



Home Office

**UK Border
Agency**

SECURING OUR BORDER CONTROLLING MIGRATION

PROTECTING OUR BORDER, PROTECTING THE PUBLIC

The UK Border Agency's five year strategy for enforcing our immigration rules and addressing immigration and cross border crime.

February 2010



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FOREWORD

by the Minister of State for Borders and Immigration



The United Kingdom faces a complex and constantly evolving array of threats from terrorism, organised crime and illegal immigration which, left unchecked, can cause untold harm to our communities, businesses, public services and economy.

That is why, in order to improve our security through stronger border controls, we brought together customs, immigration and visa staff to form a single organisation with a range of specialist skills - the UK Border Agency.

Since its creation in 2008, the UK Border Agency has become one of the UK's largest law enforcement bodies, operating across the UK and in 135 countries overseas. Combining customs and immigration powers it forms our first line of defence against the smuggling of drugs, weapons and people into the UK, whilst maintaining the flow of legitimate travel and trade on which our economy depends. It also stops known criminals entering the UK and uses immigration powers to tackle foreign nationals who fail to play by our rules or pose a risk to communities. It has achieved remarkable results, including:

- seizure of over £370 million worth of illegal drugs at the border;
- seizure of more than 1.4 billion cigarettes – representing a potential tax loss of nearly £194 million in tax revenue;
- searching over 723,000 freight vehicles to check for illegal migrants and stopping over 24,000 individual attempts to cross the channel illegally, since January 2009;

- protecting communities by removing almost 5,400 foreign national prisoners in 2008. 12,040 failed asylum seekers were also removed or voluntarily departed in 2008.

The UK Border Agency's accomplishments serve as a testament to the commitment, dedication, and hard work of frontline staff in the UK and around the world. They often work in dangerous situations and put their lives at risk. I am grateful for their commitment and unflinching effort in protecting this country. I am also grateful for the continued collaboration of public and private sector partners such as the transport operators who work with us each day to help keep our border secure.

But we know we must do more. Criminal activities are becoming increasingly sophisticated and we must continuously adapt and respond in order to stay ahead of the game, co-ordinating our operations with partners such as the police, HM Revenue and Customs and the Serious Organised Crime Agency.

In publishing this strategy we aim to set out clearly how the UK Border Agency will continue to play its part in cutting crime, protecting our communities, safeguarding children and ensuring people feel safe and secure as they go about their daily lives. We also explain the relationship between the Agency and its law enforcement partners, setting out how we will work more closely together in order to achieve maximum results.

The public rely on us to stop dangerous people from entering the country, prevent illicit, dangerous goods, such as drugs and weapons from reaching their communities and take effective action against those that break our rules. We cannot and will not let them down.

Phil Woolas MP

Minister of State for Borders and Immigration (Home Office)
Minister of State for Revenue Protection at the Border (HM Treasury)

JOINT FOREWORD

By the Chief Executive of the UK Border Agency, Director General of the Serious Organised Crime Agency, Chief Constable Chair of ACPO Crime Business Area and Director General, Enforcement and Compliance - HM Revenue and Customs.



Lin Homer
Chief Executive UK Border Agency



Bill Hughes
Director General Serious Organised Crime Agency



Keith Bristow
Chief Constable Chair of ACPO Crime Business Area



Mike Eland
Director General Enforcement & Compliance, HM Revenue & Customs

Cross-border and immigration crime is often highly organised and generates large profits for the criminals involved. It causes untold harm to individuals and communities and costs the tax payer billions of pounds each year in enforcement costs and lost tax revenue. That is why securing our border and protecting the public from the threat posed by all forms of cross-border and immigration crime is a concern not only for the UK Border Agency but for all UK law enforcement agencies.

The police, Serious Organised Crime Agency (SOCA), HM Revenue and Customs (HMRC) and the UK Border Agency work closely together to deter, disrupt and detect criminal activity, sharing intelligence and undertaking co-ordinated enforcement operations across the UK and with partner agencies overseas.

To protect our border, the police, HMRC, SOCA and UK Border Agency operate an e-Borders programme that screens individuals travelling to or from the United Kingdom. This has resulted in over 4,000 arrests relating to criminal, immigration and customs offences to date.

The UK Border Agency and HMRC work together to prevent damage to the UK economy, combating criminal

attacks against the UK's tax systems. To deliver the joint 'Tackling Tobacco Smuggling Strategy' for example, the UK Border Agency and HMRC work together overseas, at the frontier and inland, collectively seizing around 2 billion cigarettes and 200 tonnes of tobacco each year, as well as over 5,000 vehicles involved in failed tobacco smuggling attempts. This has helped to reduce revenue losses by some £5bn since the introduction of the strategy in 2001. The UK Border Agency and HMRC also make a vital contribution to countering the proliferation of weapons of mass destruction and military equipment and in 2009 secured a successful prosecution involving the smuggling of military equipment to Iran.

Joint Immigration Crime Teams across the country, comprised of police and immigration staff, are tackling organised immigration crime. SOCA's co-ordination of efforts to combat organised crime has helped bring together the combined skills and resources of law enforcement partners in the UK and overseas. This collaboration has both increased our understanding of cross-border criminality and delivered a number of highly successful operations in the UK and overseas against organised criminals involved in the trafficking of persons, drugs and firearms.

We are committed to strengthening our partnership approach further in order to maximise our combined impact on crime and already have a strong platform of skills and resources on which to build. By working

together to protect our border and protect the public, we will make the UK a hostile environment for criminals and a safer place in which to live.



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EXECUTIVE SUMMARY

The UK Border Agency is responsible for securing our border and managing migration for the benefit of the country. We regulate the movement of goods and people into and out of the UK, ensuring there are legitimate routes of entry for tourists, students and those who possess the right skills and talents to benefit the British economy. We are also committed to protecting genuine refugees and safeguarding and promoting the welfare of children. The vast majority of those we deal with are law abiding and our job is to make it as easy as possible for them to comply with our laws.

UK Border Agency's strategic objectives

- We will protect our border and our national interests
- We will tackle border tax fraud, smuggling and immigration crime
- We will implement fast and fair decisions

We are also one of the largest UK law enforcement agencies, with staff operating throughout the UK, at the border and in 135 countries. We tackle border tax fraud, smuggling and immigration crime - preventing known criminals, high risk individuals, drugs, weapons and other harmful goods from entering the country. We also use our immigration powers to tackle foreign nationals who fail to play by our rules once in the UK.

Over the last ten years we have transformed the way we police our border and control migration by:

- Exporting our border overseas to prevent harmful people and goods from travelling to the UK;
- Preventing the use of false identities by capturing the biometrics of all visa applicants and

introducing compulsory biometric identity cards for foreign nationals;

- Introducing a flexible Points Based System for managing effectively the flow of migrants who wish to work or study in the UK;
- Screening goods and individuals that cross our border through our Freight Targeting and e-Borders systems. To date, e-Borders has screened 141 million passenger movements, resulting in over 4,000 arrests and significant counter-terrorist interventions;
- Introducing automatic deportation of foreign criminals that have been sentenced to imprisonment of 12 months or more, once their sentence is complete;
- Serving civil penalties on employers who fail to make the right checks and employ illegal workers.

This strategy sets out how we will continue our efforts to cut crime and make the UK a hostile environment for those that seek to break our laws or abuse our hospitality. It is divided into four mutually reinforcing objectives that together form the basis of our renewed approach to tackling criminal activity.

Our objectives:

- **Deter** - Strengthening UK resilience against immigration and cross border crime;
- **Disrupt** - Breaking up criminal activities and organised criminal groups;
- **Detect** - Identifying and locating those responsible for criminal activity and the smuggling of illicit goods;

- **Deal** - Taking action against those engaged in all levels of criminal or non-compliant activity.

This document, which also clarifies our role within the Criminal Justice System, provides the foundations for a comprehensive, flexible framework. Within it we will develop our law enforcement capability, work with partners to tackle immigration and cross border crime and deliver our strategic objectives¹. In so doing, the strategy brings together our new and existing commitments for tackling crime, including:

- Strengthening our Juxtaposed Control at Calais – a high risk route for those seeking to enter the UK illegally – by investing £15 million to pilot extra security and detection technology;
- Considering with partners including the Crown Prosecution Service, the most effective use of out of court disposals such as cautions together with our immigration powers, to remove low level foreign national offenders as an alternative to prosecution;
- Screening traffic moving to or from the UK, through our National Border Targeting Centre, which will be launched in 2010 and will act as our central hub for the analysis of information on passengers and goods, including data captured through our e-Borders system;
- Development of our working relationships with other law enforcement agencies, for example by embedding UK Border Agency intelligence staff in multi-agency Regional Intelligence Units;
- Our intention to reduce fraud committed by foreign nationals, by joining the UK's fraud prevention service (CIFAS) – through which we will share information about those who have entered or remained in the UK unlawfully;
- Managing our response to crime through a UK Border Agency Control Strategy.

We know that organised crime groups are behind a significant proportion of criminal activity that crosses our border. We will therefore, as part of our objectives, refine our capability to tackle this activity, with the detection of Class A drugs and the targeting of groups that facilitate illegal entry or stay in the UK as our top priorities for action. Public protection is the driving force behind our work. This strategy sets out how we will make best use of our tools, skills, sanctions and global presence to protect the public, the country and our economic interests.

Implementation of this strategy

The objectives and commitments in this high level strategy set the direction for the UK Border Agency's role in working with partners to protect the public and tackle immigration and border crime. The commitments are wide ranging and many are already being implemented. Others may require new projects or reshaping alongside day to day business. More detailed plans will be reflected in the Agency's business planning arrangements, including control strategies that will help prioritise and guide our overall response to immigration and border crime.

Oversight of the strategy lies with Executive Board of the UK Border Agency, supported by a senior level Crime Board. Its successful implementation also requires close co-operation between a number of different stakeholders including the police, Serious Organised Crime Agency, HM Revenue and Customs, Crown Prosecution Service, government departments, the Devolved Administrations and local authorities.

¹ Our work also supports and forms part of the wider UK approach to tackling crime that includes the UK's organised crime strategy 'Extending our Reach', Scotland's strategy for tackling serious organised crime 'Letting our Communities Flourish', the UK's counter-terrorism strategy (CONTEST), HM Revenue and Custom's (HMRC) strategies for alcohol and oils fraud, and the joint HMRC-UK Border Agency strategy for tackling tobacco smuggling.

PART 1: The UK Border Agency's law enforcement role

Introduction

The UK Border Agency is responsible both for facilitating legitimate travel and trade, and for helping protect the UK from the harm caused by terrorism and crime, including organised criminal activity, and individuals that seek to exploit our public services and private businesses.

Overseas, all visas applicants are fingerprinted and checked against UK police, immigration and security databases before we will issue them with a visa. This helps us prevent known criminals from travelling to the UK and detect fraudulent visa applications. Anyone who uses false documents to try to get a visa can expect a 10 year travel ban to the UK. We also operate a Police Referral Programme overseas through which we report the use of false documents to local police forces

At the border, we have introduced a single border force with police-like powers for our frontline staff. Our fleet of fast patrol vessels intercept smugglers and support the police and Serious Organised Crime Agency (SOCA) in tackling crime at sea. We base more than 1,000 officers in France and Belgium to stop illegal immigrants before they get to the UK; these 'juxtaposed controls' have disrupted over 100,000 attempts to illegally enter the UK since 2004. We also have officers stationed at postal hubs and depots within the UK who sort through parcels and letters to ensure VAT and import taxes have been paid and that they do not contain any prohibited items. Our Freight Targeting System and e-Borders programme enable us to screen individuals and goods that cross our border, alerting us to those of interest prior to their arrival in, or departure from, the UK.

What is the Freight Targeting System (FTS)?

Our freight targeting system provides real time risk assessment on freight arriving in the UK, allowing officers to target high risk goods. During 2009 we acquired new high energy mobile freight scanners and reviewed national scanner deployment in conjunction with the construction of relocatable gantry systems in Dover and at our Juxtaposed Controls in Coquelles, Northern France.

What is e-Borders?

e-Borders allows us to check every person travelling into or out of the UK against a range of watchlists, thereby identifying criminals and immigration offenders. e-Borders has collected details on 141 million passenger and crew movements since 2005. To date e-Borders alerts have resulted in 4800 arrests including 104 arrests for rape/sexual assault

and 33 arrests for murder. Over 150 fraudulently used British passports have been identified and impounded, over 950 people with an adverse immigration history have been refused entry to the UK and £11.8m excise duty avoidance has been identified as well as significant amounts of drugs, including 26kg of cocaine.



In-country, we have established multi-agency Immigration Crime Partnerships that provide a joined up approach to tackling criminal activity linked to illegal immigration. We are rolling out Local Immigration Teams to target immigration offenders in every community and Regional Immigration Crime Teams to tackle organised, immigration related crime or support action against foreign nationals who have committed other crimes whilst in the UK. We are deporting record numbers of foreign prisoners and failed asylum seekers – almost 5,400 foreign national prisoners were removed and 12,040 failed asylum seekers were removed or voluntarily departed in 2008.

We carried out 7,461 visits in search of illegal workers in 2008 - finding illegal workers in 5,214 of these visits; and we achieved 2,295 successful prosecutions against those involved in immigration crime in 2008/09. By November 2009 we had issued over 100,000 identity cards for foreign nationals, which help prevent illegal working and other criminal activity.

More widely, the UK Border Agency also has a key role to play in supporting the Government’s work to combat human trafficking². We led the Government’s work to ratify the Council of Europe Convention against human trafficking in 2008 and with key partners developed a multi-agency National Referral Mechanism (NRM) for identifying and supporting victims of trafficking. In its first nine months of operation over 500 men, women and children were referred through the NRM to the UK Border Agency and UK Human Trafficking Centre. In addition to improving identification of trafficked victims, this has contributed to an increase in the numbers of investigations and prosecutions for human trafficking.

Building on our success

We are committed to doing more to reduce the harm caused by immigration and cross border crime and make the UK a hostile environment for those that seek to break our laws or abuse our hospitality. Our work will be delivered through the following four, mutually reinforcing objectives.

Our objectives:

- **Deter:** Strengthening UK resilience against immigration and cross border crime;
- **Disrupt:** Breaking up criminal activities and organised criminal groups;
- **Detect:** Identifying and locating those responsible for criminal activity and the smuggling of illicit goods;
- **Deal:** Taking action against those engaged in all levels of criminal or non-compliant activity.

The Deter and Disrupt objectives focus on crime prevention, for example by reducing the incentives to commit crime. The Detect and Deal objectives are designed to strengthen our overall response to crime and ensure that there are consequences for all those who cause harm. Each objective will provide an effective response to the threats that we face, be capable of adapting to meet new or evolving threats and ensure that we support the roles of our law enforcement partners.

Moving forward, our law enforcement activity will also be underpinned by the following five principles:

1. **We will build stronger partnerships:** we will embed a partnership approach that maximises the combined capability of UK agencies to deter, disrupt, detect and deal with immigration and cross border crime;
2. **We will develop our skills and capability:** by transforming the way we collect, analyse and share intelligence and by building a stronger in-house criminal and financial investigation function in order to increase disruption of criminal networks (for example, by seizing the profits of crime) and support successful prosecutions;
3. **We will target the most harmful first:** by striking at the criminal gangs and networks behind the majority of crime that crosses our borders and assessing both the economic and social harm caused to the UK by individual offenders;

² There have been 118 convictions in the UK for trafficking and 3 for conspiracy to traffick for sexual exploitation (May 2004 to Oct 2009); and 7 convictions for labour trafficking (Dec 2004 to Oct 2009).

4. **We will act early:**
by capitalising on our local, regional and international presence and making best use of our tools and powers, to intervene against criminal activity at the earliest possible point;
5. **We will ensure compliance with our rules:**
by deploying a range of actions and sanctions that encourage compliance and punish law breaking according to the severity of the offence.

UK Border Agency priorities for action

Tackling serious and organised crime is a government priority. The UK Border Agency will continue to support this work by targeting the organised crime groups behind a significant portion of criminal activity that crosses our border – with a particular focus on the following three areas.

Detection of Class A drugs

The Home Office estimates that the UK illicit drug market is worth between £4-6.6 billion and that the use of Class A drugs causes around £17.6 billion in crime and health costs each year. Preventing Class A drugs from entering the UK is therefore one of our key priorities. As part of the Home Office led UK drugs strategy, we work with partners such as SOCA to stop drugs from entering the UK, both through our work at the border and by disrupting the trade before it reaches our shores.

September 2009: Heathrow Airport

UK Border Agency officers seized around 165kg of heroin with an estimated street value of £8 million, hidden in a consignment of souvenirs from South Africa. The find was notified to the Serious Organised Crime Agency, which began an international investigation. Two arrests were made and a further 80kg of heroin seized. Information was passed to the police in South Africa which resulted in a further five arrests. 115kg of heroin and over 6,500kg of herbal cannabis and cannabis resin was also found - all of these drugs are believed to have been destined for the UK.

Combating facilitation of illegal entry and stay in the UK

The cost to the UK of people smuggling in 2003/4 has been estimated to be in the region of £1.4 billion³. In responding to this threat we do not wait for individuals to appear illegally in the UK; we tackle, head on, the crime groups which offer ‘end-to-end’ facilitation packages, operate bogus colleges, pose as legitimate sponsors or arrange sham marriages. This work is underpinned by our efforts to combat the trade in false documents. In some countries over half of visa applications are supported by false documentation. Within the UK, use of false documents can support a range of criminal activity such as working illegally or defrauding banks or other service providers.

27 August 2009: Calais

18 people were found hiding in a tanker carrying gluten powder bound for Wrexham. The tilt cord securing the hatches on top of the tanker had been cut to gain entry, then pinned and glued. The individuals were fingerprinted, photographed and refused entry to the United Kingdom before being handed to the French authorities.



Non-compliance with our immigration rules

Those that live or work in the UK illegally, make bogus asylum applications, frustrate attempts to remove

³ Extending our reach: A comprehensive approach to tackling serious organised crime, page 12. This document can be accessed through the following link- <http://www.homeoffice.gov.uk/documents/extending-our-reach/>

them, or who improperly access public funds are often the product of organised crime. That is why as well as tackling this crime at source, we are removing the incentives to enter the country illegally by making the UK a hostile environment for those that break our rules. Our fines for non-compliant employers, for example, are a key part of this work, enabling us to both protect local labour markets and prevent exploitative environments where health and safety is compromised.

Wider government law enforcement priorities that we support

We are also committed to supporting wider government public protection priorities. The key priorities that we support are:

Counter-terrorism

The Government has made clear that it assesses the current threat from terrorism as serious and sustained. The Agency plays a pivotal role in supporting the UK’s counter-terrorism strategy (CONTEST) by leading work at ports of entry to detect dangerous materials that could be used in terrorist devices, through our fixed and mobile radiological detection systems (the Cyclamen Programme) at ports and airports, and through preventing terrorists and other extremists from entering or residing in the country.

Counter-proliferation

In line with the UK’s National Security Strategy⁴ and Counter Proliferation Strategy, the UK Border Agency works closely with HM Revenue and Customs (HMRC) and the Department for Business, Innovation and Skills (BIS) to administer and enforce UK export controls on military and dual-use goods⁵. Export controls are a key part of the UK’s efforts to counter the proliferation of weapons of mass destruction (WMD) and their means of delivery. From 1 January 2009 to 31 December 2009, 100 seizures of strategic exports were made at the border.

Effective management of foreign national offenders

In 2008 we removed almost 5,400 foreign national prisoners and we are increasingly seeking to prevent those who pose a threat to our communities from travelling to the UK in the first place.

Combating border tax fraud

Border tax fraud has a serious impact upon our economy. In 2007/08 smuggling contributed to UK losses of tax revenue on spirits, tobacco and diesel of around £2.8 billion⁶. In 2008/9 losses in the UK from Missing Trader Intra-Community Fraud⁷ were estimated to be between £1 billion and £2.5 billion⁸. Working together with our partners in HMRC, our enhanced border controls are having an impact in identifying and preventing cross border tax fraud. In 2000, for example, the illicit market share for cigarettes stood at around 21% and was predicted to rise to around 33% within a few years without government action. The latest estimates of the illicit cigarette market share place the mid point at 10% – our border detection staff have made a substantial contribution to achieving this reduction.



Import/export of firearms and other prohibited and restricted goods

We prevent the transport of prohibited and restricted goods across our border, with the prevention of illegal importation of firearms and other weapons as a key priority. We work closely with the police and the Home Office as part of the Government’s overall strategy on harm reduction, to tackle violent crime by reducing the availability of offensive weapons on the street.

We also enforce controls on other goods, including drugs, weapons, explosives, pornographic and paedophile material, cultural objects, products of animal origin, plant products, endangered species, counterfeit and pirated goods, chemicals and medicines, ozone depleting substances and waste.



Border seizure figures: 1 April 2008 to 31 March 2009⁹

	Number of seizures	Total number of items seized
Firearms and firearms parts	239	645
Stun guns	113	160
Self defence sprays	203	464
Fireworks and explosive materials	11	183
Knives and offensive weapons	2,327	5,978
Products of animal origin (meat, fish, diary produce, honey)	20,537	24,503
Convention on the International Trade in Endangered Species (CITES) Goods	324	10,231
Paedophile material	138	500
Counterfeit and pirated goods	1,805	3,165,849

⁴ http://interactive.cabinetoffice.gov.uk/documents/security/national_security_strategy.pdf

⁵ Products, software or technology that can be used for both civil and military purposes.

⁶ Measuring Tax Gaps' HMRC 2009

⁷ MTIC fraud involves criminals acquiring goods VAT-free in the EU and selling them in the UK with VAT incorporated into the price. The seller then fails to pay the VAT due.

⁸ <http://www.hmrc.gov.uk/stats/measuring-tax-gaps.pdf>

⁹ HMRC Departmental Annual Report 2009

Combating human trafficking

Human trafficking is often likened to a form of modern day slavery. Victims are deceived or coerced into exploitation through forced labour or the sex trade, and can be controlled through violence, imprisonment and intimidation. The UK Border Agency works closely with the UK Human Trafficking Centre and a range of partners in other parts of government including law enforcement, the prosecuting authorities, local authority children's services and the voluntary sector to identify and protect victims of trafficking and bring to justice those that exploit them. Identifying child victims of trafficking is an important part of meeting

our duty to safeguard and promote the welfare of children whilst they are in the UK. There have been over 100 convictions for human trafficking since 2004.

Delivering our priorities

Achieving full agency status in April 2009 confirmed our role as a law enforcement partner, helping to deliver the Government's commitment to protect the public and our border. We are proud of our achievements to date but are determined to do more. Part two of this document sets out how we will target our capability to protect our economy and make our communities a safer place in which to live.

Working in Partnership



Combating immigration and cross border crime is an obligation we share with a number of law enforcement agencies and prosecuting authorities; primarily the police, SOCA, the Scottish Crime and Drug Enforcement Agency (SCDEA), HM Revenue and Customs (HMRC) and the Crown Prosecution Service. We work together to intensify our impact on crime through strong partnership working arrangements and joint operations that capitalise on our individual powers and expertise. The lead agency for each joint operation differs according to the type, location and severity of the offence. To help determine the lead agency in each case, offences are categorised as level 1, 2 or 3.

Level 1: Local level immigration and cross border crime

Local level crime in an immigration and border control context is often low level and motivated by personal gain, such as overstaying a visa or working illegally.

Whilst each individual offence is often minor in nature, their combined impact can cause significant social and economic harm.

Whilst we hold principal responsibility for tackling level 1 immigration and cross border crime, we work with a range of partners, including the police, HMRC, the Department for Work and Pensions, local authorities and local stakeholders to provide a joined-up and effective response – inclusive of supporting our partners' work to ensure safer and stronger communities.

Level 2: Regional immigration and cross border crime

In an immigration and border control context, level 2 crime is more serious and has a regional impact – as such it often has a greater degree of organisation behind it. Examples of level 2 crime include the importation of illegal drugs, facilitation of illegal entry of people or goods, the manufacture and sale of false documents, the operation of bogus colleges and arrangement of sham marriages.

All law enforcement agencies have a role to play in responding to level 2 crime. In-country, our regional Immigration Crime Teams which are jointly staffed by the UK Border Agency and the police, work closely with law enforcement partners to share and build intelligence, agree priorities and mount joint operations. At the border, our Border Force officers are responsible for all general customs and immigration criminal investigations and cash seizures, with ring-fenced investigation teams at a number of ports and airports. We also work closely with HMRC

to tackle cross border fiscal crime with dedicated Cash Detection Teams established in all regions.

October 2009: Felixstowe

The UK Border Agency supported a six-week police operation, ending in October 2009, in which 73 high-value cars worth more than £2 million were recovered. The vehicles had been stolen to order from across the country and were to be shipped abroad.

Level 3: International immigration and cross border crime

Level 3 crime is typically serious, highly organised and can generate substantial profits for those involved. It usually operates at a national or international level and presents a significant threat to public safety and our national interests. Examples of level 3 crime include the trafficking of large quantities of Class A drugs, large scale border tax fraud and the trafficking of human beings.

SOCA was established to bring a new intelligence-led UK response to Level 3 crime, in partnership with other law enforcement agencies. We support SOCA activity and are committed to delivering the UK's strategy on organised crime¹⁰. Alongside SOCA we lead the multi-agency UK programme tackling organised immigration crime in source and transit countries, contributing to this work in particular by gathering intelligence and building cases for other law enforcement agencies to pursue. We lead the investigation of many large scale drug importation cases at the border and, as our intelligence and investigative capability develops, we expect to play a greater supporting role in tackling level 3 crime abroad and within the UK. We will continue to work closely with SOCA, the SCDEA, the police and the Crown Prosecution Service and other prosecution authorities, on targeted operations.

Non-immigration crimes committed by foreign nationals (level 1-3)

We play only a supporting role in tackling wider foreign national offending. For example, we remove foreign national prisoners once their sentence has been served. However, as part of our comprehensive response to crime we are committed to working with our Criminal Justice partners, in particular the Crown Prosecution Service, to develop our role in safeguarding communities from harm, through, for example, offering alternatives to prosecution for low level foreign national offending, such as deportation and exclusion from the UK.

Safeguarding vulnerable groups

Foreign nationals can also be the targets of crime because they are migrants – subjected to abuse, harassment and even violence. We will support the work of the police and local stakeholders to ensure their safety, aiding the settlement and security of refugees and migrants. The UK Border Agency has an important role in identifying children suffering or likely to suffer significant harm. By tackling the criminality behind child cruelty, such as human trafficking, we can help prevent abuse and neglect¹¹.

Working in partnership with Prosecutors

In January 2010 the Crown Prosecution Service and the Revenue and Customs Prosecution Office merged, to create a stronger, more flexible and resilient public prosecution service. The merged organisation provides a single, clear route for the prosecution of the full range of offences investigated by the UK Border Agency, to support its function of protecting the border. A central and specialist UK Border Agency Unit has been set up within the Organised Crime Division of the Crown Prosecution Service to prosecute the most serious and complex UK Border Agency cases. UK Border Agency officials are able to discuss strategic issues with this unit, and with the Policy Directorate of the Crown Prosecution Service, which have dedicated stakeholders responsible for liaising with the UK Border Agency.

¹⁰ <http://www.cabinetoffice.gov.uk/media/222240/seriouscrime.pdf>

¹¹ Section 55 of the Borders, Immigration and Citizenship Act 2009 places a duty on the UK Border Agency to have regard to the need to safeguard and promote the welfare of children.

PART 2: Delivering our Objectives

DETER: Strengthening UK resilience against immigration and cross border crime

Objectives:

- We will improve confidence in our capability as a law enforcement agency at home and overseas to deter criminal activity
- We will deliver robust identity management systems
- We will prevent abuse of our public services and private businesses

Key delivery partners

Foreign and Commonwealth Office (FCO)
 British Council
 HM Revenue and Customs (HMRC)
 Serious Organised Crime Agency (SOCA)
 Driver and Vehicle Licensing Authority (DVLA)
 Department of Health
 Department for Work and Pensions (DWP)
 Department for Communities and Local Government
 Transport operators
 Crown Prosecution Service (CPS)

Effective deterrence of immigration and cross border crime involves robust identity management systems, reducing the incentives to come to the UK illegally and ensuring that our rules and the consequences of breaking them are understood across the globe, especially in high risk countries.

We will improve confidence in our capability as a law enforcement agency at home and overseas to deter criminal activity

Communications strategy: Nairobi

UK Border Agency and Foreign and Commonwealth Office staff based in Nairobi have worked with producers of Kenyan soap opera ‘Makutano Junction’ to develop story lines that highlight the perils of illegal migration to the UK. The soap opera, which reaches around 20 million viewers, has proved to be an effective tool for delivering strong deterrent messages about the risk of using facilitators and people smugglers to travel to the UK.

We use the media overseas to highlight the unacceptability of engaging in criminality in the UK and the risks of associating with people smugglers, traffickers and producers and suppliers of forged documentation. We have improved our border deterrent through the delivery of a highly visible border zone, including improved signage and uniformed staff, and we run regular information and publicity campaigns at home, sending strong deterrent messages targeted at those who seek to abuse our immigration rules. We also promote our enforcement activity across our regional press network, raising awareness with the public that we will act on information we receive about those who break the law.

To reinforce the deterrence message we will:

- Use the international media to promote our enforcement and detection success in the UK, including our anti-fraud and intelligence operations and action taken against those that commit people trafficking offences;
- Enhance our customer information overseas, for example through advice to visa applicants that aids compliance by legitimate travellers and businesses, and publish guidance targeted at vulnerable groups, such as potential victims of trafficking;
- Use our global overseas Risk and Liaison Overseas Network (RALON) to work with local law enforcement agencies to ensure the wider dissemination of preventative messages;
- Use our Local Immigration Teams to visibly gather knowledge about issues in their local area and work closely with stakeholders to deter non compliance with our immigration rules, taking action where required to enforce our rules.

What is RALON?

Our Risk and Liaison Overseas Network (RALON) provides us with a global intelligence presence. We have over 100 RALON officers working in 46 locations across the globe. RALON is responsible for:

- supporting our overseas operations through the provision of intelligence information about threats to our border;
- providing advice and intelligence to our visa services;
- working with carriers to prevent the travel of inadequately documented passengers to the UK;
- working with the Serious Organised Crime Agency and other law enforcement partners (both in the UK and overseas) to tackle criminal groups seeking to circumvent the UK border controls.

Over the last five years, our overseas network has prevented 210,000 inadequately documented passengers from reaching the UK.

We will deliver robust identity management systems

We run a fraud and forgery campaign in visa application centres, deterring individuals from submitting fraudulent documentation by setting out the risks of this activity and the penalties for doing so. This messaging is reinforced in press releases and articles in overseas media.

The demand for false identities and documents as a means to enter the UK illegally fuels their production by organised crime groups. False documents are used not only as a means to enter or remain in the UK, but to commit other crimes. To deter people from such activity we issue biometric visas and identity cards to foreign nationals. By fixing individuals to a unique and secure identity we deter future attempts to break our rules or abuse our hospitality. We will continue to deter the use of false documentation and false identities by:

- Verifying the holders of visas, entry clearances and foreign national ID cards against the biometrics collected with their application;
- Collecting the biometrics of non-EEA nationals who have not previously had their biometrics captured, for storage and matching from mid 2011;
- Expanding our biometric storage and matching capability to support our biometric screening programme;
- Deterring the use of false documentation in support of visa applications by increasing co-operation with local law enforcement agencies overseas through our Police Referrals Programme – this currently operates in 19 countries and has resulted in over 1200 arrests worldwide¹²;
- Supporting the work of our visa issuing posts by exploiting new technology, including forgery detection equipment;
- Developing the partnerships we have established with the police and international partners – with a view to sharing biometric records;

¹² Figures correct as of September 2009

- Through our National Document Fraud Unit, developing links with national and international stakeholders concerned with combating document abuse and establishing standards for travel documents, including Interpol and the International Civil Aviation Organization.

What is the National Document Fraud Unit (NDFU)?

The National Document Fraud Unit (NDFU) is the central unit within the Agency responsible for all matters relating to the security and abuse of travel and identity documents. NDFU provides specialist advice, intelligence and forgery detection training to both UK and overseas partners. It also liaises with security document manufacturers and issuers to ensure that the UK remains a leader in the field of travel document security.

We will prevent abuse of our public services and private businesses

Some migration offenders seek to defraud our banks and other financial services organisations, gaining access to credit cards, bank accounts, mortgages and mobile phones – the very tools they need to conduct a life here as well as commit further offences.

Over the last few years, we have made it much more difficult to live and work here illegally, thereby deterring attempts to abuse our public services or private businesses. We have strengthened our internal controls through for example, issuing identity cards to foreign nationals, conducting joint enforcement operations and sharing information with partner departments such as HMRC, to identify and prevent fraudulent access to UK benefits and services.

UK Border Agency: Joint enforcement operations

Illegal working: A joint initiative with a London Borough’s Private Housing and Building Services allowed the local authority to tackle a rogue builder working without planning permission on a structurally unsafe building and employing foreign

nationals. We arrested 5 illegal workers and issued civil penalties in respect of each worker.

Tackling fraud: We have trained local authority staff in the Midlands, North East and London Boroughs to identify false documents presented to their service centres. This has resulted in the denial of access to council services due to deception; reviews of immigration status, investigations and prosecution, and enforced removals of illegal migrants.

Child protection: We have initiated joint projects on the exchange of data and intelligence with schools and truancy watch teams in order to aid consistent support to migrant children whose families abscond or avoid immigration compliance controls.

There is still more we can do to reduce the vulnerability of our systems and services to abuse. Some overseas visitors travel to the UK with the specific intent of taking advantage of our free health services. This activity is not permitted by our immigration rules and is unfair to tax payers. In addition, despite advice from the Driver and Vehicle Licensing Authority (DVLA) that the driving licence is not an identity document and is not intended to prove lawful residence in the UK, driving licences are often accepted as a form of identity by employers and industry service providers. This practice encourages illegal migrants to make false applications for driving licences.

- We will reduce fraud committed by foreign nationals by joining the UK’s fraud prevention service (CIFAS) in 2010;
- We will continue to work with DVLA to examine suspect documents and detect forgeries submitted by those seeking to obtain UK driving licences. Details of those that have submitted forged documents or who do not have permission to be in the UK are passed to the Local Immigration Team nearest to the applicant’s address;
- We intend to consult on proposed new powers to prevent a person from returning to, or remaining in the UK, if they have outstanding NHS debts above a prescribed amount;

- The Department of Health intends to open a public consultation on changes to the NHS charging regulations, including seeking views on whether introducing a mandatory health insurance requirement for certain categories of non-resident might be an appropriate way of combating the problem of “health tourism”.

What does the UK’s Fraud Prevention Service (CIFAS) do?

CIFAS members include financial services, telecoms and utility companies, including all of the high street banks and building societies. CIFAS allows its members to exchange details of applications for products or services which are considered to be fraudulent. By joining CIFAS, the UK Border Agency will have a cost effective means of sharing information about those with no lawful basis of stay in the UK. This will enable institutions to make informed, risk-based decisions about individuals to whom they intend to offer their services or provide funds.



DISRUPT: Breaking up criminal activities and organised criminal groups

Objectives:

- We will target our overseas disruption operations to respond to high risk source or transit countries
- We will strengthen our juxtaposed controls
- We will work with transport operators to disrupt attempts to smuggle goods and people into the UK
- We will disrupt the activity of organised crime groups

Key delivery partners

Foreign and Commonwealth Office (FCO)
 Serious Organised Crime Agency (SOCA)
 Scottish Crime and Drug Enforcement Agency (SCDEA)
 Police
 HM Revenue and Customs (HMRC)
 Transport operators
 International law enforcement partners
 Department for Transport (DfT)
 Crown Prosecution Service (CPS)

We must make it as difficult as possible for people, particularly organised criminals, to engage in criminal activity, for example, by disrupting their routes into the UK and seizing criminal assets thereby depriving them of the ability to fund future activities. We have a dedicated litigation team who aim to forfeit cash which is believed to be the proceeds of crime or is intended to be used in criminal conduct. The team will also use powers contained in the Customs and Excise Management Act 1979 to forfeit and condemn dutiable and other prohibited and restricted goods. We will also work closely with the Crown Prosecution Service and

its Proceeds of Crime Unit to restrain and confiscate criminal assets.

We will target our overseas disruption operations to respond to high risk source or transit countries

The most effective method of responding to the threats posed by overseas criminals is to disrupt their operations before they reach our shores. UK Border Agency officers deployed at airports in Jamaica and Ghana, for example, helped mentor and train local enforcement teams in profiling, use of intelligence, interview techniques and the effective use of drugs detection aids. This work reduced drastically the number of drug couriers reaching the UK¹³. We will continue to collaborate with partner countries to disrupt supply and transit routes by:

- Investing in RALON'S analytical capability so that we can increasingly identify and disrupt immigration and border crime and anticipate developing and future threats;
- Establishing an international crime liaison function tasked with supporting operational activity with our domestic and international law enforcement partners, to increase disruption of criminal groups engaged in illegal immigration and smuggling;
- Continuing to mentor and train host agencies in countries who wish to collaborate to stem the flow of drugs through their ports and airports;
- Working with HMRC as part of our joint strategy for tackling tobacco smuggling, to improve detection of illicit tobacco by strengthening our international partnerships.

¹³ Since this work began in 2006, we have seized over 7 tonnes of drugs with a street value of about £100 million.

Nigeria

Since 2006, the National Document Fraud Unit has been working with the Nigerian Government and the International Organisation for Migration to establish a central document fraud capability in Abuja. This work has brought the issue of document fraud in Nigeria to the fore and is promoting a programme of training for government officials. In September 2009 we provided a document fraud detection machine and vehicle to the Nigeria Police Force's special fraud unit in Lagos. The equipment will improve the police's ability to track down the manufacturers and suppliers of fraudulent documents thereby reducing the downstream impact on UK border controls.

We will strengthen our juxtaposed controls

Every year, thousands of people seek illegal passage across the Channel to the UK, often with the help of facilitators. By performing immigration checks at points of departure to the UK from Belgium and France, our officers stopped over 24,000 individual attempts to cross the channel illegally between January and November 2009. We also crack down on facilitators of illegal migration through the Joint Intelligence Unit – a collaborative unit comprised of officers from the Agency, SOCA and police agencies on both sides of the channel.

- We are strengthening our border controls in France by investing a further £15 million to pilot extra security controls and technology at Calais;
- We will continue to provide assistance to France as it works to increase the return of illegal migrants from Northern France to their countries of origin, thereby reducing the threat to the UK from those that make repeated attempts to cross the channel.

There is also a clear government commitment to strengthen the Common Travel Area in line with our January 2009 commitments and work towards fully interoperable electronic border systems, sharing

of watchlists and more closely aligned visa entry requirements¹⁴.

10 November 2009: Dunkerque

UK Border Agency officers working at Dunkerque port detected high carbon dioxide readings from a German registered lorry bound for the West Midlands. Four Eritrean nationals were found hiding amongst the load. They were removed, fingerprinted and photographed, before being passed to the French authorities.



We will work with transport operators to disrupt attempts to smuggle goods and people into the UK

Road hauliers and other drivers are frequently targeted by illegal migrants and facilitators of illegal entry. We work with domestic and foreign road haulage companies to disrupt people smuggling by ensuring that effective measures against the threat of clandestine entry are taken. Where a vehicle is found to contain clandestine entrants we can impose a civil penalty of up to £2,000 per clandestine.

- We will review the operation of the civil penalty system, including its requirements, legislation and enforcement, so that it continues to encourage companies and drivers to be vigilant in protecting their vehicles from clandestine entrants, facilitators and smugglers;

¹⁴ Information on our January 2009 commitments to strengthen the Common Travel Area can be accessed via the following link: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/strengtheningthecommontravelarea/>

- We will continue to engage with the haulier community and examine ways that we can work with them to prevent criminals exploiting weaknesses in vehicle security.

We can impose £2,000 fixed charges on airlines and ferry companies who carry inadequately documented passengers for travel to the United Kingdom. To encourage carriers to check documentation carefully, we grant Approved Gate Check (AGC) status to carriers that meet specific criteria in relation to check in procedures, such as an audited high standard of document checking and security procedures at a port of embarkation.

- We will continue to work with carriers to disrupt traffickers and facilitators by delivering training in the identification of forged and counterfeit travel documents and UK visa requirements to airline check-in staff, to reduce the numbers of inadequately documented passengers who board services to this country;
- We will work with carriers to encourage increased take up of AGC status thereby increasing disruption to criminal activity through the enhanced level of security and document checks that this brings.

Since April 2009 approximately 42,000 inadequately documented passengers were prevented from boarding planes to the UK by RALON officers working with carriers.

We will disrupt the activity of organised crime groups

Our regional Immigration Crime Teams (ICTs) and Border Criminal Investigation Teams investigate immigration and customs crimes, disrupting their activity and enabling the prosecution of criminals. Their primary objective is to investigate organised (level 2) criminal activity, liaising with local police forces, HMRC and SOCA as required. In addition, our International Crime Team based at Heathrow targets Class A drugs smuggling at airports. Between April and November 2009 it conducted 52 controlled international deliveries to foreign law enforcement agencies involving 75 kilos of cocaine, and significant quantities of other controlled

substances, resulting in further operations, arrests and seizures abroad.

We will:

- Strengthen our criminal and financial investigation teams so that we can disrupt crime, including through the seizure of criminal cash and assets;
- Disrupt attempts to smuggle goods, such as drugs, by targeting large consignments;
- Work with our law enforcement partners to map organised crime groups and develop a more co-ordinated response to them, targeting the most harmful first;
- Use alternative sanctions such as serious crime prevention orders or financial reporting orders to provide pro-active control of serious offenders whilst they are serving custodial sentences, working closely with the Crown Prosecution Service, the National Offender Management Service and the Prison Service;
- Seize vehicles used for smuggling and explore the opportunity for greater use of immigration powers, such as removal from the UK, as a response to lower level goods crime.

‘Immigration Crime Teams utilise the wealth of experience of both police and immigration officers who are now working together to achieve the objectives of the UK Border Agency. The teams have had a significant impact on organised crime groups and individuals who choose to engage in immigration related criminality.’

David Powell
Detective Chief Inspector South Yorkshire Police.

DETECT: Identifying and locating those responsible for criminal activity and the smuggling of illicit goods

Objectives:

- We will strengthen our detection tools
- We will enhance our intelligence capability
- We will develop our criminal and financial investigation capability

Key delivery partners

Foreign and Commonwealth Office (FCO)

Police

Serious Organised Crime Agency (SOCA)

Scottish Crime and Drug Enforcement

Agency (SCDEA)

Vehicle and Operator Services Agency

(VOSA)

HM Revenue and Customs (HMRC)

Crime and Disorder Reduction Partnerships

Community Safety Partnerships

Where we have been unable to prevent crime from occurring, we will identify and locate those responsible. We will track down criminal groups and networks, and intercept or detect smuggled goods to stop them being used for criminal activities or supplied on illicit markets.

Detection statistics

- We seized more than 970 million cigarettes, safeguarding a potential loss of £182 million in tax revenue (April 2008 – March 2009)
- We seized £343 million worth of illicit drugs (April 2008 – March 2009)
- We seized more than 5,800 dangerous weapons, including firearms, stun guns and knives (April 2008 – March 2009)
- In 2008 we detected over 26,000 false supporting documents that were presented in support of UK visa applications
- 3,165,849 items of counterfeit and pirated goods were seized at the border (April 2008 – March 2009)
- As part of the National Referral Mechanism we have helped identify nearly 350 potential victims of trafficking, including 104 children (April 2009 – September 2009)

We will strengthen our detection tools

We deploy a range of equipment, particularly at the border, designed to detect individuals and illicit dangerous and/or prohibited substances. These include operating a fleet of fast patrol vessels that maintain a 24-hour watch over our waters, radiological detection systems, use of detector dogs, x-ray machines, urine testing units, faecal examination toilets, and a range of trace detection devices and field test kits that are used to identify traces and larger quantities of drugs and explosives.



We will continue this detection work by:

- Developing our detection tools so that we keep pace with new technology and the threats that it may bring;
- Use the latest equipment to screen vehicles, containers and people at key points of entry, to detect dangerous materials that could be used in terrorist devices, and work with our law enforcement partners to ensure our fleet of mobile radiation detection units is available for deployment to areas identified as high risk;
- Continuing to invest in our Freight Targeting System (FTS), identifying vehicles that pose a potential threat to the UK;
- Continuously investing in development of our e-Borders system, so that we screen 100% of all passenger and crew movements into and out of the UK, by March 2014;
- Sharing e-Borders data with partner agencies to strengthen the UK's criminal detection capability;
- Routinely checking every arriving passenger against the European Schengen Information System (SIS II) database via e-Borders;
- Launching in 2010, the National Border Targeting Centre, which will become our central hub for the analysis of data on traffic moving to or from the UK (using e-Borders, FTS and other information sources).

What is the Schengen Information System (SIS)?

The Schengen Information System (SIS) is a European database designed to enhance judicial and police co-operation amongst European Member States. The UK will connect to the second generation of the database (SIS II), providing us with real-time data on over 27,000 people subject to a European Arrest Warrant (nearly 50% of which relate to violent/sex crimes, drugs or terrorism offences), missing persons, persons assisting the judicial authorities and over 42 million alerts on lost or stolen property. This system will greatly enhance our ability to detect people and property of interest to ourselves and overseas partners.

We will enhance our intelligence capability

A strong intelligence capability lies at the heart of our law enforcement effort to detect potential and actual criminal activity. We will develop our intelligence function and intelligence networks at an international, national and local level, so that we can marshal our resources to deliver a robust, intelligence-led response to crime and continue to share intelligence with partners.

We will:

- Produce from April 2010 a UK Border Agency Control Strategy – an improved business prioritisation and resource deployment process – to direct our response to threats from crime as part of the multi-agency integrated operational response to organised crime;
- Embed intelligence staff in multi-agency (police, SOCA, HMRC and UK Border Agency) Regional Intelligence Units across the country to strengthen cross agency efforts to combat immigration crime;
- Increase our de-briefing of illegal immigrants to develop a better understanding of the methods and routes used to smuggle people into the UK;
- Exploit data mining as an intelligence tool;

- Overseas, use RALON to gather and disseminate information and intelligence that enables us to deploy resources more effectively and support partnership working with other law enforcement agencies.

We will develop our criminal and financial investigation capability

We investigate and act against smuggling and immigration crime that we detect at the border and within the UK, with the help of around 280 seconded police officers. Our capability has also been boosted by the transfer, in December 2009, of 290 criminal investigators from HMRC. Last year these teams, whilst part of HMRC successfully investigated criminals for a range of drugs, gun and other offences, including 351 cases of cocaine and crack cocaine smuggling and 79 cases involving the illegal trafficking of offensive weapons. These cases were successfully prosecuted by the Revenue and Customs Prosecution Office, which has now merged with the Crown Prosecution Service.

We will:

- Create, by February 2010, a new 'Head of Profession' within the Agency to oversee professional standards and co-ordinate and develop our criminal investigation capability;
- Review and enhance our existing financial investigation capability by March 2011 and consider how best to use the powers in the Proceeds of Crime Act 2002, with particular focus on how our financial investigators can best support criminal investigations and be used to seize criminal cash and confiscate assets.

May 2008: seizure of criminal cash and assets

A UK Border Agency crime team supported by a financial investigator executed a warrant at a company's premises and found false documents such as educational certificates. Three people were arrested and charged with facilitation offences. As the investigation proceeded, it was found that a wider group of individuals were involved in the manufacture of false documents and the facilitation of illegal entry. The financial investigator traced and froze over £350,000 in various bank accounts and other assets worth £100,000 – cutting off the financial means to continue this illegal trade.

DEAL: Taking action against those engaged in all levels of criminal or non-compliant activity

Objectives:

- We will enforce compliance with our immigration rules
- We will take action against the most harmful groups and individuals first
- We will increase our public protection role
- We will remove foreign national offenders

Key delivery partners

Ministry of Justice (courts, National Offender Management Service)
 Serious Organised Crime Agency (SOCA)
 Scottish Crime and Drug Enforcement Agency (SCDEA)
 Police
 HM Revenue and Customs (HMRC)
 Department for Work and Pensions (DWP)
 Crown Prosecution Service (CPS)
 Department for Children, Schools and Families (DCSF)

Almost all breaches of immigration and customs law have a criminal sanction attached to them with many offences attracting lengthy custodial sentences that reflect their seriousness and the harm caused to society¹⁵.



Over the past few years we have strengthened the way we enforce the immigration rules. We prioritise our operations against the most harmful people first, impose civil penalties on employers of illegal workers (of up to £10,000 per illegal worker) – working closely with specialist debt recovery agents and industry experts to recover all amounts due; revoke sponsor licences, seize cash and goods, seize and (in some cases) destroy vehicles linked to smuggling offences. We are removing record numbers of foreign national prisoners, including the automatic deportation of any foreign national who has been sentenced to imprisonment for 12 months or more, once their sentence has been served.

We will enforce compliance with our immigration rules

We help people to comply with our immigration laws by making clear to those here temporarily what they are allowed to do whilst in the country and the date by which they must leave. We also ensure that migrants who break the rules or overstay will be robustly challenged by a coordinated and targeted set of procedures and sanctions, designed to encourage a return home or enable an enforced removal.

We will:

- Spend more time with migrants whose removal is being actively pursued, to obtain travel documents and organise their departure, with case-owners actively managing cases through to removal;
- Require migrants on restrictions to report on an irregular pattern so it becomes harder to work illegally;
- Increase the number of criminality checks made on foreign nationals before and after entry to ensure that we are aware of any offending relevant to our decisions;

¹⁵ Annex A provides a summary of key immigration and customs offences

- Facilitate the removal of those living here without permission by working with both our UK partners and representatives of third countries to identify and overcome barriers to removal.

We will take action against the most harmful groups and individuals first

Our border and inland investigation teams disrupt, detect and investigate crime, with the aim of building cases for prosecution. They work in partnership with domestic and foreign law enforcement agencies to target the gangs whose activities harm our communities or allow foreign nationals to enter or remain here illegally.

We will:

- Prioritise our resources on the investigation and, working with the Crown Prosecution Service, successful prosecution of high harm and organised crime cases, such as the importation of Class A drugs, firearms offences and the facilitation of illegal entry;
- Continue the transfer of investigation skills from seconded police members of Immigration Crime Teams to strengthen our long term capability. Nearly half of our enforcement officers are now arrest trained and able to exercise the full range of powers the Agency has at its disposal without police support;
- Conduct medium and large scale operations against the illegal trafficking of drugs and firearms, using the International Crime Team based at Heathrow to develop intelligence and enable the Agency and its law enforcement partners to follow up detections at the frontier and abroad, identifying opportunities to act against the groups behind international commodity trafficking.

Immigration Crime Team statistics (April – December 2009)

- 754 criminal prosecutions for immigration related offences

- Prosecuted 132 people for facilitation related offences
- Detained 316 offenders into Immigration detention
- 76 cash seizures (using the Proceeds of Crime Act), totalling £570,000
- 5 Confiscation Orders totalling £471,000

We will increase our public protection role

Foreign nationals who have committed serious offences must always be prosecuted, but for minor offences it may be just as effective and provide better value to the tax payer to deal with them in other ways.

We will:

- Work with partners to reduce pressure on the Criminal Justice System, including examining options for how (and in what circumstances) we might provide an equally effective alternative to prosecution for low level foreign national offending, such as cautioning, deportation and exclusion from the UK;
- Work with criminal justice partners, in particular those involved in Multi-Agency Public Protection Arrangements (MAPPA), to ensure that dangerous offenders are appropriately handled, in order to reduce the risk of harm to the public;
- Press for greater sharing of criminal conviction data with other countries through the EU and other multi-national fora;
- Work with the police and local communities to implement new powers enabling the police and immigration officers to search premises for the purpose of identifying a person suspected of being a foreign national who has been arrested for a criminal offence.

The Magee Review on Criminality Information published in 2008, encouraged the better use, sharing and management of criminality information so that

the agencies and departments responsible for public protection can reduce the risk of harm to the public. Closer working between the UK Border Agency, the Prison Service, the Courts and the Police has resulted in the introduction of new processes to identify and check the status of foreign national prisoners.

- We will continue to work with these partners to improve the accuracy of nationality information earlier in the criminal justice process to improve the timely identification of foreign national prisoners.

Tackling gang related crime and violence

Police intelligence identified a number of known gang associates involved in street violence, drugs supply and firearms related offences in communities across South London. For those confirmed as migrants, immigration powers allowed the UK Border Agency to take deportation action without the need for a criminal conviction on the grounds that the presence of these migrants in the UK was not conducive to the public good.

We will remove foreign national offenders

Whether it follows a prison sentence or is used as an alternative to prosecution for low level offences, the removal of foreign national offenders and prisoners is a high priority for the Agency.

We will:

- Prioritise the removal of the most harmful individuals first; taking into account not just social harm caused to our communities but also the economic harm caused by those that are a burden to the public purse;
- Work with partners across the Criminal Justice System (CJS), to ensure robust systems are in place for establishing a foreign national's identity at the point of arrest and verifying that identity at regular stages throughout the CJS process;
- Exploit opportunities for making public appeals for information about an individual's identity to facilitate the removal process;

- Continue to build relationships with foreign governments to negotiate the return of their nationals;
- Increase our detention capacity, by opening a further 364 beds at Harmondsworth detention centre in 2010;
- Explore ways to manage removals of compliant cases without detaining them first – this will free our detention capacity to enable us to remove the most harmful and least compliant individuals effectively and in greater numbers.

Free movement of nationals from the European Economic Area (EEA) is not an unrestricted right. Where EEA nationals pose a risk to the public – subject to certain protections based on how long they have lived in this country – they can and will be deported.

- We will continue to consider for deportation any EEA national sentenced to 12 months in prison for serious crimes such as drugs, sexual and violent offences – as well as every EEA offender sentenced to two or more years' imprisonment;
- We will ensure that EEA nationals who have not resided in the UK in accordance with European law, or who are not fully integrated into our society, cannot count any time spent behind bars towards length of residence – either in resisting deportation or in seeking to settle permanently in this country;
- We will pilot new measures to identify and remove persistent petty offenders whose behaviour harms our communities.

ANNEX A: Summary of key immigration and customs offences

The tables below illustrate the range of existing immigration and customs offences. This is not a complete list and summarises offences rather than setting them out in detail. On 12 November 2009, we published the draft Immigration Bill which contains proposals to consolidate and simplify immigration legislation, including criminal offences¹⁶. The UK is not confined to using immigration legislation in response to immigration or cross border crime. In some cases offences are also committed under other legislation such as the Identity Cards Act 2006 and the Fraud Act 2006.

Summary Offences

Summary offences are usually less serious than indictable offences and have a maximum penalty (in England and Wales) of 6 months imprisonment and/or a fine up to level 5. For a number of these offences, the UK Border Agency has the power to deploy alternatives to prosecution, such as refusal of entry to, or removal from, the UK.

KEY SUMMARY OFFENCES

General offences	Max penalty ¹
Entering the UK in breach of a deportation order or without leave.	6 months imprisonment and/or a fine up to level 5.
Overstaying (remaining in the UK after leave to enter or remain has expired)	
Breaching a condition of leave to enter or remain; failing to comply with a condition of temporary admission	
Failure or refusal to submit to examination on arrival in UK; Failure to complete a landing card	
Failure to provide information or documents in the person's possession during an examination on arrival.	
Obstructing those carrying out immigration functions	
Assaulting an immigration officer	
Making a false statement to those carrying out immigration functions	
Altering a document and using and possessing a false document	

¹⁶ A copy of the draft immigration Bill can be found on the UK Border Agency website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/legislation/>

KEY SUMMARY OFFENCES *continued*

Offences committed by captains and port management authorities

Max penalty

Carriers are required to ensure that the UK Border Agency knows who is coming to the UK (and when and where) so that we can examine them. Carriers must also remove people who aren't entitled to be here when required to do so. Port management companies are required to ensure that we have the facilities we need to carry out immigration controls.

In most cases, 6 months imprisonment and/or a fine up to level 5.

Other immigration offences

Persistently refusing or neglecting to maintain a person (where a written undertaking to be responsible for the maintenance and accommodation of a person has been given, under the immigration rules), where the result is that the person is supported under the provisions for asylum seekers.

3 months imprisonment and/or level 4 fine.

Failure by an employer or financial institution to disclose information to the Secretary of State when required to do so.

3 months imprisonment and/or a fine up to level 5.

Indictable Offences

Indictable offences are more serious in nature and the maximum penalty differs according to the offence committed. Given the severity of some of these offences, alternatives to prosecution, such as removal from the UK, are not always appropriate.

KEY INDICTABLE OFFENCES

Serious immigration offences

Max penalty

Facilitating the commission of a breach of immigration law by an individual who is not a citizen of the EU (includes people smuggling)

14 years imprisonment and /or a fine.

Knowingly and for gain, facilitating the arrival of an asylum-seeker

Assisting an EU citizen to breach a deportation order or arrive or stay in the UK when they are excluded

Trafficking people for exploitation (forced labour)

Offences related to deception and false documents

Max penalty

Employing deception to obtain (or seek to obtain) leave to enter or remain, or secure (or seek to secure) avoidance, postponement or revocation of enforcement action.

2 years imprisonment and /or unlimited fine.

Offences related to making and using a false registration card, or altering a card with intent to deceive (registration cards relate to applications for asylum and asylum support)

10 years imprisonment and /or a fine.

Possessing a false or altered registration card or article designed to forge or alter a registration card	2 years imprisonment and / or a fine.
Possessing an immigration stamp, or a replica immigration stamp	2 years imprisonment and / or a fine.
Dishonest representations in relation to asylum support	7 years imprisonment and / or a fine.

Other immigration offences

Max penalty

There are offences related to the provision of immigration advice – the most serious being providing immigration advice or services when not properly qualified to do so or in contravention of a restraining order.	2 years imprisonment and /or a fine.
Entering the UK without a passport (offence of not having at a leave or asylum interview an immigration document which is in force and which satisfactorily establishes identity and nationality/citizenship)	2 years imprisonment and /or a fine.
Failing to co-operate with the re-documentation process	2 years imprisonment and /or a fine.
Illegal Working – knowingly employing someone who is not permitted to work in the UK.	2 years imprisonment and /or a fine.

Custom offences

Max penalty

Class A drugs smuggling	Supply and/or dealing: up to 25 years (life) imprisonment, an unlimited fine or both. Possession: up to 7 years imprisonment, an unlimited fine or both.
Class B drugs smuggling	Supply and/or dealing: up to 14 years imprisonment, an unlimited fine or both. Possession: up to 5 years imprisonment, an unlimited fine or both.
Class C drugs smuggling	Supply and/or dealing: up to 14 years imprisonment, an unlimited fine or both. Possession: up to 2 years imprisonment, an unlimited fine or both.

Custom offences <i>continued</i>	Max penalty
Offences related to the importation and possession of firearms	Serious cases of firearms importation can attract up to 7 years imprisonment. Dual importation and possession offences can result in a fine, up to 10 years imprisonment, or both.
Offences related to the smuggling of products of animal origin	The most serious offences can attract an unlimited fine and/or 2 years imprisonment on indictment.
Offences related to evasion of VAT or import/excise duties	The most serious offences can attract a fine of any amount, imprisonment for a term not exceeding 7 years, or both.

- 1 This is the current maximum penalty available – where there is a difference, the current maximum penalty in England and Wales is cited.
- 2 Where the employer fails to carry out the relevant checks to find out if an employee is an illegal worker (rather than employing them knowing they are not entitled to work), the employer is liable for a civil penalty of up to £10,000 per illegal worker.

GLOSSARY OF TERMS

Association of Chief Police Officers (ACPO):

A voluntary association of chief police officers. In partnership with Government and the Association of Police Authorities, it coordinates the direction and development of the police service in England, Wales and Northern Ireland.

Biometrics:

A set of unique physical characteristics used to identify an individual, such as facial images and fingerprints.

Border Force:

A part of UK Border Agency's frontline operations, with overall responsibility for securing the UK border - operating customs and immigration functions at airports, seaports and the Channel Tunnel.

British Council:

The UK's international organisation for educational opportunities and cultural relations, with the purpose of building mutually beneficial relationships between people in the UK and other countries. The UK Border Agency and Foreign and Commonwealth Office work with the British Council to inform customers about our visa system, immigration controls and restrictions at the UK border.

CIFAS:

A not-for-profit membership association dedicated to preventing financial crime and fraud. Members exchange details of applications for products, services or employment considered to be fraudulent because information the applicant provides fails verification checks.

Common Travel Area (CTA):

The CTA is a 'free movement' area comprised of the UK, Ireland, Isle of Man and Channel Islands.

Controlled delivery:

Controlled deliveries form part of the criminal investigation process whereby drugs or other contraband (or items substituted for them) are allowed to reach their intended destination, under surveillance by a law enforcement agency, in order to identify and arrest those involved in the commission of the offence.

Department for Work and Pensions (DWP):

The government department responsible for welfare. It develops and implements policies and strategies aimed at people who receive benefit, people who need help to get work, disabled people, older people and people who receive a State Pension.

Driver and Vehicle Licensing Agency (DVLA):

An Executive Agency of the Department for Transport. Its responsibilities include maintaining records of licensed drivers and registered vehicles, issuing licences to drivers, maintaining records of driver endorsements and disqualifications, issuing registration certificates to vehicle keepers, and collecting and enforcing vehicle excise duty.

e-Borders:

A component of the Government's border technology programme, which supports an intelligence-led approach to operating border controls. Its purpose is to collect and analyse, in advance of travel, data provided by carriers in respect of journeys to and from the UK, which is checked against watchlists.

European Economic Area (EEA):

The EEA is an area of free trade, comprised of the EU member states plus Iceland, Liechtenstein and Norway.

European Union (EU):

An economic and political partnership between 27 Member States, that benefits from free movement of people, goods, services and capital.

Europol:

The EU law enforcement organisation which acts as a centre for the exchange and analysis of criminal intelligence. Its mission is to assist the law enforcement authorities of Member States in the fight against serious organised crime, including drug trafficking, immigration rackets, terrorism, smuggling in human beings and car crime.

Facilitation:

Serious criminal offences relating to those who facilitate a breach of immigration law by another person – mainly someone who helps someone else enter or be in the UK in breach of immigration law.

Financial Reporting Order (FRO):

FRO's may, on the application of a prosecutor, be applied by a court following a conviction for certain substantive offences. They can require a convicted criminal to report their financial details at regular intervals for a period of up to 20 years for those sentenced to life, or a maximum of 15 years for other sentences.

Freight Targeting System:

Provides real time risk assessment on freight arriving in the UK, allowing officers to target high risk goods.

HM Revenue & Customs (HMRC):

The Government department which collects and administers direct and indirect taxes, pays and administers Child Benefit, Child Trust Fund and Tax Credits, and enforces the national minimum wage and recovery of student loans.

Health tourism:

A term used to describe individuals that come to the UK to use the NHS for medical services without payment.

Immigration Bill:

Published on 12th November 2009, the draft Immigration Bill is the next stage in a continuing process of reform of the immigration system, demonstrating how the reworking of the legislative framework will support and reinforce the changes which have already been made. The Immigration Bill will replace almost all our current immigration laws with a single legislative framework for the immigration functions of the UK Border Agency.

Immigration Crime Partnerships:

Cross-government partnerships, such as those with the police, workplace enforcement agencies, local authorities and NHS Trusts, to prioritise enforcement activity against foreign nationals, whether in the country legally or illegally, who are causing harm. They are identified, prosecuted if appropriate or removed from the country.

Immigration Crime Teams (ICTs):

Joint teams of police and immigration officers, tasked with combating organised immigration crime.

International Civil Aviation Organization (ICAO):

ICAO is a specialised agency of the United Nations which exists to promote the safe and orderly development of commercial and private international civil aviation.

International Crime Team:

Part of Border Force Criminal & Financial Investigation, Heathrow. It is the departmental Single Point of Contact for the immediate domestic and international progression of controlled delivery opportunities for drugs, firearms and weapons.

International Organization for Migration (IOM):

An inter-governmental organization that promotes the orderly and humane management of migration. It assists the UK Border Agency with the voluntary return of asylum seekers, failed asylum seekers and non-asylum migrants who wish to return to their country of origin on a permanent basis.

Juxtaposed controls:

UK immigration and customs controls located outside the UK, for example at Calais or Dunkerque, which allow the Agency to conduct checks before people travel to the UK.

Local Immigration Teams (LITs):

A part of UK Border Agency's frontline operations, responsible for enforcement work in local communities. They are responsible for the prevention and disruption of immigration crime and the removal of those who are in the UK illegally, working closely with the police, local authorities, and workplace enforcement agencies.

Missing Trader Intra-Community fraud (MTIC):

A type of VAT fraud which exploits the free movement of goods between EU member states and the zero-rating for VAT purposes of intra-Community transactions.

National Document Fraud Unit (NDFU):

The central unit within the UK Border Agency responsible for all matters relating to the security and abuse of travel and identity documents.

Points Based System (PBS):

The UK Border Agency's system for managing the flow of migrants to the UK to work or study. PBS aims to better identify and attract migrants who have the most to contribute to the UK. To assess eligibility, points are awarded according to skills, to reflect experience and qualifications plus demand for those skills in particular sectors, allowing the UK to respond to changes in the labour market.

Police Referrals Programme:

Currently operating in 19 countries overseas, this is the process through which the UK Border Agency informs local law enforcement agencies of individuals that use false documentation in support of UK visa applications.

Proceeds of Crime Act 2002 (POCA):

POCA enables confiscation proceedings to take place in order to deprive criminal enterprises of the financial benefits that have been obtained from criminal conduct. It allows police and customs officers to seize money suspected to be the profit of crime or intended for use in crime.

Regional Intelligence Units:

Regional, multi-agency units that analyse, assess and develop information and intelligence held by police forces and other law enforcement agencies on serious organised crime.

Risk and Liaison Overseas Network (RALON):

RALON is part of the UK Border Agency's International Liaison and Intelligence Directorate and supports overseas operations through the provision of intelligence information about threats to our border. RALON also works with carriers to prevent inadequately documented passengers from travelling to the UK and with law enforcement partners to tackle criminal activity.

Scottish Crime and Drug Enforcement Agency (SCDEA):

The police agency in Scotland responsible for tackling serious organised crime.

Serious Crime Prevention Order (SCPO):

SCPOs are civil orders, breach of which is a criminal offence. SCPOs can be made against individuals, bodies corporate partnerships or unincorporated associations. Their function is to prohibit, restrict, impose requirements or include other terms the Court considers appropriate to protect the public by preventing, restricting or disrupting serious crime. Terms of an order can cover virtually any area of activity, but they must be reasonable and proportionate and must be preventative, rather than punitive. The order lasts for up to five years. Breach of an order is punishable by up to five years imprisonment and an unlimited fine.

Serious Organised Crime Agency (SOCA):

An Executive Non-Departmental Public Body sponsored by, but operationally independent from the Home Office, which was established to create a single, specialist organisation focused on reducing the harm caused to society by organised crime.

Sponsors:

Organisations that the UK Border Agency has licensed to employ migrant workers or sponsor migrant students under the Points Based System. Sponsors have a number of duties including compliance with immigration laws, record keeping and reporting particular incidents or events about sponsored migrants such as the end of an employment contract or information that the sponsored migrant is breaching conditions of their leave to enter the UK.

UK Border Agency (UKBA):

An agency of the Home Office, responsible for securing the United Kingdom's border and controlling migration in the UK.

UK Human Trafficking Centre:

A police-led multi agency centre that provides a central point for the development of expertise and operational co-ordination to prevent and reduce the trafficking of human beings. It brings enforcement, intelligence gathering, training, victim care and research functions under one roof.

Visa nationals:

Nationals or citizens of particular countries require an entry clearance called a visa in order to enter the UK. Details of those who need a visa can be found on the UK Border Agency's visa services website - <http://www.ukvisas.gov.uk/en/>

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