PRACTICAL MEASURES FOR REDUCING IRREGULAR MIGRATION

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Executive summary

The United Kingdom (UK) Government is committed to securing the UK's border and improving the immigration system in order to increase public confidence and reduce net migration (Home Office, 2010). This report outlines the practical responses undertaken to reduce irregular migration to the UK at key stages in the migration process: prior to entry/overseas (upstream), at the UK border, and inside the UK. The report also addresses options for irregular migrants to move out of an irregular status, through either the returns and removals processes, or regularisation.

This report defines irregular migrants as:

- those entering the UK illegally (clandestine entrants or those who enter through deception);
- those entering the UK legally but overstaying their visa;
- those entering the UK legally but who violate the conditions of their visa; and
- failed asylum seekers and those absconding during the asylum application process.

KEY MESSAGES

The clandestine nature of irregular migration and the lack of a common definition mean that it is difficult to produce robust estimates of the irregular migrant population in the UK. In the last decade there have been two robust estimates of the irregular migrant population in the UK, giving central estimates of 430,000 (range 310,000 to 570,000) in 2001 (Woodbridge, 2005) and 618,000 (range 417,000 to 863,000) in 2007 (Gordon et al., 2009). Alongside these estimates, administrative data reflecting operational activity can be used to provide an indication of some types of irregular migration-related behaviour.

With the election of the new UK Government in 2010, immigration policy in the UK has emphasised the need to control abuse of the immigration system and reduce the level of net migration. This aim, therefore, encompasses the goal of reducing irregular migration. Policy on irregular migration is the business of the Home Office, with the UK Border Agency providing the frontline services to enforce this policy. European and domestic legislation are key influences on the UK's approach to irregular migration. This includes penalties and sanctions applied to those who facilitate irregular migration and employers of illegal migrant workers.

The Home Office and UK Border Agency work with other government departments and civil society to combat irregular migration. This includes co-operating on joint initiatives, such as working on upstream communication with the Foreign and Commonwealth Office, working to restrict access to public services that irregular migrants are not entitled to (for example, social security benefits) and action to prevent unlawful employment, which often involves exploitative conditions and can be a pull factor for irregular migrants. The Home Office also works with many non-governmental corporate partners that assist with implementing government policy, for example, the charity Refugee Action delivers voluntary return schemes for the UK Border Agency.

The UK has a strong emphasis on using upstream initiatives in key countries of origin and transit in order to reduce the scale of irregular migration towards the UK. Communications programmes overseas disseminate messages about the risks of irregular migration to the UK and the realities of life as an irregular migrant in the UK. Intelligence-based measures enable the UK to reduce the number of people travelling to the UK who have no right to enter. For example, the e-Borders programme checks data before passengers travel and alerts authorities to those who may pose a threat to the UK. The e-Borders programme will also assist the UK

Government in developing a fuller picture of the incidence of overstaying by comparing arrivals and departures data once rollout is complete in 2015. The Risk and Liaison Overseas Network provides training to authorities in other countries to detect fraudulent and misused documents carried by people who should not be admitted to the UK, and works with airlines to prevent such individuals from boarding flights.

Juxtaposed controls in France and Belgium enable the UK to detect irregular migrants before they reach the UK mainland. In 2010, 4,176 individuals were refused entry to the UK at juxtaposed controls, some of whom could have become irregular migrants had they not been detected. Juxtaposed controls represent an example of international co-operation (in this case between the UK, France and Belgium) having a real impact on irregular migration.

The emphasis at the UK border is on ensuring only those with genuine permission to enter the UK are admitted, and on preventing clandestine entry. Since the UK is not a member of the Schengen Area, it retains its national border controls. However, it does co-operate with other EU Member States on border control, for instance with Ireland and the Common Travel Area. Efforts at the UK border focus on ensuring passengers are holding the correct documentation to admit them to the UK, ensuring they are the rightful holder of that documentation and that the passenger qualifies for entry under the Immigration Rules. The UK Border Agency uses a variety of technological measures and specialist staff to detect irregular migrants attempting to enter the UK. One of the main technologies available to the UK Border Agency is biometric information, fixing identities to individuals. This means that it is more difficult for migrants to use documents that are not rightfully theirs to enter the UK.

It is thought that the largest proportion of the total number of irregular migrants in the UK is likely to comprise overstayers rather than illegal entrants. However, despite the strength of the UK's upstream and border controls, some irregular migrants manage to evade detection and enter the UK. Once in the UK, irregular migrants can be detected using Intelligence reports and then apprehended by the UK Border Agency's enforcement teams. The UK Border Agency co-operates with other government departments and agencies to protect public services from misuse.

The introduction of sponsorship under the Points-Based System (PBS) is a key tool that the UK Border Agency uses to combat illegal working. The PBS places more responsibility on employers and educational institutions to make sure that migrants coming to the UK under their sponsorship comply with the Immigration Rules. In addition, employers found to be employing illegal workers having failed to carry out specified document checks are liable to heavy financial penalties. Key to preventing irregular migrants from establishing themselves in the UK is the provision of a simple and secure means for employers and public service providers to establish identity and status, and the UK Border Agency is rolling out the provision of biometric residence permits to nationals from outside the European Economic Area (EEA) who are granted permission to stay in the country for more than six months.

If an irregular migrant is detected within the UK, they should leave the UK voluntarily, or the UK Border Agency will consider enforcing their removal. Some migrants are able to regularise their stay in the UK on a case-by-case basis, but the UK does not conduct wide-scale amnesty exercises for irregular migrants. Regularisation is only considered where there are exceptional compassionate circumstances; for example, the UK granted leave to 1,787 individuals under the long residence (14 year) rule in 2010.

Irregular migrants may be eligible for a voluntary return package, which allows them to return to their country of origin with some financial help, and means that an enforced return is not necessary. The UK Border Agency prefers that those without permission to stay in the UK should make their own arrangements for a dignified departure. However, some irregular migrants may need to be returned to their country of origin under the enforced returns process, which may include a short period in immigration detention. Joint returns operations with other countries and international organisations, such as FRONTEX (the agency that co-ordinates operational activity at the EU external border), allow the UK to return more individuals to more third countries than would be possible without co-operation.

International co-operation allows the UK to develop more effective measures against irregular migration, and also strengthens the response of other EU Member States and third countries. The sharing of best practice is a key theme, and the UK looks to share its expertise wherever possible. Legislative agreements such as EU Readmission Agreements mean that the UK can work more efficiently with other countries to effect returns. Agreements with other EU Member States, such as the Evian Agreement with France, make the effort to reduce irregular migration more co-ordinated and coherent across the Member States. The UK is also a keen participant in FRONTEX activities, believing this to be beneficial to both the UK and the EU as a whole.

The UK is strongly supportive of the common goal of reducing irregular migration in the EU. Although the UK has not opted in to all EU measures on irregular migration, it aims to achieve this goal through domestic policy and practice that aligns with EU measures. Although the UK does not participate in some of the EU Directives aimed at combating irregular migration (for example, the Sanctions Directive), UK policy aims to achieve the same outcomes whilst remaining appropriate to the UK's situation. That the UK did not participate in border elements of the Schengen Agreement and has retained its national border controls is an important element of UK migration policy, although it is keen to work with other EU Member States and institutions on measures that the UK feels are more effective than its national policies. The UK is also active in undertaking programmes under the European Return Fund.

1. Introduction: objectives, methodology and definitions

The UK Government is committed to tackling irregular migration and abuse of the immigration system whilst remaining open and accessible to those migrants with a legal right to be in the UK.

The Government elected in May 2010 committed to securing the UK's borders and improving the immigration system in order to increase public confidence and reduce net migration (Home Office, 2010). Tackling irregular migration and abuse of the system are central to this aim. In a speech in late 2011, the Prime Minister outlined that the Government would "deal with all the different avenues – legal and illegal – [and] then…net migration to this country will be in the order of tens of thousands each year, not hundreds of thousands".[1] The Prime Minister also called on members of the public to help in this cause by reporting suspected irregular migrants to the UK Border Agency.

The drivers for irregular migration can be varied and complex and can include economic motivations, family reasons, personal circumstances and fear of persecution. Likewise, the push and pull factors that cause irregular migrants to leave the UK can vary from family responsibilities and homesickness to perceptions of a hostile environment in the UK. This complexity can make it a challenging phenomenon to study, and means that practical responses are rarely straightforward.

Irregular migration is a concern amongst some sections of the British public, with a recent opinion poll finding that the majority of respondents supported reductions in illegal immigration over and above reductions in other forms of migration (Migration Observatory, 2011a). This finding held true even amongst the minority of the British public who did not support reductions in immigration overall. Research also shows that the British public and the media tend to overestimate the numbers of illegal migrants in the UK (Transatlantic Trends, 2010).

There is no definitive count of the irregular migration population in the UK. The hidden nature of irregular migration and lack of a common definition mean that a precise statistical measure remains elusive. Attempts have been made to estimate the UK's irregular migrant population, but they are of varying quality and contain many caveats. The most recent robust estimate gives a figure of 618,000 (range 417,000 to 863,000) irregular migrants in the UK at the end of 2007 (Gordon et al., 2009). UK Border Agency enforcement data can provide some indication of different types of irregular migration activity (for example, clandestine entrants and overstayers) although this will only reflect those irregular migrants who have been detected, and will reflect operational activities and priorities at the time (see section 6 for further discussion of data on irregular migration).

Despite the challenges of measurement, a variety of practical responses have been adopted in the UK to help tackle the issue of irregular migration. These practical initiatives are the focus of this report, taking place at different stages in the migration process:

- prior to departure in the source country;
- at the UK border;
- within the UK; and
- during the returns/removals process or regularisation.

1 Prime Minister's Speech on Immigration, 10 October 2011, available at: **www.number10.gov.uk/news/prime-ministers-speech-on-immigration/**

However, the difficulties in measuring irregular migration combined with the nature of some of the UK's practical responses means that it is rarely possible to quantify accurately how effective interventions are.

Irregular migration is a challenging issue for any government to tackle. The UK believes that co-operation with and the sharing of information between countries can help EU Member States and third countries to reduce irregular migration more effectively than countries could individually.

1.1 OBJECTIVES

This study aims to outline the practical responses the UK undertakes to reduce irregular migration.

The aims of this study are:

- to examine the historical and political approaches to irregular migration in the UK;
- to outline UK policy and legal frameworks in relation to irregular migration;
- to provide an overview of practical approaches to reduce the number of irregular migrants in the UK ;
- to review transnational co-operation in the area of irregular migration;
- to explore the availability of data and methods of data collection used by the UK to estimate the irregular migrant population, and the costs of implementing practical measures to reduce irregular migration;
- to explore the effects of EU policy and legislation on UK policy and practices; and
- to draw conclusions about the effectiveness of the practical responses to reduce irregular migration and highlight examples of best practice.

This report contributes to the knowledge base on irregular migration by drawing together information from public and government sources. This report is intended to fill knowledge gaps on current UK practices with regard to reducing irregular migration, and will attempt to draw together the most up-to-date and relevant evidence on the scale of irregular migration to the UK for sharing amongst EU Members States, policy makers and the wider public.

The study covers the practical measures undertaken by the UK overseas (section 3.1), at the UK border (section 3.2) and in the UK (section 3.3). It also examines the options for irregular migrants to move out of irregular statuses (section 3.4). However, it does not cover practical measures that form part of the visa issuing process. This is discussed in the European Migration Network (EMN) study 'Visa Policy as a Migration Channel'.[2]

2 See: **http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do%3bjsessionid%3dE1876252AA1F659D363E4A3075174997?entryTitle=03_VISA%20POLICY%20as%20a%20Migration%20Channel** for the national and synthesis reports for this study.

1.2 DEFINITIONS

Irregular migration has no official definition in the UK. For the purpose of this report, the following types of migrant are classed as irregular:[3]

- people who have overstayed their visa or their maximum visa waiver period (overstayers);
- people who entered the UK legally but have violated the conditions of their visa so that the conditions for granting the visa/permit are no longer satisfied (for example, illegal working);
- people who have not left the Member State territory upon a final negative decision on their application for international protection (failed asylum seekers);
- people who have absconded during the application process for international protection and did not leave the UK;[4] and
- people who have entered the country illegally[5] (clandestine entrants and those who enter by deception, for example, with false documents).

However, this definition is not used by all researchers and policymakers in the UK. The UK Government regards the groups listed above as irregular migrants. However, research organisations and Non-Governmental Organisations (NGOs) sometimes use different definitions. Some regard only illegal entrants as irregular migrants, some include overstayers, some illegal workers. There is also a debate as to whether the children of irregular migrants should be classed as irregular themselves.

Although not the case in all EU Member States, in the UK migrants who have entered the country legally and are still within the time limit of their visa but have broken the conditions of their visa (for example, by working illegally) are regarded as irregular migrants by the UK Government. This is because once the conditions of the visa have been broken it becomes invalid and the migrant should leave the country.

This study does not cover victims of trafficking. Although it is acknowledged that human trafficking can be considered as a form of irregular migration, it falls outside the scope of this study.

1.3 METHODOLOGY

This study was written by staff in the EMN UK National Contact Point (NCP), based in the Home Office Science Directorate (HOS). This study was based primarily on desk research. HOS staff consulted widely with Home Office and UK Border Agency colleagues to ensure that the report covered all the relevant areas. They also identified the key sources of data and key pieces of literature used in the debate on irregular migration.

3 This study uses the term 'irregular' migration rather than 'illegal' migration. Although these terms are both used in the literature, it is widely regarded as inappropriate to refer to a migrant as 'illegal'. A migrant may have an illegal status but they cannot be an illegal individual (since it cannot be said that existing is in itself illegal). Therefore, the migrant is 'irregular' but their status is 'illegal', see Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly, available at: **http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1509.htm**

4 There are some additional groups of people who may also be considered irregular. For example, those who abscond from temporary admission, and people against whom deportation proceedings have been initiated following contact with the criminal justice system. However, these are thought to be relatively small in number.

5 Examples of illegal entry include entrance via smuggling (as distinct from trafficking), clandestine entrants, crossing the border with false documents or fraudulently stating purpose of stay.

In the UK, statistics on irregular migration fall into two main categories: population estimates and administrative data. The most robust population estimates in the UK have drawn on Census data to give an estimate of the irregular migrant population in the UK (Woodbridge 2005; Gordon et al., 2009). Administrative data give an indication of the number of irregular migrants and types of irregular migration-related behaviour encountered by the UK Border Agency, for example, the number of people apprehended for being illegally present in the UK. Section 6 outlines some of the methodological considerations in gathering statistics on this subject, and gives an overview of the most robust evidence available.

Where possible, the report outlines the evidence of how effective each practical response is. However, for some of the measures discussed in section 3, it is not possible to measure exactly how effective they have been. This may be because the measure does not have a specific measurable outcome (for example, communications campaigns) or because it is not possible to identify the specific effects of inter-related measures (for example, precisely which measure has caused a reduction in Inadequately Documented Arrivals). However, for many of the measures the evidence shows their effectiveness clearly (for example, e-Borders).

2. Policy and legal framework in relation to irregular migration in the UK

2.1 NATIONAL POLICY AND LEGISLATION TOWARDS IRREGULAR MIGRATION

(A) OVERVIEW OF CURRENT NATIONAL POLICY AND APPROACH TOWARDS IRREGULAR MIGRATION IN THE UK IN RELATION TO PRE-ENTRY, ENTRY, STAY AND REMOVAL

The UK Government welcomes legal migration where it is beneficial to the UK economy and society, but the Government also aims to control the immigration system so that only those with the appropriate permission are entitled to enter and remain in the UK. The programme for government released in May 2010 states:

> "The Government believes that immigration has enriched our culture and strengthened our economy, but that it must be controlled so that people have confidence in the system. We also recognise that to ensure cohesion and protect our public services, we need to introduce a cap on immigration and reduce the number of non-EU immigrants." (HM Government, 2010)

The Government is committed to securing the UK's borders and improving the immigration system in order to increase public confidence and reduce net migration (Home Office, 2010). Tackling irregular migration and abuse of the system are central in helping reduce net migration.

Specific goals set out in the programme for government regarding irregular migration include:

- the creation of a dedicated Border Police Force, as part of a refocused Serious Organised Crime Agency (part of the Home Office) to enhance national security, improve immigration controls and target trafficking of people, weapons and drugs;
- supporting e-Borders and the re-introduction of exit checks; and
- introducing new measures to minimise abuse of the immigration system.

In the UK, policy regarding irregular migration is the business of the Home Office. Rather than one centralised policy on the issue, irregular migration is covered by a number of different policy areas (for example, illegal working policy, detention policy, removals policy), with central oversight provided by a Policy Director. Specific policy initiatives relating to different aspects of the migration process are outlined in section 3, with details of the implementation of these and associated 'practical responses'.

The UK Border Agency, an Executive Agency of the Home Office (see section 2.2), is responsible for maintaining the frontline services that implement policy on irregular migration, that is, safeguarding the UK border and ensuring that only those with the appropriate permission are granted entry to or allowed to remain in the UK.

The Home Office also co-operates with a number of other government departments on issues that impact on policies on irregular migration. For example, the Home Office works with Foreign and Commonwealth Office (FCO) colleagues overseas to communicate messages about the dangers of irregular migration and the reality of life as an irregular migrant in the UK (see section 3.3 for more details on intra-agency work on irregular migration).

(B) OVERVIEW OF LEGISLATIVE FRAMEWORK IN RELATION TO IRREGULAR MIGRATION IN THE UK

Migration and asylum in the UK are governed by a combination of primary and secondary legislation.[6]

Control of irregular migration within the UK is based on the use of primary legislation contained within the Immigration Act 1971[7] and amended by subsequent Acts up to and including the 2007 UK Borders Act.[8]

Legislation to address irregular migration prior to entering the UK

e-Borders

The e-Borders programme is one of the UK's most important programmes in the context of preventing irregular migration. It enables the UK to collect and process travel document information for passengers in advance of travel to enable the UK authorities to check those travelling to or from the UK against watchlists (see sections 2.1d and 3.1 for more details). It is governed by several pieces of legislation.

The powers for the UK Border Agency and the police to obtain passenger, crew and service data from carriers in advance of movements into and out of the UK (and the duty for the UK Border Agency to share this data internally) is covered by the Immigration Act 1971 as amended in 2006 and the Immigration, Asylum and Nationality Act 2006.[9]

The travel data that an immigration or police officer can require from ships, aircraft and trains entering or leaving the UK is covered by the Immigration and Police (Passenger, Crew and Service Information) Order.[10] This provision is made under the Immigration Act 1971 and the Immigration, Asylum and Nationality Act 2006. Coverage of the Channel Tunnel route was provided by the Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2007.[11]

Legislation to address irregular migration at the UK border

Under the Immigration Act 1971, illegal border crossings into the UK and staying in the UK illegally are criminal offences,[12] but are generally dealt with using administrative powers of removal. Facilitating another individual to breach immigration law is also an offence under the same Act.

The facilitation of breaching immigration law is also covered by the EU Facilitation Directive.[13] This Directive calls on EU Member States to impose sanctions on facilitators (individuals who assist irregular migrants to enter, transit through, or stay in Member State territory without permission from the Member State).

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6 For more details on UK immigration legislation, see the UK Annual Policy Report 2010 on the EMN website: **www.emn.europa.eu**
7 **www.legislation.gov.uk/ukpga/1971/77/contents**
8 **www.legislation.gov.uk/ukpga/2007/30/contents**
9 **www.legislation.gov.uk/ukpga/2006/13/contents**
10 **www.legislation.gov.uk/uksi/2008/5/contents/made**
11 **www.legislation.gov.uk/uksi/2007/3579/contents/made**
12 Legislation in the UK refers to 'illegal' acts rather than 'irregular'. However, for the purposes of this report the term 'irregular' migration rather than 'illegal' migration is used (see section 1.2 Definitions).
13 **http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:328:0017:0018:EN:PDF**

Legislation to address irregular migration during the period of stay in the UK

The Immigration Act 1971 gives powers to Immigration Officers (IOs)[14] to enter domestic and commercial premises with search warrants to search for those suspected of currently or previously committing an immigration offence. The UK Border Agency can then use administrative powers to remove immigration offenders from the UK.

Overstayers

In the UK, overstayers are covered by primary legislation in Section 10(1) of the Immigration and Asylum Act 1999[15]. This states that a person who is not a British citizen may be removed from the UK, in accordance with directions given by an IO, if "having only a limited leave to enter or remain, they do not observe a condition attached to the leave or remains beyond the time limited by the leave".

The UK Border Agency relies on the Singh v. Hammond judgement (1988).[16] This sets out the legal basis on which officers may, in certain circumstances, make enquiries about the immigration status of people present in the UK, away from the first point of entry and after the time when they first arrived in the UK. The judgement in Singh v. Hammond held that:

> "An examination [under paragraph 2 of Schedule 2 to the 1971 Act] … can properly be conducted by an immigration officer away from the place of entry and on a later date after the person has already entered … if the immigration officer has some information in his possession which causes him to enquire whether the person being examined is a British citizen and, if not, … whether he should be given leave and on what conditions."

On the basis of this authority, if an IO has a 'reasonable suspicion' in relation to an individual that suggests that that individual is an immigration offender, they may lawfully seek to stop that person with a view to asking them questions about their immigration status.

Operations using this judgement are often run in conjunction with the police; people stopped on other criminal matters can be referred to the UK Border Agency for questioning about their immigration status if the police officer has formed a reasonable suspicion that the person may be an immigration offender in the course of questioning that individual.

14 Immigration Officers working at the UK border are also sometimes referred to as Border Force officers (BFOs).
15 **www.legislation.gov.uk/ukpga/1999/33/contents**
16 **www.unhcr.org/refworld/category,LEGAL,GBR_HC_QB,CASELAW,GBR,3ae6b6cb14,0.html**

Legislation to assist with removal/return of irregular migrants

Detention

The power to detain an illegal entrant or a person liable to administrative removal[17] (or someone suspected to be such a person) is contained in the Immigration Act 1971:

> "If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs 8 to 10 or 12 to 14 [of the Act], that person may be detained under the authority of an immigration officer pending a) a decision whether or not to give such directions; b) his removal in pursuance of such directions."

The Nationality, Immigration and Asylum Act 2002 introduced a free-standing power for the Secretary of State[18] to authorise detention in cases where they have the power to set removal directions. The power to detain a person who is subject to deportation action is set out in the Immigration Act 1971 and the UK Borders Act 2007 (see section 3.4 for more details).

Temporary release

The power to grant temporary admission to illegal entrants and people served with notice of administrative removal who are liable to detention is set out in the Immigration Act 1971. This provides that the grant of temporary admission in irregular entry or administrative removal cases may be subject to restrictions.

A person who fails to comply without reasonable excuse with the terms attached to the grant of temporary admission commits an offence under the Immigration Act 1971. The decision on whether to charge a person or prosecute rests with the Crown Prosecution Service.

Immigration detention when under criminal charges

If an individual is being charged with a non-immigration-related criminal offence they can still be liable for removal from the UK. However, in practice the UK Border Agency does not seek to remove an individual whilst criminal charges are outstanding and does not seek to influence police decisions about whether or not to pursue criminal matters.

Where a person who has entered the UK illegally or person served with notice of administrative removal is granted bail by the court pending trial, there is no bar to continued detention under the Immigration Act 1971, but full account must be taken of the circumstances in which bail was granted.

17 This also applies to seaman deserters and port removals.
18 Or an official acting on their behalf.

Removal

Irregular migrants who have entered the UK clandestinely or through deception can be removed from the UK under the Immigration Act 1971. If there is evidence of which carrier the irregular migrant entered the UK on, then the carrier may be required to remove the migrant from the UK at their expense. However, if there is no evidence of the inward carrier, then the irregular migrant will be removed from the UK at public expense.

Protection of children

The UK Border Agency must carefully consider the welfare of any children under its protection when making decisions – for example, whether to remove a child, detain an unaccompanied minor, or whether to detain an irregular migrant who has children in the UK. The Borders, Citizenship and Immigration Act 2009[19] requires the UK Border Agency to carry out its functions with regard to the need to safeguard and promote the welfare of children.

(C) LEGISLATIVE PROVISION FOR PENALTIES OR SANCTIONS TO BE IMPOSED IN CASES OF IRREGULARITY

Irregular migrants may be detained and/or removed from the UK. In addition, there are penalties that can be imposed on irregular migrants and employers found to be employing migrants who are working in breach of their visa conditions (see section 3.4 for more details on detention and removal).

Under section 24 of the Immigration Act 1971 the following offences attract a maximum penalty of six months imprisonment or a fine of £5,000:

- entering the UK in breach of a deportation order or without leave;
- if, having limited leave to enter or remain in the UK, the individual remains beyond the time limited by the leave or fails to observe a condition of the leave; and
- failure, without reasonable excuse, to comply with any requirement imposed on the individual.

In practice irregular migrants are subject to administrative removal rather than prosecution, but the offences act as a deterrent against non-compliance and allow prosecutions to be pursued where appropriate.

The UK's prevention of illegal working measures are provided under the Asylum and Immigration Act 1996[20] and the Immigration, Asylum and Nationality Act 2006.

19 **www.legislation.gov.uk/ukpga/2009/11/contents**
20 **www.legislation.gov.uk/ukpga/1996/49/contents**

Employers can be liable for a civil or criminal sanction, as appropriate under the aforementioned Acts, if they employ someone who is:

- subject to immigration control;
- aged over 16; and
- is not entitled to undertake the work in question because:
  - they have not been granted leave to enter or remain in the UK;
  - their leave to enter to remain in the UK is invalid;
  - their leave has ceased to have effect; or
  - their leave is subject to a condition preventing them from accepting the employment.

The Immigration, Asylum and Nationality Act 2006 allows for issuing a civil penalty to employers of illegal workers who have not established a statutory excuse.[21] This civil sanction came into force on 29 February 2008 and applies to people employed on or after this date. The maximum civil penalty that may be issued (£10,000 per illegal worker) is set by the Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) Order 2008.[22]

The provision to mount a criminal prosecution of an employer that knowingly employs an illegal worker is also defined by the Immigration, Asylum and Nationality Act 2006. It applies to people employed from 29 February 2008. A conviction may attract a fine of £5,000 for each person employed illegally and/or imprisonment for up to six months. Following conviction on indictment, there is no upper limit to the level of fine that can be imposed and an employer may also be subject to imprisonment for up to two years.

The Immigration (Restrictions on Employment) Order 2007[23] specifies the documents that must be checked, copied and retained to establish a statutory excuse and the manner in which the notice of objection, in response to a notice of liability for a civil penalty, must be given and what it must contain.

This Order also introduced the 'Civil Penalties for Employers' code of practice providing guidance to employers on the requirements to establish a statutory excuse, and the 'Guidance for Employers on the Avoidance of Unlawful Discrimination in Employment Practice While Seeking to Prevent Illegal Working: Code of Practice' on avoiding unlawful discrimination when taking steps to establish an excuse.

e-Borders

Carriers are required to provide the passenger travel document information requested under the e-Borders programme (see above) and there are potential criminal sanctions for non-compliance. These are contained with the Immigration Act 1971, and are set at a fine of up to £5,000 and/or imprisonment for up to six months.

21 Employers are considered to have established a statutory excuse if they have carried out the required pre-employment checks and have retained the required documents.

22 **www.legislation.gov.uk/uksi/2008/132/contents/made**

23 **www.legislation.gov.uk/uksi/2007/3290/contents/made**

(D) CHANGES MADE TO POLICY AND LEGISLATION OVER THE LAST FIVE YEARS TO ADDRESS IRREGULAR MIGRATION

e-Borders

The e-Borders programme is one of the key ways that the UK combats irregular migration before migrants arrive in the UK by collecting and processing Advance Passenger Information (API). The primary legislation that enables the programme was enacted in 2006, following the API Directive.[24]

e-Borders works by taking travel document information from passengers and crew (via their air, sea or rail carrier) prior to travel and analysing it against watch lists of people of interest to the police, security and border agencies.

e-Borders is a key element of the Government's strategy to deliver robust border controls and support national counter-terrorism strategy. The key objectives of the programme are:

- to support the management of immigration to identify and deter those who have abused or seek to abuse the immigration system;
- to support the reduction of criminality by identifying, disrupting and deterring organised and cross-border crime, and identifying fugitives from justice;
- to increase efficiency and better management of border controls (end-to-end);
- to support the UK's counter-terrorism efforts using e-Borders data; and
- to create the opportunity for other government departments to benefit from e-Borders data.

e-Borders data can then be used to issue alerts to the UK Border Agency and other law enforcement and security agencies. This can identify individuals of interest to the UK Government before they arrive in or exit from the UK, which enables government agencies to intervene as necessary.

e-Borders does not yet cover 100 per cent of routes to the UK. Currently, e-Borders covers:

- 122 carriers on over 3,000 routes;
- 126.7 million passenger/crew movements per year; and
- 55 per cent of inbound and 60 per cent of outbound passenger movements from the UK.[25]

See section 3.1 for more information on how e-Borders has been effective in combating irregular migration.

Civil penalties

Civil penalties were introduced under the Immigration, Asylum and Nationality Act 2006, and were designed to encourage employers to prevent illegal migrant working, without criminalising those that are not completely diligent in their recruitment and employment practices. Prior to this, under the Asylum and Immigration Act 1996, illegal working was punishable by criminal sanctions only, which required a heavy burden of proof and resulted in only 30 convictions in 10 years. See section 2.1c for more details on civil penalties.

24 **http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0024:0027:EN:PDF**
25 Figures correct at November 2011.

Family removals

The use of immigration detention for families with children received a high level of public attention in 2010. Following the 2010 General Election, the UK Border Agency explored alternatives to detention for families and began several pilot projects investigate new ways of enforcing the removal of families without the use of detention. In December 2010 the UK Border Agency announced that no more children would be detained at Yarl's Wood Immigration Removal Centre.

A new four-stage ensured family returns process was piloted in 2010, focusing on engagement with families during the decision-making process and giving parents an opportunity to engage in the timing and manner of their return. The family returns process has now been rolled out nationally. As part of the new arrangements, the UK Border Agency has opened Cedars, a pre-departure accommodation near Gatwick Airport for families with children who have refused to comply with attempts to persuade them to leave voluntarily. Stays at Cedars are limited to 72 hours immediately prior to the family's planned removal, though this may be extended to a week in exceptional circumstances, subject to Ministerial approval. This new accommodation opened in August 2011 and is jointly managed with the third-sector provider Barnardo's, which provides the on-site welfare services. See section 3.4 for more details on removals.

Border Police Force

The Government elected in 2010 is committed to introducing a new Border Police Force (as part of the Serious Organised Crime Agency). This Border Police Force aims to improve immigration controls and address trafficking of people, weapons and drugs. The Border Police Force is planned to be operational by the end of 2013.

Biometric Residence Permits (BRPs)

Biometric technology enables the UK Border Agency to check a person against existing records and makes it more difficult for individuals to use false identity documents when the document includes a unique biometric identifier.

Since January 2008, visa applicants have been required to provide their fingerprints and a digital photograph as part of the visa application process. They are used from one end of the migration process to the other to confirm the identity of migrants the UK Border Agency comes into contact with. They enable the UK Border Agency to check if people have an adverse record in the UK under the same or a different identity in advance of their entry and to ensure that (where applicable) a visa or residence permit is being used by the person to whom it was issued and for whom it was intended. Biometric details are fixed and checked with identity records overseas, at the border and within the UK.

BRPs are credit card-sized and contain the holder's unique biometric identifiers (fingerprints and facial image) within a chip. The document also displays the facial image and biographical information, for example, the holder's name, nationality, date and place of birth, sex and immigration status. It includes details of whether the holder is allowed to access work or public funds. These secure documents are used to provide foreign nationals who have a legitimate right to be in the UK with evidence of their identity and immigration status. They are essential to maintaining immigration controls and to help foreign residents to prove their entitlements. BRPs help businesses to avoid mistakenly recruiting illegal workers and risking fines as a result, and assist enforcement officers on operations. See section 3.3 for more details on combating illegal working.

(E) POLICIES AND LEGISLATION THAT DO NOT DIRECTLY REFER TO IRREGULAR MIGRATION BUT WHICH MAY HAVE AN INDIRECT EFFECT ON IT

Tackling abuse through the PBS

The UK immigration system underwent a major change in 2008 with the introduction of the PBS for managing migration from outside the EU to the UK. The PBS consolidated over 80 routes of entry for work and study into 5 Tiers,[26] and aimed to simplify the entire system.[27]

The PBS was designed to be a flexible system to respond to changing economic conditions and labour market needs to ensure that only the required jobs and skills gaps were filled by third country nationals. The PBS was designed to be transparent in its decision-making process and sets clear standards and requirements for both migrants and their employers or education providers.

One of the other key drivers behind these changes was to ensure that employers and education providers play a much more active role in ensuring that migrants remain compliant with their leave to remain in the UK. Employers and education providers thereby take more responsibility for being involved in the UK's efforts to reduce irregular migration.

These increased responsibilities require employers or educational institutions to apply first to the UK Border Agency for a sponsorship licence[28] before they can recruit workers or accept students from outside the EU. Licensed sponsors must ensure that they do not employ or accept applications from non-EU migrants who are not eligible to come to (or stay in) the UK. They must also keep good records of the migrants that they employ or admit and must report any of their employees or students who do not report for work or study.

Sponsors are assessed according to how well they conduct their sponsorship duties, and their rating may be downgraded if they do not undertake their sponsorship duties satisfactorily. They may also be liable to a fine or criminal action (see section 3.3).

Highly Trusted Sponsors

In March 2010 the UK Border Agency introduced the Highly Trusted Sponsor scheme, which awards a higher rating to education providers that have demonstrated the highest levels of compliance with their duties. In return, the sponsors are allowed to offer a wider range of course level and work placement opportunities to students than sponsors that have an A or B rating. This provides a greater incentive to educational institutions to comply with the UK Border Agency sponsorship requirements, and was designed to tackle abuse of the immigration system by less scrupulous sponsors and non-genuine students or employees.

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26 See: **www.ukba.homeoffice.gov.uk/visas-immigration/** for more details on who the five Tiers of the PBS cover.

27 Migrants from outside the EU applying to come to the UK under the PBS must accumulate enough points to be eligible to apply under the relevant PBS category. Points are awarded for different attributes such as age, English language ability, employment experience, qualifications and previous salary. The number of points needed for admission is different under each PBS category, and they may be adjusted over time (for example, in response to changes in the labour market).

28 See: **www.ukba.homeoffice.gov.uk/business-sponsors/points/** for more information on how employers and education institutions become licensed sponsors.

Tackling abuse through changes to student migration policy

Following a public consultation, in 2011 the Government made changes to PBS Tier 4 aimed at tackling abuse of the immigration system by non-EU students. These changes were driven by concerns that students were coming to the UK for purposes other than for study, notably that some were using the student route as an opportunity to work rather than study and were in breach of their visa conditions.[29] These changes included:

- increasing the level of English language requirements for prospective students;
- refusing entry to the UK to students who cannot communicate with UK Border Agency staff at the UK border without an interpreter;
- placing restrictions on the right to work for students studying in institutions other than universities;
- restricting those who can bring dependants to the UK to only post-graduate university students and government-sponsored students (depending on the length of course studied);
- limiting the length of time that can be spent in the UK on a student visa – three years for those studying at lower levels and five years for those at higher levels;
- closing the Tier 1 Post-Study Work Route, which allowed graduates to remain in the UK for two years after graduation to seek work. Graduates will now only be allowed to stay in the UK to work if they have a job offer from an employer for skilled work under PBS Tier 2; and
- ensuring that maintenance funds must be genuinely available to students (rather than temporarily placed in bank accounts at the time of the visa application).

The Government also introduced additional requirements for institutions wishing to sponsor students to ensure that the system is secure. These changes included:

- institutions wishing to sponsor students under PBS Tier 4 must be licensed as a Highly Trusted Sponsor by the UK Border Agency before they can sponsor students; and
- education providers must confirm that students joining new courses are making genuine academic progression.

These and other changes[30] aim to increase the security of the immigration system and ensure that only genuine students are able to come to the UK to study.

Access to public services

Generally, the UK does not allow irregular migrants to access public services. However, there has been concern in the media that access to benefits and public services might encourage some migrants to risk entering or staying in the UK illegally. There are also concerns that migrants may perceive these benefits as more generous or easy to access than elsewhere in the EU.

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29 See: **www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ90/?view=Standard&pubID=864594** and **www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ93/?view=Standard&pubID=870259** for recent Home Office evidence on overseas students.

30 The Government also introduced these measures on 4 July 2011: 1) publishing a list of financial institutions that do not, in the experience of the UK Border Agency, verify financial statements to the required standard when used as part of the visa application process; 2) introducing a streamlined application process for low-risk nationals applying to attend courses with Highly Trusted Sponsors; 3) extending the list of courses for which students must receive Academic Technology Approval Scheme (ATAS) status; 4) restricting the ability to deliver accountancy courses accredited by the Association of Chartered Accountants (ACCA) to those sponsors accorded platinum or gold status by ACCA; and 5) clarifying the position of overseas universities with campuses in the UK.

However, on the whole those without a valid immigration status are not entitled to access the same services (or levels of service) as UK nationals or regular migrants. Furthermore, attempts to claim such services without appropriate entitlement may identify these migrants to authorities and the Government is seeking to improve mechanisms to enable this to happen. Data sharing between government departments and public services assist with such identification (see section 3.3). The extent to which migrants are aware of their entitlements prior to coming to the UK is not known. Therefore it is difficult to determine the effect that knowledge (or a lack of) regarding access to benefits may either deter or encourage irregular migration to the UK as opposed to another destination country.

Health

Generally speaking, everyone in England, Scotland and Wales is entitled to access primary health care[31] regardless of nationality or immigration status.[32] Treatment in National Health Service[33] (NHS) Accident and Emergency departments and in relation to some infectious disease is available free to all.

Individuals who are not ordinarily legally resident in the UK or otherwise exempted will be liable for charges for secondary and elective care at an NHS hospital. This includes irregular migrants. Urgent and necessary treatment (including maternity services) should not be denied for reasons of cost, although charges may still be raised after treatment.

Amongst those exempted from charges are long-term students (including all students in Scotland), people working for a UK-based business, people recognised as refugees by the UK Government, and asylum seekers. Failed asylum seekers receiving UK Border Agency support are exempt from charges in England (and all failed asylum seekers are exempt from charges in Scotland and Wales).

Following public consultations conducted by the UK Border Agency and the Department of Health in 2010, from October 2011 onwards migrants with a debt of £1,000 or more to the NHS will normally be denied permission to enter or stay in the UK.[34] The £1,000 threshold has been designed to capture 94 per cent of outstanding debts that are owed to the NHS. This measure is not designed to prevent migrants from accessing NHS services, but is designed to prevent abuse of the system. The NHS will provide the information that enables the UK Border Agency to identify those with outstanding debts, and the Agency will refuse any application from these individuals until the debt is paid.

Education

All local authorities are required to provide access to compulsory education to all children in the UK, regardless of immigration status.

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31 Services provided by General Practitioner (GP) practices, dental practices, community pharmacies and high-street optometrists.

32 Registration with a GP in Northern Ireland requires the individual to demonstrate that they are ordinarily resident in the UK. Those who are not ordinarily resident in Scotland (including irregular migrants) are given temporary registration. They are not denied primary care but this makes it easier to identify people who should be charged for hospital services or for optical and dental examinations and treatment. No one in need of urgent and necessary treatment, however, is denied care.

33 The NHS does, however, operate on a principle that health services are provided on clinical need, not ability to pay.

34 **www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/october/19health-tourists-nhs**

Access to social security benefits

Mainstream benefits are generally off-limits to those without legal immigration status in the UK. Asylum seekers may be provided with accommodation and basic subsistence if they would be otherwise be destitute. Support generally ceases if the asylum application is rejected, but continues until the individuals are removed from the UK if they have children as part of their household. Failed asylum seekers are only provided with support by the UK Border Agency in limited circumstances, generally when there is a practical obstacle that temporarily prevents the person from leaving the UK.

Public housing

Irregular migrants are excluded from accessing public housing in all but the most exceptional circumstances. However, local authorities do have an obligation to assist individuals who have special needs (arising from more than just destitution), where withholding support would breach their human rights, or where the welfare of children is a factor, for example.

See section 3.3 for examples of the UK Border Agency working with other organisations to reduce irregular migration.

2.2 GOVERNMENT INSTITUTIONS AND OTHER STAKEHOLDERS INVOLVED IN THE POLICY-MAKING AND IMPLEMENTATION PROCESS

(A) THE GOVERNMENTAL INSTITUTIONS THAT MAKE AND IMPLEMENT POLICY TO TACKLE IRREGULAR MIGRATION IN THE UK

The Home Office is the government department responsible for immigration and asylum policy, under the leadership of the Secretary of State for the Home Department (known as the Home Secretary). The Secretary of State is supported by the Minister of State for Immigration. Within the Home Office, the UK Border Agency manages border control for the UK, enforcing immigration and customs regulations. The UK Border Agency also considers applications for permission to enter or stay in the UK, and for citizenship and asylum.

The Home Office is therefore responsible for making policy regarding irregular migration. It is the UK Border Agency that manages the frontline services that implement this policy. The Home Office and UK Border Agency may also co-operate with other government departments to ensure the effectiveness of policy. For instance, co-operating with the FCO on overseas prevention of irregular migration and the Department for Business, Innovation and Skills (BIS) and Department for Work and Pensions (DWP) in relation to PBS sponsorship requirements (see section 3).

Other government departments also have an interest in irregular migration, mostly from the perspective of controlling access of irregular migrants to welfare provisions. For example, the Department of Health has the responsibility to ensure that only those migrants who are eligible access the NHS (see section 3.3 for more examples of co-operation between government departments).

(B) OTHER STAKEHOLDERS WORKING IN THE FIELD OF IRREGULAR MIGRATION, AND THEIR ROLE IN POLICY-MAKING AND IMPLEMENTING POLICY

The Home Office and other government departments consult regularly with other stakeholders in relation to migration policy. These stakeholders include NGOs and academic institutions, as well as the wider public, and represent a variety of views in relation to irregular migration. For instance, there are some groups campaigning for widespread regularisation of irregular migrants or for opening or abolishing the UK's border because they believe this would stop irregularity. At the other end of the spectrum, there are groups campaigning for harsher punishment (usually immediate deportation) for any migrant caught breaking the Immigration Rules. Academic and research organisations also have a role to play in informing the Government's understanding of the issues at hand to help inform policy-making, for example, in using expertise to inform better estimates of irregular migration (for example, Gordon et al., 2009) or commissioning research to understand more about the detained population (Black et al., 2005).

Whilst these corporate partners do not have a formal role in policy-making, the Government listens carefully to the variety of issues and concerns raised in relation to migration and irregular migration.

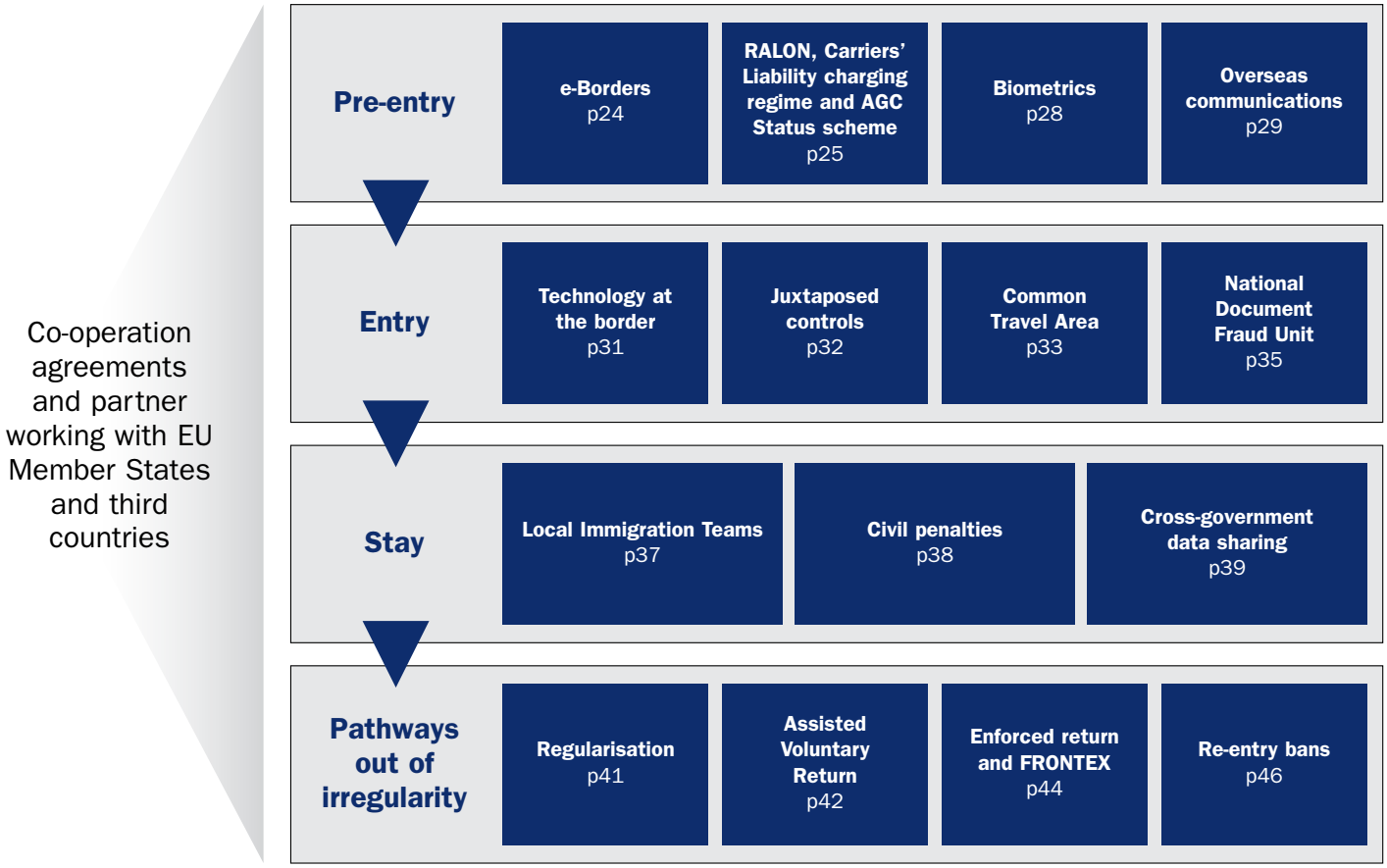
The UK Border Agency also participates in UK-wide forums on migration that may also discuss irregular migration issues. For example, the National Migration Group is a national consultation forum on migration issues. It provides a UK-wide view of migration issues and the impact of migration on local authorities, service providers and communities, informed by regional and local perspectives. Membership comprises approximately 20 representatives, including those from the Regional Strategic Migration Partnerships and other government departments. Members use the meetings to raise concerns and share good practice. Most of the discussion is around the impacts of regular migrants on regional and local services, although irregular migration may be raised if a particular issue arises.

The UK Border Agency co-operates with charitable organisations to help deliver services to migrants, such as the following examples.

- The UK's voluntary return schemes are managed on behalf of the UK Border Agency by Refugee Action,[35] an independent charity (see section 3.4 for more details).
- Barnardo's,[36] provides a range of services and activities to families at the UK Border Agency's new pre-departure accommodation centre, Cedars (see section 3.4 for more details).

35 **www.refugee-action.org.uk**
36 **www.barnardos.org.uk**

Overview of practical measures to reduce irregular migration in the UK



3. Practical measures to reduce irregular migration

3.1 PRE-ENTRY: PRACTICAL MEASURES UNDERTAKEN TO ADDRESS IRREGULAR MIGRATION BEFORE THE MIGRANT ARRIVES IN THE UK

(A) OVERVIEW – POLICY AND PRACTICE

The UK has a strong emphasis on prevention and upstream measures to reduce irregular migration. The UK places great importance on the value of prevention and deterrence activities as it can be more difficult to identify and remove irregular migrants once they are in the UK.

The UK is keen to disseminate accurate and helpful information overseas about the UK's immigration system and life for migrants in the UK to help to manage migrant expectations and deter potential irregular migrants. Communication activities in countries of origin are described below, but the exact impacts of these campaigns are difficult to measure. However, a number of other measures are in place to help reduce flows of irregular migrants, for which there is clearer evidence of their impacts. These measures include the e-Borders programme, the use of biometric information, the Risk and Liaison Overseas Network and the Carriers' Liability charging regime.

(B) BEST PRACTICE EXAMPLES

1) e-Borders – using Advance Passenger Information (API) to identify those seeking to abuse the immigration system or those who present a threat to the UK prior to arriving in the UK.

What is it and why is it important?

The e-Borders programme is one of the key ways that the UK combats irregular migration before migrants arrive in the UK by collecting and processing API. See section 2.1d for more information on the e-Borders programme.

The National Border Targeting Centre analyses e-Borders data and issues alerts to the UK Border Agency, as well as to law enforcement and security agencies. The results enable the police, security services and the UK Border Agency to identify and target individuals of interest before they arrive in or exit the UK, or to make subsequent interventions as necessary.

What impact has this had and what lessons have been learnt?

As at October 2011, the e-Borders programme has enabled the UK Border Agency to:

- analyse over 387 million passenger/crew movements and issue over 172,000 alerts resulting in over 10,100 arrests for offences, including murder, rape and kidnapping;
- refuse entry to over 1,600 passengers who were the subject of an e-Borders alert;
- seize large quantities of all classes of drugs, cigarettes and tobacco, as well as seizures of lost, stolen or forged passports; and

- identify notable numbers of facilitators, Inadequately Documented Arrivals (IDAs – see next example) and fraudulently obtained passports and visas. Since 2005,[37] as a result of e-Borders alerts, the following have been identified:
  – 121 IDAs;
  – 239 individuals travelling on stolen, lost or cancelled passports (including 16 arrests);
  – 85 individuals travelling on fraudulently obtained documents (including 16 arrests);
  – 65 individuals travelling on fraudulently obtained visas (including 2 arrests); and
  – 26 facilitators (including 14 arrests).

What are the future plans and possible benefits in this area?

The UK Border Agency carries out targeted exit checks on an intelligence-led basis, scrutinising travel documents to identify immigration offenders, people smuggling cash or fleeing justice, and those who may be of interest for counter-terrorism purposes. The Coalition Government has made a commitment to reintroduce exit checks by 2015. The UK Border Agency is exploring options around how future exit checks may operate and how the e-Borders system can support this. In future this capability will help to flag non-compliance and allow the Agency to ascertain whether a migrant has departed the UK prior to or upon expiry of their leave. Over time this will provide a much better picture of those who are in the country and this will allow the UK Border Agency to target those who remain in the UK without permission.

In addition to preventing irregular migration and combating cross-border crime, e-Borders will allow legitimate travellers to cross the UK border quickly, more easily and more securely. It will be used in conjunction with other technologies at use at the border (see section 3.2).

2) The UK Risk and Liaison Overseas Network (RALON), the Carriers' Liability charging regime and Advanced Gate Check (AGC) scheme help to reduce the number of IDAs who arrive in the UK.

What are they and why are they important?

An IDA is a non-EEA national who arrives at the UK border without the proper documentation to be granted leave to enter the UK. Inadequate documentation can include documents such as expired passports, visas, fraudulently obtained or mutilated documents or no documentation at all.[38]

There are several reasons why an IDA may have reached the UK border:

- insufficient document checks at check-in or security at the port of departure;
- insufficient document checks at boarding stage at the port of departure;
- passengers disposing of their documents en-route to the UK; or
- individuals possessing fraudulent or forged documents that were undetected until their arrival at the UK border, despite sufficient document checks upon departure.

37 Until 8 October 2011.
38 IDAs do not include clandestine entrants.

Once the IDA reaches the UK border, it is the responsibility of the UK Government to process them, and the costs of processing also falls to the UK Government. Therefore, it is preferable that IDAs can be denied boarding at their port of departure rather than travelling to the UK. The presence of IDAs in the UK can also impact on public services, for example, in terms of subsequent asylum claims, requirements for healthcare or education of dependants.

The UK employs several different strategies to address pre-departure document checks. These include using **RALON, the Carriers' Liability charging regime and the AGC scheme**.

a) RALON

The UK has over 100 staff posted to 50 locations overseas as part of its RALON. This network is responsible for the following activities.

- **Improving visa decision quality** by providing information about potential abuse and risk profiles, which enable visa officers to prioritise checks on high-risk applications. RALON officers collate information on multiple kinds of visa abuse, such as benefit fraud and illegal working. By analysing abuse in visa applications RALON officers can provide information to visa staff on emerging trends.
- **Working with airlines, other international liaison officers and overseas border authorities to tackle IDAs.** RALON offers a programme of formal training for airline staff on UK passport and visa requirements and forgery awareness. It also offers this training to UK and foreign consular and visa staff and to host authority police and border officials. Additionally, it provides over-the-phone advice about individual passengers and RALON officers may attend flight departures to give on-the-spot assistance in locations where the host authority permits access.[39]
- **Working with the Serious Organised Crime Agency (SOCA) and other UK and overseas law enforcement partners** to target criminal enterprises and national security threats that attempt to circumvent UK border controls. RALON officers support SOCA to disrupt international criminal gangs who facilitate the entry of irregular migrants and trafficking victims to the UK. The UK Border Agency has also established a police referral programme in over 30 countries.
- **Providing information on overseas threats to the border to inform the UK Border Agency about new and emerging risks,** enabling the UK to take action to address them. RALON officers regularly provide strategic intelligence briefing to UK colleagues regarding new trends in visa abuse and the activities of global facilitation networks. Emerging threats that are initially identified by RALON officers and referred onwards can lead to strengthened controls and policy changes in the UK.

b) Carriers' Liability charging regime

The UK Border Agency has operated a charging scheme since 1987, known as the Carriers' Liability charging regime. Its aim is to **encourage carriers to conduct effective checks on passengers before they travel to the UK, and therefore reduce the number of IDAs who arrive in the UK**. Under Section 40 of the Immigration and Asylum Act 1999, air and sea carriers are liable to a charge of £2,000 for every passenger they carry to the UK who is not properly documented.

39 RALON staff have no legal powers overseas but act as document advisers; the airline or the local border authority makes the decision on whether to carry a passenger.

The Carriers' Liability charge is not intended to punish carriers, or to raise money for the Government. It aims to ensure the security of the UK border by encouraging carriers to make proper document checks. Practical help, advice and training for carriers are available from the Carriers' Liaison Section (CLS) and RALON. However, debt recovery is a useful tool to assist in encouraging airline checks and compliance. Since the introduction of the Carriers' Liability charging regime, CLS has levied charges in excess of £210 million and has recovered over £155 million.

The UK Border Agency is keen to incentivise carriers to prevent the carriage of IDAs. **If a carrier is shown to have high standards of document and security checks at the port of embarkation, and shows a high level of co-operation with the UK Border Agency, then the UK Border Agency may award them AGC status.** If a carrier has AGC status, charges will usually be waived if a passenger travels with that carrier and arrives in the UK without a valid travel document.[40] Many carriers are keen to work with the UK Border Agency on the AGC status scheme, as they recognise that the scheme has tangible benefits (for example, reduced costs) for their business as well as for the UK.

What impact has it had and what lessons have been learnt?

These operations have contributed, with other border security initiatives, to a fall in the number of IDAs arriving in the UK from 31,000 per year in 1999 to just over 4,000 in 2010. Investment in upstream initiatives, such as RALON, can represent good value for money as they prevent irregular migrants (and other types of harmful behaviour) reaching the UK.

In 2010:

- staff detected over 27,000 visa applications that were supported by forged documentation, including over 700 forged travel documents and over 26,500 cases of false supporting documents;
- 15,800 airline staff and handling agents were trained in forgery awareness and document security to enhance forgery detection capabilities;
- AGC status was granted to 84 new stations, increasing the total of active AGC stations to 378; and
- £4.28 million was collected from airlines as charges levied for passengers carried to the UK without the correct documentation.

UK Border Agency officers regularly disrupt criminality overseas as the following examples demonstrate.

- The UK Border Agency identified a trend of Nigerian adults and children arriving at UK airports destined for the vice industry in Europe. The RALON officer in Paris noted the profile and was able to intervene with six victims, who were referred to local law enforcement officials for care. The officer used this profile to identify one of the suspected traffickers. Working with French partners in the French Border Police not only prevented the trafficker from reaching the UK, but facilitated his removal from France to Nigeria.
- The RALON team in Dhaka identified a group that was involved in the supply of false documents, with 60 visa applications linked to the organised crime group. Their work with Bangladeshi law enforcement officials meant they were able to refer the suspected criminals to the local police. Eight people have now been charged and remain in custody. The RALON team suspected they had been operating for some time, and this was a major disruption of organised immigration criminals targeting the UK from Bangladesh.

40 AGC status can be withdrawn at any time if standards are not met.

3) Using biometric technology helps to reduce fraud and abuse of identity documents.

What is it and why is it important?

Biometric technology uses unique physical identifiers, such as fingerprints and facial images, to fix identities to individuals. This enables the UK Border Agency to check a person against existing records and makes it more difficult for individuals to use false identity documents when the document includes a unique biometric identifier.

BRPs are credit card-sized and contain the holder's unique biometric identifiers (fingerprints and facial image) within a chip. They display biographical information (for example, name, nationality) and details of the right to work in the UK or access public funds. See section 2.1d for more details on the introduction of BRPs.

The UK Border Agency and its commercial partners operate over 300 biometric enrolment sites worldwide. The results of electronic fingerprint matches are communicated to visa officers at diplomatic missions overseas in minutes to inform their decision-making.

This is one of the tools used by the Agency to prevent potential irregular migrants reaching the UK. Biometric technology can ensure that there are fewer inadmissible arrivals to the UK since immigration and police checks can be done pre-entry and passenger fingerprints verified on arrival in the UK to ensure that they match the applicant's.

What impact has this had and what lessons have been learnt?

Since the rollout of biometric visas for overseas applicants in January 2008 (as at the end of October 2011):

- more than 10 million fingerprints have been collected overseas;
- more than 50,000 individuals overseas have been matched to biometrics taken in the UK in connection with previous asylum applications or other immigration matters; and
- more than 7,000 people who have 'swapped' biographical details have been detected.

The UK Border Agency has been issuing BRPs since November 2008 and has rolled these out to all in-country applicants extending their stay in the UK for more than six months under the PBS and a number of other categories, including spouses and partners. As the in-country rollout is completed in 2012, increasing numbers of non-EEA foreign nationals in the UK will be required to provide their fingerprints and digital facial image as part of their immigration application. Following the success of a pilot for third party enrolment services with the Post Office Ltd and a subsequent tendering process in which it was the successful bidder, commercial partners are substantially expanding their network of locations providing this service. This indicates the success of the rollout of BRPs, as it incorporates biometrics as a standard identity management tool in-country, whilst not requiring major changes in infrastructure.

What are the future plans and possible benefits in this area?

The UK Border Agency is developing an online verification service for employers and public benefit providers that will provide a quick and easy real time check against its database on the validity of a BRP. Annually the UK Border Agency receives in the region of half a million enquiries from bodies seeking to check a person's immigration record and entitlements. The rollout of these documents has provided an opportunity to automate this process, delivering administrative savings and streamlining the service for employers and others required to check them. In time, chip-checking services will also be available to enable direct fingerprint comparison against the document.

4) Overseas communications work allows the UK to inform potential irregular migrants of the dangers of irregular migration and the reality of life as an irregular migrant in the UK before migrants start their journeys, and therefore discourage irregular migrants from travelling to the UK.

What is it and why is it important?

The UK Border Agency undertakes many overseas communications projects to spread messages regarding migration to the UK. These projects aim to encourage compliance by those attempting to enter the UK, disseminate accurate information about migration processes (for example, the correct type of visa needed to travel to the UK) and to deter those attempting to enter the UK illegally.

The UK Border Agency's overseas communications network works closely with the FCO and local media, and campaigns are sometimes run in partnership with EU colleagues. The UK has found that these campaigns are generally less effective when there are major external events in the region, for example, the unrest seen across the Middle East and North Africa in early 2011.

The primary approach is to identify key points in the visa application and/or travel process where the UK Border Agency can provide information directly to people planning to come to the UK, either directly or via third parties. The Agency uses a range of channels to communicate its messages: online; via the application process at Visa Application Centres; through partners and third parties; social media; and local overseas media.

In 2011 the UK Border Agency produced a compliance leaflet 'Your Stay in the UK'[41] for visa holders coming to the UK from countries where there is a visa requirement. This leaflet contains information on complying with visa rules and customs. Since June 2011 hard copies of this leaflet have been provided to successful visa applicants when they are issued their visa. The UK Border Agency is in the process of developing a similar leaflet for non-visa countries.

The UK Border Agency uses overseas media to cover enforcement stories in the UK as a deterrent for illegal migration. Deterrent work highlights anti-fraud successes and the active enforcement of customs and immigration legislation by the Agency in the UK and by international law enforcement partners. In particular, a 2010 summer enforcement campaign achieved over 150 pieces of coverage in 19 different countries, and a 2010/11 winter campaign led to 179 pieces of coverage in 17 countries.

The UK Border Agency has also worked with overseas television programmes to promote messages about irregular migration. For instance the UK worked closely with the Vietnamese authorities on an information campaign to highlight the risks of irregular migration, including the production of a TV documentary that has been aired several times during 2011 in Vietnam.

In South Asia, the UK Border Agency and FCO commissioned a film to show the downside of irregular migration to the UK. Individuals who had been irregular migrants in the UK and had been returned home went to screenings to recount their experiences. The film was shown in different locations, in an attempt to raise awareness, and the UK Border Agency is working with partners such as the British Council to look at further opportunities to reach target audiences.

41 www.ukba.homeoffice.gov.uk/sitecontent/documents/travel-customs/your-stay-in-uk/

What impact has this had and what lessons have been learnt?

Due to the nature of communications work, it is difficult to directly evaluate the effectiveness of these measures. One exception is the UK Border Agency produced DVD, 'Play by the Rules', which was produced in 2009 to warn Congolese and Zimbabwean nationals of the dangers of irregular migration. The DVD received two awards at the 2010 International Visual Communication Association Awards: the 'Industry Award for Effectiveness' and for 'Promotion and Information'.

It is generally considered beneficial to promote accurate messages on legal and irregular migration before individuals choose to start the migration process.

3.2 ENTRY: PRACTICAL MEASURES UNDERTAKEN TO IDENTIFY AND DETECT IRREGULAR MIGRANTS AT THE UK BORDER

(A) OVERVIEW – POLICY AND PRACTICE

For the UK, border controls are an effective means of controlling migration, and of combating terrorism and other crime. The UK is not a member of the Schengen Area, and therefore retains its own national border controls. The UK believes that retaining border controls represents the most effective means of controlling immigration. This is particularly true given the UK's island geography and the volume of people travelling in and out of the UK, and transiting through the UK en route to other countries. Whilst only participating in the non-borders aspect of the Schengen Agreement, non-Schengen-related co-operation with EU counterparts, for example, juxtaposed controls with Brussels and France and strengthening the Common Travel Area (CTA) with Ireland, are crucial to maintaining the security of the UK's border.

The UK border is controlled by UK Border Agency staff at air, sea and rail crossing points. In relation to irregular migration, the UK Border Force (part of the UK Border Agency) has two main duties at the UK border:

- to confirm the identity of all individuals seeking entry to the UK through a port and to admit or refuse entry as appropriate; and
- to identify potential clandestine entrants seeking to enter the UK.

UK Border Agency IOs are trained to detect passengers who do not meet the criteria for entry to the UK when they are encountered at the border. Training is provided to IOs in order to assist with detection of irregular migrants, for example, on the detection of fraudulent documents, improperly obtained entry clearances, and passengers who are not seeking entry for their stated purpose (for example, those seeking entry as student with the intention of working instead of studying).

Border Force staff at some ports are also trained with the technical equipment to identify clandestine travellers seeking to enter the UK. Developments in biometric technology and processes provide the UK Border Force with powerful tools, which enable it to confirm individuals' identities, potentially preventing people from creating and using multiple identities.

It is important to remember that although clandestine entrants are a key concern for the UK, it is thought in the UK that more irregular migrants are overstayers or in breach of their visa conditions than are illegal entrants.

The practical measures the UK has in place to identify and detect irregular migrants at the UK border are outlined below. For some of the measures outlined below, it has not been possible to show clearly the level of their effectiveness. However, experience has shown these measures to be a valuable part of the UK's attempt to reduce irregular migration.

(B) BEST PRACTICE EXAMPLES

1. Technology at the border allows the UK to detect irregular migrants concealed in different ways before they enter the UK.

What is it and why is it important?

Sophisticated technology at the UK border (including at juxtaposed controls) helps the UK Border Agency to detect and deter clandestine entrants attempting to cross the border. For example, cases of clandestine entrants hiding in freight vehicles crossing the border from France to the UK, which have been documented in the UK media, including the TV programme 'Border Force'.[42]

The Detection Technology Management Unit within the UK Border Agency is seen by FRONTEX[43] as a 'Centre of Excellence' for its work in detecting clandestine entrants in freight vehicles, and regularly shares its expertise with other EU Member States.

Technologies and tools used at the border to detect clandestine entrants include the following.

- **Carbon dioxide probes**
  The carbon dioxide (CO_2) probe is a hand-held device that detects elevated levels of CO_2 in vehicles and rail freight wagons that has been exhaled by humans. Once the probe has been inserted into the vehicle, a reading can be produced and interpreted within 20 seconds. The advantages of this technology are: that it is very quick to detect CO_2; the vehicle does not need to be opened for examination; the probes are easy to operate; the probes are relatively cheap; and the probes are mobile and easy to deploy.

- **Heartbeat detectors (HBDs)**
  HBDs can indicate the presence of individuals concealed in vehicles by using data from vibration sensors. The movement of individuals can be detected and analysed by the HBD within seconds. HBDs are an effective method of detecting clandestine entrants: they can be used in most situations; can be used on the vast majority of vehicle types; deliver fast and reliable results; and are easy to operate.

- **Passive Millimeter Wave Imager (PMMWI)**
  The PMMWI uses natural background radiation and thermal imaging techniques to generate an image of the interior of soft-sided vehicles, which may indicate the presence of concealed people. Images are produced instantly and passed to searching staff, who conduct thorough checks of vehicles suspected to contain concealed people. PMMWIs are ideal for use at busy ports as they do not hold up the flow of traffic. They are designed to complement other technologies rather than replace them. Their advantages are: they can

42 These migrants may be travelling with the assistance of smugglers or agents (under their own volition) or they may be victims of trafficking.
43 FRONTEX is the French acronym for the 'European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union'. For more information see: **www.frontex.europa.eu**. Also see section 3.4 for more detail.

be used on (slowly) moving vehicles; they produce an instant image; are relatively mobile; and require a low number of staff to operate.

- **Body detection dogs**
  Body detection dogs are specially trained dogs that detect human scents within vehicles. They work with specialist dog handlers, and only these handlers can correctly interpret the dog's signals. If a dog detects a human presence from outside the vehicle, the vehicle is opened up and the dog conducts a search of the interior. It usually takes two to six months to train a dog to detect concealed people and then a further four to six weeks for the dog and their handler to work to a proficient level. The use of dogs to detect potential clandestine entrants has several advantages, including: that they are mobile, fast and reliable; are suitable for use with different types of vehicle; are a visual deterrent for potential clandestine entrants and facilitators; and can detect the presence of a person anywhere in a vehicle.

2. Juxtaposed controls allow the UK to detect irregular migrants before they make their intended journey to the UK.

What is it and why is it important?

The UK has bilateral agreements with France and Belgium to allow the UK authorities to conduct immigration (and other) controls on French and Belgian territory.[44] These 'juxtaposed controls' are carried out by UK Border Agency officers in a defined geographical area known as a 'control zone' and are for specified purposes only. This provides the UK with an important opportunity to carry out immigration controls before a person physically enters the country, and is essential to ongoing efforts to secure the border.

What impact has this had and what lessons have been learnt?

Although originally introduced to facilitate the movement of traffic disembarking from trains travelling through the Channel Tunnel, juxtaposed controls have been highly effective at reducing the number of IDAs arriving in the UK from continental Europe.

During the late 1990s, the number of IDAs detected arriving in the UK by Eurostar escalated until they reached almost 1,000 per month by the end of 2000. Juxtaposed controls were set up at the Eurostar stations in France and the UK, and these took effect in June 2001. By December 2001, the number of IDAs detected arriving at the (then) Eurostar terminal at London Waterloo International station had fallen to under 150 per month.

After juxtaposed controls had begun to operate on the Channel Tunnel routes (Eurostar and Shuttle), it was observed that the UK ferry ports were becoming increasingly vulnerable to attempts to enter the UK illegally. In 2002, over 10,000 IDAs were detected arriving at the port of Dover from France. Bilateral Ministerial discussions resulted in agreement to introduce juxtaposed controls at ferry ports on the English Channel and the North Sea. These were introduced in phases during 2003/04. From January to October 2004, the number of IDAs detected arriving in Dover had fallen to under 1,500. In 2010, the number was under 1,000.

In 2010, 4,176 non-asylum passengers were refused entry to the UK at juxtaposed controls, 22 per cent of all refusals at the UK Border (Home Office, 2011).

44 The French and Belgian authorities have the same permission to conduct controls on UK territory. See section 4.1 for details of the treaty on the setting up of Juxtaposed Controls.

3. The CTA facilitates legitimate travel between the UK, Ireland, the Channel Islands and the Isle of Man, but it also presents a potential route of abuse by irregular migrants.

What is it and why is it important?

The CTA comprises the UK, the Crown dependencies (Channel Islands and Isle of Man) and Ireland. It came into being in the 1920s and the principle of free movement for nationals of the UK, the Crown dependencies and Ireland has delivered important economic and social benefits over the years. The CTA is based on the principle that once a person has been granted leave to enter one part of the CTA, they will not normally require leave to enter another part of it whilst that leave is extant and provided they do not leave the CTA.[45]

The ports within the CTA are not ports within the meaning of immigration legislation (that is, they are not international ports of entry). For example, ferry services between Northern Ireland and Scotland are domestic services that operate wholly within the UK and therefore there are no formal immigration controls between these domestic ports. There is a perception that the lack of formal controls between domestic ports represents an avenue for abuse, and the border between the Republic of Ireland and Northern Ireland could be used a route of illegal entry into the UK. As noted by the Organised Crime Task Force in 2010:

> "Ireland can be used as a back door to gain access to the United Kingdom and vice versa. Northern Ireland can be used to gain access from the UK into Ireland; both Northern Ireland and Ireland are also attractive final destinations as well as being used as transit routes."

There is a high volume of passengers travelling between the UK and Ireland. During 2009 approximately 13.7 million passengers travelled between the UK and Ireland by air and sea. Of these, 10.8 million passengers travelled by air and 2.9 million travelled by sea. There were a further 7.9 million passengers travelling between Great Britain[46] and Northern Ireland (5.7 million by air and 2.2 million by sea) (Chief Inspector of the UK Border Agency, 2011).

The UK and Ireland of course both conduct rigorous border controls at their non-CTA borders. The UK Border Agency believes that the most effective way of preventing immigration abuse of the CTA is by strengthening the external CTA border and maintaining intelligence-led internal controls to detect, disrupt and deter immigration offenders.

There are two main operations aimed at tackling abuse of the CTA:

- monitoring of international routes and ports between Ireland and Wales, for example, the ferry services to Holyhead and Fishguard; and
- monitoring domestic sea and air routes between Northern Ireland and western Scotland – Operation Gull (see below).

Regular intelligence-led operations are also run by the UK Border Agency, UK police and Irish Garda National Immigration Bureau to reduce threats to the internal CTA by conducting checks to establish individuals' entitlement to the provisions of the CTA.

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45 There are several exceptions to this rule, depending on the basis for initial admission.
46 Great Britain comprises England, Scotland and Wales.

The UK works closely with the Irish authorities in developing joint initiatives to combat abuse of the CTA and the threats to the UK and Irish borders. A package of joint measures has been agreed around three principles: data sharing; closer alignment of visa regimes; and electronic border systems.

What impact has this had and what lessons have been learnt?

Operation Gull aims to detect and deter abuse of the CTA route through Northern Ireland. This operation covers air and sea ports between Great Britain and Northern Ireland, and is run by the UK Border Agency Local Immigration Team in Belfast.[47]

During 2009–2011 there was increased deployment of UK Border Agency staff to Northern Ireland to assist with identifying and tackling abuse of the CTA via this route.[48]

The number of CTA immigration offenders detected at Northern Irish and Scottish domestic ports increased between 2010 and 2011.The increase is likely to reflect the increase in operational and enforcement staff in Belfast, and a formal review concluded that the new arrangements had strengthened CTA defences between Northern Ireland and Scotland (UK Border Agency, 2011b). However, other contributing factors to this change cannot be ruled out, such as changes in migrant behaviour.

Between January and September 2011:

- 316 immigration offenders were detected travelling or attempting to travel to or from Great Britain through Northern Ireland (by sea and air), a 53 per cent rise on the same period in 2010;
- of these, 172 individuals were travelling to Great Britain, an increase of 117 per cent on the same period in 2010;
- of the 316, 216 were travelling through sea ports in Northern Ireland and Galloway (a rise of 61%) and 110 were travelling through Northern Irish airports, a rise of 39 per cent on the same period in 2010;
- 45 per cent of those detected stated they had travelled through the Ireland land border to get to Northern Ireland, before attempting travel to Great Britain; and
- the majority of those detected were of Nigerian and Bolivian origin.

Of the 316 immigration offenders detected, 239 (76%) have been removed from the UK to date.[49] Of these, the majority (63%) were removed from the UK to Ireland.

The numbers of detections give an indication of the scale of the abuse on this particular route. Intelligence teams undertake regular monitoring to ensure that resources are directed at the higher risk routes, but also ensure that changes in perceived lower risk routes are also detected and responded to accordingly.

47 The operation is run on the basis of the paragraph 2(1), Schedule 2, Immigration Act 1971 power of examination, applied in conjunction with the lawful authority provided by the Singh v. Hammond judgement, to make enquiries about an individual's immigration status away from the point of entry to the UK in certain circumstances.

48 Enforcement and intelligence operations increased in the Belfast Local Immigration Team during this period. In November 2010, the UK Border Agency transferred full responsibility for detecting irregular migrants travelling between the West of Scotland and Northern Ireland to Belfast. However, immigration offenders do still get detected at Galloway ports in Scotland by Dumfries and Galloway Constabulary.

49 Correct as at 1 November 2011.

UK Border Agency CTA Liaison Officers (CTALOs)

CTALOs based in Dublin liaise with the Irish Garda National Immigration Bureau and provide intelligence, which contributes to the detection of those without CTA entitlements travelling between Ireland and the UK. They have made a direct impact on protecting the security of the UK border.

For example, in September 2010, 399 checks made by CTALOs resulted in the following:

- removal of 28 irregular migrants from the UK, including 13 failed asylum seekers;
- removal of 3 failed asylum seekers from Ireland;
- identification of 34 Irish visa applicants with adverse data in the UK;
- refusal of boarding to 7 individuals at Dublin airport; and
- identification of 3 suspected facilitators.

During the period January to September 2011, CTALOs conducted checks on 5,448 individuals. Of these, 504 checks had a direct impact on preventing individuals from entering the UK or tackled immigration offenders who had already entered.

CTALOs have also identified key patterns of behaviour that pose a threat to the CTA. This information is then fed back into UK Border Agency threat assessments.

4. The National Document Fraud Unit (NDFU) leads the UK in detecting fraudulent documents at the UK border by providing specialist officers and training border staff to detect migrants arriving with documentation that does not allow them to enter the UK legally.

What is it and why is it important?

When a suspected fraudulent document is encountered at the UK border, the IO will identify the document as suspect, and then pass it to other officers to examine in detail. A report will then be prepared, which outlines the anomalies on the document. The details of the document are then entered onto one of the UK Border Agency's databases.

If an individual is found to possess a fraudulent document on arrival at a UK port, they would usually be refused entry to the UK and removed. Removal may be deferred in some circumstances (for example, where the passenger wishes to claim asylum). In these cases, the passenger may be granted Temporary Admission into the UK. In some cases, passengers may be charged with an offence under the Identity Documents Act 2010.[50]

All IOs receive forgery detection training as part of their initial training, and some may receive additional specialist training during their career. In addition to this, each UK port has dedicated forgery officers, who have received specialist training from the NDFU. The NDFU in the UK Border Agency has responsibility for all areas of expertise in relation to document fraud. It provides forgery detection training for UK Border Agency staff, gathers and disseminates intelligence on document fraud and produces statistical information for the UK Border Agency.

50 www.legislation.gov.uk/ukpga/2010/40/contents/enacted

What impact has this had and what lessons have been learnt?

In 2010/11 the NDFU trained over 600 law enforcement officers, the majority of whom were employed by the UK Border Agency. In addition to this, the NDFU created a basic forgery e-learning package for use by enforcement officers across the UK Border Agency.

The NDFU collates statistics that are used by the UK Border Agency's senior management to assess risks and trends relating to document abuse. The statistics are also used by NDFU to discuss technical issues relating to document abuse with international partners and secure document manufacturers. The statistics gathered by NDFU show who is doing what with which documents, and from whence they came. However, they do not cover passengers who arrive with no documentation at all.

3.3 STAY: PRACTICAL MEASURES UNDERTAKEN TO CONTROL IRREGULAR MIGRATION IN THE UK

(A) OVERVIEW – POLICY AND PRACTICE

Despite the effective measures outlined in sections 3.1 and 3.2, some irregular migrants do manage to travel to and enter the UK, whilst others may have entered legally and become irregular during their stay in the UK. The limited evidence available suggests that the largest group of irregular migrants are likely to be those who have overstayed or breached the terms of their visa (see chapter 6).

In the UK, a migrant engaged in illegal work is considered irregular because once they have breached the conditions of their visa it is considered invalid.[51] The UK considers it important to combat illegal working because it has potentially damaging social and economic consequences for the UK. For example, it undercuts businesses that stay within the law, undercuts British workers, and puts migrant workers at risk of exploitation.

Measures combating illegal working were introduced to take tough action against employers of migrant workers with no right to work in the UK, and work in conjunction with revisions to the PBS and sponsorship requirements (see section 2.1). Identifying and preventing irregular migration is therefore also regarded as increasingly a responsibility of the employer hiring the migrant worker, but also the general public, as the Prime Minister repeated in a speech in October 2011, calling for members of the public to report suspected immigration offenders to the UK Border Agency.[52]

There are a variety of measures available to help apprehend irregular migrants in the UK. These measures can broadly be classed as:

- direct and proactive (for example, gathering intelligence on the employers of illegal workers);
- direct and reactive (for example, conducting workplace raids); or
- indirect (for example, immigration offenders are picked up by the police for other non-immigration offences, and then their immigration status/offence is discovered).

51 See: **www.ukba.homeoffice.gov.uk** for details on the conditions attached to each UK visa.
52 Prime Minister's Speech on Immigration, 10 October, 2011, available at: **www.number10.gov.uk/news/prime-ministers-speech-on-immigration/**

Establishing who the UK Border Agency comes into contact with and what is known about that person is central to much of the Agency's business. The UK Border Agency seeks to have a whole view of a migrant across all the interactions that person has with the Agency, using identity to link to other records about the same person.

Biometric technology is used at the border (see section 3.2) and it is also used within in the UK to detect and identify irregular migrants. Biometric data helps the UK Border Agency to identify migrants in the UK who are not entitled to remain in the UK. Mobile fingerprint scanners are used as the most effective method of identifying irregular migrants using biometric information. UK Border Agency enforcement staff are trained to operate the hand-held scanners, which are frequently used in UK Border Agency operations across the UK.

The rollout of BRPs also has benefits for employers. Before the introduction of BRPs, employers were faced with numerous types of document held by potential migrant workers (for example, passports, travel documents, Home Office status documentation) which were difficult for employers to verify. This made it difficult for employers to determine a migrant's immigration status and entitlement to work. In contrast, BRPs clearly show the immigration status of the holder and their entitlement to work making it easier for employers to verify who is eligible to work for them. The BRP will become increasingly prevalent as the rollout progresses, replacing other forms of entitlement documentation presently held by non-EEA nationals.

The UK Border Agency helps employers to ensure that they only employ migrants who are entitled to work through guidance on the UK Border Agency website and the BRP verification telephone service.[53] From spring 2012 a new online checking service will be launched, which will provide quick and easy real-time checks on BRPs.

(B) BEST PRACTICE EXAMPLES

1. Local Immigration Teams (LITs) enhance the UK Border Agency's ability to detect and apprehend irregular migrants, working with communities to raise awareness of irregular migration.

What are they and why are they important?

LITs aim to increase engagement with partner organisations and the public on local immigration and community concerns. Building these relationships will widen the UK Border Agency's opportunities to make the most of intelligence and support migrants in communities. They have a particular focus on the prevention of and early intervention in irregular migration. LITs conduct enforcement operations in the community and in workplaces and businesses.

Enforcement operations to detect and apprehend illegal workers are intelligence led. The Agency investigates allegations received and intelligence acquired from internal and external sources, and carries out regular operations. These operations are often carried out in conjunction with other agencies, such as Trading Standards authorities, the Health and Safety Executive and HM Revenue & Customs. Visits to workplaces may be preceded by a visit from UK Border Agency Field Intelligence Officers, who can examine staff lists and discuss the prevention of illegal working with employers.

53 www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/checking-brp/

What impact has this had and what lessons have been learnt?

In 2010 the UK Border Agency ran Operation Golding, an intensive period of enforcement action targeting a range of immigration offences, including illegal working, sham marriages, bogus colleges and organised crime. This initiative involved working with law enforcement colleagues across the UK and internationally. This operation bought together all of the UK Border Agency's law enforcement capability in a co-ordinated and sustained period of activity that was designed to maximise impact. By co-ordinating action, the UK Border Agency concentrated resources on the immigration issues that cause the most harm to individuals and communities.

Over 500 operations run as part of Operation Golding across the UK from July to September 2010 resulted in:

- 823 arrests;
- 169 people charged with immigration-related crimes (including 95 as organised facilitators);
- over 110 individuals removed from the UK;
- 165 Civil Penalty Notices of Potential Liability served to employers;
- over £500,000 cash seized;
- over £1 million in criminal assets restrained; and
- over £120,000 in criminal assets confiscated by the courts.

The UK Border Agency also promoted messages overseas to complement Operation Golding communications in the UK.[54] Following on from the success of the campaign in summer 2010, the Operation Golding winter campaign took place from November 2010 to January 2011. The winter campaign targeted sham marriages, seasonal illegal working, abuse of irregular migrants, and organised immigration crime.

2. Tackling employers of irregular migrants: Civil penalties

What are they and why are they important?

If an employer is found to be illegally employing a migrant worker, they may face civil or criminal sanctions. Civil penalties can be issued on a sliding scale up to the value of £10,000 per illegal worker.

If a migrant worker has a time limit on their stay in the UK, the employer must check their documents at least once every 12 months to ensure that they continue to be eligible to work in the UK. The employer must also check that the worker is complying with any restrictions placed on their employment. For example, students are permitted to work different hours in term and vacation time.

When IOs visit workplaces, they must assess whether there is enough evidence of illegal working to justify issuing a Notice of Potential Liability for a Civil Penalty, with the final decision on liability being taken by a UK Border Agency caseworker. Employers are given an opportunity to object to and appeal against any civil penalties issued to them, but if (after appeals) they are ordered to pay, they must do so or be faced with debt recovery action. The

54 These included: issuing press releases on the irregular migration routes used in a particular country; combining press releases to demonstrate how a country's nationals have been arrested in the UK; working with foreign correspondents and news agencies in the UK to disseminate information overseas; setting up interviews with UK officials overseas; and working with the FCO to distribute messages to overseas media. Media coverage in online, press, TV and radio channels was monitored to evaluate impact and inform future campaigns.

penalty amount is proportionate to the severity of non-compliance with consideration given to the number of offences, level of compliance with illegal working rules and for co-operation with the UK Border Agency.

When an employer is found to have committed serious abuse, they can face criminal prosecution. Criminal conviction can lead to a fine of £5,000 per illegal worker and/or imprisonment of up to six months.[55] If there is not enough evidence to mount a criminal prosecution, or prosecution is not possible for another reason, then civil penalty action may be pursued instead. Particular consideration will be given to the use of the criminal prosecution for employers found to have employed illegal workers by enforcement officers on multiple occasions.

What impact has this had?

Since the beginning of the civil penalty regime in February 2008 until the end of October 2011, the UK Border Agency has issued 6,767 civil penalties to employers and collected over £16.3 million in penalty payments.

3. Cross-government and agency data sharing – to prevent irregular migrants from accessing public services that they are not entitled to.

What is it and why is it important?

The UK Border Agency works with several other public bodies and agencies to help both to identify irregular migrants in the UK and to ensure that they do not access services and benefits that they are not entitled to. For example, the UK Border Agency works with the following bodies.

- The **Department of Health** and the **NHS** to prevent migrants who have more than £1,000 in NHS debts from remaining in or returning to the UK until the debts are paid.
- The **Department for Work and Pensions (DWP)** to ensure that only those who are entitled access benefits in the UK administered by DWP. DWP checks that all these benefit claimants are eligible for the benefits they are applying for, as some are only available to people who are lawfully and habitually, or ordinarily, resident in the UK.[56]
- The **Driver and Vehicle Licensing Agency** to restrict access to driving licences to legal migrants who have more than six months' leave remaining in the UK. This aims to prevent abuse of driving licences, which can be used to establish an identity and therefore can be used to access services and benefits that the migrant is not entitled to (for example, property rental agreements).
- Joint working and data sharing initiatives with **HM Revenue & Customs**, including sharing data on those who have left the UK and are no longer eligible for tax credits and child benefit, and joint enforcement visits targeting employers that abuse both immigration and taxation laws, thereby relieving burdens on the public purse and tackling tax avoidance.
- The **police** to implement search powers under sections 44–47 of the UK Border Act 2007. These enable immigration and police officers to search premises for nationality documents, where an individual has been arrested for any criminal offence.
- The UK's Fraud Prevention Service, known as **CIFAS**[57], to share data. This partnership is aimed at providing

55 Following conviction on indictment, there is no upper limit to the level of fine that can be imposed and an employer may also be subject to imprisonment for up to two years.

56 Eligibility criteria vary depending on the benefit applied for. More details can be found on the DWP website: **www.dwp.gov.uk/directgov/**

57 The acronym CIFAS is historical and does not correspond to the full name of the agency.

information on known irregular migrants, which should help financial service providers to make informed decisions on giving financial credit, mobile phone contracts, etc, to those applying. The UK Border Agency would then be able to obtain information from CIFAS to help carry out biographical checks on migrants.
- The **No Recourse to Public Funds Network**, supporting local authorities in sharing information and best practice to prevent migrants from obtaining access to public funds and services that they are not entitled to.

What impact has it had and what lessons have been learnt?

Sharing intelligence and operational information between agencies plays a valuable role in the UK's efforts both to profile and detect crime patterns in addition to irregular migration. One example of best practice in this area is the **London Metropolitan Police Service's (MPS) Operation Sharvor**, an ongoing project.

This operation takes a holistic approach to international coach travel to include profile patterns of passenger behaviour, associated baggage, cargo and route patterns. The coach itself is also screened and checked by the Vehicle and Operator Services Agency and the MPS Commercial Vehicle Unit to highlight safety defects. Operation Sharvor has uncovered different types of cross-border criminal activity including immigration and customs-related crime, including a small number of clandestine entrants, use of false and fraudulent documents, and passengers possessing multiple documents that belonged to other individuals. Particular patterns of interest include Eastern European routes, the links to human trafficking in various forms (sexual, labour and child), and document movements to obtain identities.

The activities uncovered by Operation Sharvor are of interest to a range of government departments:

- the UK Border Agency is concerned with the types and scale of immigration offences uncovered;
- HM Revenue & Customs is concerned with the movement of cash in and out of the UK, and the vast scale of document movements for access to the full spectrum of government benefit and repayment regimes; and
- DWP is concerned with anyone claiming benefits that they are not entitled to.

The success of Operation Sharvor has been brought to the attention of Tispol (the European Traffic Police Network), which is discussing undertaking similar operations with other EU Member States.

3.4 PATHWAYS OUT OF IRREGULARITY

(A) OVERVIEW – POLICY AND PRACTICE

The UK Government aims to ensure that those migrants with no legal right to remain leave the UK, either voluntarily or by enforced removal procedures, which may include a period in a detention facility.

In general, the UK Border Agency encourages voluntary return as there are benefits for both the UK and the migrant. Voluntary return packages can provide financial and practical assistance for migrants in planning their return and in re-starting their life in their home country. They are also a safe, dignified and sustainable form of return. For the UK Government, voluntary return presents a much cheaper option compared with the costs of arranging enforced returns. However, if an irregular migrant will not leave voluntarily, the UK Border Agency will seek to remove them. Enforced removals may be undertaken in co-operation with other countries and organisations, such as FRONTEX.

Depending on the circumstances, there are a small number of irregular migrants who, once identified, may be able to obtain a regular status.

(B) BEST PRACTICE EXAMPLES

1. Regularisation is only available on a case-by-case basis – the UK does not conduct amnesties for irregular migrants.

What is it and why is it important?

The UK does not conduct amnesties for irregular migrants, although some individuals and groups in the UK have alleged that they do happen.[58] However, irregular migrants can apply for leave to remain or indefinite leave to remain in the UK if they can show they have been continuously resident in the UK for 14 years or longer or on the basis that their removal would contravene their rights under the European Convention on Human Rights (ECHR).[59] However, continuous residence alone is not sufficient to be granted leave. Other factors, such as age, strength of connections to the UK, personal history, domestic circumstances, previous criminal record, and compassionate circumstances will also be considered.

Attempts to deliberately evade immigration controls (for example, by absconding, contracting a marriage of convenience or using false documents) may mean that it is not in the public interest for an individual to be granted leave and the application for regularisation may not be considered favourably. However, all factors are considered and irregular migrants are not refused leave to remain in the UK solely because they are irregular.

The UK is currently reviewing the use of the 14-year rule and it is proposed that regularisation should be available only to those applying on the basis of ECHR Article 8.[60] The aim is to deter migrant non-compliance and ensure that those who apply for regularisation through the proper channels early on are in a better position than those who do not.

What impact has this had and what lessons have been learnt?

The number of individuals granted leave under the 14-year rule in the UK is relatively small when compared with estimates of the UK's irregular migrant population.

58 The House Of Commons Home Affairs Select Committee claimed in 2011 that the clearance of the backlog of asylum cases mean that "in practice an amnesty has taken place" (HASC, 2011).

59 **http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/**

60 More details about this proposal can be found in chapter 8 of the Family Migration consultation document, available at: **www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/family-migration/**

Table 1: Individuals granted leave to remain in the UK under the 14-year rule

Year	Individuals granted leave under the 14-year rule
2004	781
2005	730
2006	799
2007	806
2008	901
2009	2,062
2010	1,787
2011 (Q1–3)	1,400

Source: UK Border Agency Management Information.

Notes
1. This table on refers to those who regularised their stay under the 14-year rule; it does not include those regularised under ECHR Article 8 claims.
2. 2011 data only covers cases granted up to 30 September 2011.

2. Assisted Voluntary Return (AVR) is the preferred option where regularisation is not available.

What is it and why is it important?

AVR is described briefly below for completeness, but is not a focus of this report as the subject is covered in more detail in the earlier EMN Study 'EU Programmes and Strategies fostering Assisted Returns and Reintegration in third countries'.[61]

Migrants who are refused permission to stay in the UK and are required to return to their home countries may voluntarily make their own travel arrangements for return. However, if eligible, some may choose to participate in a voluntary return programme, which provides help to returnees at every stage of the process, for example, in obtaining travel documents, making travel arrangements and in some cases accessing reintegration assistance in their countries of origin.

The UK has several voluntary return and reintegration programmes, some of which are open to irregular migrants. These are operated on behalf of the UK Border Agency by Refugee Action.

61 The report can be accessed from the EMN website: **http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do%3bjsessionid%3d57299FCCD4A6B090A6DF6199251EF79A?entryTitle=06_EU%20Programmes%20and%20Strategies%20fostering%20ASSISTED%20RETURN%20to%20and%20REINTEGRATION%20in%20third%20countries**

The UK operates an **Assisted Voluntary Return for Irregular Migrants (AVRIM)** programme, for irregular migrants who wish to return home. Under this programme, irregular migrants are assisted in obtaining travel documents and arranging their international flight. Assistance can also be provided to migrants at departure and arrival airports. Reintegration assistance is generally not available through the AVRIM programme, although exceptions can be made on a case-by-case basis.[62]

Failed asylum seekers, and some other temporary migrants, are eligible for the **Voluntary Assisted Return and Reintegration Programme (VARRP)**. Irregular migrants do not automatically qualify for this if they have not applied for asylum although they may be eligible to apply under AVRIM (see above). Those returning under VARRP receive help in obtaining travel documents, flight assistance at departure and arrival airports, and reintegration assistance. Each returnee receives up to £1,500 of reintegration assistance, including a £500 relocation grant for immediate needs.

In 2010, the UK began a new return programme, **Assisted Voluntary Return for Families and Children (AVRFC)**. The programme covers families and unaccompanied children who have either sought asylum or who are in the UK illegally. The scheme offers reintegration for the whole family, and emphasis is placed on using reintegration assistance for educational needs as well as income generation.

See section 4 for details on co-operation with EU Member States and third countries on returns and removals and section 5 for details on the UK's use of the European Return Fund.

What impact has this had and what lessons have been learnt?

In 2010, 4,541 individuals left the UK under an AVR programme. This included 2,698 failed asylum seekers and 1,843 individuals departing under the AVRIM scheme (Home Office, 2011).

Table 2: Individuals departing the UK under the AVRIM programme

Year	Individuals leaving the UK under AVRIM
2004	10
2005	421
2006	859
2007	1,291
2008	1,639
2009	1,961
2010	1,843

Source: Immigration Statistics April – June 2011 (Home Office, 2011).

62 Particularly vulnerable migrants returning under this programme may be offered some reintegration assistance. For example, they may be offered assistance for business start-ups, education or vocational training. Assistance can also be provided in the form of counselling, which is particularly important for victims of human trafficking and unaccompanied minors.

Evaluations of VARRP, including the impact on returns and returns behaviour, from 2005–2008 can be found in Reeve et al. (2010). Evidence on successful strategies for encouraging Assisted Voluntary Return and ensuring provision of effective reintegration assistance are outlined in Thiel and Gillan (2010).

3. Enforced removal may be used if an irregular migrant does not choose to leave the UK voluntarily.

What is it and why is it important?

If an irregular migrant is detected in the UK, and they are not able to regularise their stay or do not return voluntarily, the UK Border Agency will seek to remove them. Removal is usually to the country of which the migrant is a citizen or national, although removal may also take place to a third country if the migrant will be accepted there. If there is evidence of the carrier that brought the irregular migrant to the UK, then the carrier may be required to remove the migrant from the UK at their expense, otherwise the cost will fall to the UK Border Agency.

The UK Border Agency does detain irregular migrants but only when it is deemed necessary to do so. Irregular migrants are not detained solely because of their irregular status. It is the UK Border Agency's preference to use temporary admission or release instead of immigration detention, where possible and/or appropriate. Before detention can be authorised, the UK Border Agency must consider all reasonable alternatives to detention. Each case must be assessed on its individual merits.

Migrants, including irregular migrants, may be detained in one or more of the following circumstances:

- while their basis of claim and identity are established;
- where there are reasonable grounds to believe that the person will abscond;
- as part of the fast-track asylum process; and
- to effect removal from the UK.[63]

Following the 2010 General Election, the UK Border Agency piloted and then rolled out a new four-stage family returns process (see section 2.1d), focusing on engagement with families during the decision-making process.

There is no definite time limit set for the detention of migrants, although in line with ECHR Article 5 (the right to liberty and security of person) and domestic case law it may last no longer than is reasonably necessary for the purpose for which it was initiated.[64] ECHR Article 8 (the right to respect for private and family life) is also relevant, but does not remove the possibility of detention.

63 In the case of Foreign National Offenders facing removal, consideration of the need to protect the public from harm is also a factor when considering whether to detain the individual or grant temporary release.

64 For example, if a migrant is detained in order to remove them from the UK, detention remains lawful as long as there is a realistic prospect of removal within a reasonable period of time. If it becomes apparent that the migrant will not be removed in a reasonable period, they must be released from detention.

What impact has this had and what lessons have been learnt?

Improving returns procedures in co-operation with international partners can aid the reduction of irregular migration by:

- increasing the number of returns that the UK is able to perform;
- reducing the cost of returns; and
- reducing the need for returns by combating irregular migration upstream.

See section 4.2 for some examples of international co-operation on returns. See section 6 for statistics on removals and returns.

4. Co-operating on enforced returns procedures with FRONTEX.

What is it and why is it important?

One of the main international organisations the UK co-operates with on returns and removals is FRONTEX.

The EU Member States are responsible for the security of the external EU border. FRONTEX assists in this effort by co-ordinating operational activities between the Member States. Irregular migrants often travel through other EU Member States en route to the UK, so strengthening the external Schengen borders is also of direct benefit to the UK. FRONTEX is an intelligence-driven agency, with six key areas of responsibility:

- risk analysis;
- operational co-operation;
- training;
- research and development;
- technical and operational assistance; and
- assistance in joint return operations.

The UK is excluded from full participation in FRONTEX on 'Schengen-building' grounds as the creation of FRONTEX builds on a part of the Schengen Agreement that the UK does not participate in. However, officials from the UK and Ireland can participate in joint operations (in an observer/adviser role), as well as in other FRONTEX activities with the agreement of the Management Board on a case-by-case basis. The UK plays an active role at the FRONTEX Management Board but does not have a vote. The UK does not contribute towards the administrative costs of FRONTEX, but makes an annual financial contribution to the cost of the activities that the UK takes part in.

The UK has participated in FRONTEX activities since it was formed in 2005 and became operational in 2006 by:

- deploying experts to joint operations;
- participating in and leading on joint return operations, training activities, research and development and risk analysis;
- seconding national experts; and
- providing detection technology equipment.

Returns operations form an important part of UK-FRONTEX co-operation.

What impact has this had and what lessons have been learnt?

The UK has gained valuable experience from working with other EU Member States through FRONTEX, which has included the sharing of best practice, professional development of UK Border Agency staff and the establishment of contacts and networks in other countries.

Return operations are a particularly effective output for the UK. In 2010 the UK removed 117 individuals through FRONTEX operations and a further 81 individuals have been removed from January to October 2011.

The UK increased the level of participation in FRONTEX returns operations from participating in five flights in 2009 to participating in six flights and leading on two flights in 2010. In 2010 the UK also co-operated with EU Member States on removal flights, including:

- co-operating with France to charter two flights to Kosovo and Albania; and
- co-operating with Sweden on a joint charter to Iraq.

The UK also participated in FRONTEX-led flights to West Africa. This allowed the removal to destinations to which it would not be effective for any individual Member State to conduct a charter, such as Cameroon. See section 4 for more details on FRONTEX projects.

5. Re-entry bans – preventing previously irregular migrants returning to the UK.

Following removal/return, irregular migrants may be subject to a re-entry ban and therefore barred from returning to the UK.[65] The length of the re-entry ban largely depends on the manner in which they left the UK and bans range in length from one year for those who leave the UK voluntarily at their own expense to ten years for those leaving the UK on an enforced removal. Individuals removed from the UK as the subject of a deportation order are banned from re-entering the UK for as long as the order is in force.

65 The following types of irregular migrants are liable to re-entry bans: those who entered the UK clandestinely; those who entered the UK using deception; those who have breached the conditions of their leave in the UK; and those who have overstayed their leave.

4. Transnational co-operation in reducing irregular migration

As shown in section 3, reducing irregular migration increasingly requires work overseas and co-operation with other countries and institutions to be effective. Legislative and non-legislative co-operation with other EU Member States and third countries greatly enhances the UK's ability to reduce irregular migration.

4.1 CO-OPERATION AGREEMENTS

(I) CO-OPERATION AGREEMENTS WITH THIRD COUNTRIES

The UK has several forms of co-operation agreements that relate to different aspects of irregular migration. EU Readmission Agreements and Memorandums of Understanding help to enforce the return of irregular migrants to their country of origin. Mobility Partnerships cover elements of border security and migration management and Strategic Agreements can help to foster close relationships between countries working together on particular issues.

EU Readmission Agreements (EURA)

EURAs set out provisions for the identification, documentation and return of individuals who have illegally entered or remained in Member State territory. These agreements therefore enforce returns of irregular migrants.

The UK currently participates in all 13 EURAs. These are with Russia, Sri Lanka, Hong Kong, Macau, Ukraine, Albania, Former Yugoslav Republic of Macedonia, Serbia, Montenegro, Bosnia Herzegovina, Moldova, Georgia and Pakistan.

Memorandum of Understanding (MoU)

The UK has MoUs with Afghanistan, Algeria, Angola, Azerbaijan, Burundi, China, Djibouti, India, Iraq, Nigeria, Pakistan, Rwanda, Somaliland, United Arab Emirates and Dubai, and Vietnam. The scope of the MoUs varies considerably, but they help the UK to effect returns to these countries with greater ease than would be possible without the agreements.

For example, the UK has an MoU with China (signed in 2004 and amended in 2007) that aims to increase co-operation on combating irregular migration and to facilitate returns. The UK's MoU with India (first negotiated in 2004) deals with modes of returns and redocumentation processes.

Mobility Partnerships

The UK is a member of the Mobility Partnership with Georgia, which aims to share best practice in order to increase Georgia's capacity in matters of migration and border control. The UK also has an interest in discussion on forming an EU Mobility Partnership with Ghana, which could focus on border management. This will build on an existing good bilateral relationship.

The European institutions are due to commence dialogue with Tunisia, Morocco, and potentially Libya and Egypt, with a view ultimately to agreeing a Mobility Partnership with each state to build capacity in matters of border security and migration management. The UK will decide whether or not to participate in each individual agreement on a case-by-case basis once the final agreement has been reached.

Strategic Agreements

In July 2010 the Prime Minister signed the UK–Turkey Strategic Agreement, which commits the UK and Turkey to closer working on counter terrorism, organised crime, and irregular migration. The Turkey–Greece border remains a key transit route of irregular migration to the UK and ongoing co-operation with the Turkish authorities will act to reduce this migration flow.

(II) CO-OPERATION AGREEMENTS WITH OTHER EU MEMBER STATES

The geographical proximity between France and the UK means that, for the UK, co-operation with France is a key element in the reduction of irregular migration, as the examples below show.

The Evian Agreement

At the UK–France Summit on 6 July 2009 in Evian, France, the then UK and French Ministers signed a declaration that committed both Governments to a series of tangible commitments to tackle irregular migration. The high-level commitments included:

- establishing a Joint Operational Co-ordination Centre (JOCC) in Calais to collect and share all necessary information to control the movement of goods and people between France and the UK; and
- establishing a Joint Intelligence Unit (JIU) in Kent responsible for exchanging intelligence for use in joint operations designed to target traffickers and smugglers in northern France.

The JOCC came into operation in February 2010. Staff from the UK Border Agency, Polices aux Frontières, Douanes and the Calais Chamber of Commerce work together in one office, where they have access to shared information and CCTV. They act as the central point of contact for all agencies operating within the port enabling immediate communication on risks and threats.

The JIU was set up in Folkestone and comprises officers from OCRIEST (the French Anti-Irregular Immigration Agency), SOCA, Kent Police and the UK Border Agency. Its activity in 2010 led to arrests for facilitation and the interception of clandestine illegal entrants and it has also been instrumental in several arrests for drug smuggling and distribution, robbery, money laundering and fraud.

A follow-up summit was held in London on 2 November 2010 to build on the commitments made in 2009. At the summit, the UK and France committed to the following:

- to continue to adopt detection technology and border control at the port of Calais, on the basis of information feeds through the JOCC;
- to strengthen co-ordinated police operations against illegal trafficking networks on UK and French territory, in close co-operation with other EU Member States and international partners;
- to broaden intelligence sharing by inviting Belgium to join the JIU and explore further expansion with other partners;
- to open negotiations, with due respect for European and national law, on data exchange in order to conclude by the next UK–France summit an intergovernmental agreement to increase the exchange of information and intelligence necessary to combat illegal immigration; and

- to conduct a risk analysis of northern French ports handling vehicular traffic to be completed by March 2011, with a view to further strengthening border security through use of the most appropriate technology and associated infrastructure before the next UK–France summit in approximately one year's time.

Juxtaposed controls

As discussed in section 3.2, juxtaposed controls are one of the practical measures in place at the UK border to reduce irregular migration to the UK. They also represent a good example of co-operation between the UK, France and Belgium. Juxtaposed controls have existed at the Channel Tunnel sites since 1994 and from 2000 Eurostar terminals (juxtaposed controls were rolled out at other Eurostar stations in 2001). The Le Touquet Treaty was signed on 4 February 2003, giving Border Force officers the power to operate juxtaposed controls at designated ports on the English Channel coast. This was implemented in October 2004; France introduced reciprocal controls in Dover on the same day.

4.2 OTHER FORMS OF (NON-LEGISLATIVE) CO-OPERATION WITH COUNTRIES

The UK has worked with many different countries with the aim of combating irregular migration. For example, the UK deployed a joint debriefing team to Italy in March 2010 to gather information on migration routes, which was shared with Italy. SOCA is providing Italy with information on organised immigration crime, and UK Border Agency staff in Italy are working with the Italian police to act on this tactical intelligence. Past co-operation has already led to a number of arrests in Italy of criminals seeking to smuggle people to the UK.

Co-operation on returns

As discussed in section 3.4, international co-operation on returns is important and effective because it allows the UK to take a more strategic view of returns, alongside the day-to-day business of effecting individual returns. Strengthening the response to irregular migration in source and transit countries also benefits the UK as it should help to reduce the number of irregular migrants reaching the UK.

Some examples of initiatives that were aimed at improving returns in 2010 include the following.

- The UK led the returns element of a programme of capacity building and technical support to Ukrainian authorities to Effectively Respond to Irregular Transit-Migration (ERIT).[66] As part of this project, workshops were held in the Ukraine allowing the UK to participate in the delivery of full packages of project activities, with a strong emphasis on sharing UK experience in the area of returns. This allowed counterparts from the Ukraine and EU countries to discuss in-depth the practical routine within their daily working environment.
- The UK supported Greece, through the secondment of UK officials, to design and implement a sustainable AVR programme, securing the attendance of a Greek delegation to a UK AVR seminar, meeting with the International Organization for Migration (IOM) in Greece to explore future working and holding a session on AVR to be run as part of a two-day event.
- The UK engaged in the SIREADA project (Supporting Implementation of Readmission Agreements in Russia, Moldova and the Ukraine)[67], which funded the voluntary return and reintegration of 650 irregular migrants in the Ukraine, aiming to deter the use of the Ukraine as a transit country for irregular immigration.

66 This programme was led by the EU, sponsored by the General Directors' Immigration Services Conference (GDISC) and managed by the International Centre for Migration Policy Development (ICMPD).

67 This project was led by the IOM.

The UK provided assistance to other Member States to ensure effective return policies based on enforced and voluntary returns and where increased returns act as a deterrent to potential irregular migrants. The UK:

- provided specific advice to Malta (with the Netherlands) to enhance their returns capability – for example, using UK Border Agency contacts and procedures to open up removals to Nigeria and Ghana;
- helped to fund an AVR project in Turkey that returned over 400 migrants and aimed to develop a sustainable returns programme;
- successfully concluded the IOM-led Libya and Morocco (LIMO) project, which facilitated the return and reintegration of 4,000 migrants from Libya and Morocco to 25 source countries; and
- shared UK progress in removal practices and procedures to the more difficult countries (for example, Somalia and Eritrea) with other EU Member States.

4.3 CO-OPERATION WITH EU OR INTERNATIONAL ORGANISATIONS

Co-operation with FRONTEX

The UK co-operates with FRONTEX (see section 3.4) on several measures aimed at reducing irregular migration. As well as the measures on returns mentioned above, the UK has participated in many other initiatives aimed at strengthening the EU response to irregular migration.

The UK **participates in FRONTEX joint operations** that target irregular migration. In 2011 the UK participated in projects targeting the external Schengen borders by deploying experts to:

- **operations at the Greek land and sea borders.** The UK deployed debriefing staff with interpreters and an expert with freight detection technology; and
- **air border operations** that aim to disrupt illegal migration from third country hubs into the EU.

The UK has also hosted a number of **training events** at the UK's FRONTEX Partnership Academy. The UK has also contributed to the FRONTEX standardised EU analytical guidelines; assisted in the production and delivery of interview officer training; and assisted in the detection of false document training.

The UK attends quarterly **FRONTEX Risk Analysis Network (FRAN) meetings** and biannual tactical FRAN meetings with other Member States to help identify current threats to the EU external Schengen borders. The FRONTEX Risk Analysis Unit analyses information sent through from Member States and third countries in order to prepare risk analyses to drive the operational work of the Agency. The UK contributes to FRAN products by sharing information via bi-monthly intelligence reports, statistics and ad hoc contributions to tailored risk assessments.

The UK has also participated in several **pilot projects** that address irregular migration.

- **Attica** – the UK has deployed nationality screening experts and returns liaison officers to increase the Greek authorities' capability in return management with focus on identification, obtaining travel documents and returns.
- **Vega** – the UK has assisted in the development of a handbook on best practices for the detection and interception of facilitators using airports as an entry point for human smuggling and trafficking.

- **Argonauts** – the UK has assisted in the development of a handbook for the management of massive transit of passengers at the EU external borders in preparation for the UEFA EURO 2012 football tournament.

The UK has **seconded national experts to FRONTEX**, one as Special Adviser to the Executive Director on external relations for six years, and another expert Airport Operations Manager for four years. Both experts have completed their secondments.

Research and development activities are another way that the UK engages with FRONTEX. In 2011 the UK participated in the **implementation of the border checks programme**, the development of the European Surveillance System (Eurosur) and the development of a report on API for the European Commission to inform the review of the API Directive.

The UK also co-operates with other international organisations on irregular migration.

The UK participates in the **General Directors' Immigration Services Conference (GDISC)**.The GDISC network focuses on practical co-operation on asylum and migration. The UK has been involved in a number of practical co-operation initiatives through GDISC, some of which are relevant to reducing irregular migration. For example, the capacity building and technical support to Ukrainian authorities to ERIT, discussed earlier in section 4.2.

The UK actively participates in supporting and submitting bids for the EU Thematic Fund, which funds upstream projects for the **EU Thematic Programme of co-operation with third countries in areas of migration and asylum**. The general objective of the Thematic Fund is to help third countries better manage all aspects of migratory flows in all their dimensions through projects involving Member States, NGOs and third countries. On 1 December 2011 the UK supported three bids, which all in some degree address the issues of irregular migration.

The UK pro-actively participates with a range of International Civil Aviation Organization (ICAO)- and International Air Transport Association (IATA)-led **international civil aviation forums**, alongside other governments, airlines and airport operators. The work of these groups includes setting recommended practices and guidelines on passenger facilitation, including irregular migration, such as people with false documents, and the removal of inadmissible people.

5. Impact of EU policy and legislation

(A) THE IMPACT OF EU POLICIES AND LEGISLATION ON IRREGULAR MIGRATION ON NATIONAL POLICY

The UK's policy and practices on irregular migration are heavily influenced by several key features of EU policy and legislation.

Despite not being a signatory to the border elements of the **Schengen Agreement**, the UK's response to irregular migration is affected by its geo-political proximity to the Schengen Area. As the UK chose not to opt-in to the border and visa elements of the Schengen Agreement, it preserves its own national borders and visa policy. The lack of internal border controls across the Schengen Area was one of the contributing factors that led to the introduction of juxtaposed controls in France and Belgium (see section 3.2). The preservation of its national borders and border controls is considered to be a key element of the UK's efforts to reduce irregular migration. It also does not participate in the same visa regime for third country nationals as the Schengen member states.

It is also the case that the UK's non participation in relevant aspects of the Schengen Agreement means that it does not participate in key elements of EU policy and legislation, for example, participation in the EU Visa Information System.

Although the UK has chosen not to opt in to some key directives and measures on irregular migration, it has opted in to others, such as the Carrier Sanction Directive[68] and EU Readmission Agreements (see below). It is also an active participant in FRONTEX (see sections 3.4 and 4.3) and regularly shares best practice and co-operates on specific projects with other EU Member States (see section 4.1).

(B) CHANGES THAT HAVE OCCURRED IN THE UK IN RELATION TO THE TRANSPOSITION OF SANCTIONS DIRECTIVE AND THE RETURNS DIRECTIVE

Two key pieces of EU legislation aim to reduce irregular migration in the EU Member States:

- the Sanctions Directive[69] (which outlines minimum standards for sanctions against employers of illegally staying third country nationals); and
- the Returns Directive[70] (which outlines common standards for the return of illegally staying third country nationals).

The UK did not opt in to the Sanctions Directive[71] or the Returns Directive. However, the UK remains committed to penalising the employers of irregular migrants and to implementing the effective return of irregular migrants (see sections 3.3 and 3.4 for more details). The Secretary of State for Immigration at the time, Phil Woolas, explained the UK's non-participation in the EU Returns Directive as follows:

68 **http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:187:0045:0046:EN:PDF**
69 **http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF**
70 **http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF**
71 See: **www.homeoffice.gov.uk/publications/about-us/parliamentary-business/written-ministerial-statement/directive-illegally-staying-wms/?view=Standard&pubID=890768** for a written Ministerial Statement on the UK's non-participation in the Sanctions Directive.

"The UK has not participated in and has no plans to implement the EU Returns Directive 2008/115/EC. We agree that a collective approach to removal can have advantages. However, we are not persuaded that this Directive delivers the strong returns regime that is required for dealing with irregular migration. Our current practices on the return of illegal third country nationals are broadly in line with the terms of the Directive, but we prefer to formulate our own policy, in line with our stated position on retaining control over conditions of entry and stay." (Hansard, 2009)

(C) THE EFFECT OF EU AGREEMENTS (FOR EXAMPLE, READMISSION AGREEMENTS AND MOBILITY PARTNERSHIPS) ON THE UK'S PRACTICAL RESPONSES TO IRREGULAR MIGRATION

EU Readmission Agreements have benefits in establishing common standards on returns and for the UK, have helped to foster practical co-operation efforts on returns.

(D) THE EXTENT THAT ACTIVITIES FUNDED BY THE EXTERNAL BORDER FUND (EBF) AND/OR THE EUROPEAN RETURN FUND (RF) HAVE CONTRIBUTED TO THE UK'S PRACTICAL RESPONSES TO IRREGULAR MIGRATION

The UK does not participate in the EBF as it is excluded on Schengen-building grounds.

The priorities of the RF are increasing the number of voluntary and enforced returns in a sustainable and dignified way, and joint working with other EU Member States. These correspond well with the UK's priorities. This is reflected in the fact that there is a high level of interest in the RF in the UK.

The UK has used its national allocation from the RF to co-finance several activities contributing to combating illegal migration. This has added considerable value to the UK's national programmes and policies in the field of returns (see section 3.4 for more details of AVR Schemes). These include:

- Voluntary Assisted Return and Reintegration Programme (VARRP);
- Assisted Voluntary Return for Irregular Migrants programme (AVRIM);
- Assisted Voluntary Return for Families and Children programme (AVRFC);
- Facilitated Return Scheme – for foreign national offenders (see below);
- Enforced return charter flights – including some flights jointly implemented with other EU Member States.

The RF also funded The Global Calais project, which aimed to provide information to irregular migrants in the Calais area about:

- the dangers of crossing the English Channel illegally;
- the Assisted Voluntary Return and Reintegration (AVRR) options available to them; and
- the reality of life as an irregular migrant in the UK.

The project also aimed to:

- contribute to increasing the number of AVRR applications in Calais and Dunkirk;
- provide reintegration assistance to families and vulnerable migrants who would not otherwise by covered by the French AVRR programme;

- raise awareness among stakeholders involved in providing assistance to unaccompanied minors, particularly in relation to voluntary return; and
- assess the situation of irregular migrants in transit to northern France and the UK in Nice.

See section 3.4 for more details on return and removal programmes.

FACILITATED RETURN SCHEME (FRS) FOR FOREIGN NATIONAL OFFENDERS (FNOS)

The FRS for FNOs has been in place since trials in 2006. Since October 2009 the scheme included a financial amount being offered to encourage FNOs to return to their country of origin voluntarily.[72] FRS provides a more dignified return to returnees as they return on a voluntary basis (rather than enforced return) with the offer of assistance to reintegrate to their own society when returned. Since 1 October, 2010 the amount of assistance available under the scheme is up to £1,500 if the FNO is still serving a prison sentence, or up to £750 if they have served their sentence.

The scheme maximises savings for the UK by allowing FNOs voluntary return. As a result FNOs will comply with travel documentation processes, withdraw appeals and further barriers and the need for escorted removal is minimised. Recent UK Border Agency analysis found that returns under FRS represent notable cost savings when compared with the cost of an enforced removal of an FNO. FRS also provides an opportunity for investment in the country of return through business start-ups or further education undertaken and so providing a more skilled workforce.

72 Up October 2009, the financial incentive had been paid 'in kind'. For example, the cost of housing or medication would be paid direct to the service provider rather than to the FNO. The FNO also received a small amount of money on a cash-card, which was given to them on departure from the UK. Reintegration assistance could include housing assistance, the set-up of new businesses on return and medical care.

6. Estimates and statistics on the irregular migrant population

As already discussed, irregular migration is difficult to measure statistically, due to the covert nature of such migration and the ambiguity of definitions. However, broadly there are two ways in which this has been attempted in the UK.

Firstly, there are estimates that attempt to quantify the irregular migrant population in the UK. In 2004 the Home Office commissioned a review of methodologies that had been applied by 15 different countries (across Europe and beyond) in order to estimate the stock of irregular migrants and an assessment of their applicability to the UK (Pinkerton et al., 2004). This review concluded that the 'residual method' as used in the USA was likely to be the most appropriate, and this was the basis for the Home Office estimate in 2005 (Woodbridge, 2005). Subsequent studies have also used this method. However, since the method is based on the population Census, conducted every ten years, the estimates are difficult to update more regularly.

Secondly, there are estimates that seek to measure different types of irregular migration that have been detected by the UK authorities, such as overstaying or illegal working. This can be seen in the statistics provided to Eurostat by the UK as part of the Migratory Statistics Regulation EC 862/2007 (discussed below). These data are part of a long term goal to enable a statutory basis for harmonisation of data and therefore comparisons across Europe.[73] However, being based on administrative and operational data, the numbers produced will reflect differing legal and operational environments, as well as different levels of resources and priorities. These will affect the numbers counted.

This section seeks to review both these approaches. Trends in irregular migration are influenced by a variety of factors. For instance, they may reflect operational changes originating within a country, such as a change in enforcement activity, or across a group of countries, such as the accession of new countries to the EU and the subsequent changes in free movement rights. They may also reflect changes in the behaviour of migrants due to political developments in other countries, economic factors, historical links between nations and access to travel. Such 'push' or 'pull' factors are likely to fluctuate over time. The hidden nature of irregular migration makes explaining changes to external influences a complex and uncertain process.

6.1 ESTIMATES OF THE IRREGULAR MIGRANT POPULATION IN THE UK

In recent years there have been two main studies that have sought to estimate the number of irregular migrants in the UK.

The first was conducted by the Home Office, and used the 'residual method' (Woodbridge, 2005). This methodology uses Census data to create an estimate by deducting the legally resident foreign-born population from the total number of foreign-born people recorded by the Census.[74] The difference is then proposed as an estimate of irregular migrants present at that time[75] although it will be subject to a significant degree of uncertainty. **The 2005 report produced a central estimate of 430,000 irregular migrants in the UK in 2001** (range of 310,000 to 570,000). This equates to around 0.7 per cent of the UK population (of 59 million).

73 UK Statistics Authority (2009). See: **www.statisticsauthority.gov.uk/reports--correspondence/reports/authority-report-4--migration-statistics-the-way-ahead.pdf**

74 In this instance, the estimate used data from the 2001 Census.

75 UK Statistics Authority (2009). See: **www.statisticsauthority.gov.uk/reports--correspondence/reports/authority-report-4--migration-statistics-the-way-ahead.pdf**

A second estimate was conducted by the London School of Economics (Gordon et al., 2009). This study was based on the Home Office methodology but incorporated estimates of changes thought to have occurred since 2001. These included the impact of further arrivals and the clearance of a backlog of asylum cases, the likely continued arrival and departure of clandestine entrants and overstayers, as well as the potential regularisation of some irregular migrants (for example, nationals from countries that became EU Member States following accession in 2004 and 2007). This study also added estimates for UK-born children of irregular migrants. These adjustments produced a **central estimate of 618,000 irregular migrants living in the UK at the end of 2007** (range of 417,000 to 863,000). The study estimated that approximately 70 per cent of these irregular migrants reside in London. This study also sought to assess the potential economic impact of an earned regularisation programme on the UK and London.

These estimates continue to be the most robust estimates of the irregular migrant population in the UK, and are often used to calculate international comparisons. It should be noted, however, that neither of these estimates include those migrants who become irregular through breaching the conditions of their leave.

International comparisons of irregular migrants in the resident population are recognised as highly problematic due to the different data sources (and subsequent methodologies) available within individual countries as well as the differences in definitions.

The Organisation for Economic Co-operation and Development (OECD) reports suggest that, using 2005 estimates, the proportion of the foreign population accounted for by irregular migrants in the UK was slightly higher than in France, Germany and Spain, but lower than in the Netherlands, Italy or Greece (OECD, 2009). The Clandestino project also compared data supplied by EU Member States in order to estimate the overall irregular migrant population within the EU, which they gave as 1.9–3.8 million in 2008 (Clandestino, 2009). This project found that the UK had an average stock and a below average flow of irregular migrants when compared with the EU average (although not all country estimates were of comparable quality or methodology).

Although it is clearly difficult to quantify different types of irregular migration activity, considering research from a variety of sources can help suggest a more complete picture of irregular migration in the UK. For example, most analysts agree that a larger proportion of the irregular migrant population in the UK is composed of overstayers rather than illegal entrants (Finch and Cherti, 2011; Migration Observatory, 2011a; Düvell, 2009).

Additional evidence from qualitative research with irregular migrants suggests that for some nationalities, some young people use overstaying in order to extend a 'gap year' or to engage in unauthorised work as part of an extended holiday, for example, Australians, Brazilians and South Africans (Finch and Cherti, 2011). Much of this type of overstaying is thought to be relatively short term, and many of these migrants may overstay for a short while before returning home voluntarily. Although this type of evidence is not quantitatively robust, it helps to provide a more nuanced picture of the irregular migrant population in the UK.

6.2 NATIONAL STATISTICS (EUROSTAT) RELATING TO IRREGULAR MIGRATION[76]

The statistics used within this section include the data that the UK supplies to Eurostat in accordance with Articles 4, 5 and 7 of the Migratory Statistics Regulation EC No 862/2007 as these focus on refusals, apprehensions and removals. Data on rejected asylum seekers are also included (Article 6). Such data are created by the UK using a combination of published National Statistics data (Home Office, 2009) and other management information, and may therefore reflect the operational activity addressing irregular migration rather than numbers of irregular migrants directly. For example, a reduction in numbers in one of these areas may reflect successful enforcement activity rather than an actual change in the irregular migrant population.

As already mentioned, statistics based on administrative and operational data will reflect differing legal and operational environments, as well as different levels of resources and priorities. These will affect the final figures.

PREVENTION OF IRREGULAR MIGRATION: REFUSALS AT THE UK BORDER[77]

Individuals seeking to enter the UK are obliged to satisfy an IO that they meet the criteria for entry on arrival at a 'port of entry' (either at air, sea or land ports). A person who is initially refused entry may then be detained or granted temporary admission to the UK. This may be due to:

- an outstanding asylum claim;
- an appeal against a refusal to entry; or
- to allow travel arrangements to be made or removal directions to be set.

In 2010:

- 16,805 third country nationals[78] were refused entry at the border (air, land or sea) compared with 20,460 in 2009 (an 18% reduction);
- 97 per cent of refusals in 2010 were to single individuals (16,365);[79]
- the majority of non-EU nationals were refused at the air border (77%); and
- the most common reasons for refusal were 'no sufficient means of subsistence' (48%) and 'no valid visa' (42%) in 2010. This was similar to previous years.[80]

76 The majority of the data included within this section are available from Eurostat, covering 2008 to 2010 (2008 was the first year that Regulation data was produced and supplied to Eurostat). However, due to ongoing improvements in methodology and compliance with Regulation statistics, these data are not directly comparable across all years (as indicated in the tables provided in Annex 1). As a consequence, additional analysis, where possible, has been included to enable further comparisons across 2008 to 2010.

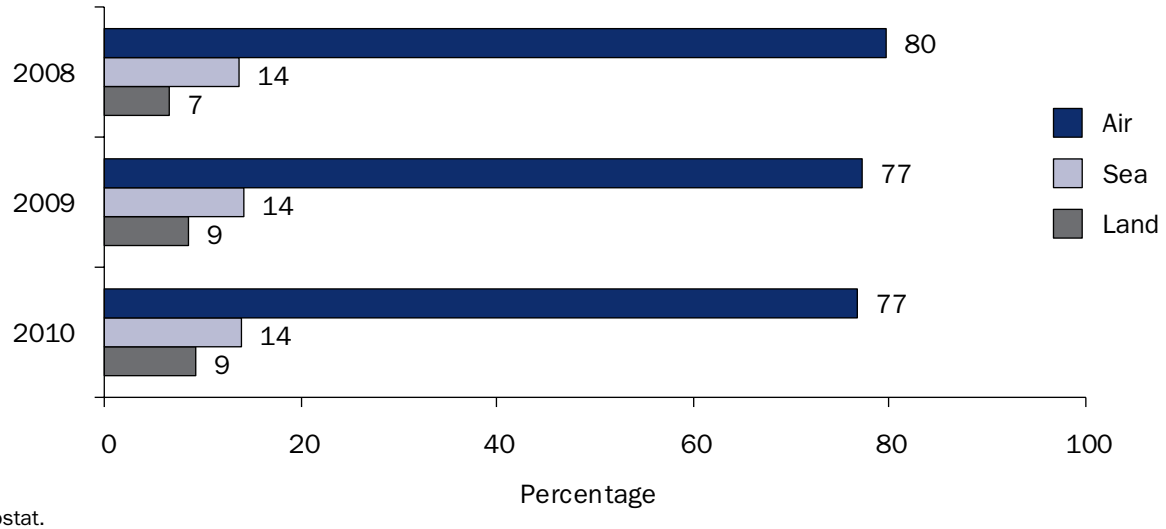
77 Article 5 of the Migratory Statistics Regulation EC 862/2007

78 Data exclude EU-27 (the 27 EU Member States), EEA and European Free Trade Association (EFTA) nationals.

79 Data as published by Eurostat are not directly comparable between 2008/09 and 2010. This is because from 2010 onwards data relate to individuals rather than incidents (as in 2008 and 2009). However, in 2010 only a small proportion of refusals related to multiple incidents (3%).

80 See Figure 1, Annex Tables 2.1 to 2.4.

Figure 1: Proportion of incidents of non-EU nationals refused entry to the UK, by border, 2008 to 2010



Source: Eurostat.

Notes:
1. From 2010 onwards data relate to individuals rather than incidents.

In 2010 the top ten nationalities refused entry made up 53 per cent of all of third country nationals refused entry at the UK border, with citizens from the USA and Brazil being the two most common individual nationalities refused (13% and 10% respectively). Similarly, the top ten countries made up over half of all incidents of refusal in 2009 and 2008 (53% and 56%) and were the same in 2009 and 2008, with citizens from the USA and Brazil accounting for around one-quarter of non-EU nationals refused entry in 2009 and 2008 (25% and 28% respectively).[81]

DETECTING AND REMOVING IRREGULAR MIGRANTS FROM THE UK[82]

Irregular migrants detected to be illegally present in the UK are apprehended and are automatically ordered to leave the UK.[83] In 2010:

- there were 56,120[84] incidents of third country nationals being apprehended the UK compared with 69,745 in 2009 (20% reduction);
- only 4 per cent (2,420) involved the same individual being apprehended more than once;[85]
- the majority were aged 18–34 years (56%); and
- the top ten countries made up 61 per cent of all nationals apprehended in 2010; with individuals from India and Nigeria being the most common third country nationals to be apprehended within the UK.[86]

81 See Annex Tables 2.1 to 2.4.
82 Articles 5 and 7 of the Migratory Statistics Regulation EC 862/2007
83 Therefore the figures supplied to Eurostat for apprehensions (found to be illegally present) are the same as those ordered to leave.
84 In 2010 there were 56,120 apprehension incidents, relating to 53,700 individuals. See Annex Table 1.1.
85 Data as published by Eurostat are not directly comparable between 2008/09 and 2010. This is because from 2010 onwards data relate to individuals rather than incidents (as in 2008 and 2009). See Annex Table 1.1
86 See Annex Tables 1.1 to 1.4.

Whilst there are a variety of reasons for an individual to be apprehended for being illegally present, data suggest that of those apprehended and ordered to leave, around one-half in 2010 were classified as overstayers.

RETURNS[87]

The UK Border Agency seeks to remove people who do not have any legal right to stay in the UK. Some of these individuals will leave the UK voluntarily without notifying the UK Border Agency of their departure. From 2005 onwards, the UK has used data-matching exercises to identify the proportion of those individuals who have left the UK without informing the immigration authorities, and reports this proportion in its published statistics.[88]

The relationship between identifying third country nationals apprehended within the UK and subsequently removing them is complex (see Table 3 below). For instance, the UK is not able to identify the proportion of third country nationals who are both ordered to leave and who are returned or depart voluntarily within a single year as they may not leave within that year or they may change their status (for example, by claiming asylum). Different nationalities of migrants may be more likely to be returned or depart voluntarily. For example, if there is an international agreement between the UK and their country of origin, the stability of their country of origin or difficulties with travel documentation.

Table 3: Number of people from the top ten countries ordered to leave in the UK and the number returned, and as a percentage of the total in each category, 2010

Country of nationality	Number ordered to leave	%	Country of nationality	Number returned	%
India	5,895	11	India	7,135	13
Nigeria	4,975	9	China	4,145	7
Pakistan	4,750	9	Brazil	4,115	7
China	3,840	7	Pakistan	3,725	7
Bangladesh	2,800	5	Nigeria	3,520	6
Afghanistan	2,360	4	USA	2,635	5
Vietnam	2,205	4	Afghanistan	1,990	4
Brazil	2,135	4	Bangladesh	1,885	3
Iran	1,955	4	Vietnam	1,265	2
Zimbabwe	1,760	3	Malaysia	1,245	2
Other	21,025	39	Other	25,075	44
Total	**53,700**	**100**	**Total**	**56,735**	**100**

Source: Eurostat.

Notes:
1. Numbers relate to individuals rather than incidents in 2010.
2. China includes Hong Kong.

87 This is termed 'removed' in the Home Office statistical publications as those removed may not be returned to their country of origin.
88 For more information see the 'User Guide to Home Office Migration Statistics', available at: **www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/user-guide-immig-statistics?view=Binary**

In 2010 there were 57,510 instances of returns of third country nationals[89] or of voluntary departures from the UK (1% involved multiple incidents, that is the same person was removed or departed more than once within 2010).[90] Of individuals returned in 2010 (56,735):[91]

- the top ten nationalities made up over one-half (56%) of all third country nationals returned or departed voluntarily from the UK;
- over two-thirds of which (68%) came from Asia[92] (similar to previous years); and
- citizens of India (13%) and China (7%) were the top two individual nationalities to be returned or to depart voluntarily in 2010.

Table 4: Proportion of third country nationals within the top ten countries returned or departed voluntarily by the UK in 2010, by destination type

	%	Home State Number	%	European State Number	%	Other State Number
India	87	6,200	4	255	10	685
China	83	3,460	6	230	11	455
Brazil	73	3,000	24	985	3	130
Pakistan	89	3,305	2	95	9	325
Nigeria	82	2,870	9	315	10	335
USA	67	1,755	22	585	11	295
Afghanistan	73	1,455	22	445	4	90
Bangladesh	88	1,665	2	30	10	190
Vietnam	70	880	26	335	4	50
Malaysia	83	1,030	7	90	10	125
Other	62	15,645	23	5,665	15	3,765
Total	**73**	**41,265**	**16**	**9,025**	**11**	**6,450**

Source: Home Office.

Notes:
1. Includes EU-27, EEA and EFTA.
2. China includes Hong Kong.

Within these top ten third country nationals, there was some variation in the destination they were returned or departed voluntarily to (see Table 4). For instance, nearly 90 per cent of nationals from the Indian subcontinent were returned or removed voluntarily to their own country. This is reflected in the top ten countries to which third country nationals were returned, that is many of the same nationalities are present in both (see Table 4 and Annex Tables 4.2 and 4.3). However, in 2009 and 2010 France was the second highest individual country to which a third country national returned or voluntarily departed to. This is likely to reflect the route through which a proportion of third country nationals attempted to enter the UK (see Table 5).

89 This is termed 'removed' in Home Office statistical publications as those removed may not be returned to their country of origin and total figure includes multiple incidents.
90 Data as published by Eurostat are not directly comparable between 2008/09 and 2010. This is because data from 2010 onwards data relate to individuals rather than incidents (as in 2008 and 2009). See Annex Table 4.1.
91 See Annex Tables 4.1 to 4.3.
92 Includes the Indian subcontinent (India, Pakistan and Bangladesh).

Table 5: Top ten countries of citizenship of third country nationals returned and top ten destinations to where they are returned, 2010

Citizenship of person returned	Number	Country to where a person is returned	Number
India	7,135	India	6,365
China	4,145	France	5,150
Brazil	4,115	China	3,920
Pakistan	3,725	Pakistan	3,345
Nigeria	3,520	Brazil	3,040
USA	2,635	Nigeria	2,915
Afghanistan	1,990	USA	2,250
Bangladesh	1,885	Bangladesh	1,670
Vietnam	1,265	Afghanistan	1,465
Malaysia	1,245	Malaysia	1,095
Other	25,075	Other	25,520
Total	**56,735**	**Total**	**56,735**

Source: Eurostat and Home Office.

Note:
1. China includes Hong Kong

However, for some nationalities (that is, the USA) around one-quarter of removals were to a country within Europe[93] or another third country. The UK is unable to distinguish between third country nationals who have been removed or are known to have decided to return voluntarily following a breach of the Immigration Rules. However, as the Eurostat data exclude Dublin II removals[94] , the majority of third country nationals who are 'returned' to a European country are likely to have been refused at the port (that is, who normally will never enter the UK) or to be voluntary departures.

For instance, nationals from the Americas made up 21 per cent of the top ten nationals returned or departed voluntarily from the UK, but only 7 per cent of the top ten nationals ordered to leave. This is in part because 85 per cent of nationals from the USA who were returned were refused at the border, and therefore they never entered the UK (See Table 6). Of course USA nationals (along with other non-visa nationalities) do not normally require a visa to travel to the UK, which will tend to increase numbers refused at the border.

93 Including EU-27, EEA and EFTA countries.

94 The objective of the Dublin II Regulation is to identify as quickly as possible the Member State responsible for examining an asylum application, to establish reasonable time limits for each of the phases of determining the Member State responsible, and to prevent abuse of asylum procedures in the form of multiple applications. For more information on the Dublin II Regulation and removals under this regulation see: **http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm**

Table 6: Number and proportion of people from the top ten countries removed from the UK, by type of removal, 2010

Citizenship of person returned	Enforced & Notified Voluntary Departures	%	Assisted Voluntary Returns	%	Other Voluntary Departures	%	Port Refusals & Removed	%	Total
India	2,030	28	290	4	3,655	51	1,160	16	7,135
China	1,400	34	610	15	1,760	42	375	9	4,145
Brazil	1,055	26	370	9	1,075	26	1,615	39	4,115
Pakistan	1,570	42	335	9	1,320	35	500	13	3,725
Nigeria	1,440	41	170	5	1,255	36	655	19	3,520
USA	175	7	15	1	205	8	2,235	85	2,635
Afghanistan	980	49	495	25	90	5	425	21	1,990
Bangladesh	720	38	145	8	745	40	270	14	1,885
Vietnam	840	66	35	3	130	10	260	21	1,265
Malaysia	440	36	40	3	375	30	385	31	1,245
Other	7,925	32	2,035	8	5,900	24	9,220	37	25,075
Total	**18,580**	**33**	**4,530**	**8**	**16,520**	**29**	**17,105**	**30**	**56,735**

Source: Eurostat and Home Office.

Note:
1. China includes Hong Kong

ASYLUM: INTERNATIONAL PROTECTION[95]

Asylum is protection given under the 1951 United Nations Convention Relating to the Status of Refugees by a country to someone fleeing persecution in their own country. Numbers of asylum applications and decisions are routinely published within the UK and on Eurostat and include:

- first instance decisions – initial decisions on applications for refugee status and subsidiary protection; and
- final decisions – post-decision reviews and appeals, which are made subsequent to the first instance decision.[96]

ASYLUM AND INTERNATIONAL PROTECTION DECISIONS[97]

Although failed asylum seekers formed the majority of Gordon et al.'s (2009) central estimate of the UK's irregular migrant population, this is no longer thought to be the case. The reduction in asylum applications in recent years and the clearance of the asylum backlog have regularised or removed a number of failed asylum seekers who would previously have been included in the irregular migrant population (see HASC, 2011).

95 Article 4 of the Migratory Statistics Regulation EC 862/2007
96 For more information on definitions, applications and decisions see 'Annual Report on Migration and International Protection Statistics for the UK, 2009', available at: **http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=D570038FC3C74948F4025615DE119C8D?entryTitle=01_Annual%20Report%20on%20Migration%20and%20International%20Protection%20Statistics%202009**
97 Some individuals may have their asylum application rejected, but may be granted permission to stay in the UK for humanitarian or discretionary reasons.

In 2009 and 2010, around three-quarters (73% and 76% respectively) of first instance applications for international protection were rejected; the majority were male (62%) or aged between 18 and 34 (49%).

In 2010 the top ten nationalities made up 67 per cent of all rejected first asylum applications; the majority of which were from Asia (59%). Within 2009 and 2010, the majority of final applications for international protection were also rejected (59% and 65% respectively). As with initial decisions the majority were male, aged between 18 and 34, and came from similar third countries as initial applications (Table 7).[98]

Table 7: Proportion of negative decisions (first and final) on asylum applications within the UK, by top ten nationalities, 2010

First instance decisions				Final decision			
Country of nationality	Total decisions	Refused asylum, HP or DL		Country of nationality	Total decisions	Refused asylum, HP or DL	
		Number	% of total decisions			Number	% of total decisions
India	475	460	97	Bangladesh	360	325	90
Nigeria	1,155	1,080	94	Pakistan	2,070	1,750	85
Pakistan	2,335	2,105	90	Nigeria	635	515	81
China	1,595	1,435	90	China	1,320	1,065	81
Sri Lanka	2,045	1,760	86	Iraq	1,215	910	75
Iraq	935	770	82	Afghanistan	1,905	1,210	64
Zimbabwe	2,515	1,750	70	Sri Lanka	1,760	1,100	63
Iran	2,775	1,930	70	Iran	2,145	1,295	60
Afghanistan	2,565	1,735	68	Zimbabwe	4,045	2,240	55
Somalia	1,020	485	48	Somalia	710	270	38
Other	9,330	6,760	72	Other	5,825	3,685	63
Total	**26,690**	**20,200**	**76**	**Total**	**21,995**	**14,360**	**65**

Source: Eurostat (Home Office).

Notes:
1. China includes Hong Kong.
2. HP refers to 'Humanitarian Protection' status and DL to 'Discretionary Leave' status.

However, the proportion of applications that were unsuccessful varied by nationality[99] between 2009 and 2010. For instance, applicants from within parts of the Indian subcontinent had some of the highest proportions of negative decisions to grant asylum (over 90% of Indian and Pakistani nationals' first applications were rejected; and 85% of final decisions on applications from Pakistani nationals were also rejected). However, broadly the same nationalities are present in the top ten non-EU nationals for both types of decisions.[100]

98 See Annex Table 5.3b.
99 Data on international protection exclude EU-27 nationals.
100 See Annex Tables 5.3a and 5.3b.

FUTURE ANALYSIS

The UK will begin using e-Borders (see sections 2.1 and 3.1) to conduct exit checks on the routes covered by the programme. This will provide a valuable source of information to help the UK estimate some types of irregular migration (for example, overstaying) although it will not be able to measure all types (for example, clandestine entrants).

Use of administrative sources, including e-Borders, is part of the UK's 'Improving Migration Statistics Improvement Programme', designed to improve the UK's international migration statistics. Such work may provide further useful information on irregular migration.[101]

101 More information on this programme is available on the Office for National Statistics (ONS) website: **www.ons.gov.uk/ons/guide-method/method-quality/imps/msi-programme/index.html**

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8. Glossary

AGC	Advanced Gate Check
API	Advanced Passenger Information
AVR	Assisted Voluntary Return
AVRFC	Assisted Voluntary Return for Families and Children
AVRIM	Assisted Voluntary Return for Irregular Migrants
AVRR	Assisted Voluntary Return and Reintegration
BIS	Department for Business, Innovation and Skills
BRP	Biometric Residence Permit
CLS	Carriers' Liaison Section
CTA	Common Travel Area
CTALO	Common Travel Area Liaison Officer
DL	Discretionary Leave
DWP	Department for Work and Pensions
EBF	External Border Fund
ECHR	European Convention on Human Rights
EEA	European Economic Area
EFTA	European Free Trade Association
EMN NCP	European Migration Network National Contact Point
ERIT	The Effectively Respond to Irregular Transit-Migration project in the Ukraine
EU	European Union
EU-27	All 27 EU Member States
EURA	European Union Readmission Agreement
FCO	Foreign and Commonwealth Office
FNO	Foreign National Offender
FRAN	FRONTEX Risk Analysis Network
FRONTEX	In French: The European Agency for the Management of Operational Co-ordination at the External Borders of the Member States of the European Union
FRS	Facilitated Return Scheme
GDISC	General Directors' Immigration Services Conference
GP	General Practitioner
HASC	Home Affairs Select Committee
HBD	Heartbeat detector
HM Government	Her Majesty's Government

HOS	Home Office Science
HP	Humanitarian Protection
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICMPD	International Centre for Migration Policy Development
IDA	Inadequately Documented Arrival
IO	Immigration Officer
IOM	International Organization for Migration
JIU	Joint Intelligence Unit
JOCC	Joint Operational Co-ordination Centre
LIT	Local Immigration Team
MoU	Memorandum of Understanding
MPS	[London] Metropolitan Police Service
NDFU	National Document Fraud Unit
NGO	Non-Governmental Organisation
NHS	National Health Service
NI	Northern Ireland
OECD	Organisation for Economic Co-operation and Development
ONS	Office for National Statistics
PBS	Points-Based System
PMMWI	Passive Millimeter Wave Imager
RALON	Risk and Liaison Overseas Network
RF	European Return Fund
SOCA	Serious Organised Crime Agency
VARRP	Voluntary Assisted Return and Reintegration Programme

Annex: Data tables

TABLE 1: THIRD COUNTRY NATIONALS FOUND TO BE ILLEGALLY PRESENT

Table 1.1: Overall trend

	2005	2006	2007	2008	2009	2010[b]
Total number of third country nationals found to be illegally present	:	:	:	69,840	69,745	53,700

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 1.2: Age of migrant found to be illegally present

	2005	2006	2007	2008	2009	2010[b]
Under 14 years	:	:	:	4,775	5,120	4,050
From 14 to 17 years	:	:	:	4,415	5,105	2,070
From 18 to 34 years	:	:	:	41,110	40,190	30,200
35 years or over	:	:	:	19,535	19,330	17,380

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 1.3: Sex of migrant found to be illegally present

	2005	2006	2007	2008	2009	2010[b]
Male	:	:	:	51,280	50,785	38,420
Female	:	:	:	18,560	18,960	15,280

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 1.4: Top ten countries of citizenship found to be illegally present

	2008		2009		2010[b]	
Position of the country of citizenship	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**
1st	India	6,405	Afghanistan	7,320	India	5,895
2nd	Afghanistan	6,095	Zimbabwe	6,365	Nigeria	4,975
3rd	Nigeria	4,900	India	6,105	Pakistan	4,750
4th	Pakistan	4,690	Nigeria	4,550	China (including Hong Kong)	3,840
5th	Zimbabwe	4,055	Pakistan	4,510	Bangladesh	2,800
6th	Iraq	3,810	China (including Hong Kong)	3,790	Afghanistan	2,360
7th	Eritrea	3,630	Bangladesh	3,775	Vietnam	2,205
8th	China (including Hong Kong)	3,415	Vietnam	3,660	Brazil	2,135
9th	Bangladesh	3,135	Brazil	2,955	Iran	1,955
10th	Iran	2,750	Eritrea	2,505	Zimbabwe	1,760

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

TABLE 2: THIRD COUNTRY NATIONALS REFUSED ENTRY AT THE EXTERNAL BORDERS

Table 2.1: Overall trend

	2005	2006	2007	2008	2009	2010[b]
Total number of third country nationals refused entry	:	:	:	23,640	20,460	16,365

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 2.2: Grounds for refusal

	2005	2006	2007	2008	2009	2010[b]
No valid travel document	:	:	:	1,970	1,465	1,215
False/counterfeit/forged travel document	:	:	:	0	0	0
No valid visa or residence permit	:	:	:	8,585	9,200	7,830
False visa or residence permit	:	:	:	0	0	0
Purpose and conditions of stay not justified	:	:	:	130	90	110
Person already stayed 3 months in a 6-months period	:	:	:	0	0	0
No sufficient means of subsistence	:	:	:	12,380	9,380	6,920
An alert has been issued	:	:	:	125	80	90
Person considered to be a public threat	:	:	:	450	255	195

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 2.3: Type of border where refused entry

	2005	2006	2007	2008	2009	2010[b]
Land	:	:	:	1,560	1,765	1,510
Sea	:	:	:	3,265	2,900	2,305
Air	:	:	:	18,815	15,795	12,555
TOTAL	**:**	**:**	**:**	**23,640**	**20,460**	**16,365**

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 2.4: Top ten countries of citizenship of third country nationals refused entry

	2008		2009		2010[b]	
Position of the country of citizenship	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**
1st	Brazil	4,030	USA	2,855	USA	2,190
2nd	USA	2,650	Brazil	2,305	Brazil	1,645
3rd	Nigeria	1,350	India	1,165	India	1,230
4th	South Africa	890	Pakistan	830	Nigeria	740
5th	India	890	Nigeria	805	Pakistan	665
6th	Pakistan	855	Canada	720	Canada	545
7th	Canada	750	Australia	565	Bangladesh	485
8th	Malaysia	700	South Africa	535	Malaysia	380
9th	China (including Hong Kong)	640	China (including Hong Kong)	520	Australia	375
10th	Australia	595	Malaysia	485	China (including Hong Kong)	370

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes
1. Data for 2009 and 2010 exclude third country nationals classified as Stateless.

TABLE 3: THIRD COUNTRY NATIONALS ORDERED TO LEAVE (AFTER BEING FOUND ILLEGALLY PRESENT)

Table 3.1: Overall trend

	2005	2006	2007	2008	2009	2010[b]
Total number of third country nationals ordered to leave (after being found to be illegally present)	:	:	:	69,840	69,745	53,700

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 3.2: Top ten countries of citizenship of third country national ordered to leave

	2008		2009		2010[b]	
Position of the country of citizenship	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1st	India	6,405	Afghanistan	7,320	India	5,895
2nd	Afghanistan	6,095	Zimbabwe	6,365	Nigeria	4,975
3rd	Nigeria	4,900	India	6,105	Pakistan	4,750
4th	Pakistan	4,690	Nigeria	4,550	China (including Hong Kong)	3,840
5th	Zimbabwe	4,055	Pakistan	4,510	Bangladesh	2,800
6th	Iraq	3,810	China (including Hong Kong)	3,790	Afghanistan	2,360
7th	Eritrea	3,630	Bangladesh	3,775	Vietnam	2,205
8th	China (including Hong Kong)	3,415	Vietnam	3,660	Brazil	2,135
9th	Bangladesh	3,135	Brazil	2,955	Iran	1,955
10th	Iran	2,750	Eritrea	2,505	Zimbabwe	1,760

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

TABLE 4: THIRD COUNTRY NATIONALS RETURNED FOLLOWING AN ORDER TO LEAVE (AFTER BEING FOUND TO BE ILLEGALLY PRESENT)

Table 4.1: Overall trend

	2005	2006	2007	2008[1]	2009	2010 (R)[b]
Total number of third country nationals returned following an order to leave	:	:	:	:	64,945	56,735
Number of third country nationals returned **to a third country** following an order to leave	:	:	:	47,455	46,650	47,445

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:
1. It is not possible to provide this figure for all removals and voluntary departures of third country nationals from the UK for 2008. This is because estimates were provided for the 'number of third country nationals who actually left the Member State territory (excluding Dublin II cases)' by giving the number of removals and voluntary departures excluding those where the destination is an EU Member State; this will be an underestimate of the actual figure. These figures include multiple incidents for the same person.

Table 4.2: Top ten countries of citizenship of person returned

	2008		2009		2010(R)[b]	
Position of the country of citizenship	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**
1st	India	4,005	India	6,165	India	7,137
2nd	Brazil	3,995	Brazil	5,790	China	4,145
3rd	Nigeria	3,315	Afghanistan	5,125	Brazil	4,116
4th	Pakistan	3,025	China	3,535	Pakistan	3,725
5th	USA	2,320	Pakistan	3,210	Nigeria	3,519
6th	China	2,155	USA	3,195	USA	2,633
7th	Malaysia	1,850	Nigeria	2,950	Afghanistan	1,991
8th	Bangladesh	1,825	Vietnam	2,370	Bangladesh	1,884
9th	Jamaica	1,600	Iraq	2,030	Vietnam	1,267
10th	South Africa	1,580	Malaysia	1,460	Malaysia	1,243

Source: Eurostat (Home Office)

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Table 4.3: Main 10 countries to which third country nationals are returned following an order to leave

	2008		2009		2010[b]	
Position of the country of citizenship	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1st	:	:	France	13,410	India	6,365
2nd	:	:	India	4,810	France	5,150
3rd	:	:	Brazil	4,230	China	3,400
4th	:	:	China	2,908	Pakistan	3,345
5th	:	:	Pakistan	2,850	Brazil	3,040
6th	:	:	USA	2,800	Nigeria	2,915
7th	:	:	Nigeria	2,410	USA	2,250
8th	:	:	Malaysia	1,260	Bangladesh	1,670
9th	:	:	Afghanistan	1,200	Afghanistan	1,465
10th	:	:	Iraq	1,155	Malaysia	1,095

Source: Home Office

: data not available
b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

TABLE 5: THIRD COUNTRY NATIONALS WHOSE APPLICATION FOR ASYLUM HAS BEEN REJECTED

Table 5.1: Overall trend

		2005	2006	2007	2008	2009[b]	2010
Total number of third country nationals whose application for asylum has been rejected	in the first instance	:	:	:	16,705	22,705	20,280
	following a final decision	:	:	:	8,950	10,430	14,360

Source: Eurostat (Home Office)

: data not available
b = break in the series.

Table 5.2: Sex of migrant whose application for asylum has been rejected

		2005	2006	2007	2008	2009[b]	2010
Applications rejected in the first instance	Male	:	:	:	10,725	13,975	12,880
	Female	:	:	:	5,970	8,695	7,340
	Unknown	:	:	:	10	35	60
Applications rejected following a final decision	Male	:	:	:	5,665	6,520	8,760
	Female	:	:	:	3,270	3,900	5,555
	Unknown	:	:	:	15	10	45

Source: Eurostat (Home Office)

: data not available
b = break in the series.

Table 5.3a: Top ten countries of citizenship of applicants whose application has been rejected in the first instance

	2008		2009		2010[b]	
Position of the country of citizenship	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**
1st	Zimbabwe	2,815	Zimbabwe	5,485	Pakistan	2,105
2nd	Iran	1,555	Afghanistan	2,045	Iran	1,930
3rd	Afghanistan	1,470	Iran	1,995	Sri Lanka	1,760
4th	Pakistan	1,250	Pakistan	1,805	Zimbabwe	1,750
5th	Iraq	1,175	Sri Lanka	1,405	Afghanistan	1,735
6th	China (including Hong Kong)	935	Iraq	1,230	China (including Hong Kong)	1,435
7th	Sri Lanka	865	China (including Hong Kong)	1,075	Nigeria	1,080
8th	Eritrea	780	Eritrea	925	Iraq	770
9th	Nigeria	745	Nigeria	755	Somalia	485
10th	Somalia	625	Somalia	660	India	460

Source: Eurostat (Home Office)

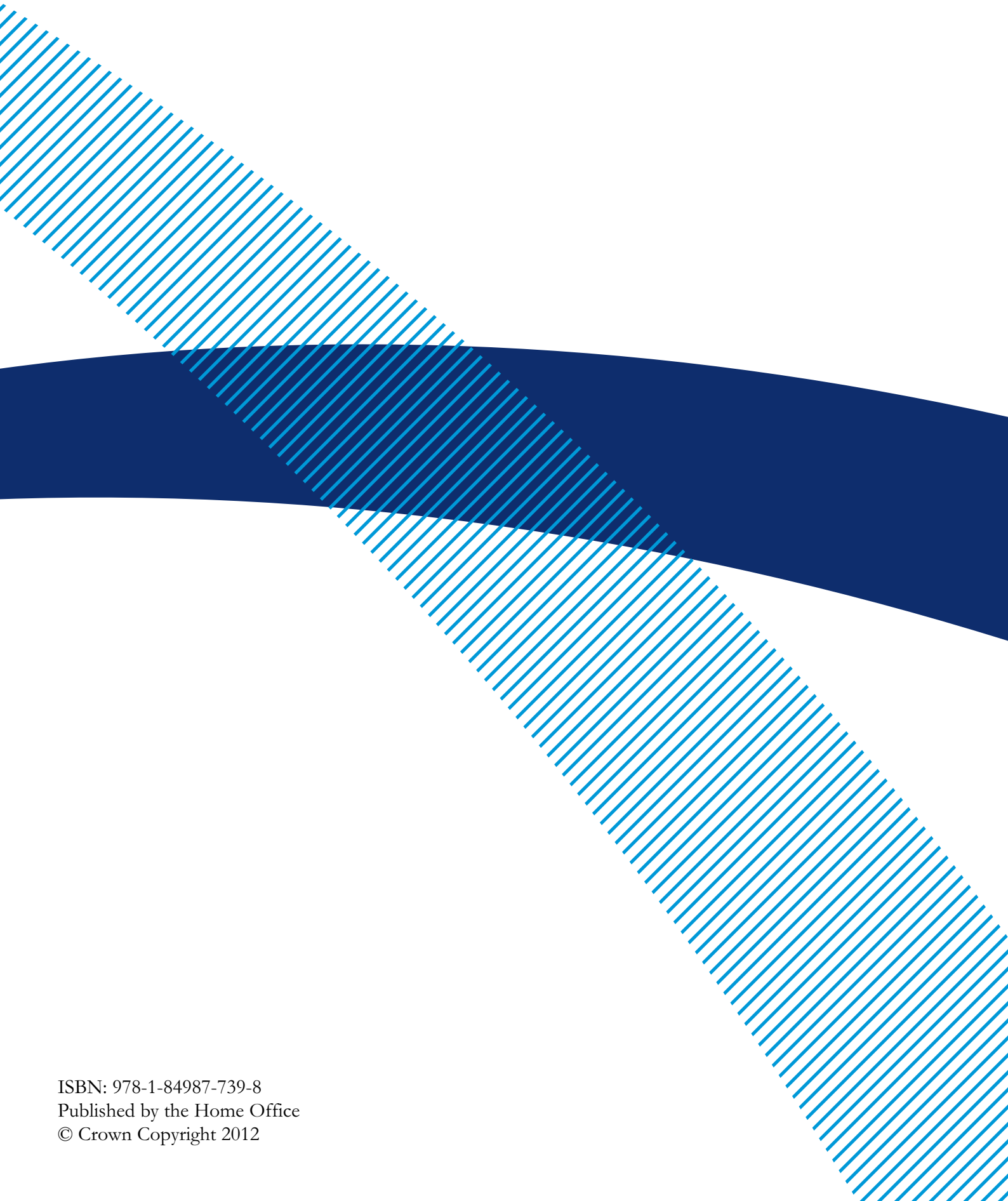
: data not available
b = break in the series.

Table 5.3b: Top ten countries of citizenship of applicants whose application has been rejected following a final decision

	2008		2009[b]		2010	
Position of the country of citizenship	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**	**Name of the country of citizenship**	**Total**
1st	Zimbabwe	1,165	Zimbabwe	2,290	Zimbabwe	2,240
2nd	Iran	970	Iran	1,060	Pakistan	1,750
3rd	Iraq	955	Pakistan	1,050	Iran	1,295
4th	Pakistan	945	Iraq	940	Afghanistan	1,210
5th	Afghanistan	755	Afghanistan	870	Sri Lanka	1,100
6th	Sri Lanka	515	Sri Lanka	605	China (including Hong Kong)	1,065
7th	China (including Hong Kong)	420	China (including Hong Kong)	480	Iraq	910
8th	Nigeria	335	Nigeria	300	Nigeria	515
9th	Somalia	245	Eritrea	230	Bangladesh	325
10th	Eritrea	190	Somalia	220	Somalia	270

Source: Eurostat (Home Office)

: data not available
b = break in the series.



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