the time you make the notebook entry in the margin).*

5.97 Our sampling identified five (23%) cases that were written up some time after the event. Border Force must do more to ensure BFOs are maintaining contemporaneous notes in their notebooks by regularly assuring the quality of notebook records and ensuring BFOs understand the importance of this requirement.

### Recommendation: The Home Office should:

Produce (keep updated) and disseminate to all affected Border Force staff a single, written set of notebook guidance, and put measures in place to ensure this guidance is consistently followed in order to improve the reliability of its records and to enable managers to undertake more effective assurance activity.

## Notebook usage – immigration

5.98 The Border Force operations manual entry for notebooks dictated they must be used to record:

- all referrals for customs examination from BFOs at the Primary Control (PCP);
- any confrontational situation;
- any damage caused (or encountered prior to an examination) to a passenger's baggage or its contents;
- any damage caused (or encountered prior to an examination) when dealing with freight; and
- passenger/flight details e.g. booking and flight details.

5.99 The requirement for BFOs working at the PCP to use a notebook was clarified when this guidance was revised in July 2013. However, consistent with our inspection of Stansted Airport, we found many BFOs who worked primarily on immigration controls had not been issued with notebooks. As a result, they were unable to meet this requirement and, for example, to make a notebook entry when referring immigration passengers for customs examination. This gap in the records was clear from the notebooks we examined and from the staff we spoke to, including senior officers who in one focus group stated (incorrectly) that there was no policy on whether notebooks should be used to record such referrals.

5.100 When we asked Border Force how a referral from an immigration desk to the customs controls should work, we were told that it would be detailed on the reverse of a passenger's landing card. However, guidance for completing landing cards (last updated in March 2014) contained no reference to marking these cards for referrals to customs controls.

## Use of discretion in the customs channels

5.101 Strict legal limits apply to certain goods, including cigarettes and alcohol, passengers arriving from non-EU countries are permitted to bring into the UK duty free. Passengers who declare they are carrying excess goods can pay the extra duty in the red channel and keep the goods. However, passengers found to be carrying excess goods in the green channel (past the declaration point) forfeit the right to retain any of these goods, including their duty free allowance, and BFOs are required to seize all such goods. Despite legislation and clear staff guidance we found some BFOs working in the customs channels were using their discretion to allow passengers to proceed through the green channel, even though they were found to be in possession of cigarettes in excess of the legal limit.

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*Strict legal limits apply to certain goods, including cigarettes and alcohol, passengers arriving from non-EU countries are permitted to bring into the UK duty free.*

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5.102 Our inspection of Gatwick North Terminal in 2011 identified similar practices. At this time we recommended that the then UK Border Agency “should ensure all detection staff enforce the law in relation to goods in excess of non-EU allowances”. The Home Office accepted this recommendation and told us it had:

- reissued instructions to all detection managers in line with the guidance in the HMRC Enforcement Handbook;
- completed a programme of one-to-one meetings with detection managers to check compliance, reinforce standards and ensure effective assurance systems are in place; and were
- implementing a programme of refresher training.

5.103 During focus groups and interviews, staff and managers provided us with inconsistent answers regarding whether they were permitted to use their discretion in the customs channels. One manager told us discretion should never be used and seizures should be made in line with guidance. However, other managers told us they were aware that discretion was sometimes used.

5.104 During our observation sessions, we saw some officers seizing all goods when passengers exceeded their duty free allowance and others in similar circumstances allowing passengers to retain the excess goods.

5.105 BFOs stated that although such discretion was not “officially allowed” it was common practice. Border Force told us that representations had been made to HMRC policy officials requesting a fast-track system be introduced for lower volume detections to enable a zero tolerance approach. However, as yet, the legislation had not been changed.

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*BFOs stated that although such discretion was not “officially allowed” it was common practice.*

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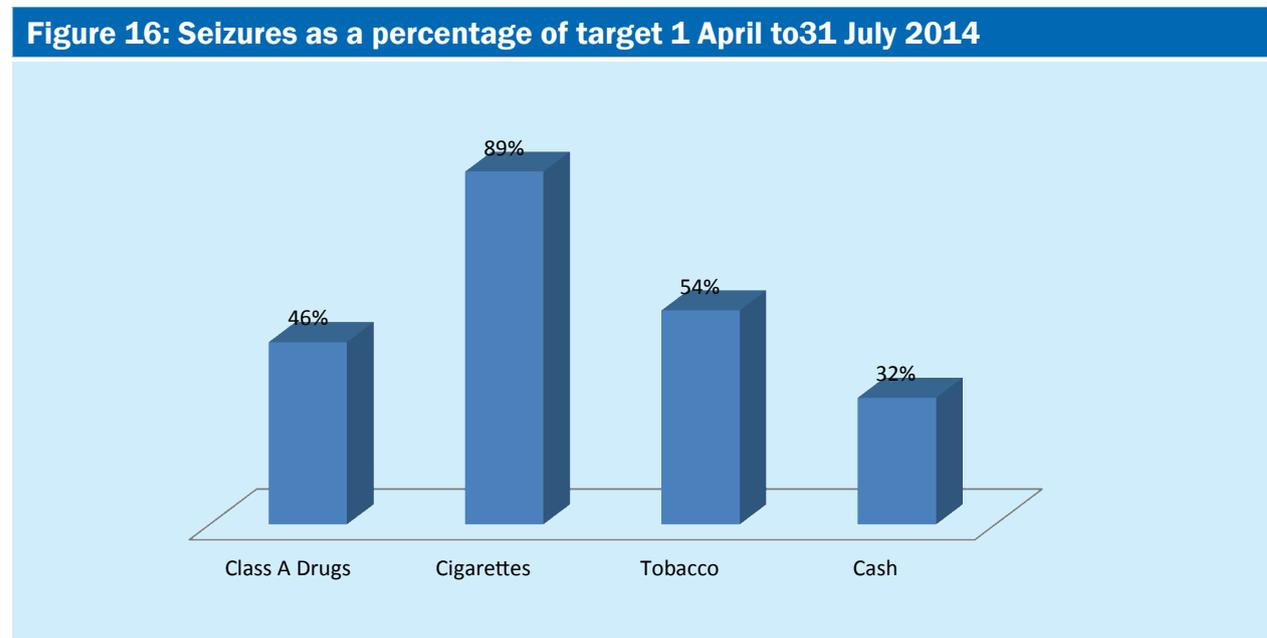
5.106 Despite assurances from the Home Office, provided in response to our recommendation from our inspection of Gatwick Airport North Terminal, published in May 2012, that officers would be stopped from exercising discretion where the law does not permit this, the evidence from Heathrow was that this was still happening. For this reason we repeat part of our earlier recommendation.

### **Recommendation: The Home Office should:**

Ensure all detection staff are reminded of the requirement, without exception, to enforce the law in relation to passengers attempting to enter the UK with any goods in excess of non-EU allowances, and that managers assure that this is happening.

## Customs seizures

- 5.107 Border Force had set internal targets for the number of seizures by commodity at Heathrow. As part of this inspection we analysed data showing the number of seizures made from 1 April to 31 July 2014. We found that, with the exception of Products of Animal Origin, targets had not been met. This is illustrated in Figure 16.



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

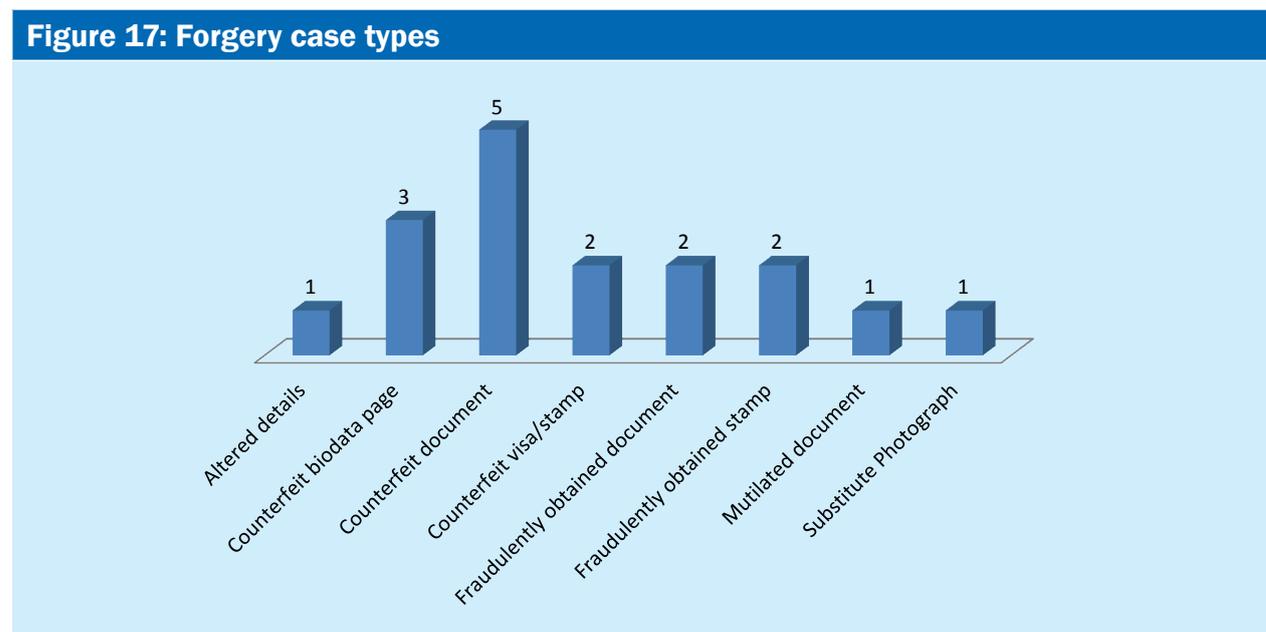
- 5.108 We spent 24.45 hours observing 78 officers working in the customs channels at Terminal 5. On eight occasions during this period there were no officers in the customs channels at one or both of the two exits, despite the fact a number of 'high-risk' flights were arriving at the time. During focus groups and interviews, some staff told us they felt the focus on managing queues at the PCP sometimes resulted in no customs activity even at times when high-risk flights had just landed.
- 5.109 We discussed the balancing of staff resources between the customs channels and the PCP with Terminal 5 managers. They told us they worked to meet all targets and balance all operational priorities. Staff told us that managers were dynamic at moving resource from the customs channels to the PCP during busy periods to manage queues, but officers were rarely asked to cover the customs channels when the PCP was quiet.
- 5.110 Our staff survey showed that 41 (37%) respondents did not feel the distribution of resources was appropriate and believed there was too much emphasis on immigration work. This was similar to our findings during previous inspections, for example our inspection of Border Force Operations at Stansted Airport, where we found the focus on the PCP and queue management often meant insufficient resource was allocated to the customs channels.
- 5.111 Based on our findings, senior managers need to pay more attention to ensuring that a balance of resources between the PCP and customs channels is maintained in line with Border Force's overall objectives and targets.

## Forgery detection

- 5.112 We sought to assess the effectiveness of forgery detection techniques at Heathrow Terminal 5. During our PCP observation sessions, we noted a dedicated forgery detection officer would walk the floor

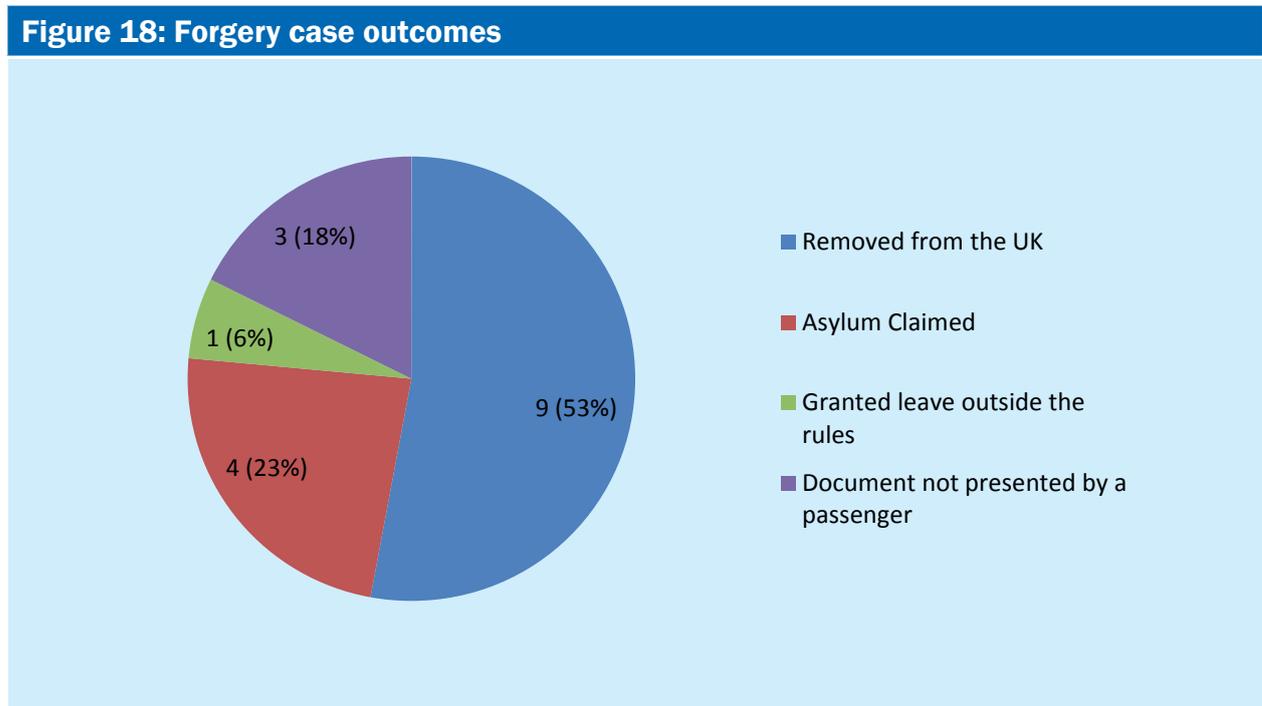
behind officers working at the PCP. In our previous Heathrow inspection we found the forgery officer was deployed to work on a PCP desk. Having a dedicated resource is an improvement as other PCP officers were now able to refer cases to the forgery officer who could provide advice and assistance where it was required.

- 5.113 Staff told us that they received annual forgery refresher training. Again, this was an improvement when compared to our previous inspection of Heathrow, at which time we found that not enough forgery training, including refresher training, was being provided. Regular monthly emails regarding forgery trends were now also cascaded to staff, although many commented that they rarely had the time to review these.
- 5.114 Our staff survey revealed that 34 (42%) respondents with some responsibility for identifying forgeries at the border did not feel confident in identifying them, and a majority said they did not feel they were given sufficient time to keep up to date with changes in policies and procedures in order to carry out their job effectively. The main reason given for this lack of time was operational demands, for example, deployment to the PCP.
- 5.115 During this inspection we also reviewed how well forgery case files were managed at Heathrow Terminal 5. To do this we reviewed 17 cases where an officer at the PCP had encountered a passenger in possession of a forged or counterfeit<sup>37</sup> document, between 1 January 2014 and 30 June 2014. Figure 17 provides a breakdown of the types of forgeries in this sample.



<sup>37</sup> Forgery is the making or adapting of a document with the intent to deceive. Counterfeiting is the production of fake replica of a real document e.g. travel documents.

5.116 Figure 18 illustrates the outcome in each of these cases.



5.117 We noted that, where possible, Border Force removed these passengers on the day the forgery was discovered, and in all cases the justification for the action taken was clearly documented. Our review revealed that where forgeries were identified, Border Force was dealing with forgery cases efficiently and effectively.

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### Queuing Breaches

5.118 All UK ports are assessed on queuing performance against national targets, which are measured at specific points throughout the day. The targets are:

- 95% of EEA passengers are cleared within 25 minutes; and
- 95% of non-EEA passengers are cleared within 45 minutes.

The 95% target refers only to those passengers whose times from joining the back of the queue until they are seen by BFO are formally measured. If any of these passengers have queued for longer than 25 and 45 minutes this was referred to as a 'breach'.

5.119 Prior to the onsite phase of the inspection we reviewed data showing when queuing targets were not met at Terminal 5, between 1 June 2013 and 31 May 2014. Figure 19 details the queuing breaches during this time period.

**Figure 19: PCP queuing breaches 1 June 2013 to 31 May 2014**



5.120 The data showed there had been 170 queue breaches during this period, although we noted that Heathrow continued to perform well within the 95% target. Nineteen of the breaches were by one minute. The longest breach was 44 minutes over the target time for the non-EEA queue. We were told this was because of a security operation, which meant Border Force was unable to deploy additional officers to staff the PCP. Overall, we witnessed a significant improvement in queue management when compared with our previous 2011 inspection of Border Control Operations at Terminal 3, Heathrow Airport, at which time the longest breach recorded was 2 hours and 15 minutes.

*Overall, we witnessed a significant improvement in queue management when compared with our previous 2011 inspection of Border Control Operations at Terminal 3, Heathrow Airport*

## Queue measurement and management

5.121 During our previous inspection of Heathrow we noted that in order to measure queue times the UK Border Agency would take a measurement every hour on the hour. The measurement was taken by handing a card to waiting passengers in both the EEA and the non-EEA queues. The time the card was given to the passenger was noted on the card, along with the number of desks that were staffed at that time. When the passenger arrived at the PCP desk they would hand the card to the officer who would note what time it was received. This data was later collated by managers.

5.122 We reported our concerns that measuring queuing times once an hour did not provide a true picture of queuing times as the volume of passengers in the hall during any hour fluctuated. During this inspection, we found the process had changed and queuing times were measured by contractors who timed the queues every 15 minutes. This was a more accurate way of measuring typical queuing times, and an improvement since our last Heathrow inspection.

## Fast Track

5.123 The PCP at Terminal 5 included a fast track queuing system for certain customers<sup>38</sup>. Under a formal Agreement, British Airways<sup>39</sup> paid Border Force a set amount to staff a certain number of fast track PCP desks at certain times of day. During some of our onsite observation sessions, we saw significantly longer queuing times for passengers in the fast track queue compared with passengers in the standard queues. Some waited up to two hours to be seen by a BFO, despite the fact that Border

<sup>38</sup> First, Club World, Club Europe and Executive Club Gold and Silver members plus one guest.

<sup>39</sup> British Airways was the main airline operating into and out of Terminal 5.

Force had staffed the agreed number of desks and at times more than the agreed number.

- 5.124 Unlike other PCP queues, there was no SLA in place in relation to processing times for passengers in this queue. Nonetheless, if fast track passengers at Terminal 5 experience long waiting times it reflects negatively on Border Force.
- 5.125 At the other Heathrow terminals a different funding model was in operation for the fast track queue, whereby airlines paid Border Force for each passenger processed. We found that fast track passengers at these terminals were typically waiting no longer than 15 minutes to be processed, though whether this was directly attributable to the different funding arrangement was unclear.

## Resource planning and management

- 5.126 During our previous inspection of Border Control Operations at Terminal 3, Heathrow Airport, we found resources were not matched to operational demand and passenger volumes. This severely affected the UK Border Agency's ability to maintain an efficient and effective border control. We therefore examined how Border Force planned and managed resource allocation across all terminals in relation to both immigration and customs activity.
- 5.127 We noted there had been a significant increase in staff numbers across the Heathrow estate. In addition, Border Force had created structures and processes for planning and managing staff deployments. As a result, it was able to provide a much more efficient service to passengers, particularly at the PCP. Figure 20 refers.

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*We noted there had been a significant increase in staff numbers across the Heathrow estate.*

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### Figure 20: Resource Planning and Management structure

- Heathrow Resource Deployment Command (HRDC) – responsible for identifying where command staff arriving in Heathrow should be deployed. The HRDC had developed forecasts for passenger numbers to inform management and deploy staff numbers according to expected operational pressures.
- Control room – responsible for overarching daily operational management and control of resource – deploying staff to meet unplanned pressures and overseeing daily activities within the terminals. Each terminal had a duty manager, responsible for the individual PCPs, who was in constant contact with the control room regarding the deployment of resources across the terminals.
- Heathrow's Tactical Response Command provided a 24/7, multi-skilled, mobile workforce (25 teams) who were dynamically deployed to whatever areas across the terminals presented the highest priority risks, including passenger and customs controls.
- Business Management Unit managed recruitment, training, equipment servicing and administrative processes in supported of all the commands, ensuring operational activity could be maintained.

Note: information provided by Border Force.

- 5.128 Border Force had also introduced a web-enabled resource management tool. This informed managers how many PCP desks needed to be open each day, in order to meet the targets. Managers told us these resource planning and management initiatives worked well and enabled them to deliver an effective and efficient border control operation.

- 5.129 Electronic passport (ePassport) gates<sup>40</sup> had also been introduced at Heathrow. Passengers with a biometric passport were able to use the gates to pass through immigration control, rather than waiting to see an officer at a PCP desk. Staff and managers told us this was a positive move and helped them to manage queues better, which was confirmed during our onsite observations.
- 5.130 A registered travellers' scheme was also in operation at Heathrow. The scheme enabled nationals from Australia, Canada, Japan, New Zealand and the USA, who regularly fly in to Heathrow, to pay a fee and use the ePassport gates or the EEA passenger desks. We were told this enabled Border Force to process these passengers more quickly, thereby alleviating pressure on the queues.
- 5.131 We assessed the effectiveness of resource management across the Heathrow estate during peak periods by observing the PCP and customs channels across all five terminals concurrently. We found that the PCP queues were monitored effectively, and for most of the time there was some activity in the customs channels.
- 5.132 The resource planning initiatives and tools introduced at Heathrow since our 2011 inspection of Border Control Operations at Terminal 3, Heathrow Airport, had resulted in significant improvements, particularly for the majority of passengers moving through UK immigration control.

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<sup>40</sup> Electronic facial recognition gates offer a self-service immigration control for EEA passengers and those enrolled on the registered traveller scheme who have a chipped passport. They operate by scanning the passenger's face using a camera and matching this to the image stored on the passport. If there is a match, the gates open and the passenger is allowed through, theoretically removing the need to speak to a BFO.

## 6. Inspection Findings – Safeguarding Individuals

### Treating passengers with dignity and respect

- 6.1 We observed Border Force officers processing passengers at the PCP and customs channels at Terminal 5 between 07.00 and 21.00. In addition, on two days, we observed BFOs at the PCP and customs channels in all five terminals. During all of these sessions, passengers were treated with dignity and respect by officers who were professional, polite and courteous in their interactions with passengers.

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*Passengers were treated with dignity and respect by officers who were professional, polite and courteous in their interactions with passengers.*

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- 6.2 During our previous inspection of Border Control Operations at Terminal 3, Heathrow Airport, we identified one area for improvement. We found that, following a formal interview, passengers were sometimes given the decision about whether they would be granted entry to the UK in inappropriate places, for example in corridors or in the presence of other passengers in the Arrivals Hall. We saw no evidence of this practice during this inspection.
- 6.3 We also observed one BFO at the Medical Desk processing 16 passengers who had medical or mobility issues. The BFO dealt professionally with all of the passengers and was alert and responsive to any special requirements that the passengers had, making adjustments where required. For example, when two elderly non-EU passengers arrived at the desk with mobility assistance the BFO told them to stay seated while he questioned them and he took the fingerprint scanner to them in order that a secure ID check could still be carried out. This created a positive first impression of Border Force for these passengers.

### Safeguarding initiatives

- 6.4 Heathrow Terminal 5 had appointed safeguarding officers who were trained to deal with any safeguarding concerns identified by Border Force staff. This initiative demonstrated Border Force was taking their safeguarding responsibilities seriously.
- 6.5 Border Force had also introduced a safeguarding log in the watch-house at Terminal 5. The log was used to record details of any encounters with passengers at the PCP where an officer had safeguarding concerns, for example, cases relating to unaccompanied minors. We reviewed a sample of the entries in the log, and found they were clear and detailed.

### Safeguarding and Promoting the Welfare of Children

- 6.6 Section 55 of the Borders, Citizenship and Immigration Act 2009 sets out the requirement for the Secretary of State to make arrangements to ensure that immigration, asylum, nationality and customs functions are exercised having regard to the need to safeguard and promote the welfare of children in the United Kingdom.
- 6.7 We observed examples of officers at the PCP safeguarding children, including:
- asking passengers travelling with children additional questions when their surname was different

to that of the child; and

- conducting further checks to ensure adequate reception arrangements had been made for unaccompanied minors.

6.8 Overall, we found during these observation sessions that Border Force staff were taking their safeguarding responsibilities seriously, and meeting their obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009.

## Arrests

6.9 The Police and Criminal Evidence Act 1984 (PACE) sets out that arrested persons should be delivered to a designated custody suite as soon as practicable after their arrest. BFOs told us that they worked to a local standard to deliver an arrested person to a designated custody office within 90 minutes of their arrest. We were unable to establish the rationale for 90 minutes.

6.10 Under PACE Code C any delays must be justifiable, and reasonable steps must be taken to prevent unnecessary delay. We therefore expected to see notebook records setting out why delays had occurred when passengers had been arrested by Border Force Officers. However, the records we saw did not explain the delays in delivering some arrested persons to a designated custody suite. Figure 21 refers to one such case.

### Figure 21: Notebook entry failing to set out reason for delay in delivering an arrested passenger to a designated custody suite

#### Border Force:

- At 17:50, discovered a commercial quantity of Class B drugs.
- At 20:35, arrested and cautioned the passenger (we were not told why it took over two and a half hours from the seizure to make the arrest), applying handcuffs (without recording the reason for doing so) and transferring the passenger to a private room, where the handcuffs were removed
- From 21:03 to 21:11, conducted a Search of Person (SoP)
- At 22:30, having made no further notes about the arrested person, handcuffed them again and transported them to Colnbrook custody office, arriving at 22:50hrs.

#### Chief Inspector's comments:

- The officer's notes provided no indication why when the SoP ended at 21:11hrs the arrested person was not transported to Colnbrook until 22:30 hours.
- Notebooks completed by witnessing officers showed that a full search took place and the arrested person's property was documented while the latter was waiting in the terminal buildings. This activity should not have been prioritised over the transportation of the arrested person to the custody office.

6.11 Historically, Heathrow had its own custody office at the airport and this could be reached quickly. By the time of our inspection this had been closed, and arrested persons were transported to Colnbrook Immigration Detention Centre, which was designated as a custody office and had the required facilities for the detention and interviewing of persons arrested under PACE.

6.12 Some officers told us they would like to see the 90 minutes local standard extended, as mistakes were being made when they were completing the tasks that had to be done before an arrested person could be presented to a custody officer. Apart from the practicalities of organising transport, officers told

us they were required to complete all passenger property records and write their witness statements before they were permitted to set off for Colnbrook. We could not find any guidance requiring this.

- 6.13 Border Force should ensure staff understand that delivering an arrested person to a custody suite in line with PACE should be prioritised over writing witness statements and filling in property records.

### **Use of handcuffs**

- 6.14 The case study at Figure 21 also raised questions about the use of handcuffs by Border Force officers. We asked managers about the current guidance governing use of handcuffs and were told that the following details must be recorded whenever handcuffs were applied to an arrested person:

- why the officer decided to use handcuffs;
- the position of the handcuffs;
- the time and date when applied and removed;
- the serial number of the handcuff set used; and
- details of any injuries, cuts or marks the handcuffs caused, or a comment to confirm there were no injuries or marks.

- 6.15 In the notebooks and SoP records we sampled, we identified three cases where handcuffs were used. In one of these cases we found the officer had made a detailed record about their use. However, in the other two cases it was not clear why handcuffs had been used. We asked Border Force why handcuffs had been used in these two cases, but it failed to respond on this point.

### **Detention and Consideration of Temporary Admission<sup>41</sup>**

- 6.16 Paragraphs 16 (1), (1A) and (2) of Schedule 2 to the Immigration Act 1971 give power to a BFO to authorise detention pending:

- examination or further examination for a decision on the granting, refusal or cancellation of leave;
- the issue of removal directions; and
- the removal of the person from the UK.

- 6.17 As an alternative to detention pending further examination, a BFO can decide to give temporary admission to a passenger while further enquiries are made into their case.

- 6.18 In the 12-months between 1 July 2013 and 30 June 2014, 565 passengers were granted temporary admission at Heathrow Terminal 5. We were told there had been no absconders during this period.

- 6.19 Fifty-nine (82%) in our sample of 72 cases where the passenger was detained were decided within six hours. Of the other 13 cases, only two (3%) passengers were considered for temporary admission prior to a decision being reached on their request for leave to enter.

- 6.20 Temporary admission will not always be appropriate and Border Force must consider the likelihood of compliance. However, we found cases within our file sample where passengers who were detained for lengthy periods could have been considered for temporary admission, for example because they had travelled to the UK on a number of previous occasions, and had always complied with the conditions of their visa.

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<sup>41</sup> Individuals may be admitted to the UK on a temporary basis while a case for entry is being decided or in compassionate circumstances where a person has been refused entry to the UK.

- 6.21 Border Force guidance sets out the paperwork that must be served when passengers are detained pending further examination. We also reviewed detention records for passengers in this category during the onsite phase of our inspection. We found further evidence of passengers being delayed for lengthy periods without the decision whether to grant entry being progressed, where more effective questioning at the PCP could have resolved the issue and made detention and a formal interview unnecessary, for example:
- A US citizen sought entry as a visitor for two weeks. They were detained for over eight hours in total. They were granted entry to the UK after a basic interview<sup>42</sup>, conducted over six hours after they had arrived, clarified their circumstances and reasons for visiting; and
  - A US husband and wife sought entry as visitors. They were detained for over seven hours before being granted entry to the UK. A basic interview conducted over five hours after they had arrived cleared up the confusion over marriage counselling they were giving to a US couple staying in the UK.
- 6.22 The case study in Figure 22 provides details of a further case where a passenger was detained for over nine hours before being granted temporary admission.

### Figure 22: Case study – Temporary Admission not considered

#### Background:

- The passenger was a US citizen holding indefinite leave to remain in the UK.
- At 08:10, the passenger was served with an IS81 to investigate further, the BFO on the PCP having noted that the passenger's passport contained recent entry stamps as a visitor, which implied that his ILR was no longer valid.
- At 11:08, Border Force received a fax from the passenger's solicitors explaining why the passenger's ILR was still legally valid and that the visitor entry stamps were made in error.
- The BFO sought guidance from a specialist advisory team, but was not given a definitive response.
- At 17:20, the BFO decided to release the passenger on temporary admission until the decision could be made.
- At 17:00 the next day, Border Force accepted that the passenger held ILR and their passport was endorsed with the corresponding entry stamp.

#### Chief Inspector's Comments:

- The service of the IS81 in this case was reasonable because it was unclear whether ILR was still valid.
- However, the passenger was delayed for over nine hours, and spent over seven hours detained in the holding room, despite the legal position (which was ultimately accepted) being outlined by his solicitors much earlier.
- ILR had been granted in 2004, since when the passenger had entered the UK on 37 separate occasions. This should have been sufficient for the BFO to assess the risk of absconding as negligible and decide to grant temporary admission at the outset.

- 6.23 It is important for BFOs working at the PCP to ensure they consider granting temporary admission in low-risk cases, particularly where other operational pressures (e.g. queues at the PCP) mean officers will be unable to attend to a passenger in detention for several hours. We therefore repeat our earlier recommendation that accurate passenger detention records are maintained to demonstrate that

<sup>42</sup> Effective questioning at the PCP could have resolved the issue without the need for detention and a formal interview.

detention is lawful and the duration appropriate.

## Storage of Records

6.24 Border Force was unable to provide us with many of the records we requested as part of our file sampling. It therefore needs to improve its processes to ensure that personal data is treated and stored securely in accordance with the relevant legislation and regulations and is easily retrievable to support its decision-making processes.

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*Border Force was unable to provide us with many of the records we requested as part of our file sampling.*

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6.25 While on site, staff and managers told us there was a notebook central storage area at Terminal 5. However, they did not feel confident using this facility, as retrieving notebooks from storage had been difficult in the past. Some officers told us, as a result, they stored notebooks at home. This included full notebooks that were 'closed' i.e. no longer in use.

6.26 During our review of SoP records, we also found Border Force did not retain copies of SoP notebook records within their central SoP register, and had had to rely on each individual officer to provide a copy of the notebook pages that we had requested to see. This clearly proved difficult, as Border Force returned fewer than half of the SoP notebooks we requested.

6.27 Managers told us that the practice of storing notebooks at home had not caused problems in the past, and notebooks had always been readily available when required to support prosecution cases. However, Border Force guidance pertaining to notebooks states:

- *Official notebooks are classified as restricted items and must be stored securely on official property when not in use or when taken out of use; and*
- *Notebooks should be stored in a way that allows them to be identified and retrieved at short notice.*

6.28 Failure to store notebooks on official premises was therefore a breach of policy of which senior staff were aware but were taking no action to stop. Notebooks often contain personal and sensitive information relating to passengers, and this information must be properly protected. Border Force should take immediate action to ensure that officers store notebooks only on official premises, and that managers enforce this requirement.

### **Recommendation: The Home Office should:**

Ensure all notebooks are stored on official premises and are easily accessible.

# 7. Inspection Findings – Continuous Improvement

## Border Force Operating Mandate

- 7.1 The Border Force Operating Mandate was published on 6 July 2012. It was designed to bring together guidance and instructions relating to the work of Border Force and to reinforce the standards for full checks that were put in place in November 2011, following our inspection of Border Control Operations at Terminal 3, Heathrow Airport, which led to the investigation into border security checks.
- 7.2 The Operating Mandate defined the roles and responsibilities of staff working at the border by setting out the border security checks that officers must conduct at both the PCP and the customs control points. It also outlined the level of authority required and the circumstances in which 100% checks could be suspended.
- 7.3 In our survey 100 (92%) respondents said they were fully aware of their responsibilities under the Operating Mandate, and all respondents were aware of its existence. This was supported our focus group and interview findings. During our observation sessions, we found all staff were conducting checks in accordance with the Operating Mandate. However, some officers told us that while they were aware of the core functions, they were not fully aware of all of their responsibilities under the Mandate and, for example, how the Operating Mandate linked to other guidance.

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*During our observation sessions, we found all staff were conducting checks in accordance with the Operating Mandate.*

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## PCP Training

- 7.4 Officers working at the PCP received training to enable them to carry out their role effectively. We were told that previously officers were fully trained before starting work at the PCP. However, at the time of our inspection, training was delivered in stages, with some carried out before an officer took up their role, and the remainder delivered at a later date.
- 7.5 We were told that some staff had to wait up to a year before receiving all the training. Staff told us this was frustrating as they were not informed when they would be able to undertake this training and in the meantime they were unable to carry out some aspects of the PCP role (for example, further checks on passengers) without referring to more experienced colleagues. This was reflected in our staff survey results where 74 (68%) respondents told us they felt the training they received was only 'somewhat helpful' in enabling them to carry out their role effectively, and 84 (77%) did not feel they were given sufficient opportunity for career development.
- 7.6 Senior managers told us they aimed to provide staff with the further training required as soon as possible and at least within their first year working at the PCP. It is important for Border Force to ensure this is the case, to enable BFOs to be fully effective in their role.
- 7.7 During our previous short-notice inspection of Border Security Checks at Heathrow Airport, Terminal 3 and 4 in 2012, we recommended that staff with a customs background receive the necessary support and training to carry out work at the PCP to the same standard as staff with an immigration background. In our staff survey 26 (48%) respondents who had received both customs

and immigration training felt confident carrying out both types of work. However, 17 (31%) felt confident carrying out only immigration work and 11 (20%) felt confident carrying out only customs work. These views were reflected in our findings in relation to the understanding and use of powers.

- 7.8 While Border Force has made progress in developing skills and competencies across both disciplines, more needs to be done to ensure that staff expected to carry out both functions are fully equipped to do so.

### **Training – searching baggage in the absence of passengers**

- 7.9 In December 2013, we inspected the efficiency and quality of Border Force's authorisation and record-keeping process for baggage examinations conducted in the absence of the passenger as permitted under Section 159 of the Customs and Excise Management Act 1979 and as amended by Section 117 of the Finance Act 2008. During the inspection we identified a number of matters of concern, including:

- differences in the quality and content of notebook entries completed by different officers; and
- inconsistency in authorisation procedures across different airports during these baggage searches.

- 7.10 We therefore recommended that Border Force should: Ensure that the training delivered to staff is consistent and that local managers are made aware of, and follow, nationally agreed standards when instructing staff in the performance of their duties. This recommendation was accepted by Border Force.

- 7.11 During our inspection of Heathrow Terminal 5, we observed a training session with staff, and subsequently reviewed the associated training material. This training consisted of a number of elements including:

- a PowerPoint presentation with a strong focus on the legislation, quality of notebook records and assurance activity;
- information on how to use visual indicators to select baggage for examination;
- information about the level of authorisation required to examine baggage concealments; and
- practical training using 'dummy' bags with concealments, pairing up inexperienced officers with more experienced ones to share expertise.

- 7.12 The training package was highly regarded by staff and managers. Managers told us this training was a local initiative and that our previous report had been the catalyst. Border Force should consider rolling this initiative out nationally to ensure consistency across the organisation.

### **IS81 waiting area for passengers**

- 7.13 When an officer is not satisfied that a passenger qualifies for immediate entry into the UK, the passenger is detained at the PCP with the issue of an IS81 form. The IS81 form outlines the need for the passenger to wait and gives a brief reason for the delay.

- 7.14 Border Force guidance states: The PCP HO (Higher Officer) must know who has been detained for further examination; why the person has been detained/delayed, and where they are being held. The PCP HO must allocate specific responsibility to an officer/s for ensuring the person is appropriately detained, and that their location is known at all times.

- 7.15 When issuing a passenger with an IS81, officers make a note of this in a log book kept in the watch-house. During previous inspections we found passengers would be asked to wait in the Arrivals Hall

while further checks were being carried out. In Terminal 5, we found this process was improved. When a passenger was issued with an IS81 they were taken to a waiting area which was staffed by another BFO. Their details were input, along with their time of arrival. In this way, Border Force had reduced the risk of waiting passengers absconding from the controls.

## Intelligence alerts

- 7.16 We looked at data showing the number of customs and immigration intelligence alerts received at London Heathrow between 1 April 2014 and 31 July 2014, alongside the success rates of these alerts. Data showed that 1,423 immigration and customs intelligence alerts were issued. Of these, records made at the time showed that only 111 (7.8%) alerts resulted in passengers being encountered. However, it was possible that more passengers were encountered, but this had not been recorded.
- 7.17 Data from July 2014 indicated 419<sup>43</sup> immigration and customs intelligence alerts were issued and actioned by BFOs. These produced 26 (6%) successes, including:
- six from 139 Class A drugs alerts;
  - one from 100 adverse immigration history alerts; but
  - none from 44 no valid entry clearance alerts.
- 7.18 This was similar to our finding during our earlier inspection of the e-Borders programme<sup>44</sup>, at which time we reported concerns about the ineffectiveness of immigration alerts, in addition to the quality of data relating to the interception and seizure of prohibited goods at the border.

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<sup>43</sup> This information was internal management information provided by Border Force. It had not been quality assured to the level of published National Statistics and should be treated as provisional and therefore subject to change.

<sup>44</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2013/10/An-Inspection-of-eborders.pdf>

# Appendix 1 – Role and Remit of the Chief Inspector

The role of the Independent Chief Inspector (“the Chief Inspector”) of the UK Border Agency (the Agency) was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector’s remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in Section 23 of the Immigration and Asylum Act 1999, as amended by Section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed this change would not affect the Chief Inspector’s statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency’s title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK’s border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the department UK Visas and Immigrations (UKVI) was introduced under the direction of a Director General.

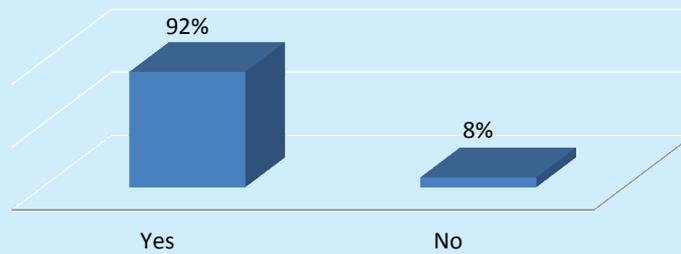
## Appendix 2 – Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector’s Core Inspection Criteria. These are shown in Figure 23.

<b>Figure 23: Inspection criteria used when inspecting Border Force operation at Heathrow Airport</b>	
<b>Operational Delivery</b>	
1.	Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2.	Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3.	Resources should be allocated to support operational delivery and achieve value for money
<b>Safeguarding individuals</b>	
4.	All individuals should be treated with dignity and respect and without discrimination in accordance with the law
5.	Enforcement powers should be carried out in accordance with the law and by members of staff authorised and trained for that purpose.
6.	All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.
<b>Continuous Improvement</b>	
7.	Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.
8.	The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
9.	Risks to operational delivery should be identified, monitored and mitigated.

# Appendix 3 – Staff survey results

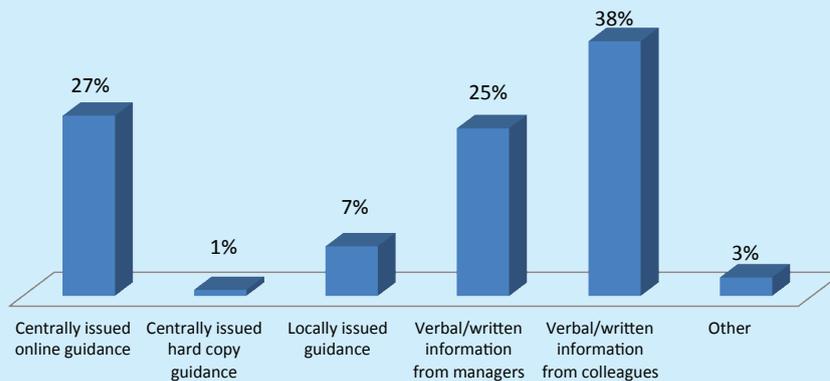
Are you fully aware of your responsibilities under the Border Force operating mandate?



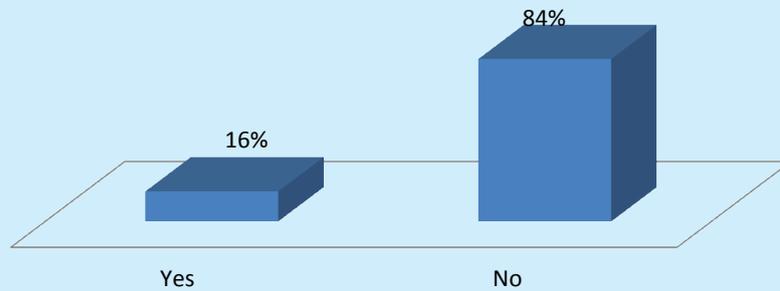
What is your view on the feedback you receive from managers when they check the quality of your work?



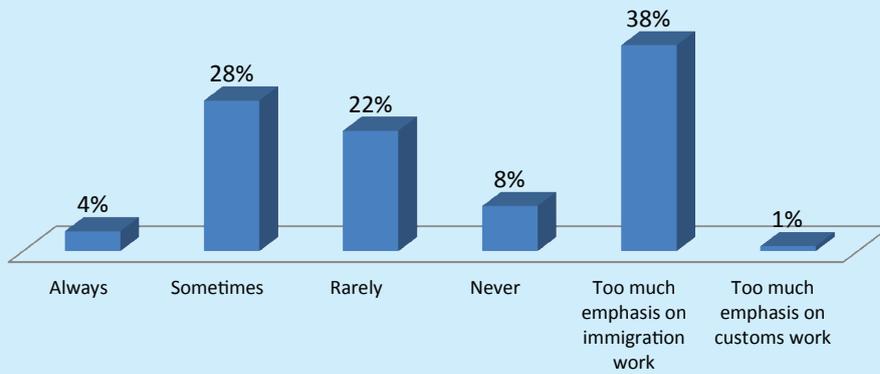
When you require guidance to help you to carry out your job, which of the following do you refer to most often?



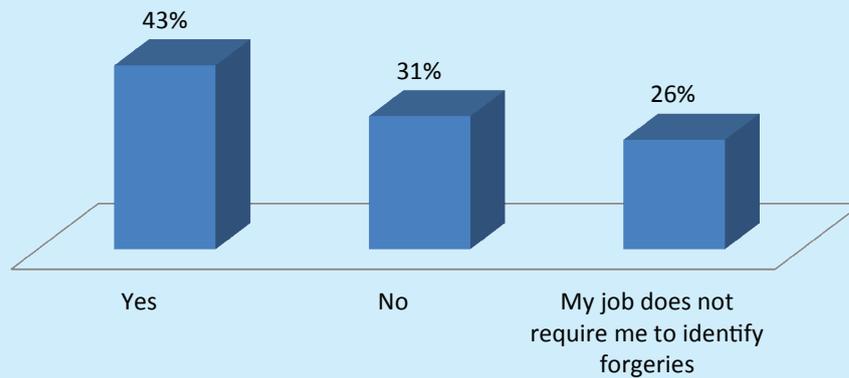
**Are you given sufficient time to keep up to date with changes in policies and procedures in order to carry out your job effectively?**



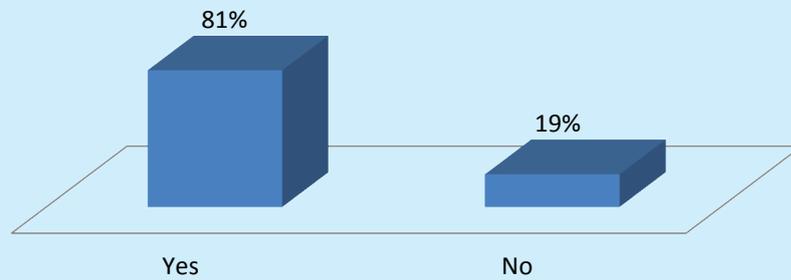
**Are resources adequately distributed to meet the demands placed on the airport?**



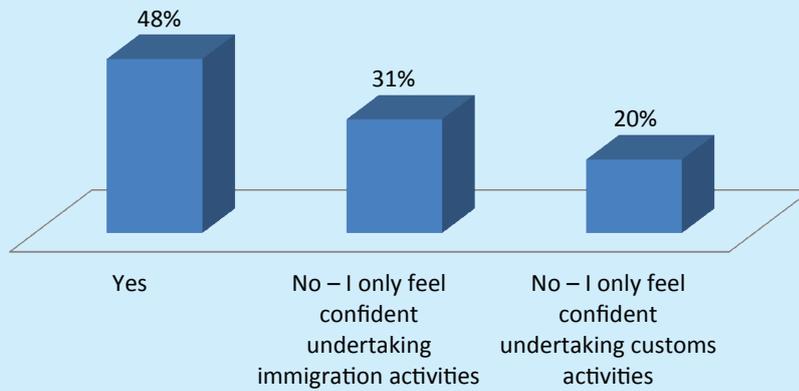
**Do you feel confident in identifying forgeries at the border?**



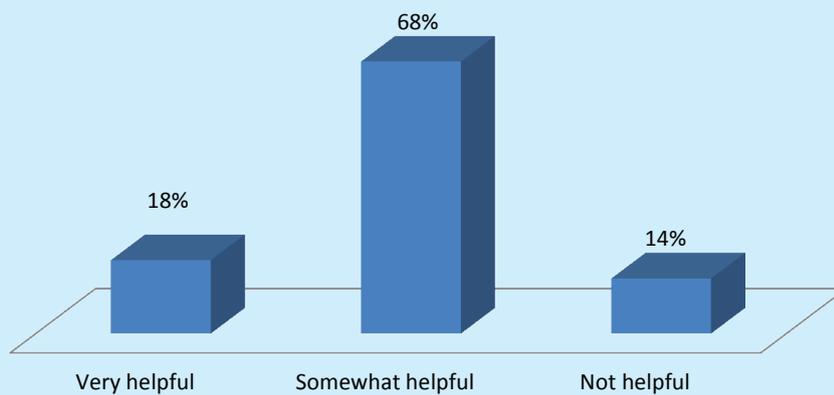
**Do you feel confident knowing when to refer matters for prosecution or further investigation by other bodies**



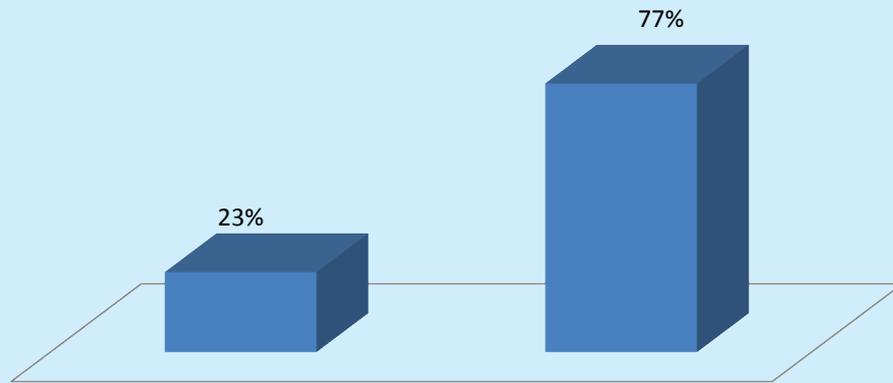
**Do you feel confident in undertaking both immigration and custom facing activities**



**How helpful is the training you receive in helping you to carry out your job effectively?**



**Are you given sufficient opportunity for career development?**



## Appendix 4 – Glossary

Term	Description
<b>B</b>	
Biometric chip	The chip inside biometric passports which contains information about the holder's face – such as the distances between eyes, nose, mouth and ears – which are taken from the passport photograph. It also holds the information that is printed on the personal details page of the passport. The chip contains an antenna which means it can be read electronically on the passport reader.
Biometrics	All customers are now routinely required to provide ten-digit fingerprint scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Border Force	Following the separation of Border Force and the UK Border Agency on 1 March 2012, Border Force became a Home Office operational command responsible for immigration and customs, including UK passport controls in France and Belgium.
Border Force Operating Mandate	The Border Force Operating Mandate defines the full border security checks to be conducted by Border Force officers, or through automated processes, on people and accompanied goods, freight and post arriving in and – where appropriate – departing from the UK.
<b>C</b>	
Casework	The Home Office term for the decision-making process used to resolve applications (for example applications for asylum or for leave to enter the United Kingdom).
Class A drugs	Drugs which are designated as 'Class A' under the Misuse of Drugs Act. The most common Class A drugs are cocaine, ecstasy, heroin, LSD and magic mushrooms.
Complaint	Defined by Border Force as "any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors".
Customs functions	Collecting and safeguarding customs duties and controlling the flow of goods including animals, transport, personal effects and hazardous items in and out of the UK. This function is carried out by Border Force staff.
Cyclamen	Cyclamen is the government programme to install fixed and mobile portals at UK ports to screen traffic (people, vehicles and goods) entering the UK to identify radiological or nuclear material.
<b>D</b>	

Deputy Director	Senior manager, equivalent to Grade 6 (subordinate to the Senior Civil Service).
Director	A senior Home Office manager, typically responsible for a directorate, region or operational business area. Equivalent to Grade 5.
<b>E</b>	
e-Borders	A former multi-agency programme delivered by the Home Office in partnership with the police and the security and intelligence agencies. It focused on the capture and analysis of passenger and crew data from carriers, in advance of movements into and out of the UK by air and sea.
Enforcement	A Border Force term used to refer to all activity that takes place within the UK to enforce the immigration rules. In addition to the work done by arrest teams, this includes areas such as asylum, citizenship, detention and removal.
Entry Clearance	A person requires Leave to Enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry Clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals). These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as 'entry clearances' within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals also require Entry Clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months
Entry Clearance Officer	Processes visa applications overseas and makes the decision whether to grant or refuse Entry Clearance.
European Economic Area (EEA)	The European Economic Area (EEA) was established on 1 January 1994 following an agreement between the member states of the European Free Trade Association (EFTA) and the European Community, later the European Union (EU).
European Economic Area (EEA) nationals	Also known as European Economic Area (EEA) citizens. A full list can be found here: <a href="https://www.gov.uk/eu-eea">https://www.gov.uk/eu-eea</a> All EEA nationals enjoy free movement rights within the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the Immigration (European Economic Area) Regulations 2006. They do not require permission from the Home Office to enter or remain, nor do they require a document confirming their free movement status. This is also extended to nationals of Switzerland which is not part of the EEA.
<b>H</b>	
Her Majesty's Revenue and Customs (HMRC)	UK government department responsible for customs and taxation. The HMRC customs function was one of the legacy organisations that made up the UK Border Agency. The function is now carried out by Border Force staff at air, rail and sea ports.

Higher Officer (HO)	A Border Force management grade. Equivalent grades exist within the Home Office, including Higher Executive Officer.
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
<b>I</b>	
Independent Chief Inspector of Borders and Immigration	The role of the Independent Chief Inspector of Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency and, more recently, Border Force, UKVI and Immigration Enforcement. The Chief Inspector is independent of the Home Office and reports directly to the Home Secretary.
Interim Operational Instructions	A Border Force operational guidance document which is circulated to staff, informing them of a change to their working practices.
IS81	A Border Force form which is issued to passengers if Border Force Officers wish to conduct further examinations.
<b>M</b>	
Management Information (MI)	Data on the basis of which management decisions can be made.
<b>N</b>	
Non-European Economic Area nationals	A national or a citizen from a country that is not part of the EEA. <a href="https://www.gov.uk/eu-eea">https://www.gov.uk/eu-eea</a> They are all subject to the Immigration Rules. See also visa nationals.
Non-visa nationals	A national or citizen of any country that is not listed on the Gov.uk website (Appendix 1 of the Immigration Rules). A non-visa national does not need a visa to come to the United Kingdom for less than six months, unless it is a requirement of the immigration category under which they are entering. A non-visa national coming to the United Kingdom for more than six months will need a visa.
Notebooks	Used by Border Force during an investigation or operation to make an evidential record when an officer observes, obtains or witnesses any material that would be considered relevant to any criminal investigation. Also used if it is necessary to take action to secure evidence after witnessing events as per section 23 of the Criminal Procedure and Investigation Act 1996 (CPIA).
<b>O</b>	
Operating Mandate	The Operating Mandate defines the full border security checks to be conducted by Border Force officers, or through automated processes, on people and accompanied goods, freight and post arriving in and – where appropriate – departing from the UK.
<b>P</b>	
Police and Criminal Evidence Act (PACE)	PACE, and the PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing of arrested people.

Primary Control Point (PCP)	Also known as Primary Checkpoint. Point at immigration control where passengers present their travel documents (typically passports) to Immigration Officers, for determination as to whether entry should be granted to the UK. Also known as immigration control or the immigration arrivals hall.
<b>S</b>	
Secure ID	A Home Office system that checks passengers' fingerprints at the immigration controls and verifies them against those previously provided during the visa application process.
<b>U</b>	
United Kingdom Visa and Immigration (UKVI)	One of the two operational commands set up under the direct control of the Home Office in place of the UK Border Agency which was broken up on 26 March 2013. From 1 April 2013 this department handles all overseas and UK immigration and visa applications.
<b>V</b>	
Visa Nationals	<p>Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the Gov.uk website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a Direct Airside visa or Visitor in Transit visa. Visa nationals must obtain Entry Clearance before travelling to the United Kingdom, unless they are:</p> <ul style="list-style-type: none"> <li>• returning residents;</li> <li>• those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay; or</li> <li>• school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.</li> </ul>
<b>W</b>	
Warnings Index	<p>A database of names available to Border Force staff of those with previous immigration history, those of interest to detection staff, police or matters of national security.</p> <p>Also known as the 'Home Office Warnings Index (WI)'.</p>
Watchlist Information and Control Unit (WICU)	A unit within the UK Border Agency responsible for updating and maintaining the Warnings Index system.

# Acknowledgements

We are grateful to Border Force for the assistance it provided in helping to arrange and schedule inspection activity.

We are particularly grateful to all staff, customers and stakeholders who participated in interviews, focus groups and surveys.

Assistant Chief Inspector: **Garrett Cullen OBE**

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ISBN 978-1-4741-2373-0



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