The Border Audit

Is the UK border now fit for purpose? A post-Windrush review

David Goodhart and Richard Norrie

Policy Exchange

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Executive Summary

- Brexit, the Irish border dispute, the Windrush scandal and technological change have placed the UK border under the microscope as never before in recent years. For this is the era not of the elimination of borders, as it is sometimes claimed, but of the smarter border. After Brexit, Britain will remain a hub economy and society with high levels of immigration, albeit less of it permanent. More temporary movement requires more monitoring to establish, for example, that people are not working when they should not be or that people are leaving when they are meant to.

- Britain's border is in better shape than the headlines after Windrush suggest. Unlike most Whitehall departments, mistakes often have existential consequences for people's lives and then make their way into newspaper headlines. But the "laissez-faire" border of the 1990s and 2000s, symbolised by the abolition of exit controls, has been replaced with a more controlled one.

- Notable successes include more efficient screening of the 2.6m visas issued every year with visa overstaying much reduced thanks to more intense vetting of visit and student visas (student visa interviews were only introduced in 2011 along with much greater responsibility placed on educational institutions); the widespread use of E-gates; the introduction of the Biometric Residence Permit for those here for more than six months from outside the EU; intense and largely successful collaboration with airlines over Advanced Passenger Information; and the Passport office – one of the most efficient of all government services.

- Achieving the right balance between smooth flows across the border, for people and goods, and the right level of security, requires shifting resources from low risk to high risk border crossings. Given the salience of border related issues, a remarkably small proportion of public spending (0.3 per cent) is dedicated to the border, though the UK is not significantly out of line with comparable countries. The UK border has been doing more with less in recent years as numbers crossing the border and applying for visas has continued to rise but the Home Office border function has carried its share of austerity, with gross spending falling about 20 per cent from £3bn in 2011 to £2.3bn in 2016. Brexit will bring extra costs, but the Home Office will have access to a portion of the £3bn that the Treasury has set aside to cover them. The border should, long term, be a higher priority for public investment.

- The move from a low control to a higher control border requires changes both at the external border, such as investment at Calais to stop clandestine entrants on lorries, and at the internal border to bear down on illegal immigration. The over-zealous application of the hostile environment that led to the harassment of innocent people in the Windrush scandal does not mean that the internal border should be abandoned. There are several reforms required to ensure no repeat of the Windrush scandal including a status-checking independent Ombudsman. And deportation is not the only way to reduce the illegal population, some forms of regularisation should also be considered for those who have been here for more than 10 years.

- The stock of illegal immigrants is thought to be around 500,000 but it is now being added to at a lower annual rate of around 15,000 to 20,000. Thanks to human rights law, reduced space in detention centres and the non-co-operation of countries of origin, the number of people being forcibly deported every year is only around 6,000 (excluding foreign national offenders), although together with those leaving voluntarily the annual deportation figure is about 30,000. Public disquiet about immigration in recent years has been partly about numbers but also about the management of people once here. High flows across the border combined with citizen reassurance requires efficient internal status-checking for employment and public services. In the long run mistakes like Windrush can best be avoided by building on identity management systems like the BRP. A unique digital reference for interactions with the state is being developed for the 3.6m EU citizens settled here after Brexit. This experiment with a unique number system should be a trial run for a national system.

Main recommendations

1 Smooth passage
After Brexit all non-UK arrivals should be required to fill in an Electronic Travel Authorisation (visa lite) to allow for increased use of E-Gates, including for EU visitors, and swifter movement across the border for low-risk groups.

2 Plugging the holes
The successful collaboration with airlines in the Advanced Passenger Information system should be rolled out to rail and ferry operators too, who currently provide less information about travellers and often too late for security purposes. The Common Travel Area with Ireland means that passengers can freely enter the UK without being subject to UK security checks. Border Force coverage of so-called General Maritime and General Aviation (meaning non-scheduled arrivals to harbours and airports) is patchy, especially the former, and a single post should be created with the power to direct all coastal assets.

3 Avoiding another Windrush scandal.

To avoid the harassment of innocent people the Home Office should create an independent status-checking Ombudsman to whom all disputed cases can be referred for swift judgement. To counter the "tick box" culture that was partly to blame for the scandal a review is required of whether decisions are being made at the right level of seniority and experience.

4 More decisive on removals.

Windrush should not mean a relaxation of the internal border enforcement function nor the vital gatekeeping role of civil society. Too many failed asylum seekers remain in the country permanently, joining the estimated stock of 500,000 illegal immigrants. The Home Office should move more decisively to remove people before they lodge a judicial review. More legally trained asylum caseworkers, so called "presenting officers", are needed. And more investment is required in the management of the 80,000 known immigration offenders who sign on every month, including more financial incentives to leave and a collaboration with DFID to fund small enterprises in their country of origin for voluntary returners.

5 Regularisation of long-term illegals.

More deportations is not the only way to reduce the number of people living in a limbo world. A general amnesty for illegals is not a good idea but encouraging those who have been here illegally for more than 10 years to regularise their status should be considered.

6 Asylum reform.

The 1951 Geneva Convention on Asylum is so widely interpreted that tens, maybe hundreds, of millions of people could claim protection under it. Reforming it is almost certainly out of the question. But the UK has some freedom to take unilateral action, and it should use this to make it easier for clear cut asylum cases to be fast-tracked through the "front door" at British embassies or refugee camps. It should also be made harder to claim asylum if you do not do so immediately when you arrive in a country, this would reduce the number of opportunistic claims by visa over-stayers, for example.

7 Review fees.

Britain's visa management systems are relatively efficient but costly, raising about £2bn a year (and not just from business customers). The fee income has taken on a life of its own and needs to be reconnected to public policy goals; fees for citizenship applications in particular should be sharply reduced.

8 Identity management.

The one welcome consequence of the Windrush scandal has been a revival of the debate about ID cards. With more people living in the country temporarily, with more conditions on their residence, some form of unique number identification for establishing status (with the state, employers, landlords and so on) is vital for all those without permanent residence

status. The identity management experiment for EU citizens remaining in the UK after Brexit should be a prototype for a national system.

9 Higher investment.

The Government should abandon the aim of breaking even in the border function and aim to increase not decrease spending on the border as a proportion of all public spending (currently just 0.3 per cent).

Introduction

The UK's border is a critical piece of national infrastructure, comparable with the road and rail network or the energy grid.

It is the physical embodiment of national sovereignty and protection from external threat and the mechanism through which immigration policy is implemented. The smooth running of the border, both for people and goods, is also a vital cog in the UK's economic machine. Yet despite the substantially increased movement across the border in recent decades (with more to come), and the heightened concern about immigration and terrorism, the border itself has often lacked the strategic attention and the investment it deserves.

We tend to experience it either as a bureaucratic hassle when we ourselves are crossing it or we read in the newspapers that it is "not fit for purpose"—most recently in the Windrush scandal—and that the authorities have either lost track of large groups of people who should not be in the country or are harassing people who are entitled to be here.

While immigration *policy* has sucked up all the political energy in debates about the changing scale and nature of immigration to Britain and how to control it, or our asylum responsibilities, or the desirability of EU free movement, the infrastructure through which these decisions are implemented has attracted far less attention, outside of periodic crises. And it is run by the least fashionable of the major Whitehall departments, the Home Office.

The modern open, liberal worldview, represented by among other things the European Union, has tended to see borders as a necessary evil, associated with national exclusivity and hostility to outsiders. But the slowly growing number of countries in the world suggests this squeamishness about the idea of the border is not universally shared. Most people in the world would probably agree with the proverb that good fences make good neighbours—and more open neighbours too; if people believe that their national borders are well managed, they are likely to worry less about the numbers crossing them.

Even in the rich world this is the era not so much of the elimination of borders but of the "smart border." Thanks to the increase in human mobility, as societies become richer, the number of annual border crossings continues to rise sharply—in 2016 the total number of people crossings into and out of the UK was 314 million along with nearly 500 million tonnes of freight. Just since 2005 passenger arrivals and the value of imports have increased 27 per cent and 46 per cent respectively. The idea of the border as "wall" fails to capture this porous reality.

As the cost of transport has dropped, including for people in poor countries, and the value of citizenship in rich, stable countries has risen—including in most cases free health care, education and welfare support—the number of people wanting to move permanently from poor to rich countries has increased. The greater transparency of the rich world thanks to the internet has contributed to this effect.

So long as rich countries remain "owned" by their own citizens a large majority are likely to want to share their good fortune with only a limited number of outsiders. Moreover, most movement in and out of rich countries is only temporary (only just over 3 per cent of the world's population live permanently outside their country of birth) in the shape of tourism or temporary work or study, and this has to be managed and enforced. It is therefore entirely rational that the bureaucracy of border management has had to grow in size and sophistication.

For two good reasons border infrastructure in the UK is starting to attract more attention. The first reason is Brexit. The combination of ending free movement and, in all likelihood, leaving the current customs union too is focusing political minds on the increased work-load at the UK border and also on how new customs arrangements can function as frictionlessly as possible.

This is coming on top of a slow, longer-term shift from a laissez-faire border—symbolised by the abolition of entry and exit checks in the 1990s—to a much more controlled one. The UK border was somewhat overwhelmed by the significant increase in numbers in almost all categories, starting in 1997, and a sense of control only began to be reasserted towards the end of Labour's period in office and then during Theresa May's period as Home Secretary from 2010 to 2016. An overzealous attitude to border control was seen by many as one of the main causes of the Windrush scandal and has led to some relaxation of controls, at least in deportations. But the broader direction of travel is unlikely to change.

The second good reason for thinking harder about national borders is that they are being transformed by new technologies and new thinking about how to manage flows of goods and people as quickly and safely as possible.

The ongoing Irish border argument was a crash course for many people in how borders in rich countries have evolved in recent years. They are no longer, if they ever were, single lines on the earth but rather, they extend *outside* countries through visa requirements, juxtaposed borders, "pre-clearance" of goods and special status for "trusted traders" and "trusted travellers", and they extend *inside* countries through biometric residence cards and other forms of citizen identity management and the attempt to identify and deport illegal immigrants (which went so wrong in the Windrush scandal).

After Brexit, Britain will still remain a "hub" economy and society with increasing numbers of people flowing across the border. The challenge of managing these flows with minimum inconvenience to people and businesses while protecting society from cross border threats of terror (almost all recent terror incidents have had a cross-border element),

illegal migration, organised crime and pandemics, requires harnessing technology to direct resources from low risk to high risk movements.

Moreover, in light of Brexit and continuing democratic pressure to reduce the number of permanent immigrants, Britain is likely to become more dependent on temporary movements of skilled workers and students which requires *higher* levels of monitoring and control than permanent residence.

Britain's borders perform relatively well on most international comparisons but we are slipping behind the most innovative countries such as the US, Australia and Singapore. Australia aims to have most travellers crossing the border "seamlessly" in the near future, meaning using biometric information provided prior to travel combined with face-recognition or related technologies at the border itself. The paper passport, and even the E-gate, is increasingly regarded as yesterday's tool.

The paradox of the modern border is that to preserve it most effectively it must be made less obtrusive and turned, as much as possible, into a digital crossing point.

To achieve this and to respond to the extra pressures of Brexit, and the increase in monitoring required by the ending of free movement, the UK border needs to be a higher priority for infrastructure investment. We do not think twice about spending tens of billions of pounds on extending the HS2 project to reduce travelling times slightly within the UK and yet we seem unwilling to countenance the smaller sums that would be sufficient to give us a truly world class international border.

Britain currently spends about 0.3 per cent of total public spending on the border function; this is not out of line with comparable countries, but there is nevertheless a case that it should rise, somewhat, over time. Although some new technologies such as E-gates do save money and staff numbers, spending in general has not caught up with either the greater cross-border flows of recent decades, and the associated increase in political salience, nor with the greater post-9/11 security concerns and now the extra costs associated with Brexit.

We also strongly recommend re-opening the debate about ID cards or some form of national identity management system to reassure people in a world of ever rising human flows that we know who is in the country, for how long, and what their entitlements are. This is surely a bulwark against ugly forms of nativism. The move from a low control to a higher control border goes hand in hand with the move from a low documentation society to a higher documentation one.

The often elderly Caribbeans caught up in the Windrush scandal were victims of that process being mismanaged, *not the process itself*. The justified outcry over the Windrush failure should not extend to challenging this shift to a higher control border, indeed a proper national ID system would have prevented the harassment of the Windrush victims. The system has evidently been too tough in some areas and not tough enough in others.

Thanks to the more comprehensive nature of the so-called Semaphore date—the Advanced Passenger Information (API) that airlines provide and the less complete Travel Document Information (TDI) that ferry

and rail operators provide about their passengers—it is now possible to check to see how many of the 2.6m people who arrive on visit, work and study visas each year overstay, (about 2 million are visit visas). The answer, according to the Home Office, is only about 40,000, rather less than had been assumed and almost certainly lower than the figure would have been a decade ago.

Nonetheless when the total of undeported failed asylum seekers and clandestine entrants each year is added to that overstayers figure the "illegals" problem remains a real one. The total stock of illegals is most commonly estimated by the Home Office at around 500,000 (though higher by others). After Brexit, when legal immigration will become more fully under national control again, attention is likely to shift more intensely to what should be done about this shadowy, limbo population. Many illegals are known to the authorities but thanks to the cost and legal complexity of deportation a significant proportion are unlikely to ever leave. Some sort of legal status for some people in this limbo state, short of full regularisation but with some rights, should be considered.

Under the current system only those non-EU citizens who have arrived in the UK since 2008 on a longer-term visa (more than six months) have been required to obtain a Biometric Residence Permit (BRP). Those who arrived before that date, and all EU/EEA citizens under free movement rules, are able to use various documents to verify their right to be here, many of which are easy to forge.

But British institutions need a simple and secure way of establishing someone's status and their right to work and to a service or benefit and the BRP has been a quiet success story for those non-EU visa holders who are required to have one. In the short-term some version of the permit should be extended to all non-citizens including the EU 3.6m, probably through some sort of "digital status" rather than a card. In the longer run a citizen registration system and unique citizen number should encompass the whole population, as is common in various forms throughout Europe.

Home Office decisions are often existential ones for the individuals involved and for that reason rightly attract much public attention when wrong, or apparently unfair, decisions are made. But, notwithstanding the Windrush failure, we are confident that the UK border overall is more secure and in a better shape than 10 years ago.

Alongside the high-profile mistakes there are several lower profile success stories: the introduction of E-gates, the rolling out of Biometric Residence Permits, the processing and screening of visas (in terms of speed for elite business travellers and security for students and short-term visitors) is considerably improved, and the Passport Office is now one of the most efficient of all government public-facing departments.

In the course of preparing this report we have spoken to dozens of people in the "border community" from the most senior Home Office officials to middle and junior officials on the front line at Border Force and Enforcement.

We have formed a favourable impression of an, in the main, highly

motivated group of public servants. Many are from police or armed forces backgrounds and take the mission to protect the UK seriously.

But they represent a very different generation to the Heathrow immigration officers who signed a petition in support of Enoch Powell's "rivers of blood" speech in 1968. We heard not a harsh or chauvinistic word about the often vulnerable people that officials turn away at the border or detain for failure to comply with the rules.

Indeed most officials are fully aware, as one put it, that "offenders are often victims too" and that combatting modern slavery is an important part of border control.

Although some Home Office officials must have behaved in a high-handed and thoughtless manner towards some of the victims of the Windrush scandal, we do not recognise the hostile caricature of uncaring officials that was popular at the height of the row.

Border officials represent a cross section of society and do not all think the same way about how the border should be managed. (The Croydon-based Immigration Enforcement team we witnessed in action was also the most ethnically mixed work group either of us had ever seen in action, about half white and half black and Asian – truly representative of modern London.)

As the world becomes more inter-connected, the border membrane between countries must become ever more technologically sophisticated and institutionally coherent. This report provides an overview of the main issues facing the UK border, focusing on people rather than goods, and provides some suggestions for reform.

Recent History of the Border

The recent history of border management has been rather choppy. Institutions have been created, divided up and subsequently disbanded. Technology has transformed many aspects of the border. Jobs have been created and lost. Contractors have been hired, fired, and (in a few cases) subsequently compensated.

For most of the post-war period the Immigration and Nationality Department (later Directorate) of the Home Office was responsible for the entry and stay of foreign nationals. The 1971 Immigration Act gave immigration officers considerable powers, more than ordinary civil servants and even more than the police. They had the power of arrest, detention and removal which came to be used more in the 1970s and 1980s as the intelligence and enforcement wings of the Immigration Service became established.

Technology and data

The pre-computer technology was basic with the "Suspect Index" of people to be banned from entry a well-thumbed blue notebook that was updated manually, right up until the early 1990s.

Embarkation controls, meaning immigration checks on people leaving the country, were phased out for most European destinations in 1994 (by a Conservative government) then for all other destinations in 1998 (by a Labour government). The controls appeared to soak up resources to little purpose.

The eruption of a new wave of terrorist violence, heralded by 9/11 in the US followed by 7/7 in the UK, was a turning point for border security—not so much in terms of screening people for guns or explosives (that had been introduced at most major airports in the 1970s after a wave of airline hi-jackings) but for acquiring better intelligence about who was entering and leaving countries.

So began a much closer relationship between the commercial carriers (airlines, rail and ferry companies) and the immigration authorities which has become even more important and intense in recent times.

In 2004 airlines began to be legally obliged—as part of the initial E-borders programme—to provide the authorities with details of their passengers, so called Advanced Passenger Information (API) for airlines and, later, Travel Document Information (TDI) for ferries and rail travel (which is less complete), together known as the Semaphore data. Airlines began to face fines if they brought wrongly or inadequately documented people into the country. (It was only in 2015 with the re-introduction

of exit checks that ferry and rail companies were mandated to provide passenger data but they do this at the boarding not the booking stage.)

The old Suspect Index, now known as the Warnings Index (WI), had been computerised in 1994 with databases of names of "persons of interest" from many different organisations including the security services, the police, the tax authorities and so on. The focus historically was on foreign passport holders, but after the 7/7 atrocities committed by home-grown terrorists much less distinction was made.

Meanwhile, from the late 1990s, the introduction of the machine readable passport meant that passports could be "swiped" which speeded up both the check-in and the WI checking process. And from the mid-2000s the E-passport with a biometric chip including a picture and other personal details began to be widely available which allowed for the introduction of E-gates in 2008 now used by a growing proportion of UK and EU citizens at the major airports like Gatwick, Stansted and Heathrow.

So far so good on modernising the border. But there has also been one big technology failure: the E-borders programme launched in 2003 by the then Labour government. E-borders turned out to be an over-ambitious attempt to create a single platform that combined the Semaphore data with the WI and broader government databases.

In 2007 the Government commissioned the US company Raytheon to put in place E-borders as part of a consortium that included Serco, Detica, Accenture, and Qinetiq. In 2010 the contract with Raytheon, worth £750 million, was ended by the new Coalition government with Raytheon deemed to have failed to deliver. Raytheon subsequently took the Government to court and an arbitration tribunal found in its favour.

There followed a review of the E-borders programme by the National Audit Office in 2015. It concluded that the Home Office spent at least £830 million on the scheme and its successors between 2003 and 2015. Its verdict was that it has "failed… to deliver the full vision" and had not "delivered value for money".

The failure of E-borders was partly due to suppliers unfamiliar with Whitehall culture, but there were also both legal and technical problems with the API/TDI data. Ferry companies sued the Government in order to avoid compliance with TDI. And some countries, such as Germany, with stringent data protection rules, were resistant. Combining the Semaphore data with the several dozen databases that make up the WI, all controlled by different organisations, also proved difficult.

API/TDI coverage today is reasonably comprehensive, estimated to capture about 90 per cent of travellers arriving and slightly more leaving, though not all are checked against the WI databases especially those coming through the Common Travel Area with Ireland and those who just turn up to buy a ferry or rail ticket. That means, according to the Chief Inspector of Borders and Immigration, that around 300,000 people a year (mainly non-visa arrivals who are usually allowed to stay for six months) have either left undetected or remain in the country.

After the Raytheon failure (along with the failure of the Immigration

Casework system, mainly for asylum cases) the Home Office moved away from big private sector contracts and has tried to deliver most of the technology projects in-house. More money has been invested in upgrading the separate parts of the system, both API and the WI, which were running on systems developed in the 1990s. A report by the National Audit Office in 2015 found the WI system to be so unstable that it was breaking down twice a week.[1] Following a further hefty investment, it is now in better shape.

The current over-arching technology upgrade programme, Digital Services at the Border, has three elements: Advance Border Control (ABC) covering the Semaphore data; Border Crossing (BX) which is bringing more than 20 systems together to produce a new version of the Warnings Index and Advanced Freight Targeting Capability (AFTC) to identify cargo of interest. One goal of this update is to bring together the Warnings Index with the API/TDI data on a single platform. This means, among other things, that officers would have advance warning that a suspect is arriving on a flight, rather than waiting for the flight to arrive. BX is due to be fully operational in 2019, which might be regarded as the final arrival of an E-borders system.

Management Structure

Pressure on the system began to grow with the new surge in immigration from 1997 when Labour returned to power with more pro-immigration policies, an economic boom sucking in more workers, a big rise in international students, and a big increase in Balkan-conflict related asylum claims peaking at around 100,000 a year in 2000.

Immigration was rarely out of the news and political pressure led to a rash of restructuring. This was triggered by the arrival of John Reid as Home Secretary in 2006 who famously declared that the Home Office and its Immigration and Nationality Directorate (IND) was "not fit for purpose". This followed the resignation of his predecessor Charles Clarke after the release of nearly 1,000 foreign national prisoners who should have been considered for deportation.

Reid was probably right that the Home Office was too large especially in the light of the new pressures on the border function (as recently as the early 1990s the asylum department had no more than 50 people in it; it is now several hundred people).

Prisons, probation and some other criminal justice functions were subsequently transferred to the Department of Constitutional Affairs that became the Ministry of Justice. The Home Office acquired counter-terrorism functions and now focused on three main functions: terrorism, policing and immigration.

Meanwhile Lin Homer, former chief executive of Birmingham City Council, had arrived in 2005 to head the Immigration and Nationality Directorate (IND). The UK Immigration Service, the main part of the IND, had by now split into a border control function and an enforcement function.

The UK Border Agency (UKBA) was then formed on April 1, 2008 with Homer as its first chief executive. It was an executive agency meaning that

1 https://www.theguardian.com/uk-news/2015/dec/03/flaws-in-home-office-security-forcing-staff-to-rely-on-incomplete-intelligence

it had some managerial and budgetary independence though remained part of the Home Office. It had four chief functions: immigration and settlement, international operations, visas, and law enforcement. At roughly the same time the border detection functions of HMRC were transferred to the UKBA.

Things did not go according to plan, however. The UKBA was dogged by controversy and poor service. Moreover, the bureaucratic machine ended up being blamed for Labour policy changes that had led to much higher inflows than expected which in turn created a hostile public and media reaction.

A critical report by the Parliamentary Ombudsman in 2010 concluded that the agency's "biggest problem is the huge backlog of old asylum applications which has built up over a number of years, leaving hundreds of thousands of applicants waiting years for a final decision." It concluded that attempts to reduce the backlog resulted in backlogs emerging elsewhere, "often as a result of sudden changes in priorities and switching of resources".

Further criticism came from the Independent Chief Inspector of Borders and Immigration, John Vine. The internal watchdog, which had been established at the same time as UKBA, published in 2010 a critical report about the handling of complaints.

(The Chief Inspector reports alongside regular reports from Parliament's Home Affairs committee and the National Audit Office makes for a comprehensive ongoing audit of the border function. Forensic Chief Inspector reports, in particular, help to keep managers on their toes. One reported to us that it creates "a fear factor.")

Pressure mounted on the UKBA with the release of two more critical reports in 2012. The first, issued by the Home Affairs Committee found the UKBA to have a backlog of 302,000 immigration cases with officials unaware of how many people were still in the country. The second report, also from the Chief Inspector in 2012, accused the UKBA of giving inaccurate information to Parliament regarding the size of its backlog.

The break-up of the UKBA began with the fall-out from the Brodie Clarke affair. In 2011 a pilot scheme was introduced at 28 ports and airports to ease pressure on the passport lines during the busy holiday season. It suspended the so-called "operating mandate" (the ministerial instruction that in almost all circumstances each arriving person must be individually checked) and increased the use of intelligence-led stopping of higher risk travellers. Border officers were also allowed to use their discretion to stop checking all biometric chips belonging to UK nationals and EEA citizens and to stop the automatic checking against the WI of EEA children accompanied by their parents or as part of a school trip.

When this was exposed by John Vine it created a political row over whether or not the then head of the Border Force, Brodie Clarke, had overstepped his authority. It was charged that Mr Clarke had authorised immigration officials to abandon WI checks at Calais, without the approval of the Home Secretary at the time, Theresa May. Mr Clarke said that he had kept the Home Secretary informed of his actions.

Mr Clarke was suspended and subsequently resigned and later sued

the Government for unfair dismissal. The case was settled with a reported £100,000 paid to Mr Clarke with neither party admitting fault. As a result, the UK Border Force, which covered the main border control function, was split off from the UKBA in 2011.

Then in 2013, the UKBA was completely broken up and the functions taken back under ministerial control. (Some senior Home Office officials regret the loss of UKBA saying that it was a victim of circumstances and that the managerial idea remains sound, enabling smoother working between the main immigration units of the Home Office.) Today there are three directorates that have taken over what was once the UKBA's remit. They have three separate Director Generals who all report directly to the second permanent secretary of the Home Office. The three are:

- UK Visas and Immigration (UKVI): responsible for visas, asylum claims, applications for British citizenship, and applications from businesses and education providers who want to be able to sponsor foreign nationals.
- Immigration Enforcement: responsible for enforcing immigration law. Immigration Officers have powers of arrest and conduct raids on residences or businesses suspected of harbouring illegal immigrants.
- Border Force: the front line of border control. Officers are charged with checking immigration status of arrivals and departures, detecting illegal immigrants or illicit goods, patrolling the British coastline, gathering intelligence, and passing on information to the police and security services about people of interest.

The Border Force includes the detection functions of HMRC and has some HMRC staff working with it. HMRC officers and Immigration Officers were merged to become "Border Officers" capable of performing both functions. This has the potential for confusion as HMRC policy is ultimately the responsibility of the Chancellor of the Exchequer while Border Force reports to the Home Secretary. It has also led to the accusation that concerns about people take precedence over the customs concerns with import and excise duties.

There is also:

- Her Majesty's Passport Office: formed in 2006 as the Identity and Passport Service but renamed in 2013; it has responsibility for the production of passports as well as other 'life event' certificates through the General Register Office for England and Wales.

Costing the Border

Spending on the border function has remained at a similar proportion of public spending and GDP over recent decades despite substantial increases in the number of people on the move and heightened security and political concerns. There has been a gradual increase in the number of visa applications per Home Office official as well as spikes in asylum claims and, most recently, a post-Brexit surge in the number of permanent residency applications from EU citizens. These spikes and surges have sometimes contributed to backlogs.

But technology has also saved costs and labour in certain areas such as the computerisation of the Warnings Index, E-gates and the use of video calling services like Skype to conduct some visa interviews. Pre-arrival risk assessments using Semaphore data means that immigration offenders and other 'persons of interest' can be identified and intercepted more effectively.

Today's spending on borders also has to be understood against the backdrop of spending cuts to public services, begun by the Coalition Government in 2010. According to the Institute for Fiscal Studies, between 2010 and 2015, the Home Office saw a cut of 24.9 per cent in its budget.[2] That was a fall from £14 billion to £10.5 billion (net).[3]

In 2016/17 the amount spent (gross) at the Home Office on border-related functions was £2.306 billion. This is down from 2011/12 when nearly £3 billion (adjusted for inflation) was spent. That is a sharp fall of 21 per cent[4] at a time of high flows across the border and extra security concerns arising from the Syria conflict as well as extra Brexit-related costs.

At the same time income (from visas and so on) has been steadily rising, from £1.315 billion in 2011/12 to £1.862 billion in 2016/17. Accordingly, the net spend on borders has declined from £1.587 billion to £445 million over the same period.

The amount of money spent (gross) in 2016/17 represents 0.31 per cent of public spending, down from 0.38 per cent in 2012/13. That is around 0.12 per cent of GDP.

Figure 3 below shows how spending is currently distributed across the different functions:

- UK Visas and Immigration: £1.047 billion
- Border Force: £555 million
- Immigration Enforcement: £430 million
- HM Passport Office: £275 million

2 https://www.ifs.org.uk/tools_and_resources/fiscal_facts/public_spending_survey/cuts_to_public_spending

3 https://www.gov.uk/government/statistics/public-expenditure-statistical-analyses-2015

4 Inflation adjusted using GDP deflator and money expressed in 2016/17 prices.
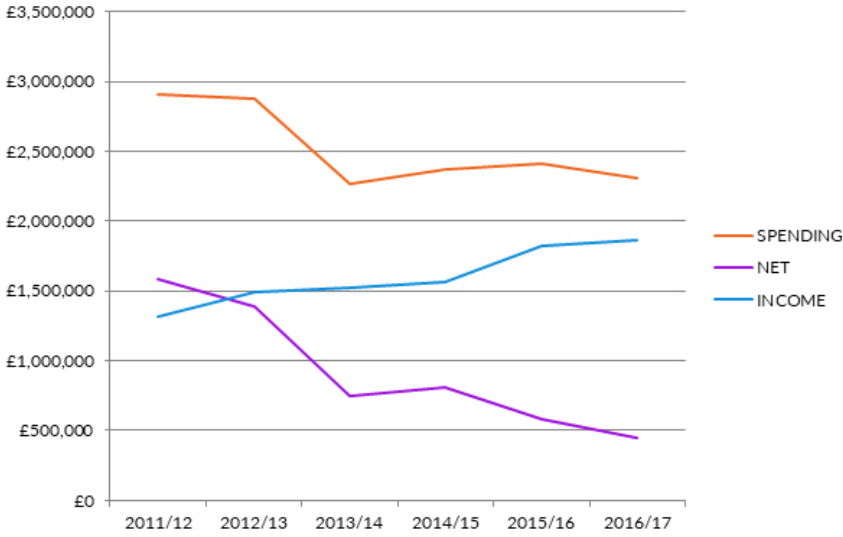
Figure 1: Border spending: adjusted for inflation

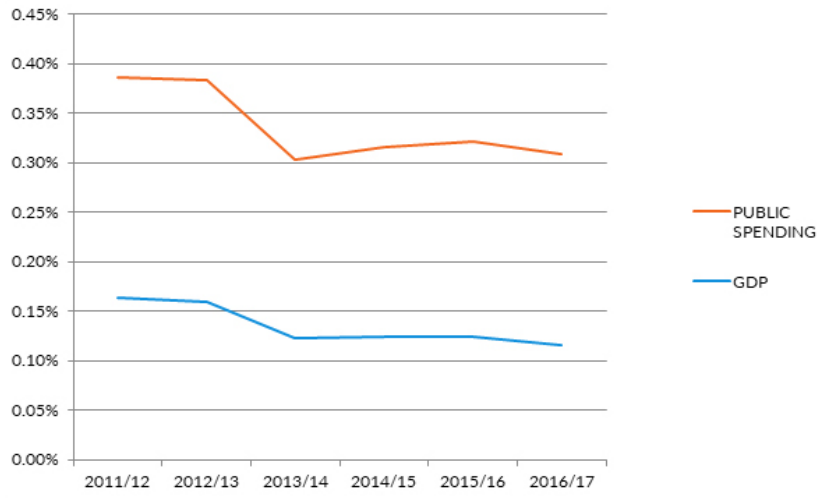

Figure 2: Gross spend on borders

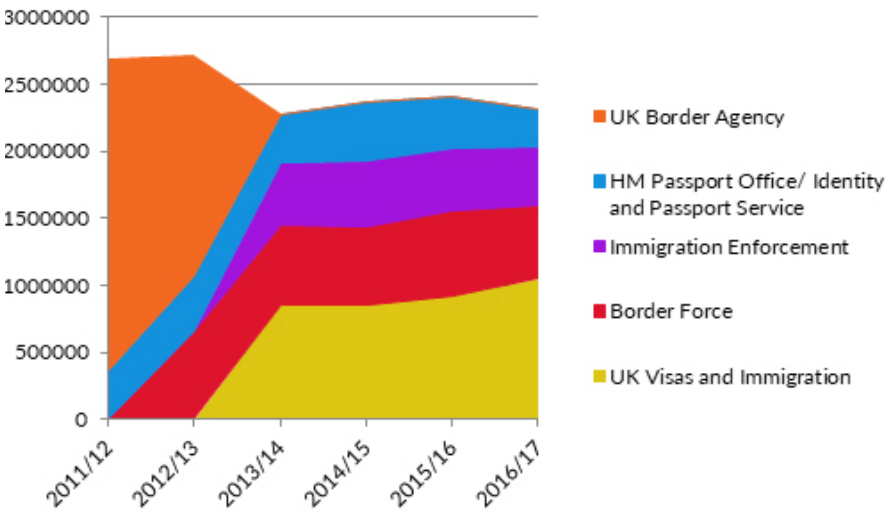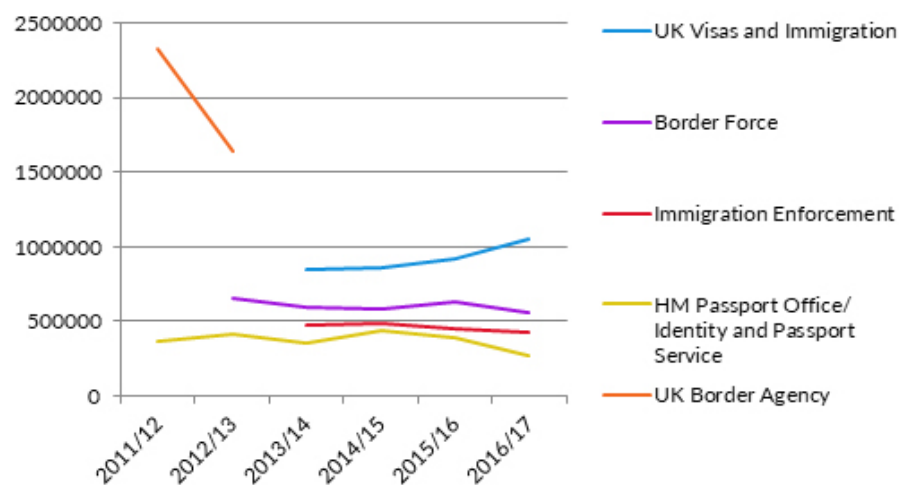### Figure 3: Gross spend on individual border agencies

Figure 4: Gross spending on individual border agencies

Even in the austerity period there have been increases as well as cuts in funding. UK Visas and Immigration saw its budget rise by 28 per cent between 2013/14 and 2016/17 from £853 million to £1.047 billion. Over the same period, the other directorates have sometimes seen increases in their budgets and sometimes drops.

Future spending

At the 2015 spending review, £1.3 billion of capital investment was announced up to 2019/20, in border security and automation. £250 million was invested to allow passports and visas to be processed online. £130 million was committed to E-gates, Watch List and intelligence technology.[5]

The most recent budget of 2017 saw £3 billion announced over the next two years to cover Brexit preparations with a large part of it directed at the future immigration systems and new trade relationships.[6] A further £44.5 million was pledged to help strengthen Britain's juxtaposed border in France. The money will go towards more fencing and CCTV as well as better detection technology. The UK has spent £100 million over the last three years on security at the so-called juxtaposed borders at Calais and Dunkirk.[7]

Nevertheless, as the graph below shows, future net spending on borders is projected to fall to £312 million.

The Government has previously expressed an ambition to make the borders and immigration system fully self-funded by 2019/20.[8] In the light of Brexit and increased flows, this seems neither a realistic nor desirable goal. Nevertheless efficiency gains are clearly possible through better working methods and use of technology and one recent director general of Border Force claimed to be making 10 per cent productivity gains a year.

The costs of processing passengers has been rising partly because of higher numbers, from £304 million in 2012/13 to £346 million in 2016/17. It is estimated that by 2050 processing double the 123 million who entered in 2015 would cost £722 million.

5 https://www.gov.uk/government/news/home-offices-settlement-at-the-spending-review-2015

6 https://www.gov.uk/government/news/autumn-budget-2017-25-things-you-need-to-know

7 https://www.standard.co.uk/news/politics/emmanuel-macron-uk-visit-theresa-may-to-promise-millions-in-funding-for-uk-border-controls-in-france-a3742986.html

8 https://www.gov.uk/government/news/home-offices-settlement-at-the-spending-review-2015

Figure 5: Net spending on borders (projection in dashed line, 000s)
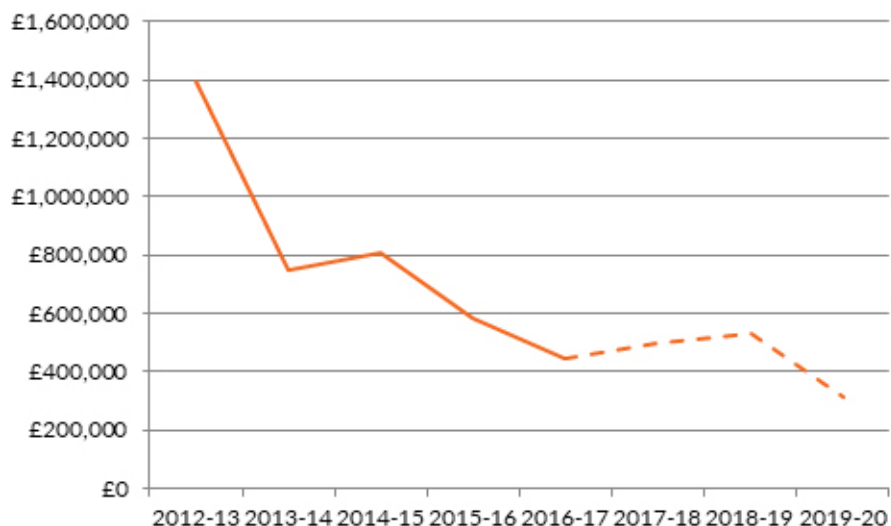
Staffing levels

The number of staff employed in directorates tied to the border was 22,913 in 2016/17.

There has been a decline of 17 per cent since 2009/10 when there were 27,579 employees. But the rate of decline within this period has not always been constant or negative (see graph below).

Border staff take time to train and turnover is high. Pay is reasonably good and morale is generally high with a strong public service ethos among staff. But most bigger airports and ports operate a three shift system and staff, including senior staff, have to work anti-social shifts at certain times of the year.

Resignations are high at Heathrow among new recruits, while there are also staffing concerns at Croydon, Gatwick, and Sheffield. Staff churn sometimes makes it difficult to get decisions right in visa and asylum cases. The Home Office is effective at shifting staff around to deal with holiday time pressure points—and in using zero hour contracts to bring staff in temporarily (often retired immigration or police officers)—but this sometimes means an over-reliance on 'surge' staffing.

There is also a more general concern about key decisions being taken by more junior officials which means more rigid "box-ticking" systems—a possible factor behind the Windrush scandal.

The staffing breakdown by agencies is as follows:

- Border Force: 7,670
- UK Visas and Immigration: 6,467
- Immigration Enforcement: 4,969
- HM Passport Office: 3,807

Border staff as a share of all staff at the Home Office is down from 87 per cent in 2009/10 to 74 per cent in 2016/17. However, the main cut took place in 2011/12 and since then the share has been creeping upwards. As

Figure 6: Border staff at the Home Office
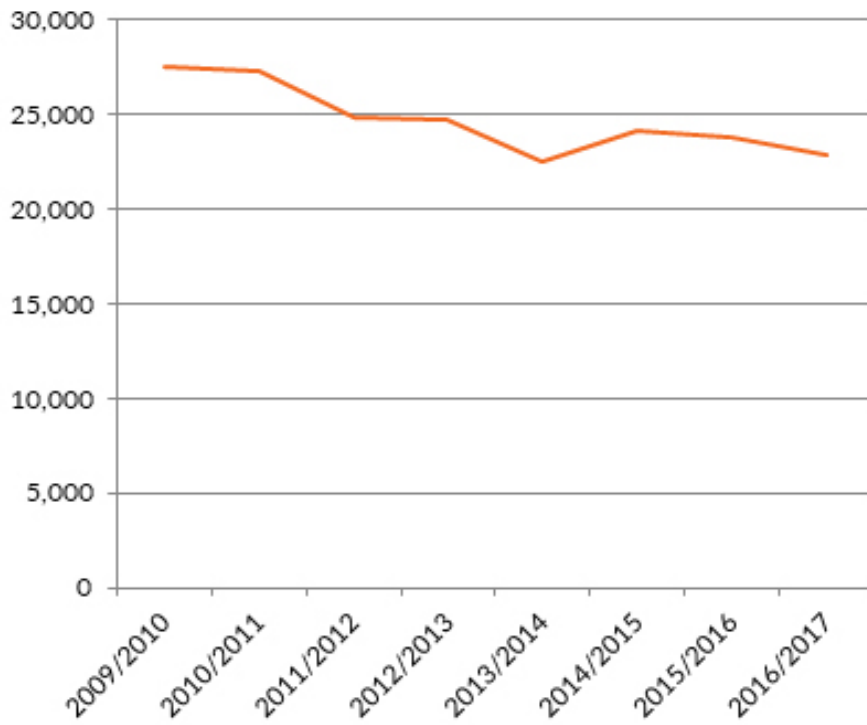
Figure 7: Border staff at the Home Office
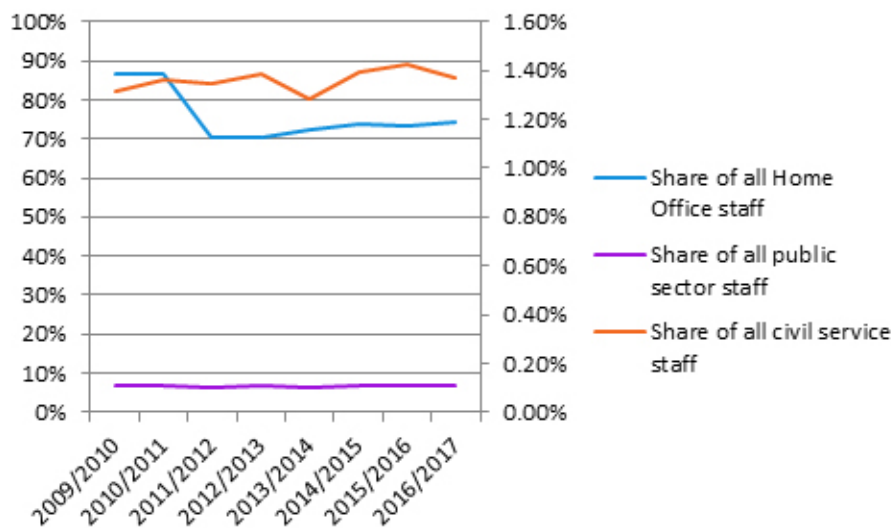
a share of all civil service staff, border staff has fluctuated around 1.5 per cent while as a share of all public sector staff, it is constant at 0.1 per cent in recent years.

Staff numbers at UK Visas and Immigration

In the first quarter of 2017/18, there were 6,668 people employed at UKVI. This is up from the fourth quarter of 2015/16, 6,403, but down from the second quarter of 2014/15, 6,963.

As seen in the graph below, visa applications have been rising although there have been some dips. Between the second quarter of 2014/15 and the

Figure 8: Percentage change since quarter 2 of 2014/15 (visa applications seasonally adjusted)
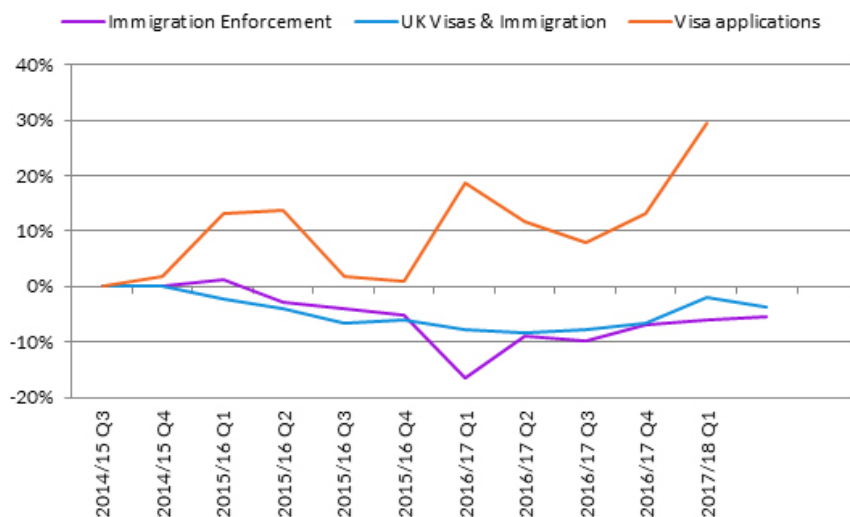
fourth quarter of 2016/17, they rose from 660,528 to 855,545 (note that numbers are seasonally adjusted). This is a rise of 30 per cent. Moreover, there has been a post-Brexit surge in the number of EU citizens applying for permanent residence, rising from an average of 24,000 a quarter to 127,000 in the first quarter of 2017 (EU citizens are now being discouraged from applying while the separate settlement scheme is being prepared).

Although there have been recent rises in staff numbers at UKVI, the rate of increase has not nearly kept up with the rate of increased demand.

This has meant that staff have had to take on more visa cases per day. In the second quarter of 2014/15, there were 95 applications per employee per day. This rose to 126 per employee in the final quarter of 2016/17. Similarly, although asylum applications have not returned to the very high levels in the late 1990s and early 2000s, they have been rising from the low point of 17,900 in 2010 to averaging around 30,000 a year in recent years. (David Bolt, the current Chief Inspector, did however tell Parliament's Home Affairs committee earlier this year that there was no "acute staffing need" in asylum processing.)

Money spent at the Home Office on staffing (inflation adjusted) was £1.4 billion in 2016/17. It has been rising since 2012/13 when it was just under £1.3 billion. It had been projected to drop to £1.2 billion.

In order to cope with the Brexit settlement system for 3.6m EU citizens the Home Office has taken on an extra 1200 caseworkers mainly in UKVI.

International comparisons on spending

Making international comparisons is not easy since different countries fund their borders in different ways. It entails putting together sums of money from different agencies in order to arrive at as much of a like-for-like comparison as possible. So the following figures should be regarded as rough estimates.

The US

Gross spending on American borders we estimate to be £26.8 billion in 2016/17.[9]

The agencies included are:

- US Customs and Border Protection:£10.6 billion
- US Immigration and Customs Enforcement: £4.8 billion
- United States Citizenship and Immigration Services: £2.8 billion
- US Coast Guard: £8.6 billion

Spending is set to rise by 24 per cent to £30.9 billion in 2017/18.
Current spending is 0.2 per cent of GDP. That is 0.4 per cent of public spending.

Australia

Gross spending in 2016/17 was £2.8 billion. This is the amount of funding allocated to Australia's Immigration and Border Protection Agency. This has three functions or 'outcomes':

- Outcome 1 (Border enforcement and management): £1.9 billion
- Outcome 2 (Visas, citizenship, refugees, humanitarian assistance): £440 million
- Outcome 3 (Customs and trade facilitation): £263 million

Spending is actually set to decline in 2017/18 by 15 per cent to £2.4 billion. Current spending is 0.12 per cent of GDP. That is 1.3 per cent of public spending.

Canada

The budget for 2017/18 in Canada for its Border Services Agency is £1.2 billion.

Current spending is 0.12 per cent of GDP. That is 0.3 per cent of public spending.

France

We estimate that France spends £2 billion on its borders. This is made up of:
- Customs: £1 billion
- Department of Immigration, Asylum, and Integration: £958 million

Current spending is 0.08 per cent of GDP. That is 0.2 per cent of public spending.

Germany

We estimate that Germany spent £2.3 billion in 2016 on its borders. This is made up of:

- Federal Customs Service: £1.9 billion

- Federal Office for Migration and Refugees: £639 million

The amount of money spent rose by 8 per cent in 2017 to £2.5 billion. Current spending is 0.08 per cent of GDP. That is 0.2 per cent of public spending.

Comparisons

The UK spends the same amount of money as a share of GDP on its borders as Canada. It spends more than Germany and France but less than Australia and the US.

Of course, money spent does not necessarily entail money spent well. One effective way to measure border efficiency is to measure the ease through which trade can pass. The World Bank provides a systematic appraisal through its *Doing Business* index. This records the time and cost associated with logistical process of exporting and importing goods. Specifically, it is measuring the time and cost (excluding tarrifs) tied to documentary compliance, border compliance, and domestic transport. Data are collected through surveys of local freight forwarders, customs brokers, traders, and government agencies.

Of the 188 countries measured by the World Bank's index, the UK is ranked 28th. Most of the countries above it are within the Schengen Zone and tend to have minimal time and costs to processing goods across the border. If we look at our closest comparators, the G7 countries, the UK performs adequately. It ranks higher than the US, Germany, and Canada, but lower than France, Italy, and Japan.

Figure 9: Border spending as a share of GDP
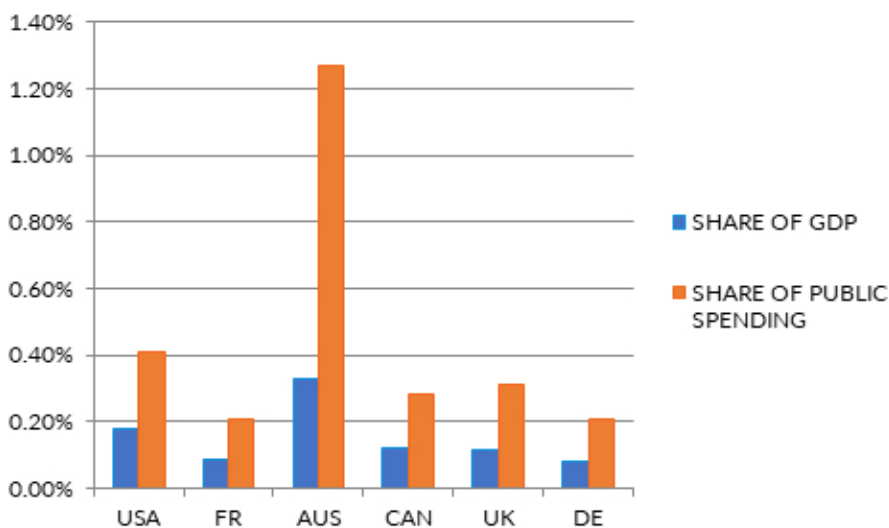
Plugging the Holes

Border management is a permanent tension between facilitating the swift and smooth movement of people across a border and securing the border against unwanted people or things. The UK broadly gets this balance right, though there are some gaps and vulnerabilities that this chapter will focus on.

It is worth recalling that the number of people crossing the border each year is very high and rising. The number of border crossings in and out of the UK (including multiple crossings by the same individual) in 2016 was 314 million. The vast majority, 271 million, were by air (almost one-third via Heathrow), with 22 million by sea and 21 million by train.[10] Demand placed on our borders is only going to rise with official projections showing 355 million passengers by 2030 and 495 million by 2050 (assuming no constraints on airport growth).[11]

Of that UK arrivals number, about 58 per cent were UK citizens (including those with permanent residence) and 29 per cent were EU/EEA/Swiss nationals, both of whom currently have an automatic right of entry under free movement rules, though that will end for EU citizens after Brexit. The remaining 13 per cent from outside the EEA, who do not have an automatic right of entry, were divided between around 10m arrivals from the 56 countries that do not require a visa for a stay of up to 6 months (the US, Canada, Japan and so on) and the 6m arrivals from the 100-plus countries that do require a visa to enter (mainly from poorer countries like Pakistan or Ghana).

The so-called "operating mandate" requires that, with some exemptions, each one of those people is checked, when they arrive in the country, to ensure they have the right documentation, that they are who they say they are and that they are not someone the authorities wish to exclude. And those who do not have the automatic right of entry (anyone who is not a UK citizen or a EU citizen until Brexit) are generally asked the two standard questions: how long do you intend to come to the country and what is the purpose of your visit?

As everyone working at Border Force will tell you once someone has got to the UK who should not have done, the system has failed. As we have seen, an intricate system of co-operation with the airlines (and less so with the ferry and rail companies) has developed over recent years, which by and large ensures that people who are wrongly documented or banned from the country for some reason do not travel here in the first place.

In 2016 only 17,567 people were denied entry on arrival. The number has been on a healthy downward trend having almost halved over the

10 https://www.nao.org.uk/wp-content/uploads/2017/10/The-UK-border.pdf

11 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674749/uk-aviation-forecasts-2017.pdf

preceding 10 year period (though the decline has plateaued out over recent years, see chart below).

Most of these people have arrived with the wrong or insufficient documentation and are returned at once to the country they arrived from, though around 4,000 claimed asylum in 2016.

The largest number of refusals (about 10 per cent) are Americans who have come believing that they can work in the UK without a work permit or because a border official believes they are likely to stay beyond the visit period (not needing a visa) of six months.

Not all people with the wrong documentation are turned away. At Gatwick in 2017 about 6,000 people arrived with the wrong documentation but only around 2,000 were refused entry.

How does co-operation with the airlines work? The Advanced Passenger Information data about passengers on a flight is sent 24 hours before departure to the National Border Targeting Control Centre, established in Manchester in 2010, to be checked against the Warnings Index. Another "drop" is made just 30 minutes before departure to catch any last minute passengers.

Border Force also has an Airline Liason Network with officials working both in the UK and abroad with the airlines to check that passengers do not board a flight if they are ineligible to land in the UK for either security or documentation reasons.

Under the Carriers Liabilities Act commercial carriers can be fined £2,000 for every wrongly documented person they bring into the country. This does not happen in every case and the manner in which the system of stick and carrots is applied will often depend on personal relationships between border officials and airline staff. Those airlines that are particularly cooperative with, for example, extra details about passengers can be awarded Approved Gate Check Status which means that a more lenient approach to the £2,000 penalty will be taken.

On a day in early 2018 when we visited Gatwick airport seven

Figure 10: Refusals at port and subsequently deported
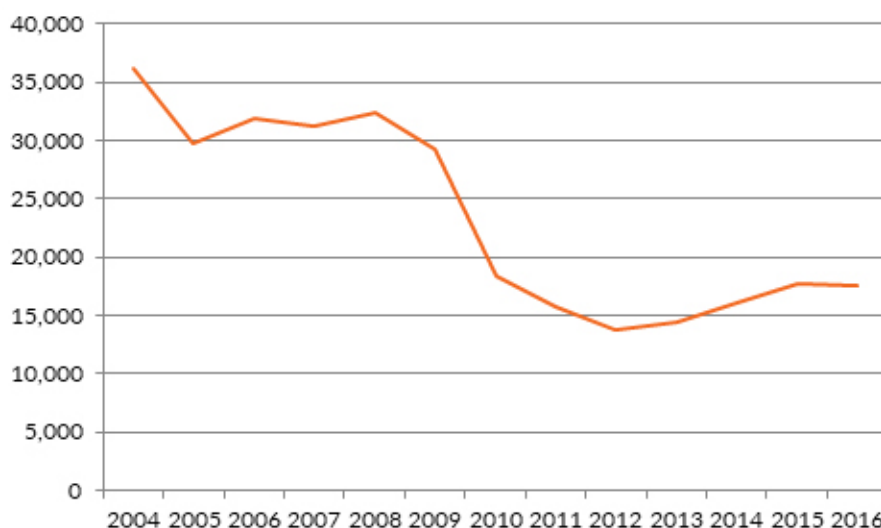
Ecuadorians had arrived on an EasyJet flight without visas, despite the fact that Ecuadorians need a visa to enter the UK. The error was not as egregious as it sounds as it is possible to arrive without a visa if you are a certain kind of transit passenger. We were told that the probability is that EasyJet will not have to pay the fine, or not in full (though that is usually decided by the Carriers Liability Team in London not by Gatwick staff). The total number of fines levied in 2016/2017 was 3,522 which raised a total of £7.8m up by 49 per cent on the previous year.

At present there is nothing like this system for train and ferry operators. Since the 2015 introduction of exit checks they have provided information about travellers when they board, so this helps UKVI to keep track of whether people on visas have left or not. But it is a weak link from a security point of view because there is no advance data, so neither individuals nor vehicles can be checked against the Warnings Index before they arrive or leave on a train or ferry. The data on passengers is only sent to the National Border Targeting Control centre once an individual has checked in and it takes two hours to be processed by which time a fugitive might have left the country. When Ahmed Hassan, the Parsons Green tube bomber, was picked up boarding a ferry at Dover it was not thanks to any data the ferry company had provided but rather to an alert police officer who noticed he was wearing the same Chelsea top as in CCTV footage that had been circulated to police forces. Brexit provides an opportunity to close this rail and ferry loophole and push harder on the operators to cooperate.

Clandestine entry / small ports and airfields

It is possible to enter the country by evading border controls. This can be done through stowing away on a lorry (or, less often, on small boats or aircraft). Of course, we cannot say with any certainty how many people arrive in this manner as some will not be caught and continue to live below the radar. However, a recent report by the Chief Inspector has some numbers on those entering clandestinely who later become known to the authorities.

In the six months from April to September 2015, there were 6,429 detected clandestine entrants mainly because people had made themselves known to the authorities (and 93 per cent claimed asylum). Most of the migrants were males under the age of 30 from Eritrea, Iran, Syria, Sudan and Afghanistan.

The average annual figure in recent years has been around 15,000. (And so-called lorry drops happen sufficiently often for the police to no longer consider them as urgent incidents.) Given that around 40 per cent of asylum claims are eventually successful and that relatively few of those rejected will be deported, 8,000 to 9,000 will be adding to the undocumented limbo population each year that the authorities know about.

But that excludes the lorry stowaways, and other arrivals, who are *not* known about. Those who have little motivation to reveal themselves to the authorities because of little chance of an asylum acceptance, from countries such as Albania, will simply disappear after slipping away from their lorry or small boat.

The vast majority of lorry stowaways come through Calais and Dunkirk. There are significant screening operations in those ports. Thanks to juxtaposed controls the British authorities can select vehicles for examination in the British Control Zones in those ports, though not all vehicles can be selected so the process is intelligence led.

The simplest way of pushing down the number of stowaways is investing more in enhanced security in Calais, and the Government sensibly announced a further £44 million to this end in February. About 5,000 lorries a day pass through Calais and in the last year it is estimated that about 30,000 people were stopped from entering the UK illegally, down from as many as 80,000 in 2015 suggesting that removing the Calais camp plus enhanced security is having a positive impact.

The economic feasibility of passing every lorry through a stowaway detection system ought to be carefully examined (new technologies for scanning people and vehicles "on the move" are being trialled on the US-Canada border). Sending illegal stowaways straight back, and publicising the fact, would be an even more powerful way of closing this entry point but that is not allowed by our current asylum rules.

There is no way of knowing exactly what the real number of clandestine entrants is. But there is anxiety among some politicians and border officials that increasing numbers of people and goods may be entering through small sea and air ports—so-called General Maritime and General Aviation (meaning non-scheduled arrivals of boats and planes). A recent Chief Inspector report found that 27 out of 62 small east coast ports, harbours and landing bays, had not been visited by Border Force officers between January 2015 and June 2016.

The National Crime Agency (NCA) has also expressed worry about the vulnerability of northern ports. It estimates there are nearly 6,000 organised crime groups active in the UK and many of them are involved in cross border trafficking of illegal goods, especially drugs. The UK is one of the biggest markets for illegal drugs in the developed world.

The BBC journalist Alex Bish who specialises in coastal smuggling reported that in 2016 there were half a dozen cases of migrants being intercepted off the coast of Kent and Sussex in small boats with many more being stopped off the French coast. These migrants tend to come from Albania, Iran and the Ukraine. A *Guardian* report in June 2016 found "smuggling hotspots" in Orford Ness in Suffolk, Tilbury in Essex, Newhaven in East Sussex, and Whitstable in Kent.

The NCA suggested in 2016 that smugglers were targeting small beaches in Kent and Sussex. Essex police, too, report a growing number of abandoned boats up creeks on the Essex coast in recent years.

A sense of vulnerability was further aroused by the news that for much of 2016 and 2017 the Border Force maritime fleet was reduced to just three (on occasions just two) cutter-type boats to patrol around 11,000 miles of coastline (with two more on loan to Frontex in the Mediterranean and Aegean). Several reports have unfavourably compared the UK maritime border capability with that of other European countries.[12, 13]

12 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/547695/ICIBI-report-on-GAGM-January_2016.pdf

13 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322813/20140623-40221_national-maritime-strat-Cm_8829_accessible.pdf

The fleet of cutters is run by the Border Protection Squadron based in Portsmouth. Their official role is to "monitor maritime traffic movements and to pursue and intercept maritime threats." The cost of running the cutters was £12.3 million in 2014/15.

There are five cutters in all. In 2015 two were 'furloughed' meaning they were kept in port with only a skeleton crew but the remaining three boats spent longer at sea. The subsequent sending of two cutters to the Mediterranean to take part in the Frontex Operation Triton, to rescue migrants, saw the two furloughed cutters brought back into service.[14]

Perhaps the most notable success involving a cutter was in 2015 when HMC Valiant was involved in the interception of a ship carrying 3,200 kg of cocaine worth £512 million. This was a joint operation involving a navy frigate.[15]

The Border Force maritime fleet has recently been strengthened. Ben Wallace, Home Office minister for security, announced in January 2018 that Border Force would be getting funding for an extra cutter and six coastal patrol vehicles with a crew of four or five on each. (The boats are made at South Boats in Cowes.)

But with extra coastal responsibilities arising from Brexit, in fisheries for example, the UK may be hampered in not having a single unified authority for its sea border as is the case in the US and France. This certainly creates coordination and collaboration issues for the 14 different departments and authorities with an interest in the coastline including: the Royal Navy, Border Force, the police, Defra, HMRC, the Coastguard, RNLI, the National Crime Agency, the devolved administrations in Scotland, Wales and Northern Ireland and more.

The coordination attempt has given birth to an alphabet soup of organisations. The two most important are the National Maritime Information Centre (NMIC), created at the time of the 2012 Olympics, and the Joint Maritime Operations Coordination Centre (JMOCC).

The first is largely an information and intelligence sharing centre. The second coordinates the use of "assets". In the case of a major accident off the coast or intelligence about a narcotics or firearms smuggling operation the latter would advise whose vessels were best placed to intervene.

At a lower level there is also the National Coast Watch, a voluntary organisation whose members keep an eye open for any unusual activities along the coast. The volunteers, along with the UK's many hundreds of harbour masters, report directly to the Maritime Coastguard Agency. Project Kraken is a joint operation between the NCA, Border Force and police forces to make sure these ground level organisations are properly joined up.

Despite these collaboration efforts, there is no equivalent of API for General Maritime. There is something called the Maritime Priority Assessment Tool (MPAT), a risk assessment of all boats and passengers that had given notification on arrival or in advance or have come to the attention of the Border Force, but it does not in the main apply to pleasure craft. The Maritime and Coastguard Agency has the capacity to monitor small crafts so long as they are fitted with Automatic Identification System

14 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/547695/ICIBI-report-on-GAGM-January_2016.pdf

15 http://www.wired.co.uk/article/cocaine-specialist-drug-squad-bust

transponders. These are fitted to most commercial general maritime boats but only a minority of pleasure craft.

The Chief Inspector's last report on this subject found that there was "no systematic collection of information about any aspect" of General Maritime. Compliance with reporting details of movement, passengers, or goods was poor. Border Force was also criticised for not collecting data adequately or sharing intelligence effectively.

In the absence of any data collection about small boats arriving in the UK, is there some consistent surveillance of the coastline itself? No, it is simply too big.

So does this mean that the UK is vulnerable to infiltration by small boats smuggling guns or illegal immigrants? This is unlikely to be the case on any significant scale because crossing the channel in a small boat is a hazardous exercise that requires traversing one of the busiest shipping channels in the world.

In any case, most large scale smuggling is conducted by organised criminal groups and the National Crime Agency has better ways of detecting their activities than peering out at sea through binoculars.

However, there are small ways in which the coastline could be made more secure at little extra cost. The first would be to acquire air surveillance of the coast, at least during daylights hours, with perhaps two small fixed wing aircraft. The second would be to extend coastal radar much more broadly than Dover, which is the only place that currently has it. Third, alongside the new coastal patrol vehicles a small investment in a fleet of RIBs (rigid-hulled inflatable boats) located in smaller ports up and down the coastline could play both a security and public reassurance role. Fourth, harbour masters should be given a more formal role in passing over information about visiting boats—analogous to the API provided by the airlines.

More ambitiously it would in the long run make sense to have a single authority for the sea border. Just as the Olympics concentrated minds enough to create the NMIC, so Brexit might give an impetus to a rationalisation of authority on a coastline which is more formally under national control again. Or, in the absence of such a single authority, Admiral Lord West has suggested that there should be a single post created with the authority to direct all departmental coastal assets. This should be located at the combined NMIC/JMOCC operations centre near Portsmouth.

What about private jet traffic and small airfields? In 2016 there were 240,000 non-scheduled international landings and take-offs. That translated into 13.4 million passengers arriving or leaving. General Aviation has been declining slightly in recent years but still accounts for 9 per cent of all international flights, 6 per cent of international passengers and 9 per cent of international cargo.

General Aviation has more formal controls than General Maritime. API is available to Border Force for unscheduled arrivals through a mechanism known as General Aviation Reports (GARs). GARs are then checked against the Warnings Index. General Aviation flights can be cleared remotely; in order to determine whether or not a flight should be met in person by

Border Force staff; there exists something called the General Aviation Risk Assessment Tool (GARAT). This consists of eight questions about the flight. Passengers/flights are classified as high, medium, or low risk. Flights without GARs are mostly considered high risk.

A report by the Chief Inspector found that GARs data was often submitted inaccurately with passport details erroneously recorded. Out of a random sample of 945 flights in 2015, 65 had failed to submit a GAR (7 per cent). Those departing on privately chartered flights who were not recorded in 2015-2016 included: three Europa league football teams, the Fijian army rugby team, one of Ukraine's most popular rock bands and the entire staff of two Gulf ruling families.

Under EU rules, all flights arriving into UK airspace are required to submit a flight plan in advance. The Civil Aviation Tracking System (CATS) provides details of all flight plans and can be accessed by the Border Force. This can be used as a way to track flights that have not submitted a GAR.

If a passenger is classified as low risk, then in all likelihood their passport will not be checked. By contrast, high risk passengers are nearly all met by Border Force officials and in any case, 79 per cent of such flights are at larger airports which have fixed immigration control points where passports are checked. 'Missed' flights are those that are neither remotely cleared nor physically met. In 2014/15 there were 20 missed flights down from 84 in 2012/13. 'Missed' passengers are those who have not been checked against the Warning Index. There were 134 missed passengers in 2014/15 up from 43 in 2013/14.

The Chief Inspector concluded that GARs and GARAT provided an effective and efficient way to manage General Aviation flights. However, its application was not always uniform which could result in flights being missed. Border controls were found to be focused overwhelmingly on immigration at the expense of customs control, a common complaint from HMRC officials.

The final weak link in the UK border system is the Common Travel Area with Ireland. It is regarded by most UK border officials as a semi-open backdoor into the UK. In March 2016 the Irish Government created the legal basis for Ireland-based carriers to provide API data to the UK authorities. But the Chief Inspector found that 18 months later there was no sharing of such data. Moreover passengers entering Ireland are not subject to the same Warnings Index security checks as the UK. And after entry into Ireland anyone can cross the border into Northern Ireland (and thus the UK) with no checks at all and then cross on the Belfast ferry to Scotland or Liverpool with no checks.

The Visa/Asylum System, Overstayers and the Deportation Blockage

UKVI, the Home Office department that processes the full range of applications from visas, via permanent residency to asylum has, contrary to its public image, performed relatively effectively in recent years with a significantly increased workload per official.

To get an overview of the range of applications in order of size here is the number from 2016.

1. Visitor (or transit) visas 2.26m
2. Study visas 320, 700
3. Work visas 175,000
4. Citizenship applications 131,000
5. Permanent residency applications 58, 400
6. Asylum applications 38, 500

The net immigration number for 2016 (the number of people coming to live in the UK for a year or more minus those leaving for a year or more) was 248,000, so note just how much immigration is for less than a year (mainly visit visas) and how much is temporary, people working or studying here for a few years and then returning home. Fewer than 60,000 people applied for permanent residency in 2016.

The current work visa system is widely regarded as a relatively efficient one by international standards, albeit expensive. The Home Office has only charged for most types of visas since the early 2000s (on the suggestion of a visiting consultant) and, as we have seen in chapter two, it is now a very significant source of income. Work/business visas are one of the main sources of that income and a recent report by the Recruitment and Employment Confederation describes the current system in this way: "The UK operates one of the most expensive visa systems in the world. Applicants, their dependents and their employers must variously pay visa application fees, the immigration health surcharge, the immigration skills charge (ISC) and for a Certificate of Sponsorship. The combined cost is substantial. If a Tier 2 worker were to enter to work for a large company for five years with a partner and three children, the total government fees could be more than £16,000." This figure is about to rise to £21,000.

This can be a significant cost especially for small businesses dependent

on a key worker from outside the country. Work visas either for the Tier 2 skilled workers from outside the EU (currently capped at 20,000 a year) or people coming in under the Intra-Company Transfer scheme (around 50,000 a year in recent years, including dependents) requiring a minimum annual earnings threshold of £41,500 can, however, usually be obtained quite swiftly.

But in the case of a Tier 2 visa you first require a licence (if you don't have one it will take a couple of months to get one) and you must apply the resident labour market test which means advertising the job for a month. Similarly for an ICT visa, you need to have a sponsor licence, though there is no requirement to advertise the job. Once these hurdles have been cleared, most work visas can be obtained in less than three weeks and much more quickly if people are prepared to pay for a fast-track system.

Clearly a future "fast-track" system for skilled EU citizens, those applying for a degree level job with an income above £30,000, will have to be designed in a different way, possibly waiving the requirement to be a licensed employer.

There is also a case for a wider review of the fee structure. Fees have risen dramatically since being first introduced, almost by accident, in the early 2000s. The government accountants, in the Home Office and the Treasury, have taken over and fees have lost most contact with public policy objectives.

On a more positive note, since 2015 it has been possible for the Home Office to make reasonably accurate estimates of the number of visa overstayers because the quality and coverage of the exit data – essentially supplied by the commercial carriers – has been broadly good enough to check against the names of visa-holders whose visas have expired.

The good news is that the first major Home Office analysis in summer 2017 found the overstayer number to be considerably lower than expected.

Of the 1.34 million visas granted to non-EU nationals that expired in 2016/17 it is estimated that 96.3 per cent departed on time with a small number departing after expiry and just 3.3 per cent were found not to have departed (though some may have done so).

There was no significant variation between the three main categories of visa: visit (by far the largest), study and work, with the compliance percentages running at 96.7 per cent, 97.4 per cent and 95.4 per cent respectively. That still represents a non-trivial number of around 40,000 overstayers a year but it is far below the previous informal Home Office estimates of around 200,000 overstayers per year.

Some border officials are sceptical about these high compliance levels. This scepticism is in part shared by the Chief Inspector. A rather alarmist front-page report in *The Times* at the end of March 2018 claimed that "600,000 foreign visitors lost in border shambles." This was based on a Chief Inspector analysis of the completeness of exit data over the two year period from April 2015 to March 2017.

Over that two-year period there was no record of departure for just 88,000 visa nationals, which is broadly consistent with the Home Office report above. But there was a much larger group of 513,000 non-visa

travellers—from places like the US, Australia and Brazil—for whom there was no record of departure. (Non-visa travellers from outside the EU are normally allowed to stay for just six months unless they have officially extended their stay and cannot work without a work permit.)

This is less alarming than it sounds. The 513,000 figure is less than five per cent of non-visa travellers. Moreover, the exit data is less complete than the Home Office sometimes pretends—the Chief Inspector accused the department of "over-promising"—and many people who leave by ferry or train, or General Aviation/Maritime, or through the Irish Common Travel Area are not captured in the exit data.

So the probability is that most of the 513,000 will have left without being noticed. This was the case with tens of thousands of Chinese visitors for whom there was no record of departure but after checks in China were established as having returned home.

The most senior relevant Home Office official we spoke to about visa compliance said that he too would have been sceptical about such high levels of compliance a few years ago but that "we are now much more rigorous about who we let in on visit and student visas."

Labour's tick-box points-based immigration system, introduced in 2008 along with the boom in student immigration, had led to a surge in abuse, especially at the sub-university level. As recently as 2010, as many as 535,000 student visas were issued in a single year (including dependants and people coming on courses for less than a year) the equivalent figure is now around 200,000.

After Theresa May became Home Secretary in 2010, the study route was more closely monitored with more widespread inspection of colleges and the closure of several hundred "bogus" colleges (in some cases following a BBC documentary exposure). Universities began to take more responsibility for vetting students especially after London Metropolitan University briefly had its sponsorship licence revoked in 2012. Interviews for student visa applicants, and some visitor visas, were also more systematically introduced after 2011. And in 2012 the post study work rules were tightened up so that students could only stay on for another two years if they had a graduate level job.

A visa case study

It is worth considering, briefly, how the visa system currently operates and how it might be possible to reduce further that figure of about 40,000 annual overstayers, especially armed with the better (albeit incomplete) data that we now have about who the overstayers are and where they come from.

How does the visa system work for, say, a student from India? First they will need a sponsoring educational institution in Britain (one of the almost 400 registered sponsors) to provide them with a certificate of sponsorship to do a particular course. They then apply online to UKVI and if accepted they then visit their nearest visa application centre where they give fingerprints and other biometric details and where they are also interviewed (probably by Skype from Sheffield) to establish they can speak English as

claimed and they understand what the course entails.

A decision is then made about whether to grant a visa or not. A similar process, minus the institutional sponsorship, applies for visit visas too.

When they arrive they will be finger-printed and their visa number will be linked to a corresponding finger-print in the Immigration and Asylum Biometric System database. They will also be required to own a Biometric Residence Permit (BRP) while in the UK.

Partly because of the reforms mentioned above the proportion of visas being granted to non-EU sponsored students even from relatively high risk countries is now much higher than it was. Since 2010 the overall proportion has risen from 73 per cent to 95 per cent (and work visas has risen from 88 per cent to 94 per cent).

Visit visas have a much higher refusal rate than student or work visas and the refusal rate can be up to 80 per cent for young men from poor countries.

Notwithstanding the continuing gaps in the exit data (Ireland and trains and ferries) it is now possible to construct a more sophisticated risk assessment system about visa-overstaying based on recent patterns of behaviour of different groups.

Chinese tourists are, for example, almost 100 per cent compliant partly because they tend to come in supervised groups. The highest proportion of overstayers are on six month visit visas and the half dozen countries with the highest number of overstayers are: India, Turkey, Nigeria, China, South Africa and the Philippines.[16] In recent months Ghana has joined the ranks of the high overstayer countries.

Visa processes could, in principle, be differentiated more with a "light touch" for Chinese tourists and tougher stance for places (and visa types) that are the most frequent abusers of the system.

One issue with more advanced risk assessment systems is that nationality is increasingly unlikely to be a predictor of behaviour. Some developing countries now have a large and growing affluent business and student class who have different behaviour patterns to their poorer co-nationals. Rich countries like the UK do not want to alienate wealthy Indians and Chinese by making it harder to qualify for visas because of abuses committed by poorer Indians and Chinese.

Nevertheless, old hands in the immigration service complain that too many people are allowed to slip through the net because of the rich country assumptions of some visa officials: the assumption that if you have a return ticket and a wife and family at home you are almost bound to return.

As the number of visa officials based overseas, and especially in the Indian sub-continent, has declined and interviews are increasingly done over Skype, it is also feared that it is harder to detect signs of people being groomed to answer in the right way.

Finally, in the US if you break the visa rules by over-staying or you abuse the system in some other way you don't get a second chance, whereas the UK tends to be rather more lenient which reduces the deterrent effect.

On the "lighter touch" side it ought to be possible to offer a quicker and simplified visa experience to those categories of people who have

16 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/639621/second-report-on-statistics-being-collected-under-exit-checks.pdf

a record of compliance that is close to 100 per cent. That could mean shorter interviews or dropping them altogether for some categories. A simplified form, with a clearer website, would be to everyone's advantage. And Sajid Javid did, indeed, announce in June 2018 that lower levels of documentation would in future be required for student visa applicants from 26 countries including China, Australia, the US and Cambodia (but pointedly *not* including India).

The deportation blockage

There are three broad categories of illegal (or irregular) immigrant. First are those who have entered clandestinely usually on a lorry but have *not* claimed asylum or made themselves known to the authorities. They survive in a limbo world. Some are victims as well as offenders, such as people forced into prostitution and semi-slavery work arrangements to pay off a trafficking debt. (Border Force officials pick up at least a couple of hundred victims of modern slavery each year.)

Second are those who have arrived clandestinely and *have* claimed asylum but have had their claim rejected after appeal but have not then left voluntarily or been deported.

The third and largest group are those who have overstayed visas. People who enter the country with a legal visa, usually from a poor country, to visit, study or work, and then overstay that visa. They can be further sub-divided into those who have been caught by enforcement officers and those who are still at large. Most of the former group apply for asylum (and most are refused).

So, how many in these three different categories are arriving each year? On the clandestine entry, mainly lorry, route official figures indicate than an average of 15,000 a year have been arriving who make themselves known to claim asylum. It is impossible to know how many arrive and do not make themselves known because they have such a low chance of getting asylum (from places like Albania) but 5,000 is probably a conservative estimate.

Then there is the main visa overstayer number of 40,000 and another 4,000-plus asylum seekers who come through the front door on a scheduled flight/train/ferry and immediately claim asylum. (They are probably cancelled out by a similar number of illegal entrants who are merely in transit to somewhere like Canada that may have a more liberal asylum regime.)

That means the gross addition to the illegal stock is probably around 60,000 a year. But with about 10,000 to 15,000 of that group being granted asylum and another 30,000 to 40,000 being deported (either voluntarily or involuntarily) albeit in most cases from previous cohorts of illegal arrivals, the net annual increase to the illegal stock is much lower.

The number of immigration offenders who are *known* to the authorities (mainly refused asylum seekers) but have not left or been deported seems to be growing at roughly 15,000 to 20,000 a year. Since 2003 most of them have been required to attend a reporting centre every month or quarter. (This reporting group is now around 80,000 strong.)

That is not a large number, especially compared to the US or Germany, and our own recent past when there was a high level of abuse via the study route; indeed that number might be regarded as a success story, the result of recent reforms to the border and the visa system. But it is still too high for comfort, especially given the enormous challenge (and cost) of deporting people and the large historic stock of illegals that is most commonly estimated at around 500,000 people. (All these figures are very rough estimates and complicated by the fact that those illegals who do leave seldom do so in the same year they arrived.)

So, what is happening on deportations? Since 2004 the numbers of forced and voluntary departures combined have been rising steadily from a low of 25,000 in 2004 to a high of 45,000 in 2013, though both categories have been slipping back in the last four years. (The numbers and categories here, too, are complex and not completely reliable.)
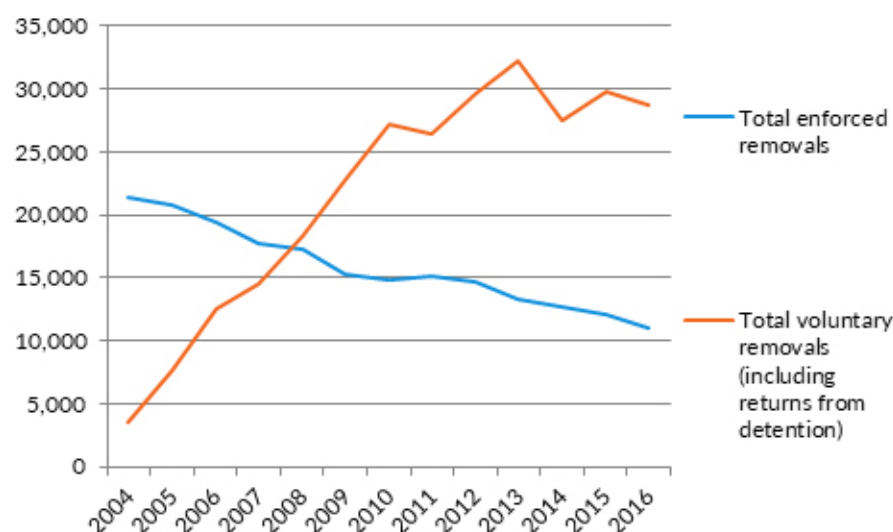
But the big story is the decline in forced departures and rise in voluntary departures. In 2004 there were 21,425 enforced removals, almost 90 per cent of the total that year, dropping to 12,321 in 2017.

At the same time, the number of voluntary removals has increased from 3,566 in 2004 to 28,655 in 2016 (though falling to just over 18,000 in 2017)—an increase of over 700 per cent which may be evidence of the "hostile environment" working.[17] A report by the National Audit Office found that an enforced removal cost £11,000 while a voluntary departure cost £1,000.[18]

What accounts for this downward drift in forced removals? The UK spends almost £500m a year and employs about 5,000 people on enforcement—essentially detecting and trying to remove those people who have no right to be in the country—and yet barely 12,000 people were removed against their will in 2017, and about half of them were foreign national offenders (people who were deported because they had committed serious crimes).

This is no reflection on the professionalism of the enforcement teams—which pick up around 15,000 offenders a year, of whom between

Figure 11: Removals and refused entry

17 http://www.migrationobservatory.ox.ac.uk/
resources/briefings/election-2015-briefing-
enforcement-enforced-removals-and-voluntary-
departures-of-people-violating-immigration-law/

18 http://www.bbc.co.uk/news/magazine-33849593

a quarter and a third might face deportation in that same year. There is also a focus on deporting known criminals, the so-called foreign national offenders mentioned above.

The National Audit Office reported in 2014 that 84 per cent of removal cases were missing some information. But the main obstacles to removal come from a combination of legal, political and resource constraints.

The role of targets for involuntary removal does not seem to have been a significant countervailing *upward* pressure on removals, despite the role they played in the resignation of Amber Rudd who appeared unaware of their existence in front of the Home Affairs committee. Removal targets—pitched a few hundred above the previous year's outcome as a standard bureaucratic measure—have been narrowly missed in most recent years and have only been very indirectly linked to staff incentives or sanctions so are not likely to have distorted decision-making. In the light of the Windrush scandal, the involuntary removal target of 12,800 for 2018 has now been scrapped by Sajid Javid who also told the Home Affairs committee that he wanted no bonuses linked to deportation or detention.

In 2016 48 per cent of those deported came from Asian countries, 23 per cent from European and 14 per cent from African countries. During the Windrush scandal, some critics argued that racial prejudice at the Home Office lay behind the focus on non-white Caribbeans. And it is true that non-whites from poorer countries are always going to dominate among those excluded by rich country border controls. But it is worth recalling that the largest national category turned away at the border are Americans and the three top countries for forced returns in 2017 were Romania, Albania and Poland.

The largest proportion of people eligible for deportation are failed asylum claimants, both visa overstayers who, when caught, will almost always apply for asylum and clandestine entrants many of whom hand themselves over to the authorities in order to claim asylum.

And the biggest single reason for the decline in forced removals is the decline in removing failed asylum seekers. That removal number fell to a low of 4,117 in 2016. This is partly because of the fall in the number of asylum seekers since the early 2000s; asylum applicants and their dependents represented 44 per cent of net immigration in 2001 and just 9 per cent in 2015. But it is also because of human rights law that encourages those seeking asylum to spin out the process as long as possible.

We should pause here and take a broader look at what has been happening to asylum.

The asylum story

In 2016 there were 30,603 applications for asylum 13 per cent of these applications were made at ports meaning the remaining 87 per cent were made in-country, suggesting either clandestine entry or arriving on a visa and then claiming asylum once in the country. 24,984 of these saw a decision made with 34 per cent approved rising to around half on appeal.

Looking at the bigger picture over the past decade, between 2007 and

Table 1: Top ten countries for successful asylum applicants, 2007-2016

Country	Number of asylum grants
Eritrea	10, 803
Syria	9,224
Afghanistan	6,597
Sudan	6,443
Zimbabwe	6,194
Somalia	3,978
Pakistan	3,842
Sri Lanka	2,937
Iraq	1,874

2016 there were almost 250,000 applications for asylum with 210,806 decisions taken and 69,860 grants made (28 per cent). The top ten countries from which successful applicants come from account for 77 per cent of all successful applicants.

In the same period there were 140,946 refusals and 92,648 removals of failed asylum seekers, either enforced or voluntary. But these figures are not necessarily referring to all the same people. Cases can drag on for years. Figures obtained by Sky News showed that for those refused asylum in 2004, 65 per cent were still in the country in 2016. For the 2010 cohort of those refused, 52 per cent remained in 2016 as did 62 per cent of the 2014 cohort, evidence of some progress in recent years.

There is a distinction made in the asylum process between those claims that are straightforward and those that are not. The UKVI, the division mainly responsible for deciding on asylum claims, has since 2014 aimed to have 98 per cent of the former decided within six months and is largely successful in that.

Non-straightforward cases, now running at a bit over one third, aim to have a decision reached within 12 months but such cases often go on for longer. These cases are deemed to be non-straightforward if there are factors outside of the Home Office's control, such as awaiting medical or legal reports or information from other departments, pregnancy of claimant, impacting medical conditions or delays caused by the claimant. The Chief Inspector found in 2017 that of 9,664 non-straightforward cases active on 31 March 2017, 53 per cent had been going on for over twelve months.

The report concluded that despite significant commitment of resources, it struggled to keep on top of the backlog of non-straightforward cases. Lack of staff and relevant expertise was found to be part of the problem and the staff to claimant ratio has deteriorated somewhat in recent years.[19]

But according to David Bolt, the Chief Inspector, there were 352 asylum decision makers at UK Visas and Immigration as of March 2017. He

19 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

20 http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/home-office-delivery-of-brexit-immigration/oral/74819.html

recently told the Home Affairs committee that he did not believe there was an "acute staffing need" with regards to asylum decision making.[20] After all, a staff of 352 handling 30,000 applications for asylum means just 85 cases per year per caseworker, though in fact the decision makers have a target of 225 decisions a year.

There is, however, a high level of staff turnover in asylum, lack of experience, and problems in attracting good quality new recruits. The number of decision makers dropped to 228 in July 2016 when a quarter left within six months. The Home Office's own internal quality assurance process found that 25 per cent of decisions in asylum cases were less than satisfactory. This is sometimes attributed to so-called "day 182" pressure, the pressure to come to a decision within the six month target.

All of this suggests that there is an issue with the status and training of asylum and immigration-status decision makers. There are not enough experienced Home Office "presenting officers" to appear in court which means that independent barristers are often hired who sometimes have little experience of asylum procedures.

Moreover, Lucy Moreton, head of the union representing about half of immigration officials, told the *Financial Times* in a recent interview that the 2014 Immigration Act had shifted decision-making within the department from executive grade officers to the more junior administrative officer grade. She said officials now tended to just check applicants' paperwork against check-lists and were no longer allowed to exercise discretion making decisions.

She made those comments in relation to the Windrush decisions but they may have a broader application. Asylum NGOs and legal groups point out that between 40 and 50 per cent of appeals against an initial asylum rejection have been successful in recent years. This does give cause for concern, although it should also be recognised that there is often new information available at the appeal stage and the actual numbers of successful appeals are often in the low thousands because around 25 per cent of failed applicants do not bother to appeal.

In any case, as with the deportation problem, it is the surrounding legal and political constraints that must carry most of the blame for the laboriousness of the process.

Asylum claimants and the immigration law sector that has grown up to serve them have every incentive to delay a decision and spin the process out as long as possible. (Lady Justice Sharp and Mr Justice Green said in a ruling in April 2018 that misconduct among immigration lawyers who start court hearings simply to thwart attempts to remove failed asylum seekers was of "deep concern.")

This is because human rights law makes it harder to deport someone the longer they have been in a country and become part of a community and established relationships, maybe even a family.

There is currently just one right of appeal against the rejection of an asylum appeal, with a second appeal only allowed if there has been an error on a point of law. But many claimants will then put in for a judicial

review. The vast majority are refused but the process takes up more time.

Indeed, by the time this process has been exhausted an asylum claimant may have been in the country long enough to have established family connections and so be able to lodge a new application on human rights grounds. A relationship that has lasted two years is usually regarded as a "durable relationship" and might qualify as a form of family life. Asylum applications are now more likely to be granted on human rights grounds than asylum itself.

Most attempts to find a way round these legal constraints and conclude cases more quickly, such as deporting people first and allowing them to appeal from abroad, have been knocked back by the courts. And a Liberal Democrat initiative during the Coalition government means that it is virtually impossible to detain immigration offenders with young children. Illness, too, is a significant reason for holding up deportations.

One regional head of enforcement told us that the current system is "broken" and that even of the people in detention only about 20 per cent end up getting deported.

Some observers argue, however, that there is a window of opportunity that is not being exploited and that if the Home Office moved more swiftly after the appeals process has been exhausted more people could be briefly detained and then deported. A pending judicial review case is not on its own sufficient grounds to stop a deportation. A clearer and more consistently applied "end game" to the legal process is required.

Lack of space in detention centres is, however, a further obstacle to removal. Space in detention centres has been cut sharply in recent years, with the number of centres down from 13 to 10 which means space for roughly 3,200 people down from 4,400. In the post-Windrush climate that number is likely to fall further. Though it should be noted that many more people enter immigration detention centres, around 30,000 a year, than are removed from the country involuntarily—only around 6,000 (excluding the foreign national offenders who almost all leave direct from prison).

Detention centres are designed for high-risk offenders and people who are on the point of being deported. Holding people in such centres for a short period prior to removal is normally essential to the process of forced removal. But the Home Office should differentiate even more than they already do between detention centres for high-risk offenders that are, essentially, prisons and those for normal involuntary removals who are just passing through for a night or two. The latter still need to be closed institutions that can prevent people absconding but they should be smaller than the more prison-like institutions and with a very different atmosphere.

One detention centre in particular, Yarl's Wood near Bedford, has been a constant source of controversy. It is the largest centre, with space for 400 people, which makes it feel more like a prison than most of the others. Most of the adult women and families who are detained there, often for several months, resent their prisoner-like status and there has

been a long history of depression, deaths, suicides and hunger strikes.

A final obstacle to deportation is a lack of cooperation on the part of failed asylum claimants and receiving countries over identity documents. To remove people a national identity document is required for the country they are being removed to. A passport is the best and few countries will refuse to take back an illegal immigrant if they have one. But claimants know this and generally destroy their passports or other identity documents or send them home by post.

Most countries, about 100 overall, will accept the new biometric identity document that the UK authorities create for the individual. But some significant countries with high levels of immigration offenders, such as India, Algeria and Pakistan, do not generally accept the UK documents.

This combination of legal and political obstacles to deportation is one reason for the government's shift to the so-called "hostile environment" policy (officially renamed compliant environment even before the Windrush scandal) launched by Theresa May, then Home Secretary, in 2012. If deportation is increasingly difficult, then the alternative is to make it less comfortable for people here illegally to function in British society through making it harder to work, rent a flat, open a bank account, acquire a driving licence, access education, health or welfare services and so on. This is a kind of ID card status-proving system without ID cards. Many of these measures began under Labour in the late 1990s and early 2000s and were developed by the Coalition government with legislation in 2014 and then by the Conservative Government in 2016.

Employers are now, in the main, aware of the importance of checking the status of employees, especially in London, and the Government provides a free online Biometric Residence Permit checker to establish the right to work. They can now be fined £20,000 for hiring an illegal worker. In 2016/17, there were 2,478 fines levied totalling just under £40 million, up by 138 per cent since 2008/9 when fines were first introduced. However, collection of fines appears to be rather relaxed, with only £15m of that £40m collected by early 2018. Between 2009/10 and 2015/16, fines totalling £179 million were imposed but of that, just £57.4 million had been collected. Employers are permitted to spread payments over three years and are given discounts for settling early.[21]

Enforcement officials also complain that it is too easy for companies to escape sanction by closing and re-opening under a different name, especially for small operations like shops and restaurants. And the vast majority of raids undertaken by enforcement teams will be on premises with a previous record of hiring illegals.

It is too early to tell whether the more intense hostile environment policy is making any difference. Critics claim that it merely drives people further underground while ensnaring too many innocents. The Chief Inspector has pointed out that there are no tools in place to measure its effectiveness.

Prior to the Windrush scandal officials described it as a kind of "nudge" policy, nudging the public and gate-keepers in the public sector not to turn a blind-eye to illegal immigration but rather to see it as

21 http://www.bbc.co.uk/news/uk-23535938

something corrosive to law-abiding citizens and businesses and often associated with the exploitation of vulnerable people.

Front-line enforcement officials tend to see the public, and the government itself, as rather ambivalent about illegal immigration: willing the ends but often too squeamish about the means—deliberately making life a lot harder for illegals and then forcibly removing them, sometimes with physical force. They complain about the half-heartedness of the Government's Immigration Taskforce, which was supposed to coordinate cross-departmental efforts across Whitehall to enforce the hostile environment. (They also face active opposition from human rights groups like Liberty and from more militant "anti-raids" groups opposing any sort of immigration controls who sometimes attack enforcement vans, especially in south London.)

The Windrush scandal and the hostile environment

The hostile environment, and the way it operates, came under intense scrutiny in April 2018 when the Windrush scandal broke causing a national outcry and sending a shock wave through the Home Office. From the end of 2017 the *Guardian* (and *The Voice*) had been reporting on cases of elderly Caribbeans, and sometimes their children, who had been inadvertently caught up in the hostile environment—some denied NHS treatment, others not allowed back into the country and up to 63 (as of mid-May) thought to have been deported.

This group, along with some other first wave post-colonial immigrants (including white Canadians), had been granted Indefinite Leave to Remain in 1971 but had never acquired the documentation to prove it. For several decades this did not matter and as people who felt themselves to be obviously British it simply did not occur to many of them to acquire any kind of proof of status (around 30,000 in this group had never applied for a British passport). Many of them would also not have known that Indefinite Leave to Remain lapses if you leave the country for two years or more. (Some retired Caribbeans live a dual life straddling Britain and their country of birth where they often own a property.)

But as compliance requirements intensified in recent years, a small number of Windrush cases got caught in the hostile environment net. It is true that some immigration NGOs had been warning of these historical anomalies when the legislation was intensified in 2014—most notably Fiona Bawdon's prescient Chasing Status report for the charity Legal Action Group that described the plight of several innocent people already caught up in the over-zealous application of the hostile environment.

Some of these warnings came from open border, anti-immigration control lobby groups that complain about all and every kind of restriction so were easily dismissed. But there were also voices inside the Home Office itself warning about historical groups who might get wrongly trapped by the new system. The priorities of a powerful Home Secretary who was on a crusade to tighten border controls after years of latitude meant that these voices were not listened to.

When Amelia Gentleman's *Guardian* stories started to appear at the end of 2017 the department should have taken more notice. Indeed it is clear, with hindsight, that when drawing up the original hostile environment legislation there should have been more proactive thinking about Windrush type anomalies. A lack of institutional memory is one explanation for this failure, maybe also a lack of people of Caribbean (or similarly relevant) background at the top of the department who might have recalled that an elderly relative was still travelling on, say, a Jamaican passport and had never become a citizen.

One former senior official explains: "Yes there have been moves towards a tick box system for documents to establish status, which is dangerous when we don't have a national ID register and some long term migrants don't have documents. Back in the 1980s I came across quite a few of these cases when people had been arrested and we were called out to establish immigration status. The difference is that we used common sense and we knew the history and how things had worked at the border over the years. That corporate memory has evaporated in recent years."

There were other factors in play. Resource pressure meant that all the onus was on the potentially irregular person to come up with the relevant documents with no help from officials. Moreover, the law in this area, indeed nationality law in general, is inordinately complex and full of rules that many people are unaware of: for example, if you only have Indefinite Leave to Remain, you cannot live outside the country for more than two years.

In the department's defence it might be pointed out that even as the *Guardian* stories rolled out there was no high-profile organised campaign on behalf of the undocumented Windrush generation as a specific group, as there was for the Gurkhas or the Calais children, just a series of unfortunate people caught up in a bureaucratic nightmare. But as the cases mounted up in the first few months of 2018, it was clear there was a generic problem. The Home Office was far too slow to acknowledge that generic problem.

The hostile environment has now been facing a hostile environment of its own as many of the Windrush campaigners try to blame it for the egregious oversight which has led to harassment of hundreds, maybe even a few thousand, of mainly Caribbean people. But so far the Government has resisted attempts to abandon the idea of bringing the border inland to make life harder for illegals in the hope that they might self-deport. A policy that has, as we have seen, in part been necessitated by the difficulty of deporting people in the normal way in the era of human rights law.

At the time of writing (at the end of June) a few, mainly presentational, adjustments have been made. Sajid Javid in an appearance before the Home Affairs committee in mid-May did announce the scrapping of deportation targets and the ending of bonuses linked to deportation and detention. (The Government also agreed to scrap a scheme under which NHS Direct shared the details of 3,000 patients with the Home Office to check their immigration status.)

This sends a potentially demoralising signal to the people working in deportation and detention, implying that both activities are inherently

unjust, underlining the complaint that the Government, and public, will the end but not the means of deportation.

This is not to say that the hostile environment is above criticism. Clearly, the Home Office has needed some sort of Ombudsman type figure that, as recommended by the Chasing Status report, people can appeal to in the event of status-proving problems emerging for people who are legitimate (something similar will be needed for EU citizens). Moreover, Windrush also revealed how few rights immigration detainees have. Yet there should surely be a presumption of innocence for people who have obviously lived in the country for decades and officials should help people sort out their documents. Something like this was established at least temporarily in the shape of the Windrush Taskforce.

The problem for those caught up in the Windrush scandal was not only ignorance about what was required of them in terms of proving their status but in some cases being unable or unwilling to afford the quite high costs of regularisation.

The scandal lifted the curtain on the very high charges that are made for visas and most forms of regularisation, including citizenship. There is nothing wrong in principle with charging for visas especially for work/ business visas. Charging significantly above the cost of processing a visa for highly skilled workers also functions as another way of controlling demand and nudging employers to train people already here rather than reaching for an already trained professional from abroad.

As argued earlier a review of the whole fee structure is overdue, but it seems especially anomalous to pursue an income maximising strategy for regularisation and citizenship procedures. Both to avoid Windrush-type situations and to encourage integration/identification with the country the high charges that are currently levied on citizenship applications, running at well over £1,500 for an individual and nearly £5,000 for a family with two children, should be substantially reduced. Nor should people have to pay fees to prove a status they already possess.

Furthermore, an ongoing awareness-raising campaign is needed both among potential victims of status harassment and among staff at the DVLA, Job Centres and other places that deal with people with irregular status.

Some creative thinking is also needed in two areas. One of the unavoidable problems with internal borders/status proof regimes is that the people who are most likely to have to prove their status are people who do not look or sound like members of the settled ethnic majority. (Though this is not about whites/non-whites as now, and even more so after Brexit, the biggest single group of people who are likely to have their status checked when, for example, taking a new job, are white Europeans.)

According to the main private landlord association nearly half of landlords surveyed said that because of potential sanctions they would now be less likely to rent a flat or a house to someone without a passport (there are thought to be about 10m people living in the UK without a passport).

The only way around that problem is to require the main status-checking organisations such as a bank or a GPs surgery or the DVLA to

check everyone's status when signing on for the first time and for people to tolerate occasional spot-checks. That might be a nuisance for millions of members of the public but if, as we argue in the next chapter, we are moving towards a national ID system of some kind we will all, in any case, need to prove our status to the state more often. And people are already much more used to proving identity today whether online or picking up a parcel from the post office. This is especially true for young people who are used to having to prove their age in pubs and happy sharing large amounts of information with social media companies.

There is a second issue and that is about regularising at least some of the many illegals in "limbo" without going the whole way to an official amnesty. There is a large group of people, maybe 200,000 or 300,000, who are here illegally (though some may have arrived legally on a visa) but have survived for ten years or more.

These are people who are not, in the main, living in the twilight world of exploitation and criminality that applies to many more recent arrivals. Many will be part of the large residual population of people with forged identity documents. Since 2008 all non-EU people in the country for more than 6 months without permanent residence or citizenship have required a Biometric Residence Permit (BRP) that is hard to forge, but those here before 2008 were not required to switch. (Brexit provides an opportunity to disallow EU identity cards and require all EU nationals to register with a special database, as we shall see.)

Such people are often well-integrated, living in the mainstream, with National Insurance and NHS numbers and not victims of modern slavery type exploitation. And if they were to be discovered, they would almost certainly be able to bring a family life defence in the courts. They are the sort of people who become the focus of community and local newspaper "let them stay" campaigns. And we should let them stay.

Both for supporters and opponents of a tough immigration stance there is too much focus on involuntary deportation as a measure of success or shame. The main aim of policy is to reduce the number of people without legal status living in the country. Regularisation as well as deportation is a legitimate policy tool.

A general amnesty would send the wrong signal and must be avoided, and there is understandably a deep distaste for rewarding past bad behaviour. But this "long-term limbo" group should be invited to come forward, or when discovered, should be granted if not permanent residence then at least some status that accepts their right to stay. Brexit, as *The Times* has argued (April 27th 2018), provides a one-off opportunity for this reset. (And people who want to come out of the shadows to make a human rights application for residence should not be dissuaded by the £1,000 cost.)

But on the broad principle of hostile environment the Government should not budge too far. It should remember that, notwithstanding some ambivalence, the general public, of all ethnic backgrounds, is strongly allergic to illegal immigration and a 2013 opinion poll found that 82 per cent of people want to see stronger action to remove illegals.

Moreover, the only way of remaining a relatively high migration country while also reassuring the public that the (increasingly temporary) flows are controlled—that the authorities know who is here and for how long and can enforce the rules—requires bringing the border inland. After Brexit, EU citizens will continue to have the right to visit the UK without a visa but without the right to work here and live here permanently. This will need to be monitored.

Illegal immigration is not only unfair on legal immigrants who wait their turn in the queue and the employers and businesses who play (and pay) by the rules it also fosters a twilight world of criminality, dependence and exploitation in which modern slavery flourishes.

The Government should, indeed, more overtly link its hostile environment policy to the Home Office modern slavery/anti-trafficking initiatives, championed by Theresa May as Home Secretary, and to legal enforcement of minimum wage legislation, private landlord licensing and so on.

The NHS has in the past been reluctant to play any sort of migration status checking role. In the past few months there has been a pilot scheme in 12 NHS Trusts with an immigration officer identifying not only illegal immigrants who should not be using the service but also legal immigrants who should be paying for it because they are from outside the EU and do not yet have permanent residence (such people are meant to take out health insurance). In some cases this is bringing in millions of pounds a year and has had enthusiastic support from the top of the Department of Health.

Restricting NHS use sounds brutal but section 4 support for failed asylum seekers ensures that no one need be without support, so long as they are taking steps to leave the country. Accommodation, a payment card for food and essential items, and healthcare if necessary, is provided.

It is not yet clear whether the NHS pilot scheme will survive the reaction against the Windrush scandal. The scandal has certainly rekindled the hostility of many professionals, especially in the public sector, to the idea of having to be "border guards".

Prior to Windrush, there had been some movement towards greater acceptance of status-checking and sharing migration data in the public sector and in universities. One senior enforcement official, speaking before Windrush about illegal immigration, said that the public sector is still often reluctant to share data but is improving, while in the private sector catering, cleaning and construction are particularly bad at checking status. The Greater London Authority, he said, acts with "minimum integrity" meaning they do the least they can get away with.

Nudging to the exit and reforming asylum law

Deportation numbers are not likely to rise sharply in the near future and after Windrush the hostile/compliant environment has lost some public legitimacy. This will take time to win back. (And some groups are less susceptible to the hostile environment because they tend not to have bank accounts and are protected by a large diaspora community.)

But there are small steps that could be taken. One simple thing is just to send people a text or letter informing them that their visa period is coming to an end. This both reminds the forgetful and warns the potential illegal that the authorities are monitoring them. A trial with this is taking place now.

The system of keeping track of known illegals, mainly failed asylum seekers or overstayers who have been picked up by enforcement, could also be improved (as proposed recently by the Chief Inspector, see the report "An Inspection of the Home Office's Reporting and Offender Management Processes, December 2016 to March 2017").

Currently, about 80,000 known immigration offenders have to report monthly or quarterly to one of about 30 reporting centres around the country (with about 10 per cent reporting to police stations). Another 60,000 have been through the reporting process for a period and have stopped attending.

The reporting system is meant to not just keep track of people but also interview offenders about their welfare, prepare documents for an involuntary exit or encourage a voluntary exit. The Government's Voluntary Returns Service Guidelines offers not only support with travel costs, and healthcare if necessary, but up to £2,000 per eligible person in a family group for reintegration in a home country.

About half of the 80,000 who sign on are in London and as many as 1200 offenders a day report to one reporting centre, Becket House near London Bridge station, which means that interviews are necessarily perfunctory.

This is an obvious point where more resources both in case worker time and possibly in the amount that is offered to encourage offenders to leave would be both humane and should also show a decent return on investment given the high cost of forcible returns (ten times higher than voluntary).

As Barbara Roche, a former Labour immigration minister, put it: "Removal takes too long and it's emotional." For this reason, non-coercive, "pay to go" programmes have obvious attractions and usually have the support of even pro-mass immigration NGOs. The International Organisation for Migration (IoM) currently runs over 100 such programmes—including help with reintegration into a home country—but, generally, with rather limited results.

The one big "pay to go" success story was the return of many of the 700,000 Bosnian refugees who found temporary refuge in Europe during the Balkan conflict. About 250,000 of the 350,000 who were resident in Germany returned in the three years after the Dayton agreement of 1995.

The IoM used to run the UK's scheme, but it was brought in-house a few years ago. An expanded scheme with a bigger carrot than the £2,000 currently on offer for eligible individuals in family groups from the Voluntary Returns Service should be considered. As most returns would be to developing countries, and often involving some of the most energetic and able people from those countries, helping with reintegration (perhaps including help to set up businesses) could be linked to development policy and draw on development aid.

Such non-coercive schemes need to be backed up by the threat of coercion—as the Bosnian scheme in Germany was—and with a strict prohibition on return within a certain period, as pointed out by the 2011 Migration Policy Institute report on pay to go programmes. The report points out that very little research has been done on whether significantly increasing the financial incentive would have any impact. (It expresses scepticism about the impact because of the stigma attached to being a failed migrant.)

The other obvious, though politically sensitive, reform is to bring greater pressure to bear on the main overstayer countries—Ghana, Nigeria, China, Pakistan, Bangladesh and India—which are, in the main, reluctant to accept back immigration offenders or rather will not accept the validity of the identity documents created by the UK authorities.

There are two pressure points that the UK Government could use. First, aid could be withheld from countries that do not cooperate in taking back immigration offenders. Second, many countries that have high levels of immigration offenders, such as India, are also lobbying for easier visa access to the UK. Theresa May called on India in November 2016 to help more with such offenders in return for concessions on visas for Indians travelling to the UK.

In the case of India, a memorandum of understanding was in fact signed in January 2018 that does pledge India to accept back most immigration offenders on UK documentation. According to a report in *The Times* (May 9th 2018) the full agreement was due to be signed at the Commonwealth leaders meeting in April but, possibly because of fears arising from the Windrush scandal, the signing was postponed. There are estimated to be about 100,000 Indians living here illegally. The Home Office says the number removed, both voluntarily and involuntarily, fell from 7,724 in 2014 to 4,254 last year. Possibly in retaliation for the refusal to sign the memorandum of understanding, India was left off the list of 26 countries who will in future have to provide less documentation for student visas.

The UK rightly takes asylum seriously. But the global asylum system is a mess. On the one hand the 1951 convention with its demand that people be granted asylum if they have a "well-founded fear of persecution on grounds of race, religion…" has been extended through case law to include tens of millions of potentially successful applicants. Most people living in a country with traditional codes of behaviour can claim persecution by liberal western standards, especially if they are a woman or gay. And their number has been further swelled by EU directives requiring that refuge is provided to people whose countries have experienced violent conflict.

On the other hand, even the most obvious legitimate asylum seeker, such as the opposition leader of a dictatorial African state who has already survived attempts on his life, has no front door method of claiming asylum. He is not allowed under the 1951 convention to claim asylum at the British embassy in his own country, though he might be able to in a neighbouring one. (Someone as important as the African opposition leader would probably find it easy enough to fly to London, with or without

a visa, and then claim asylum. But this would not apply to an equally deserving case such as the gay son of a senior Taliban leader.)

The UK does not have an especially restrictive approach to asylum. It grants around one third of applications (close to half on appeal) which is slightly above average for similar countries. And asylum judges can draw on advice about conditions in different countries from an expert research unit. Yet people often have to go through the most convoluted and undignified ordeal to get here.

It is time that an open, legitimate method of claiming asylum was established that would, among other things, relieve some of the pressure on the system as it now stands. It is a waste of resources to expend effort on preventing the entry of people who turn out to be legitimate asylum seekers.

Some application system outside the country that would allow apparently secure asylum cases to be fast-tracked should be considered. Much greater use of private sponsorship of asylum seekers, as is common in Canada, should also be encouraged; it both helps with integration and spreads the cost of asylum between the state and individuals of goodwill.

A redrafting of the 1951 Convention is politically difficult but it could be helpful in limiting the legal inflation of the idea of persecution and also in allowing a "front door" application for asylum at embassies in the country of origin. A ruling that says that if you do not claim asylum at once, you should not be allowed to do so at a later date (excepting exceptional circumstances like a military coup) would also be helpful in reducing the number of opportunistic claims.

Ideally, too, a less adversarial legal approach to asylum might produce better outcomes more swiftly. A considered assessment from independent experts from the various relevant agencies, with some right of appeal, could perhaps be offered as an option to claimants.

Most western societies have deep "embedded rights" that even non-citizens can access once they are in the country's legal space. Combined with the related obstacles to deportation this produces a huge incentive for risk-takers from poor countries to try their luck at entering a rich country, usually young men with access to at least some resources.

For that reason, it will become essential in the long run to move the sorting process for asylum seekers outside of the rich countries themselves: in embassies in countries of origin (although that could cause embassies to be over-run), or in asylum camps in special zones in North Africa or the Middle East.

As Paul Collier and Alexander Betts have argued in their book *Refuge*, it is far better, especially in situations of conflict, for rich countries to invest more in decent, temporary refugee camps with schools, clinics and workplaces in neighbouring countries than to encourage large, and unpopular, movements of people into rich countries. Such temporary movements invariably, though not always, become permanent causing political resistance in rich countries and draining away the most capable and best educated people from the poor countries.

The Smarter Border and Identity Management

The mantra of all senior border officials in all developed countries is: 'automate the low risk/high volume aspects of the border so far as possible, to allow resources to be switched to the more complex labour-intensive aspects of security management and visa/asylum selection.'

The most advanced border systems will in the foreseeable future usher travellers into the country without having to show passports using instead face recognition, or iris-recognition, technology based on photographic and biometric data the traveller has earlier lodged with the border authorities, and which has been cleared against the security databases. People then walk through a biometric capture area or corridor dotted with CCTV cameras and anyone deemed to be 'of interest' or not positively recognised is stopped.

Dubai is planning something like this with a 'virtual aquarium' in the biometric capture area to attract the attention of travellers towards face-recognition cameras.

Australia is also a world leader in the way it collects and integrates data. In theory it could use facial recognition cameras at border points without the need for human contact or passports or even E-gates. Most experts say that facial recognition is the future, though it is unlikely to be in widespread use soon.

Such advanced systems are likely to be introduced first in countries, like Australia and Dubai, where airport traffic is far lower than at a Heathrow or JFK. Other futuristic ideas that could soon be a reality include using mobile phones with embedded passport and biometric data instead of a paper passport.

But increasing the efficient processing of low risk people and freight does not mainly require futuristic technology. It requires wider use of already existing trusted traveller and trader systems and the sharing of more extensive information to allow secure pre-clearance of the maximum number of people and goods.

Almost 95 per cent of people who currently arrive in the UK do not require a visa and provide no more information than the API/TDI data provided by their carriers, so there is plenty of room for improved data collection. Given the sharply rising number of travellers combined with the Border Force target of clearing UK and EEA travellers through passport control in less than 25 minutes and non-EEA in less than 45 minutes, that room for improvement will be needed for the smooth operation of the border.

Freight is already ahead of passenger traffic in some respects. If you visit the two biggest UK ports for imports from outside the EU—Felixstowe and Southampton—you will see thousands of pre-cleared containers pouring through every day with almost nothing being stopped (there are just 48 Border Force staff at Southampton overseeing the arrival of thousands of containers a day). This is despite the fact that the goods inside the containers are having to comply with complex EU rules, standards and in some cases tariffs.

One reason this happens so smoothly is because the big logistics companies, like Kuehne & Nagel, are not involved in a one-off transaction and their reputation could suffer damage if they were found to be gaming the system. The pre-clearance data they provide about their cargoes can thus almost always be trusted, though big ports will still randomly check about two per cent of imports as a deterrent.

(This is not completely unproblematic, especially when it comes to declaring the value of a cargo. There is currently no serious sanction against under-declaration beyond having to pay the extra duty if caught. Chinese exporters have been systematically under-declaring the value of cargo, especially that going through UK ports like Southampton, exploiting the high degree of trust in the system. The EU is now bringing a case against the UK Government for not acting earlier to stop this practice.)

For frequent travellers to the UK the potential next move is some kind of Electronic Travel Authorisation (ETA) "visa lite" such as the US's Electronic System for Travel Authorisation (ESTA) which takes about 15 minutes to fill in, costs $14 and usually lasts a year or more.

All frequent travellers to the UK from non-visa countries, including EU citizens after Brexit, could register for a frequent traveller ETA and thereby qualify for a special fast-track passport line.

The EU is planning to introduce its own version of a visa-lite, an ETIAS, for all non-Schengen countries so a UK version would be a simple act of reciprocity towards EU citizens. (There is also a case for charging a small amount, say £10, as with the ESTA in the US, and ploughing the money back into improving the border experience.)

An ETA would be especially valuable for non-visa travellers from outside the EU, such as the US or Japan, who are not usually allowed to use E-gates. The UK already allows low-risk frequent travellers from over 40 countries to enrol to use the E-gates for fixed periods (so-called Registered Travellers), but it makes sense to expand this group to anyone who registers for the ETA.

It is vital that EU citizens after Brexit continue to use the E-gates to prevent long queues. Indeed, a higher proportion could do so if the UK uses its power to disallow the use of EU country ID cards at the border, insisting instead on passports with biometric chips (a necessary condition of using an E-gate). As EU citizens will no longer have an automatic right of entry, this will also require the UK authorities to waive the right to question them about the purpose of their visit.

E-gates have been one of the technology success stories of recent years. From the first trials at Stansted and Manchester in 2008, and notwithstanding

some teething troubles, E-gates are now used more in the UK than any other country (they are not used in either the US or Canada). About 80 per cent of travellers at Stansted and 60 per cent at Gatwick use E-gates (the 30 E-gates at Stansted are the largest installation of their kind in the world). Heathrow, however, still lags behind as do many smaller regional airports.

There are currently 254 E-gates installed across 22 UK locations (including juxtaposed borders). The aim is for all low-risk passengers to use them as the primary route through the border. In 2017 there was a 50 per cent increase on 2016 usage of E-gates and over the past year almost 75 per cent of eligible passengers used the gates. The target is for over 60m passengers from 2018 to use E-gates.

The E-gate both checks that the person presenting the passport is the same person whose picture is in the passport chip as well checking the person against the Warnings Index databases. This takes about 8 seconds and requires just one Border Force official keeping an eye on 14 screens, a significant labour-saving. A 45 per cent match between the current face and that in the chip is considered sufficient and only about 3 per cent of all E-gate users are refused.

Encouragement of more registered, ETA visa-lite trusted travellers and, hence, more extensive use of E-gates is a practical and achievable goal of a smarter border. Children under 12 should eventually be able to use the gates too, thereby speeding up flows in the busy holiday season when adults and children travel together.

One of the best examples of a fast track (though non-E-gate) system for low-risk, frequent travellers is the US's Global Entry system. Members of the programme go to special Global Entry kiosks and present their machine-readable passports which verify their identity through fingerprint recognition. And at Heathrow some of the airlines pushed for, and paid for, special fast-track, shorter queue options for first class passengers.

More politically sensitive but overdue for discussion is greater flexibility in use of the operating mandate that insists that every traveller is individually checked by a border official (or by E-gates overseen by a border official).

There have in fact always been small caveats to the rule in the case of cruise liners, for example. And it should surely be possible for groups of travelling school children or old age pensioners from low risk places to be handled as a group.

The cruise liner sector has developed its own model of passenger pre-clearance in which Border Force officials board cruisers, from say Germany or Italy, a couple days before they dock to clear all the passengers so they can swiftly leave the ship on bus tours when they arrive at, say, Southampton. It is also now common for cruise ships to send passenger (and crew) lists to the UK before docking so that Border Force can make a decision about whether to examine passengers personally.

Where the border is least smart and most technologically backward is in the labour-intensive area of individual casework in the visa and asylum departments. This work is still often dominated by paper files and hand-written notes, though papers and physical files are not always inefficient.

Most analysts, including the National Audit Office (NAO), believe that the next focus of technology upgrade should be here.

The Immigration Casework Programme (ICW) was, along with E-borders, one of the big recent technology failures. It was commissioned in 2010 but was abandoned in 2013 at a cost of £350m according to the NAO. The system was said to "freeze" regularly and could not link, as intended, to other Government departments.

The ICW has been replaced with the Immigration Platform Technologies system which is also said to have run into difficulties. Critics in the IT press and elsewhere say that it was not wrong to move away from big private sector contracts after several high-profile failures but there is now too little joined up thinking or corporate memory, so different IT consultants work away in different areas with little overview. It is hoped that the demands of Brexit could act as a catalyst to fresh thinking in this area.

Identity management inside the UK

Tony Blair wrote this about ID cards in his 2010 autobiography *A Journey*: "I was convinced they were necessary for two reasons: firstly, I could see no other alternative to dealing with illegal immigration… Secondly, I thought that over time ID cards would help to simplify transactions in both the public and private sectors, which are nowadays the warp and woof of ordinary living. Mortgage transactions, bank withdrawals, credit cards, underage drinking, dealing with a myriad of public services, welfare—all of these interactions frequently require some form of proof of identity."

The Blair government tried to introduce a voluntary identity card scheme in 2007 but what was originally a very popular idea—and is commonplace in continental Europe—lost momentum amid anxieties about ever-rising costs and "big brother" scare stories.

The initiative was abolished by Theresa May in 2010 when she became Home Secretary. It was a tempting target for a Conservative party that at a stroke could increase its appeal to young liberals and libertarians.

The combination of the persistent problem of illegal immigration plus the new demands placed on the system by Brexit—and possibly the Windrush scandal too—have put some kind of national identity system right back on the political agenda. Public support for an ID system has come most loudly from the Blairite wing of the Labour party in the shape of Blair's own think-tank the Institute for Global Change backing it (in a paper by former Ed Miliband adviser Harvey Redgrave) along with Anna Turley MP, the commentator David Aaronovitch and two former Labour Home Secretaries Charles Clarke and Alan Johnson. Many influential figures on the communitarian centre-right, such as Nick Timothy, support the idea too though it is strongly opposed by more traditional Tories including Jacob Rees-Mogg.

A sense of population fluidity combined with very open access to the welfare state significantly exacerbates immigration-related anxiety, a feeling that nobody is really in charge of comings and goings and social entitlements.

One senior Home Office official told me he believed that even more

damaging than the famous release of foreign prisoners incident (which led to the resignation of Charles Clarke as Home Secretary in 2006) was the admission, by David Roberts, then Head of Immigration Enforcement, to a select committee that same year, that he had "not the faintest idea" how many people were living in the country illegally.

But since the last failed ID venture, Britain has actually developed a rather successful and effective identity management system that could act as a model for a national system.

The existing system that has been referred to several times already in this report is the Biometric Residence Permit (BRP) that all nationals from outside the EU are required to own if they are in the UK for more than six months. These cards have now been routinely used by more than a million people, with little argument or controversy, to securely prove their immigration status and to regulate their access to employment and public services.

The BRP is very hard to forge and has a biometric chip and machine readable zone and is compliant with the rules of the International Civil Aviation Organisation, which sets the global standards on passport issuance. It is also cheap, costing just £20.

This quiet success story means, as suggested earlier, that it could be relatively straightforward to roll out the BRP to all non-nationals including EU citizens after Brexit.

In fact, however, the Government is planning something even simpler for the identity scheme for the estimated 3.6m EU citizens currently residing in the UK, which will be rolled out later this year after extensive "beta" testing. When an EU citizen registers via the new online system, they will acquire a "settled" or "pre-settled" status (depending on whether they have lived 5 or more years in the UK), which will be linked to a digital database and reference number that is unique to each EU citizen.

This "EU Citizens Number" is based on either a passport number or a national ID card number they provided to prove their identity during the registration process, including photographic and biometric evidence. (If an EU Citizen changes their passport or ID card, if it is lost or expires, it is their responsibility to update the Home Office and provide their new reference number.)

Both settled and pre-settled status, including those who arrive between March 2019 and 31st December 2020, will secure EU citizens rights and access to public services in the UK, essentially putting them on the same level as UK citizens (though without voting rights in national elections). Someone with pre-settled status who hits the five year mark will be automatically upgraded. The only difference between the two categories is that threshold limits for time spent abroad without having to relinquish their UK settled status are higher for those granted full settled status.

The Home Office promises that the registration scheme will be user-friendly and without complex evidence demands on EU citizens. Sajid Javid said in June 2018 that he would "not be looking for excuses not to grant settled status" with people being asked to establish merely their identity and their residence in the UK and their lack of a criminal conviction.

Answers will then be checked against government databases and a decision given within two to three weeks.

The scheme will operate online, accessed via the Gov.UK service and via a smartphone app (limited to Android devices at present due to technical limitations imposed by Apple that are expected to be resolved soon). Also registration will cost no more than the cost of a passport, around £75.

Moreover, the Home Office has said that in order to foster a culture of 'we want to say yes', within the EU settlement programme, an entirely new team has been hired and trained to run both the technical services, call centres and individual case reviews for the minority of EU citizens with 'non-standard' situations that make it difficult to verify their legitimacy in the UK.

The department is consulting with user groups—EU citizens, employers, representatives of vulnerable groups—on the design of the scheme. And the department is in the process of increasing staff levels on the registration scheme to a total of 1500. The Treasury has made around £400m available to the Home Office for Brexit related costs, including the registration system and digital identity scheme.

It is vital, however, that the lessons of Windrush are learnt: there will be some EU citizens maybe even several hundreds or thousands who will slip through the net and some kind of body, a status Ombudsman, should be established to provide quick justice for those who do. It is already clear that one lesson has been learnt: Home Office staff will proactively assist EU citizens in filling in forms and seeking relevant documents.

Moreover, the Home Office is embracing the latest technological innovations both in terms of the back end and the user facing interface. Specifically, for many EU citizens who have worked and paid taxes in the UK the process of proving their residency and duration of time spent in the UK will be largely automated via a direct connection between the Home Office's settlement system and databases held by HMRC on tax filings made by EU citizens. The fallback system is equally straightforward, with proof of identity being demonstrated via scanned or photographed copies of official letters being uploaded to the system by applicants (for example, a council tax letter or bank statement)

Security and privacy issues have also been considered. While data on EU citizens will be stored in a centralised manner, meaning the data itself, in the form of computer code and files, will reside on servers owned, operated and protected by the Home Office in what is known as a Tier 3 Data Centre, it is not susceptible to widespread mishandling or misappropriation.

Each EU citizen will access their own "digital identity account" where they can update details in the event of a name change, marriage or change in their passport number that serves as their unique reference code and login details for this system. Yet the data is not stored as one file but rather is tied to an anonymised second unique reference number assigned to each EU citizen that is held by the Home Office and known only to Home Officials on a 'need-to-know' basis. This allows each individual piece of data held about a person to be stored separately with encryption.

This system not only adds a crucial layer of security and user trust in the system but also aids its widespread use across government with the potential benefits for improving Government services.

For example, to verify an EU citizen's settlement status for the purposes of employment, an EU citizen must log in to the Home Office system using their passport and an additional piece of verified data, say a selfie photograph taken on a smartphone, that can be compared to the one held by the Home Office with their biometric records.

At this point the EU citizen receives a unique 4-digit code that they can then share with the employer or any public service body with the recipient being able to simply enter the code via the Home Office's new EU settlement verification service to receive verified proof of an EU Citizen's current settlement status and any relevant personal details. This mechanism means no more data is shared than necessary and is never physically transferred to a third party.

The EU identity scheme should be seen as a trial run for a scheme that could include UK citizens too. This could be the subject of a separate report, but it is worth noting how relatively simple and unobtrusive such a system could be.

The promise is of a secure ID system that can create much greater clarity and transparency in relations between the individual and the state and also make it much harder for illegal immigrants to remain in limbo, and thus remove the need for a hostile environment.

The system should not require a physical ID card or BRP, let alone the obligation to carry one as was the case in the second world war (the card was phased out in 1952).

It is true that there is low confidence in government to manage large scale IT projects well, and there are widely held worries about privacy and decision-making error, exacerbated by Windrush. A successful EU scheme could decisively reduce these anxieties. The security benefits and reassurance factor in an age of social fluidity are significant and most Europeans are already used to owning national ID cards. Moreover, all younger citizens who use mobile phones and social media are comfortable sharing copious amounts of information with commercial organisations and if they live in the UK having their every step watched by CCTV cameras.

As Baroness O'Neill of Bengarve put it in a recent House of Lords debate: "Is it not quaint that we still have people who imagine that ID cards are a threat to civil liberties, who walk around with mobile phones that constantly give away far more information than any ID card."

Conclusion and Recommendations

Despite the justified criticism heaped upon the Home Office over the Windrush scandal, the UK border is in better shape today than it was 10 years ago. Brexit provides a new set of challenges, though more for the movement of goods than people.

For EU citizens after Brexit there will be no automatic right to enter the country nor a right to stay indefinitely nor a right to work without permission. But assuming we will persist with visa-free travel for EU citizens for short visits the biggest change will be in the area of managing work permits and, probably, the requirement to have a UK digital identity.

The most appropriate arrangement after Brexit is to have a light-touch work permit system for skilled professionals with a guaranteed 10-day endorsement (or rejection) period but with more restrictive arrangements for low skill workers. (This will require a review of the current Tier 2 cap of 20,000 for skilled workers from outside the EU.) Various well established non-permanent migration schemes such as the Youth Mobility Visa and Intra-Company Transfers can also be extended to EU states, though new arrangements will be required for the self-employed. (See the Policy Exchange report *Immigration After Brexit*, January 2018.)

Most of the challenges of Brexit and increased cross-border movement, can be met by accelerating programmes and processes already underway: expanding the use of E-gates, an Electronic Travel Authorisation visa-lite for as many travellers as possible, simplifying the visa process for low risk groups, rolling out a new ID system to all non-citizens, entrenching migration status checks by employers and gatekeepers in the private and public sectors.

To repeat, there have been two aspects to the public disquiet about the immigration story in recent years: the first is simple scale but the second is management of people once here. The latter encompasses questions about who is in the country – are they legal or not, what do the authorities know about them?

A satisfactory response to this disquiet about population management requires continued focus on the problem of illegal immigration, preventing illegal entry in the first place and bearing down on the stock of illegals already here, albeit with extra awareness, since Windrush, of the danger of harassing innocents.

In this concluding section I pull together many of the suggestions for reform made in the report, both facilitating smoother passage and making both the external and internal border more secure.

External controls: Plugging holes at the physical border

The main route for clandestine entry into Britain is still on a lorry coming through Calais or Dunkirk. The recent investment in staffing and detection systems there seems to be paying off, with a sharp drop off in the numbers caught trying to get through (from 80,000 as recently as 2015 to 30,000 last year). This will also be the result of closing the Calais camp. The Home Office should continue to invest in this protection and perhaps experiment with more Co2 detection systems and the new technologies for scanning people and vehicles "on the move" that are being trialled on the Canada-US border.

Coverage of General Maritime and General Aviation remains patchy, especially the former. I listed earlier several low-cost ways to increase maritime security including extending coastal radar beyond Dover, giving harbour masters a more formal role in passing over information about visiting vessels and investing in a small fleet of RIBs (rigid-hulled inflatable boats) located in smaller ports that could play both a security and public reassurance role. Coastal security is sometimes complicated by the fact that there are so many competing authorities jostling for position. A single coastal authority is not a realistic proposition but the Government should seriously consider the proposal of Admiral Lord West for a single post with the authority, when necessary, to direct all departmental coastal assets, to be located at the NMIC operations centre in Portsmouth.

One of the biggest anomalies at the UK border is the fact that the TDI (Travel Document Information) for rail and ferry operators is a pale shadow of the API (Advanced Passenger Information) for airlines. Brexit provides an opportunity to bring the rail and ferry operators closer into line. The TDI information for rail and ferry passengers is only sent to the National Border Targeting Control once an individual has checked in, rather than 24 hours before a flight in the case of API, leaving insufficient time for proper checks to be made. Rail and ferry operators should be obliged to send information about pre-booked passengers far earlier. Special allowance has to be made for travellers who just turn up for train or ferry journeys but even these travellers can have their details sent to the authorities more swiftly than at present.

Finally, there is the Common Travel Area with Ireland which will not be touched by Brexit but is regarded by most border officials as a semi-open backdoor both into and out of the UK. Passengers entering Ireland from the rest of the world, who can then enter the UK by crossing the border into Northern Ireland and then onto the mainland with no checks, are not subject to the same Warnings Index checks as people coming directly to the UK. And although Ireland-based carriers can provide API data to the UK authorities, this is not yet happening in any systematic way.

Internal controls: Deportation / hostile environment

The Government needs a post-Windrush hard cop/soft cop strategy. At the moment the system can be too hard where it should be soft, towards people who have lived here for decades struggling to prove their status, and too soft where it should be hard, moving more decisively to remove

people after their asylum appeal has failed.

The Home Office is too often on the back foot in arguments about the internal border. In a country like Britain with tens of millions of annual visitors without the right to stay or work, not having strict internal controls is equivalent to not really having a border. For various reasons to do with lack of ID cards, the pull of the English language and an open labour market, and the existence of large diasporas from all corners of the earth, the UK has historically been an attractive destination for illegals—hence the Calais camp. In recent years, as we have noted, significant progress in visa processing and elsewhere has been made to make it harder for people to abuse the system. But the stock of illegal immigrants remains significant and is being added to in the region of 15,000 to 20,000 a year.

Illegal immigration is socially corrosive. It makes inner-city Britain less law-abiding and tends to most negatively impact recent legal immigrants. Vigorously combatting it makes Britain a fairer country and action to do so should be more confidently and overtly linked to the enforcement of the minimum wage, private landlord licensing and action against modern slavery. Ten years ago the debate over bogus colleges was won. Notwithstanding Windrush, the argument needs to be won again with the gatekeepers to employment, housing and public services.

More decisive on removals.

A combination of carrots and sticks is required to both reduce the pool of visa overstayers and failed asylum seekers and send a signal to future potential offenders. More investment is needed in the reporting system for failed asylum seekers, currently covering 80,000, doing everything possible to encourage people to leave voluntarily, including offering more money. The Home Office should consider a joint scheme with DFID to help returnees set up businesses in their countries of origin. Most important of all, the Home Office should move to an "end game" much more decisively after asylum appeals have failed.

To that end two further things are required. First, it is vital to raise the status and improve the training of UKVI asylum caseworkers, especially those involved in legal proceedings. There are not enough Home Office presenting officers to make the case at immigration courts and there is too much dependence on independent barristers who are often ill-prepared and ignorant of the finer points of immigration law. Second, instead of reducing space in detention centres we should be increasing it. We need even more differentiation between dangerous or threatening detainees and the majority who do not want to be deported but accept their fate. For the latter we need more, smaller detention centres with a pleasant, non-prison like atmosphere. Finally, we need to bring more pressure to bear—via foreign aid, or visa permissions—on countries that continue to refuse to accept back failed asylum seekers, including India.

Avoiding another Windrush.

Is there a tick-box culture at the Home Office that reduces initiative and can lead to the persecution of innocent people as in the Windrush case? Yes, as there is in most organisations. But it is potentially more damaging at the Home Office because of the existential decisions that it is so often making, and will be making again after Brexit in the case of many EU citizens. Two things are required to combat this culture. First, a greater respect for institutional memory and those who have served over several decades even if they are not high-fliers. Second a review of the level at which decisions are made with a view to ensuring that important decisions are not being made by junior administrative grade staff or there is some clear mechanism for switching to more senior officials. An official status checking Ombudsman, attached to the Home Office but independent of it, should be established in order to deliver speedy adjudication in disputed cases (with some limited restoration of legal aid for such cases if necessary).

In relation to the wider "hostile environment" issue, the Government must not give way on the basic principle that in a modern society with high flows of people across the border, without permission to work or stay, the border has to be internalised. It is vital that pressure is maintained on employers and public service managers to check status, and tough action taken against those who are found not to be doing so. (The hostile environment is in part a deterrent system; it is thus very hard to measure its effectiveness, though greater efforts to do so should certainly be made.) People who do not look and sound like the ethnic majority are more likely to be subject to status checks, and the only way round this is to make sure that, so far as possible, everyone is checked and everyone is subject to spot-checks. Finally, the combination of Windrush and Brexit is a good moment to review the regularisation process for long-term illegals. Any sort of general amnesty must be avoided but there are several hundred thousand people who have been living in the mainstream, having arrived on forged documents, who should be encouraged to regularise their status. Currently, such people have to wait 20 years before they can do so, serious consideration should be given to reducing that 10 years.

Identity management

Britain is a country that wants to remain open but does not want to change too fast. In a rough and ready way our immigration system is starting to deliver that outcome, even though current levels of net immigration are still too high for most people. Just consider the recent levels of gross and net immigration and the relatively low levels of people being granted permanent residence, averaging around 60,000 a year in the past few years. (It is, perhaps, a shame that the Government did not choose permanent residence as opposed to net immigration for its tens of thousands target.) But what these recent numbers tell us is that Britain has a very high level of temporary immigration, mainly for work and study. That in turn requires an effective system of monitoring those who are not entitled to work, or stay permanently or use public services (without paying insurance). That kind

of monitoring without a modern system of citizen identity management is extremely hard and requires sub-contracting much of the work to civil society in the shape of employers, landlords, DVLA staff, public service professionals and so on. In such circumstances, inconsistent application of rules and egregious mistakes like the Windrush saga are hard to avoid. So, the one good thing to come out of Windrush is a renewed public debate on ID cards or digital identities. As the report has stressed several times, the Biometric Residence Permit has worked well since 2008, and we are about to embark on an experiment with a unique number identity system for EU citizens. The system will allow an employer or landlord to log in, using their number, to a database with their identifying characteristics and their residency and work status. The combination of the shame of Windrush, the developments in identity technology and the arrival of smart phones (and peoples' more relaxed approach to sharing information about themselves in a properly protected way) has changed the whole tenor of the argument. Assuming the EU digital identity experiment is a success, a future Government should press on and roll out the system to the whole country. It should initially be voluntary and, ideally, the greater convenience it would provide in interactions with public bodies would make it popular and thus easy enough to declare mandatory at some point in the future.

Smoother passage

Every summer at peak holiday time there are horror stories in the newspapers about waiting times at British airports. It is a useful reminder that the border is not just about stopping people (and goods) we don't want in the country. It is also about the smoothest possible passage across the border for the vast majority of people (and goods) that we do want; an increasingly important factor in visiting or doing business here. To that end the constant refrain of border officials is make things as swift and safe as possible for low risk people and groups in order to concentrate resources on the protection function. And the more information you have about people before they arrive the more confident you can feel about classifying them as low risk. To that end the medium-term objective should be an Electronic Travel Authorisation-style visa-lite for all non-UK citizens, something that takes a few minutes to fill in and could last a year or more. (The EU is proposing something similar for all non-Schengen countries, so for EU citizens after Brexit it would be a simple act of reciprocity.) The extra hassle of filling in a form for people from the EU and from non-visa countries like America should be more than compensated for in a smoother progress through an airport. In the short term, after Brexit the Government should stop allowing EU citizens to enter the country on easy to forge EU identity cards. This would also increase the potential use of E-gates, which should in future be available for all non-visa entrants with suitable passports. That would also imply flexibility on the operating mandate, waiving the need to ask EU citizens (who will no longer have the automatic right to live and work here) how long they intend to stay and whether they intend to work. A final generic recommendation is for

simpler and swifter visa processes for low risk groups, indeed application processes in general. Again, it might be possible to learn useful lessons from the mass registration of EU citizens starting this autumn. This process is already underway with student visas for 26 countries—including the US, China, Argentina and Cambodia—needing to provide less documentation.

Future investment

The UK border has been doing more with less in recent years as numbers crossing the border and applying for visas has continued to rise while the Home Office border function has borne its share of austerity, with gross spending falling about 20 per cent from £3bn in 2011 to £2.3bn in 2016. Considering the greater salience of border-related issues, a remarkably small proportion of public spending (0.3 per cent) is spent on the border, though the UK is not significantly out of line with comparable countries. Brexit will bring extra costs and numbers will continue to rise, and there is a strong case for an increase in border spending as a proportion of GDP or allowing the Home Office to keep a higher proportion of the income it receives (mainly from visas) now running at almost £2bn a year. The Treasury has earmarked £3bn extra for Brexit costs and the plan for the border to break even over the next few years should be dropped, this is far too significant a part of the national infrastructure. The Home Office is, however, not particularly good at strategic cost-benefit thinking. For example, how much priority should be given to driving down visa overstaying from 3 per cent to 2 per cent compared to spending more on deportation centres or asylum tribunals or paying people more to leave or further investment at Calais to prevent clandestine entrants? It is hard to come to sensible decisions on priorities unless one has some idea of relative costs. These figures are not easy to establish but a small investment in more reliable estimates could pay handsome dividends.

Brexit, the Irish border dispute, the Windrush scandal and technological change have placed the UK border under the microscope as never before in recent years. For this is the era not of the elimination of borders, as it is sometimes claimed, but of the smarter border. Britain is a country that wants to remain open but does not want to change too fast. After Brexit, Britain will remain a hub economy and society with high levels of immigration, albeit less of it permanent. More temporary movement requires more monitoring to establish that people are leaving when they are meant to and only working if they have permission to do so.

Britain's border is in better shape than the headlines after Windrush suggest. For almost 10 years after 1997 the system was simply overwhelmed by numbers. But the laissez-faire border of the 1990s and 2000s, symbolised by the abolition of exit controls, has now been replaced with a more controlled one.

Public disquiet about immigration in recent years has been partly about numbers but also about the management of people once here. High flows across the border combined with citizen reassurance requires an internal border and status-checking for employment and public services. In the long run mistakes like Windrush can best be avoided by building on identity management systems like the one being developed for the 3.6m EU citizens who will remain settled here after Brexit. This experiment with a unique number system should be a trial run for a national system.