Raising awareness of the clandestine entrant regime, codes of practice and accreditation.

Engaging with the sector.

September 2016

All Legislation refers to the Immigration and Asylum Act 1999
Why does lorry security matter?

- **Cost** Home Office estimates £9,000 to £17,000 for dealing with each asylum application (2009)

- **Security risk** eg known threat from UK nationals radicalised abroad

- **Risk to driver’s safety** from migrants attempting to enter the UK clandestinely

- **Damage to vehicles and loads** - industry estimates high costs as a result of migrant activity
Current position

• Maritime juxtaposed controls at Calais, Coquelles and Dunkerque

• 2015 – British and French authorities detected more than 84,000 attempts at illegal entry at juxtaposed ports. This rose from 35,000 in 2014

• In a recent sample of over 500 HGVs at Calais port 62% arrived berthside unsecure. In the same sample 79% of Soft sided vehicles were unsecure.
Legislation

• A clandestine entrant is a person who passes, or attempts to pass, through UK immigration control concealed in a vehicle (Section 32 of the Act).
• The Home Secretary may require the person responsible for a clandestine entrant to pay a penalty, currently set at a maximum of £2,000 per clandestine (Section 32 of the Act).
• Two Codes of Practice govern what is expected of hauliers and drivers in preventing the carriage of clandestine entrants and the level of penalty that can be imposed in a given set of circumstances.
• These provisions are intended to deal only with those who carry clandestine entrants to the UK as a result of negligence or carelessness.
• Money collected goes to the Treasury consolidated fund and are not retained by the Home Office.
Consultation

- The Home Office has proposed:
  - Revising both the ‘prevention of clandestine entrants’ and the level or penalty’ codes of practice;
  - Modernising the prevention code to take account of sector best practice – keeping the same structure;
  - Revising the level of penalty code seeking consistency and transparency – in a new format;
  - Considering the maximum penalty level
UK strategic approach

Support the compliant with best practice; change the behaviours of the complacent; and penalise the non-compliant and effectively punish hauliers who are complicit in illegal entry
Support the compliant with best practice

• Regular engagement between Border Force and trade bodies (haulage and consignees)

• Publish guidance, checklists, and lorry security/safety posters

• Translation of documents into key European languages
REMEMBER YOUR VEHICLE CHECKS

SECURE
CHECK
RECORD

REPORT ANYTHING SUSPICIOUS TO
Immigration Enforcement Hotline: 0200 123 7000
or Crimestoppers: 0800 555 111 quoting “I’ve
FOR MORE INFORMATION ON SECURING YOUR VEHICLE VISIT
www.gov.uk/secure-your-vehicle-to-help-stop-illegal-immigration
www.gov.uk/report-immigration-crime
JOIN THE CIVIL PENALTY ACCREDITATION SCHEME TODAY

Border Force | CIVIL PENALTY ACCREDITATION
Available security equipment not deployed.
Change the behaviours of the complacent

- Partnership working with Traffic Commissioners (UK haulage sector regulator)
- Clandestine civil penalty regime – charge those bringing in clandestines if vehicle is unsecure
- Two codes of practice – (1) how to secure a vehicle, & (2) how to set the level of penalty
Day to day operations

- When encountered at port with a clandestine entrant, an IS11 notice of potential liability is served on a driver/operator and owner/hirer, requesting evidence of compliance with prevention code of practice.
- If penalty applicable (effective system could be in place) 60 day limit to pay.
- A notice of objection can be provided to the Home Sec within 28 days at which point the Home Sec can then cancel, reduce, increase or take no action with the penalty;
- An appeal can be lodged to the county court on the grounds that a party is not liable or that the amount is too high;
- The court can then allow the appeal and cancel the penalty, allow the appeal and reduce the penalty or dismiss the appeal.
Accreditation

• Companies can join an accreditation scheme to help reduce penalties.
• To qualify, they must have an effective security system for their vehicles. They must also make sure the system is used properly. This includes training and checking drivers.
• Companies in the scheme must continue to meet all the requirements to avoid being fined.
• Individual drivers can’t join the scheme. They can still be fined if their employer is in the scheme.
• Reviewing the associated accreditation scheme – This is the only regime where an accreditation scheme leads to a free pass. Would a significant reduction be more appropriate?
• What stops industry highlighting accreditation?
Support the compliant with best practice

- Haulier accreditation scheme – audited high standard of lorry security - Re-launched Summer 2015
- c. 450 accredited companies
- Published list of accredited companies who can use Home Office branding
- Advice to sector from Clandestine Entrant Civil Penalty Team
USE ON VEHICLES

Here are examples of how the accreditation mark can be used on vehicles.

When placed on a vehicle, the icon can also be used on its own.

CO-BRANDING

The Accreditation Mark can also be used in conjunction with other logos.

When used with other logos, the black version should be used. It is important to take into consideration the guidelines of both brands.

ACCREDITATION MARK

The Accreditation Mark has been created as a recognisable symbol for members of the Civil Penalty Accreditation scheme.

There are two ways of using the Accreditation Mark in any instance where the Accreditation Mark is visible to the public. It can be used on its own as an icon or with the Secured Checked Accredited (SCA) to highlight the security processes that have been adhered to.

Examples of use would be on a vehicle.

Use of the Accreditation Mark with Civil Penalty Accreditation can be used on internal documents and on documents to clients to highlight your membership. Examples of use would be on a letterhead.
What are the benefits of joining the scheme?

• If clandestine entrants are discovered in your vehicles, penalties will not be imposed on your company as owner or hirer of the vehicle, provided you are operating in accordance with the scheme.

• If your company consistently operates an effective system, there will be a reduced likelihood that clandestine entrants will be carried in your vehicles.

• Delays in vehicle movement following the discovery of clandestine entrants will be reduced.

• You will be provided with feedback on the performance of your system. This will help you to address potential problems to avoid future incidents.
Effective system - what do we ask of haulage companies?

• Five points indicate an effective system to prevent clandestine entry

• Provision of security devices (seals/locks/TIR Tilt cords)
• Provision of training
• Provision of written instructions
• Provision of checklists carried on vehicle
• A system to monitor the checklists
Effective system - what do we ask of drivers?

• Three points indicate an effective system to prevent clandestine entry
• Application of security devices
• Maintenance and checking of the vehicle security
• Completion and submission of a checklist
Penalise the non-compliant, and punish the complicit

• Detain vehicles of hauliers who do not pay civil penalties owed. BF always provide a final opportunity to pay debt before detaining vehicles – Conscious of avoiding delays of shipments

• Suspicious activity reporting online

• Criminal prosecutions for those complicit in illegal entry
**VEHICLE SECURITY CHECKLIST**

<table>
<thead>
<tr>
<th>Check</th>
<th>After loading Date:</th>
<th>1st Stop Date:</th>
<th>2nd Stop Date:</th>
<th>FINAL CHECK (2)</th>
<th>Extra check if time between 3rd party check + embarkation &gt;15 min.</th>
</tr>
</thead>
<tbody>
<tr>
<td>TIR cord tight and in place and checked (1)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Padlock in place and checked (2)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Seal/Padlock number</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Seal in place and checked (2)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Vehicle/trailer inside</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tilt and roof checked for damage</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>External compartments checked</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Below vehicle checked</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3rd party check (e.g. C02, FMVW)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cabin Check</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Time checked</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1. The TIR Security Cord should be checked physically for evidence of tampering. In particular for signs that it has been cut and resealed. If the Cord appears to be cut or otherwise tampered with, the vehicle should not be allowed to proceed.
2. Seals and padlocks should be checked physically to ensure they have not been cut or otherwise tampered with. If a lock or padlock is difficult to open or close this may suggest it has been tampered with.
3. If travelling through Calais, Dover or Dunkirk, the final check should be carried out before entering the UK Control Zone. If using another port the final check should take place immediately before boarding the ferry.

**REPORT ANYTHING SUSPICIOUS TO**

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or Crimestoppers 0800 555111
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FOR MORE INFORMATION ON SECURING YOUR VEHICLE VISIT www.gov.uk/secure-your-vehicle-to-help-stop-illegal-immigration
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Helpful links

• https://www.gov.uk/guidance/secure-your-vehicle-to-help-stop-illegal-immigration

• https://www.gov.uk/government/publications/civil-penalty-accreditation-scheme-accredited-haulage-companies

• https://www.gov.uk/report-immigration-crime