

Regulatory Impact Assessment

Proposal to introduce a new juxtaposed immigration control at Dover, Calais, Dunkirk and Boulogne sea ports

1. THE MEASURE

Implementation of the juxtaposed controls Treaty exercising the powers contained in section 141 of the Nationality, Immigration and Asylum Act 2002 for the establishment of juxtaposed immigration controls at Dover, Calais, Dunkirk and Boulogne sea ports.

2. PURPOSE AND INTENDED EFFECT OF THE MEASURE

(i) Issue

At present the UK operates juxtaposed frontier controls at four locations in France: at the Eurotunnel site at Coquelles, and at the three main Eurostar stations – Paris Gare du Nord, Lille Europe and Calais Frethun. The French authorities operate reciprocal controls at Cheriton and Waterloo and will soon commence operation at Ashford International. These controls are provided for under the Channel Tunnel Act 1987 (and subsequent legislation). On 12 July, the Home Secretary agreed with the French Interior Minister, Nicolas Sarkozy, to establish juxtaposed controls at Calais and Dover to assist in reducing cross-channel illegal immigration and asylum claims. The agreement was part of a package agreed with the French government to prepare for closure of the Red Cross Centre at Sangatte.

Section 141 of the Nationality, Immigration and Asylum Act (NIA Act) 2002 provides the legal basis for the powers necessary to operate a juxtaposed control at sea ports and sets the framework within which port operators and the UK Immigration Service will have to work. It provides for an order-making power which will allow the UK to operate immigration and other frontier controls at European Economic Area (EEA) ports such as Calais following the conclusion of an international agreement with another EEA state. The Order may include any provisions likely to facilitate implementation of that agreement and allows the Secretary of State to make legislative arrangements to accommodate another country's immigration control in UK channel ports. An Order would specify that particular laws of England and Wales have effect in that part of Europe where immigration and other frontier controls are being carried out by UK officials.

On 4 February 2003 the UK and French governments concluded a bilateral agreement (Treaty) which allows for juxtaposed immigration controls to be set up at Dover, Calais, Dunkirk and Boulogne sea ports. The Treaty will be implemented in UK law by means of an Order under Section 141 of the NIA Act.

(ii) Objectives

Juxtaposed controls are a reciprocal arrangement between countries whereby each country carries out frontier controls in the other country prior to the commencement of the inward journey. UK immigration officers will work from control booths within an agreed control zone on French territory. All passengers show their travel documents and those who are unacceptable because they have the incorrect documentation or are ineligible under the Immigration Rules are refused entry and handed over to the French authorities. In the UK, the French authorities operate a control authorising entry to the Schengen area and hand over unacceptable passengers to the UK authorities.

The existing juxtaposed controls have proved successful in helping to reduce illegal immigration to the UK. For example, the introduction of juxtaposed controls on Eurostar services has reduced by approximately 90% the large number of inadequately documented passengers arriving at Waterloo.

Juxtaposed controls are part of a range of measures recently agreed with the French authorities to tackle cross channel illegal immigration which, with the other measures introduced by the Nationality, Immigration and Asylum Act 2002, will contribute to the reduction in the numbers of clandestine entrants, and inadmissible passengers travelling to the UK.

We have agreed with the French Government that juxtaposed controls should be introduced at Calais, Dunkirk and Boulogne as they all serve Dover Eastern Docks.

3. RISK

The risk of not implementing these provisions allowing for juxtaposed controls is that the high levels of inadequately documented passengers arriving from Calais by ferry will continue. Any measures we take to combat illegal immigration send a strong message to those who seek to circumvent our controls and reduce the perceived attraction of the UK as a destination for potential illegal entrants and for those involved in their trafficking. Failure to implement these provisions will mean failure to deliver on one element of the package of measures agreed with the French in order to tackle cross channel illegal immigration and which led to the closure of the Sangatte Red Cross Centre. It would also mean renegeing on the Treaty now signed with the French. In doing so we would risk losing their co-operation on a range of other measures aimed at reducing illegal immigration to the UK, and possibly more widely.

4. OPTIONS

Option 1: Continue with the existing interim measures and do not implement a formal juxtaposed control.

Since 20 August, UK immigration officers (IOs) have been working alongside officers of the French Police aux Frontières (PAF) at their Schengen embarkation control at Calais, advising on the interception of forged, counterfeit and improperly held documents. Coverage is currently focussed on foot passengers, although the intention is to move to an operation covering cars as soon as possible. Despite these limitations the operation has had a significant impact on the number of inadequately documented passengers arriving at Dover. As at 31 May, there had been 411 referrals of which 380 passengers had been refused boarding by the PAF.

However, the UK officers engaged in these activities have no formal legal powers (unlike their colleagues operating at the existing juxtaposed controls on rail routes) and are working in a purely advisory capacity to the PAF. Such an arrangement is not fully effective in ensuring that all inadmissible passengers are refused entry to the UK and prevented from travelling to the UK as our officers have no power to examine passengers under the Immigration Rules and are simply there to help identify false documentation. Under these arrangements, UK immigration officers are unable to ask sufficient questions of holders of doubtful documents. The presence of immigration officers in Calais under this option does not reduce the resources required to operate an immigration control in Dover. If UK immigration officers are able to exercise their full powers in Calais they could also operate detection and searching technology to intercept potential clandestine entrants.

Option 2: Implement juxtaposed controls as envisaged by the primary legislation, with minimal reorganisation of Dover port.

The basis for a formal juxtaposed control whereby UK and French immigration officers can exercise their frontier control functions in a control zone in the territory of the other state has now been secured with the signing of the Treaty on 4 February. This will need to be implemented by means of domestic legislation in both States. The Treaty, with the secondary legislation, allows for the full immigration powers necessary for officers to carry out their duties. This includes the powers of examination, search, detention, for up to 24 hours (extendable up to a maximum of 48 hours in exceptional circumstances), and arrest as well as the granting or refusal of leave to enter, together with administrative facilities.

Option 2 envisages that PAF needs at Dover could be met by very little reorganisation of the port with provision of facilities located on a site previously used as a commercial check-in. However, Dover Harbour Board has also been asked to make facilities needed by other agencies more adequate and had intended to use this site for that purpose. The Government's proposals for juxtaposed controls may now require reconsideration of how DHB can meet the needs of the other agencies. But it would be open to DHB to meet the

immediate requirement of providing facilities for a PAF control through a relatively moderate amount of reorganisation by using this site. The PAF initially confirmed that these plans would meet their needs while enabling them to meet the passenger through-put requirements. The facilities required would include control booths and lanes for the PAF controls, together with accommodation for interviewing and other support activities which could be incorporated within a couple of portacabins.

Full police powers have been excluded from the juxtaposed controls at this stage but the police will be able to operate in support of their Immigration Service colleagues. We hope to enter into further dialogue with the French authorities on this issue with the hope that we can come to an agreement to allow for full police powers. The inclusion of full police powers should not necessitate large amounts of additional expenditure at Dover as the additional checks required by the French authorities would be carried out by the PAF who would already be established there. It would also be our intention, once the controls are set up at Dover, Calais, Dunkirk and Boulogne to return to the question of whether other frontier control agencies such as the Department for the Environment, Food and Rural Affairs (DEFRA) and the Vehicle and Operator Services Agency (VOSA), should be included in the control, although HM Customs and Excise (HMCE) consider that relocation to Calais would not be in their operational interest. Finally, section 141 of the Nationality, Immigration and Asylum Act allows for UK controls to be extended to other ports in the European Economic Area. There would be further consultation before expanding to other ports.

Option 3: Implement juxtaposed controls as envisaged by the primary legislation, using the opportunity provided by the requirement to introduce juxtaposed controls to undertake relocation of the outbound control agencies and large scale reconfiguration of Dover port.

This option envisages the relocation of all the border control agencies to one area of the port for operational reasons. Dover Harbour Board prefer this option to Option 2 because Option 2 takes no account of DEFRA or VOSA and requires the use of a site they currently use, in part, for security controls. Option 3 locates HMCE, Special Branch, DEFRA, VOSA and security operations in the same place. This would have the advantage of consolidating facilities to pull vehicles off line for examination. We are co-operating in discussions with DHB to explore how the PAF control could fit on the proposed site alongside these facilities which would be supported by new "off-line" search areas, offices, interview rooms and staff facilities. Dover Harbour Board has developed a plan which would require an extended site and which would also necessitate the construction of a new approach ramp to give adequate road access to the controls and a new coach search facility. DHB had already agreed in principle to replace existing Special Branch and HMCE facilities, and to make provision for DEFRA and VOSA. Putting the PAF at this site would cause minimal disruption to DHB's existing plans as much of the new works would be to provide for the other agencies.

A breakdown of costs of options 2 and 3 is provided in paragraph 7.

5. ISSUES OF EQUITY AND FAIRNESS

Commercially, a juxtaposed operation would offer some parity with other cross channel operators. Passengers using the Eurostar, the Eurotunnel Shuttle and the ferry would all pass through UK immigration controls at the point of departure. The establishment of juxtaposed controls at Calais, Dunkirk, Boulogne and Dover will enable the same frontier controls to be conducted at the sea ports as take place for Eurostar. Without Customs and formal police powers in Calais, Dunkirk and Boulogne there will be a difference between the checks conducted for Eurotunnel at Coquelles and those for the two conventional ferry services serving Dover.

However, even without full police and HMCE checks being conducted in France, there will be some advantages for traffic serving Dover. There will be minimum disruption to car traffic, all coaches will be cleared in France, and there will be more reliable screening of freight vehicles. All this will result in fewer clandestine entrants and fewer passengers arriving without adequate documents. There will therefore be no need for an extensive immigration casework operation in Dover with very few, if any, refusals or removals. This will all be to the benefit of port operators and will result in more bona fide and legitimate traffic to which the Immigration Service, working with the port operators, can seek to offer an improved quality of service.

The proposal to establish juxtaposed immigration controls applies to conventional ferry services departing from and arriving at Dover in the first instance. We have agreed with the French Government that juxtaposed controls should be introduced at Calais, Dunkirk and Boulogne, all of which serve Dover. There is also a high-speed service between Calais and Dover. The latter arrives at the Western Docks and does not therefore affect the conventional ferry arrangements all of which arrive at Dover Eastern Docks. However, we are considering a proposal to extend juxtaposed controls to the high-speed service between Dover and Calais. This will require some further consultation although the possibility was referred to as part of the consultation process.

The Treaty also allows for the extension of juxtaposed controls to other ports by mutual agreement between the two countries. The two Governments will continue to monitor patterns of illegal immigration and to make further use of juxtaposed controls where it is deemed appropriate.

The normal practice at ports is that powers under the 1971 Immigration Act and section 25 of the Immigration and Asylum Act are used to require the provision of facilities by port operators for immigration control purposes. This is the approach adopted at the two existing juxtaposed controls on rail routes. Provision for this in respect of juxtaposed controls at sea ports is contained in section 141 of the Nationality, Immigration and Asylum Act 2002. This provides that port operators may be required to provide facilities free of charge for overseas immigration officers carrying out immigration controls under the Treaty. Provision for this is included in the Order implementing the Treaty which will

allow for juxtaposed immigration controls to be set up at Dover, Calais, Dunkirk and Boulogne.

6. BENEFITS

Option 1 allows us to intercept some inadequately documented passengers but officers presently carrying out this duty have no formal legal powers and at present can only operate in an advisory capacity. The fact that PAF, acting on the advice of UK Immigration Officers, have been able to prevent 380 inadmissible passengers from travelling to the UK serves to illustrate the scale of illegal immigration through Calais which the implementation of a juxtaposed control will prevent. Because UK IOs presently working in Calais have no legal powers to examine passengers or to grant/refuse leave to enter the UK, an immigration control continues to operate at Dover. There is, therefore, a duplication of the control with immigration officers present at both Dover and Calais. Such an arrangement is not fully effective in ensuring that all inadmissible passengers are refused entry to the UK and prevented from travelling to the UK, and we do not consider it a viable option. If UK immigration officers are able to exercise their full powers in Calais they could also operate detection and searching technology to intercept potential clandestine entrants. The present arrangement provides no benefits for passengers and no commercial advantage for port operators as passengers are still subject to delays as they disembark.

Option 2 would locate immigration frontier controls en-route to boarding. This currently happens for passengers using Eurostar and Eurotunnel shuttle services. This arrangement enables passengers to pass through a full immigration control before departure which reduces the number of controls necessary to pass through in the UK and therefore would reduce the delays experienced on arrival.

The initial interim operations have produced promising results. Establishing a full juxtaposed immigration control in relation to ferry services at the three French ports and Dover will further reduce the number of inadequately documented passengers arriving in the UK. This can be illustrated by the numbers of inadequately documented passengers arriving at Waterloo. This reduced dramatically following the introduction of juxtaposed controls in France from 1519 between June 2001 and December 2001 to 146 between June 2002 and December 2002.

Detention and removal costs falling to carriers could be significantly reduced. This is because passengers who do not qualify for entry to the UK will be refused leave to enter in the UK control zone in France and not allowed to board the ferry. Only in very rare cases, where a passenger may need to undergo a more detailed examination by an immigration officer, might they be exceptionally allowed to travel to the UK.

The local community should see a significant reduction in the number of asylum seekers requiring support in the Kent region. We have estimated the total cost of processing an asylum claim, including support costs, to be around £18,000. Establishing such a juxtaposed control could result in a significant reduction in public spending on asylum seekers. For example, 56 per cent of the 1519

inadequately documented passengers who arrived at Waterloo from France between June 2001 and December 2001 claimed asylum. If all of those claimed support it could have led to a cost of approximately £15 million.

Option 3 would have the same benefits as option 2 in terms of reducing the number of inadequately documented passengers entering the UK, passing through a full immigration control before departure, reducing detention and removal costs falling to carriers and reducing the number of asylum seekers requiring support in the Kent region. But it would also include a complete overhaul of the embarkation procedures at Dover to create a “one-stop” control. There would be several advantages for the travelling customer if they were to pass through the controls in one place.

While they acknowledge that separate controls would be possible, DHB have put forward this option because they consider that it is the most commercially viable way of meeting the needs of the new juxtaposed control, and would at the same time meet separate objectives of improving the facilities available to the Police, HMCE, and other control authorities and of rationalising and upgrading the facilities of the port as a whole. We accept that this makes good business sense, but note that the "one-stop" option does not arise directly from the requirement to establish juxtaposed controls at Dover. The new juxtaposed controls could operate effectively on the basis of the facilities described in Option 2. It is a matter for DHB if they wish to take the opportunity of this reconfiguration to carry out other improvements to the port, but they should not be seen as compliance costs of the juxtaposed controls. We firmly believe that the direct costs associated with the introduction of juxtaposed controls and provision of facilities for the PAF would not exceed £260,000 (the cost of Option 2). Further commentary on this issue is provided in section 7 below.

7. COMPLIANCE COSTS FOR BUSINESS

Option 1

Option 1 would operate only in Calais with UK immigration officers working alongside PAF colleagues. There would therefore be no compliance costs for UK businesses.

Option 2

The PAF have indicated to us that their operation at Dover will be phased in gradually and will ultimately not be on a large scale. They will probably deploy 10 officers per shift to Dover accompanied by a supervisor. They will model their operation on that existing at Cheriton where in addition to control lanes they have a watch-house, locker room and toilets, kitchen, administration office with computers and two interview rooms. They will not require detention accommodation as any passenger intercepted and prevented from travelling will be handed immediately over to the UK authorities. Their present position is that

foot and coach passengers ideally should be cleared at one location closely situated to the car controls but they are prepared to consider clearance at a control in the existing departure hall.

We have estimated a realistic cost of approximately £0.26m for providing essential facilities for juxtaposed controls solely for PAF use as follows:

- Provision and installation of two double height booths for freight traffic and coach drivers at a unit cost of £17,500 = £35,000; this will provide three lanes for freight/coaches. Four single height car booths, at a unit cost, for a very basic structure, of £8,700 = £34,800 this will provide a maximum four lanes for outbound car traffic. Total cost £69,800.
- Provision and installation of a portacabin to provide an on-call area, a watch house space, and interview areas, with a unit cost of £28,000. This would be located next to an existing off-line facility which can be used for vehicle examinations.
- A cost of £37,000 to provide electrical connections to the portacabins, and a further cost of £27,500 to provide heating and ventilation systems for the control booths.
- The removal of pre-existing check-in booths at a cost of £22,000.
- Reconfiguration of the current road layout, to include removal of bollards and repainting of road markings at a cost of £10,000.
- Preliminary site set-up cost £40,000
- Additional 10% to cover contingencies

This amounts to approximately £257,730 (excl. VAT) and would be initial outlay.

NOTE: Special Branch and HMCE require a hall in which to offload selected coach passengers and to examine the vehicle itself. PAF would also be able to use this facility for which we estimate the cost at £600,000. This is not a facility solely for PAF.

In addition there would be the following recurring costs:

- Rates £2300 pa
- Cleaning £5750 pa
- Electricity £5000 pa

The Immigration Service is continuing to negotiate with both PAF and Dover Harbour Board with a view to keeping all costs to a minimum. DHB has been reluctant to consider this option because it does not take full account of the need to relocate other control agencies. DHB has previously indicated that the PAF may be able to use non-control accommodation in existing offices..

The provision of an “off-line” facility will be necessary for further examination of cars and an exit route out of the controls for those denied boarding. If PAF officers need to submit a vehicle to examination they should be able to direct vehicles to an existing unused area. Any traffic that is denied boarding will be able to join the flow of traffic directed towards the exit. Costs would therefore be minimal for lane reconfiguration.

DHB had last year agreed to examine UKIS proposals for the refurbishment and overall improvement of the UKIS inbound control facilities including the secondary examination area. When juxtaposed controls are installed in Calais, Dunkirk and Boulogne the numbers requiring these facilities will be significantly reduced, if not eliminated, and this refurbishment will no longer be necessary. This is a potential cost saving for DHB and should also be taken into consideration.

Juxtaposed controls are designed to be fully reciprocal. Whatever facilities are provided for a French operation in the UK will be provided by the French authorities for a UK operation in France. The requirements to operate a UK control in Calais, Dunkirk and Boulogne will be more extensive than those required by the French at Dover.

(i) Business sector affected

The port authorities and those businesses operating at the ports. All interested parties have been consulted. A list of consultees is attached at Annex B.

(ii) Policy costs

There would be a number of non-recurring costs. These include the capital costs of providing permanent accommodation and an “off-line” facility. The total non-recurring policy costs have been estimated at £257,730.

There would also be a number of recurring policy costs. These include rates, the provision of electricity and cleaning services and have been estimated at £13,050 per year.

(iii) Implementation costs

There are unlikely to be any implementation costs.

(iv) Total compliance costs

For implementation of option 2, these have been estimated at capital costs of £257,730 with an additional running cost of approximately £13,050 per year.

Option 3

Dover Harbour Board has a statutory obligation to provide controls for Special Branch, HMCE, DEFRA, VOSA and security on the outbound route. Improvements to these facilities have been planned for UK control authorities who have submitted requests for new booths and vehicle search facilities. Dover Harbour Board has indicated that it has included £300,000 in its budget for this purpose. DHB has considered whether facilities for the PAF can be located alongside these other agencies at this site. They have produced plans for a multi-agency control which are discussed at Option 3(a) below. Alternative, cheaper proposals for a multi-agency control are discussed at Option 3(b). Under Option 3(a), the site described in Option 3(b) would be used for examination and searching facilities. An eight lane multi-use control line for PAF control and UK agencies' selection would be built, extending into an existing car park. This would in the medium to long term be the most effective solution for the port authority and is their preferred option. This results from a suggestion by HMCE and Special Branch that they work alongside PAF colleagues and a proposal by DHB to relocate their Transec facility.

- (a) In order to line up traffic safely as a result of the new PAF controls Dover Harbour Board envisages a new wider approach ramp at a cost of £1.6m to accommodate 8 lanes that can be used by either freight or cars, a coach and car building and a coach and car area at a cost of £660,000, new booths and a new overhead canopy at a cost of £0.5m, new freight initial search areas and initial assessment bay. Their estimated total cost comes to £3.3m. Dover Harbour Board is naturally concerned that the PAF control will create considerable delays and queues, possibly building up along the approach roads and into town, and believes that eight lanes are needed to counter this. This option also places the bulk of the controls in one area but the DHB proposal is still that foot and coach passengers pass through a control in the current departure hall. Special Branch and HMCE would prefer to have the controls for foot and coach passengers within the coach hall located alongside the car controls. The PAF are prepared to consider clearance at a control in the existing departure hall.
- (a)(i) Since drawing up that proposal the PAF has indicated that they will provide a resource that can process passengers adequately with a total of six lanes. In light of this Dover Harbour Board has revised its plan and produced a version that would cost approximately £1.6m by eliminating the need for a wider ramp. This version has the advantage of moving the control authorities further east and reducing the chance of congestion in the approaches.
- (b) We have examined the possibility of a "one-stop shop" and believe that there is scope to implement this at the site proposed for Option 2. Additional expenditure would be required for reconfiguration of the lanes to allow for double-width booths, freight examination,

garages for car searching, a new canopy to accommodate the new wider booths, 2 portacabins to provide control offices for the two additional authorities, and the continued use of the coach search facility that currently exists to the west of the proposed controls. We estimate the total cost for this to be in the region of £1.1m. We are still in discussion with Dover Harbour Board and they are considering this option, but we acknowledge that this does not include controls for DEFRA / VOSA/security and we had assumed that coach passengers could be examined to the west with foot passengers in the existing departure hall.

Option 3(a)

(i) Business sector affected

The port authorities and those businesses operating at the ports. All interested parties have been consulted. A list of consultees is attached at Annex B.

(ii) Policy costs

There are a number of non-recurring costs but not all of these are necessary to implement a juxtaposed control. Dover Harbour Board has estimated the costs of relocating all the control agencies to one area of the port so as to operate a “one-stop shop” to be between £1.6m and £3.3 million.

(iii) Implementation costs

There are unlikely to be any implementation costs.

(iv) Total compliance costs

Dover Harbour Board estimates a total cost of between £1.6m and £3.3 million. We firmly believe that the direct costs associated with the introduction of juxtaposed controls and provision of facilities for the PAF would not exceed £260,000 (the cost of Option 2).

In our view Option 3 is not essential for the purpose of establishing PAF-only controls. Dover Harbour Board has stated that it would be unreasonable for their passengers to stop at a number of different controls when boarding. While we acknowledge the logic of the Dover Harbour Board proposal, passengers for Eurotunnel do not pass through just one control but must pass through a separate commercial check-in, security, Special Branch/HMCE/VOSA and then PAF.

We understand that coach passengers could pass through existing controls as foot passengers as a temporary measure in order to implement juxtaposed controls. .

To achieve this they could use the current departure hall for foot passengers currently under-utilised and only used for coach passengers on ski holidays. Once the coach passengers are cleared they can board their respective coaches which may then proceed unhindered to the ferry through a designated coach lane at the main vehicle controls. Those refused entry by the PAF will be directed out of the port by the existing exit route. Coach passengers could alternatively be processed at the existing coach “tube” where current HMCE and Special Branch checks are conducted. Neither of these is acceptable to DHB who have alternative plans for the former and no wish to refurbish or enlarge the latter to cope with an additional control authority.

The PAF are not willing or able to resource the 8 lanes proposed by Dover Harbour Board (they have indicated that they will have a maximum of 10 officers per shift to cover all controls). We do not believe that an extension to the ramp is necessary - to bring the PAF controls to the west as proposed by DHB would adversely impact further on congestion, would cause queuing on a downward ramp, and would increase arrivals congestion by reducing the number of lanes. The layout of the DHB proposal suggests that cleared cars would need to negotiate the freight search facility; this could impede the flow to check-in. DHB had last year agreed to look at our proposals to refurbish and improve the inbound UK immigration service and secondary examination area. When juxtaposed controls are installed in Calais, Dunkirk and Boulogne the numbers requiring these facilities will be significantly reduced and this refurbishment would no longer be necessary.

Option 3(b)

(v) Business sector affected

The port authorities and those businesses operating at the ports. All interested parties have been consulted. A list of consultees is attached.

(vi) Policy costs

There are a number of non-recurring costs but not all of these are necessary to implement a juxtaposed control. Our estimate of the costs of relocating all the control agencies to one area of the port so as to operate a “one-stop shop” is about £1.1m, with the assumption that foot and coach passengers can be controlled at the existing departure hall.

(vii) Implementation costs

There are unlikely to be any implementation costs.

(viii) Total compliance costs

Our estimate of implementing Option 3(b) is £1.1m. We firmly believe that the direct costs associated with the introduction of juxtaposed controls and provision of facilities for the PAF would not exceed £260,000 (the cost of Option 2).

8. OTHER COSTS

There will be substantial resource implications for the immigration service in manning the new juxtaposed control with a new intake of staff to meet the resourcing requirements to offer the necessary level of service. Apart from additional pay costs there will also be a significant increase in travel and subsistence costs and costs associated with the need to adjust shift patterns.

9 SMALL BUSINESS IMPACT

The main stakeholders in this project are not small businesses. However, where port operators may have to pass on additional costs to users, this may impact on small businesses using these services. But, the costs identified as possibly falling to Dover Harbour Board could be kept relatively low, in the region of £0.26m for initial capital costs and a further £13,050 per annum for rates, cleaning and electricity if option 2 is pursued.

In any event, some of the DHB costs envisaged under Option 3 must be offset against the facilities which DHB are obliged to provide for HMCE, Special Branch, DEFRA, VOSA, and security controls. Dover Harbour Board has already indicated that they had included £300,000 in its budget for improvements to facilities for these authorities on the outbound route. We firmly believe that the direct costs associated with the introduction of juxtaposed controls and provision of facilities for the PAF would not exceed £260,000 (the cost of Option 2).

The Small Business Service were consulted on the initial enabling power, now contained in section 141 of the Nationality, Immigration and Asylum Act 2002.

The SBS are grateful to have been consulted on these proposals, and have been involved in discussions with Home Office and Department for Transport officials and Dover Harbour Board. They are clear that the impact on small firms is indirect.

Continuing discussions have developed a number of alternative options to accommodate the new controls, taking into account the Port's traffic-flow needs. The SBS view is that Option 3a(i) appears to be the most suitable compromise approach proposed. They are concerned that the costs might be considerable under Option 3 and that compliance costs will be passed on to port users including many small firms. They are further concerned that juxtaposed controls may be extended to other English channel ports.

10. COMPETITION FILTER

A competition filter has been carried out and is attached at annex A. There is unlikely to be a negative competitive impact from the introduction of juxtaposed controls. The establishment of juxtaposed controls at Calais, Dunkirk, Boulogne and Dover, and the ability to establish them at other sea ports, will enable the same immigration controls to be conducted at the sea ports as take place for Eurostar and Eurotunnel.

The introduction of juxtaposed controls at sea ports will impact on the cross-channel transport market (ferries and Channel Tunnel trains) and the port authorities responsible for providing facilities. The port authorities for Eurostar and Eurotunnel already have juxtaposed immigration controls installed. Port authorities for cross-channel sea traffic will be equally affected should juxtaposed controls be introduced - while Dover Harbour Board would be affected initially, other ports may ultimately be required to install the same facilities. It is highly unlikely that the introduction of juxtaposed controls would reduce or increase the number or size of operators. The new controls will not require the operators, current or new, to change the way they operate now. We are conscious that Hoverspeed are not included in the initial plans and will be continuing to discuss the possibility of extending juxtaposed controls to the high-speed service between Calais and Dover. The introduction of juxtaposed controls would not restrict the ability of firms to choose the price, quality, range or location of their products.

11. RESULTS OF CONSULTATIONS

We have consulted widely on the draft Treaty and on the scope of the juxtaposed controls. A list of consultees is attached at Annex B. Most consultees have supported the introduction of juxtaposed controls in principle.

On 20 November 2002, we issued a consultation paper giving information about how the Government intended to take forward proposals to establish juxtaposed controls at sea ports. We asked for responses on the bilateral agreement by 31 December 2002 and on wider issues by 7 February. On 26 March, we issued a supplementary consultation paper which provided further detail on aspects of our proposals which we were unable to cover in full in the previous paper. We asked for comments on the content of the proposed secondary legislation by 25 April. On 12 May we wrote to consultees, enclosing a copy of the draft Order, for a final phase of consultation on its contents. We asked for responses by 30 May. We are still in discussion with Dover Harbour Board about the implementation of juxtaposed controls.

A composite response to the main points raised in the first paper was issued on 12 March, a copy is attached at Annex C. We will issue a

further response to the main points raised in relation to the supplementary consultation paper in due course.

12. SUMMARY AND RECOMMENDATION

Establishing full juxtaposed immigration controls in relation to ferry services at Calais, Boulogne and Dunkirk will reduce the number of inadequately documented passengers arriving in the UK. This can be demonstrated by the reduction in the number of inadequately documented passengers arriving at Waterloo from France following the introduction of juxtaposed controls. The numbers fell from 1519 between June 2001 and December 2001 to 146 between June 2002 and December 2002. Because of the reciprocal nature of the Agreement, the French PAF must have controls at Dover.

We aim to keep the costs of establishing the juxtaposed controls to a minimum. The PAF have indicated that their operation at Dover will be phased in gradually and will ultimately not be on a large scale.

Establishing such a juxtaposed control could reduce the associated costs of supporting asylum seekers. In addition, it could significantly reduce the detention and removal costs falling to carriers.

We therefore reject Option 1 and recommend establishing the full juxtaposed immigration controls as provided for in the Nationality, Immigration and Asylum Act 2002 and the Treaty concluded on 4 February (Option 2 or Option 3).

We further recommend that secondary legislation to enable their introduction should be made as soon as possible in order that full juxtaposed immigration controls can be put in place. We are continuing to negotiate with Dover Harbour Board and other interested parties in order to achieve this. We recognise the concerns of Dover Harbour Board and are content if they wish to establish a consolidated control (Option 3) to take account of their obligations to the other control agencies and to meet the requirements of the Aviation and Maritime Security Act. We also recognise that a joint reconfiguration for all agencies increases total costs. However, we firmly believe that the direct costs associated with the introduction of juxtaposed controls and provision of facilities for the PAF would not exceed £260,000 (the cost of Option 2).

13. MONITORING AND REVIEW

Procedures for monitoring the effectiveness of the controls, once implemented, will be put in place. This will include the collation of statistics on the numbers of inadmissible passengers intercepted at the point of embarkation.

DECLARATION

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the Secretary of State for the Home Department

.....

Date.....

**Contact: Diane Taylor
International Policy Directorate
Immigration and Nationality Directorate
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Competition Filter

1. In the market affected by the new regulation does any firm have more than 10% market share?
Yes
2. In the market affected by the new regulation does any firm have more than 20% market share?
Yes
3. In the market affected by the new regulation do the largest three firms together have at least 50% market share?
Yes
4. Would the costs of the new regulation affect some firms substantially more than others?
No
5. Is the regulation likely to affect the market structure, changing the number or size of firms?
No
6. Would the regulation lead to higher set up costs for new or potential firms that existing firms do not have to meet?
No
7. Would the regulation lead to higher ongoing costs for new or potential firms that existing firms do not have to meet?
No
8. Is the market characterised by rapid technological change?
No
9. Would the regulation restrict the ability of firms to choose the price, quality, range or location of their products?
No

Consultees

Amnesty International
Asylum Rights Campaign
Better Regulation Taskforce
British Chambers of Commerce
British Embassy, Paris
British Ports Association
British Transport Police
Cabinet Office – European Secretariat
Camden Community Law Centre
Channel Tunnel Intergovernmental Commission
Confederation of British Industries (CBI)
Confederation of Passenger Transport UK
Department for Local Government, Transport and the Regions
Department for the Environment, Food and Rural Affairs (DEFRA)
Department for Transport (DfT) (Ports Division)
Department of Health
Devolved Authority - N. Ireland
Devolved Authority – Scotland
Devolved Authority – Wales
Dover District Council
Dover Harbour Board
Eurolines
Eurotunnel UK Terminal
Foreign & Commonwealth Office (FCO), Western
European Department
Freight Association
Freight Transport Association
HM Customs & Excise
Hoverspeed
Immigration Advisory Service
Immigration Appellate Authority
Immigration Law Practitioners' Association
International Road Transport Union
Joint Council for the Welfare of Immigrants (JCWI)
Justice
Kent County Council
Kent Police (Special Branch)
Legal Services Commission
Lord Chancellor's Department
Medical Foundation
National Association of Citizens Advice Bureaux
Norfolk Line
Office of the Immigration Services Commissioner (OISC)
P&O Ferries
Police Leadership and Powers Unit (Home Office)
Policing and Organised Crime Unit (Home Office)
Rail Freight Group
Refugee Council
Refugee Legal Council
Regulatory Impact Unit (Cabinet Office)
Road Haulage Association
Scottish Refugee Council
SeaFrance
South London Tamil Welfare Group
The Chamber of Shipping
The Law Society
HM Treasury
UK Major Ports Group
United Nations High Commissioner for Refugees
Vehicle and Operators Services Agency

CONSULTATION PROCESS REPORT

Introduction

The consultation process on the Government's plans to establish juxtaposed controls at the ports of Calais and Dover began on 16 August 2002 when I sent an informal consultation letter to a number of parties seeking initial views. The formal written consultation process began on 20 November 2002. The consultation paper contained copies of: the informal consultation letter, a list of consultees, the Home Office's Code of Practice Criteria for Public Consultation, a copy of section 141 of the Nationality, Immigration and Asylum (NIA) Act 2002 and a draft Regulatory Impact Assessment (RIA).

The purpose of the consultation paper was to set out the Home Office's approach to the implementation of provisions of the NIA Act 2002 for the establishment of border controls (juxtaposed controls) at Calais seaport in northern France with reciprocity for French controls at Dover seaport. The paper explained our initial thinking about how we would take forward the initiative, and the requirement for a bilateral Agreement with France. A Frontier Controls Treaty allowing for these juxtaposed controls to be established was signed by the UK and French Governments on 4 February.

The consultation paper was sent to all parties whom the Home Office considered likely to be affected by this relocation of the border control. It was also decided that the consultation document would be placed on the IND website to enable others, who might consider themselves to be affected, to have input into the process.

We have had a good response with much positive comment. Those who contributed included: HM Customs and Excise, Confederation of Passenger Transport, Department of Health, HM Treasury, British Ports Association, Kent County Council, Department for Transport, Norfolk Line, Department for Environment, Food and Rural Affairs, Dover Harbour Board, Refugee Council, International Road Transport Union, Road Haulage Association Passenger Shipping Association, Immigration Law Practitioners' Association, Hoverspeed and the Freight Transport Association. Views of interested parties have proved to be extremely valuable, and I am grateful to those who have contributed.

I attach our response to the main issues raised in relation to the proposed juxtaposed controls. This document will be placed in the library of the House of Commons. Copies will also be sent to those who responded to the original consultation paper and to recipients of the second paper. It will also be available on the Home Office website.

The consultation process will continue during March with a further additional consultation paper providing information on processes and accommodation, planning and funding as well as the Treaty and domestic implementation processes.

Barbara Wilson
Assistant Director
UK Immigration Service

The following sections detail comments received from contributors during the consultation process and the Home Office response.

1. LEGAL REPRESENTATION

Comment

- **We would welcome details of how the UK Government plans to ensure that those detained under UK legislation in France will have access to the support services they require, in particular legal advice and assistance.**

Response

Detention will be kept to a minimum. The Frontier Controls Treaty allows only for detention up to 24 hours (extendable to 48 hours in exceptional circumstances). Overnight detention is not envisaged in the majority of cases. Passengers will be able to contact their Embassy at any time and if necessary will be provided with assistance to enable them to do so. Those passengers refused entry who have a right of appeal from abroad will be served with a Notice of Refusal which will include information about the Refugee Legal Centre and Immigration Advisory Service.

2. ASYLUM

Comment

- **Juxtaposed controls will cause hardship to people in need of protection and throw into question the UK's commitment to the international protection regime.**

Response

As a signatory to the 1951 UN Convention relating to the Status of Refugees, the United Kingdom has an obligation to consider applications for asylum made within the country or at our ports of entry. We are under no obligation to consider applications for asylum made outside the United Kingdom.

There is an international acceptance that an asylum seeker should claim asylum in the first safe country that they reach. This approach is fully consistent with the Dublin Convention, which sets out the criteria for determining which State has responsibility for considering an asylum application.

The control zone will be the area in the port where the UK immigration authorities carry out juxtaposed controls in France. It is not UK territory in France. Equally, the French control zones in the UK will not be French territory. Any asylum seeker claiming asylum in a UK control zone at Calais will be physically present in France, a safe country, and should therefore make any asylum application to the French authorities. This is entirely

consistent with both the 1951 UN Convention relating to the Status of Refugees and the Dublin Convention.

3. DISPLACEMENT

Comment

- **It seems highly likely, given the determination of clandestine immigrants and asylum seekers, that if one route is closed to them another will be targeted.**
- **Juxtaposed control schemes should be extended to all high-risk control points, including other countries.**
- **The number of “unqualified” passengers arriving from Calais has steadily increased and I firmly believe that this is a result of the displacement of the existing juxtaposed controls at the Channel Tunnel. Any additional controls at Calais, I feel would perhaps force these “unqualified” persons to look further for another port to attempt their entry into the UK.**
- **We seek your thoughts re the implementation of the policy and how it will affect Hoverspeed, which has its own port terminal in Calais.**

Response

The Order-making power in the NIA Act is wide enough to apply to future agreements on juxtaposed controls relating to passengers arriving in the UK by sea from any EEA port. Experience with the Channel Tunnel has shown that there tends to be a displacement effect in patterns of illegal immigration. We anticipate that once we introduce juxtaposed controls at Calais, other ports with ferry services to and from the UK may see an increase in the numbers of inadequately documented people attempting to pass through them. We will continue to monitor these patterns and to make further use of juxtaposed controls or new detection technology where it is deemed appropriate.

We are conscious that Hoverspeed are not included in the initial set-up and will be regularly monitoring their operations to assess any changes in passenger flows or numbers of inadequately documented persons arriving.

The UK Immigration Service is in discussion through the appropriate authorities with other port authorities in northern France and Belgium regarding an increase in the use of new detection technology, including Passive Millimetric Wave Imaging and heartbeat detectors, that already operates in Calais. At present some of this technology is provided by UKIS but operated by the port authority. UKIS provides some training in the use of this equipment. Some additional equipment is provided by the carrier or port authority. At Calais, the Port Authority now has the capacity to screen all freight traffic embarking for the UK.

4. IMPLEMENTATION TIMETABLE

Comment

- **Whilst it is recognised that it will take time to provide the necessary facilities in order to manage vehicle flows and inspections we are nevertheless disappointed that the timetable in particular for the inclusion of freight is so elongated. We would wish to see freight controls implemented at the earliest opportunity.**
- **It is noted that there is no stated timetable for the implementation of phases 2 and 3 and we would wish to see this agreed.**

Response

Subject to domestic implementation processes, which, in the UK, will include the introduction of secondary legislation, we expect to be in a position to establish juxtaposed controls under Phase 2 by the end of June 2003. These controls will cover foot passengers, cars and some selected coach traffic. All coaches and freight will be incorporated gradually over coming months with full coverage by the end of 2003. We will endeavour to introduce freight controls as soon as we have the necessary resources and facilities to enable us to conduct effective checks. We appreciate the difficulties for operators with uncertain timescales but implementation of our operations in France requires negotiation with the French Government, both centrally and locally.

5. CIVIL PENALTY ISSUES

Comment

- **Currently freight is subject to legislation that imposes in our view unfair fines on drivers of vehicles requiring them to act as surrogate immigration officers.**
- **Juxtaposed controls should be accompanied by amendments to the law (rules) to reduce operators' liability for undocumented travellers/illegal immigrants to a more appropriate level.**
- **When choosing the exact location of the UK control zone, it is of paramount importance to ensure that checks (CO₂ etc) are performed immediately before the entry into the (properly isolated) UK control zone in order to avoid illegal immigrants entering vehicles between those checks and the juxtaposed UK immigration control. Indeed, in the case of the UK juxtaposed controls on French territory, if clandestines/IDPs are found on board they should be handed over to the French authorities without issuing a penalty notice to operators/drivers under the Immigration and Asylum Act. In any case, if clandestines/IDPs are found on board after passing the UK juxtaposed control, operators should not be held responsible in any way nor should a penalty notice be issued.**

- **We would like clarification on what will happen if a vehicle is checked and found with clandestines on board. Although the document states that the Immigration Control Zone will remain the “territory” of the host state and that anyone claiming asylum within the Zone will be handed over to the host state authorities for their applications to be processed, will the carrier (with the clandestines) be deemed to have “entered” the UK and thus have a fine imposed upon him (subject of course to the arrangements under the new Code of Practice)?**

Response

It is reasonable that those bringing vehicles to the United Kingdom should be responsible for what is carried in them, and should take measures throughout their journey to ensure that their vehicles are not utilised by unauthorised persons for the purpose of clandestine entry. The “Prevention of Clandestine Entrants” Code of Practice provides a defence against the imposition of a penalty. The Code of Practice requires road hauliers to properly secure their vehicles, and to check them before arriving in the United Kingdom or at any United Kingdom immigration control operated in a prescribed zone outside the United Kingdom.

Road hauliers who do not take effective measures to secure and check their vehicles before arriving in the UK control zone at Calais, will leave themselves liable to a penalty if clandestine entrants are detected in their vehicles at any time after entering the control zone. This is the position that applies, and that will continue to apply, for road hauliers arriving in the UK control Zone at Coquelles. If a penalty is imposed its amount will reflect the circumstances of the case and will take into account any mitigating or aggravating factors that may exist.

The location of the UK control zone in Calais will be determined by mutual agreement with the French authorities in consultation with the carriers and port operator. Any clandestine entrant or improperly documented passenger identified prior to departure of the vessel from Calais will be handed over to the French authorities. It will be the responsibility of the port authority to ensure that the entire area between the controls and the vessel is secure.

6. REPATRIATION

Comment

- **Repatriation costs for operators should be reduced significantly, or even eliminated.**

Response

If a person arrives in Dover having passed through or evaded a juxtaposed control and is subsequently refused entry or is to be removed as an illegal entrant, the removal costs will still rest with the carrier. This is a statutory requirement. Nevertheless, the existence

of juxtaposed controls at Calais should greatly reduce the numbers of inadequately documented passengers arriving at Dover.

7. MULTI-AGENCY JUXTAPOSED CONTROLS

Comment

- **We believe that if juxtaposed controls are to be introduced then they must, from the very beginning, involve juxtaposed Customs (and possibly other) controls so as to avoid a piecemeal approach. As things stand, we are potentially faced with individual demands from both UK agencies (for non-juxtaposed controls) and French agencies for those juxtaposed, resulting in duplication of accommodation and facilities. We regard the inclusion of other agencies as absolutely fundamental to making progress and we are alarmed at the prospect of singling out the Immigration Service in the way that has been done so far.**
- **Multi-agency controls are preferable to just immigration controls.**
- **It will only really be successful if all border agencies are relocated to the continental port.**

Response

Both Governments were prompted to introduce juxtaposed controls at Calais and Dover in response to the unacceptable level of illegal migration between northern France and the UK. The principal aim of juxtaposed controls is to reduce the number of inadequately documented people entering the UK through this route. The Governments discussed the question of the involvement of other agencies, but were not able to reach agreement prior to conclusion of the bilateral Treaty. The Treaty therefore refers to immigration controls and immigration offences. The UK and France will consider separately whether other agencies should participate in any juxtaposed controls depending on whether an operational need for such an arrangement is identified and whether those agencies are interested in participating.

The Immigration Service Project Board for implementation of the new controls includes representatives from HMCE and Kent Police. Kent Police will be able to act in support of their Immigration Service colleagues at the juxtaposed control when called upon to do so. Their inclusion in the Treaty has ensured that those who are involved in people trafficking will be investigated and properly dealt with by whichever country's authority detects them. The control authorities are keen to work closely together to reduce any duplication of effort and continue to examine procedures to improve joined-up working.

8. PORT EXIT ROUTES

Comment

- **There are serious operational consequences of introducing a juxtaposed passenger clearance system for passengers on one route and not on others.**
- **It is very important to get the exit from Dover right. Travelling staff on other routes (not subject to juxtaposed controls) ought to be workable as an interim step to juxtaposed controls. The problem with liaison with ferry companies who have a record of car registration numbers (enabling automatic exit control for vehicles that come from Calais), is that drivers from Calais would be able to pick up uncleared, inadequately documented passengers and drive them through the “cleared” channel.**
- **There exists a danger of “discrimination” against in-coming traffic from other ports other than those where juxtaposed controls have been established e.g. by imposing particularly severe control measures on them.**
- **The consultation document raises the issue of simultaneous, disembarking traffic from pre-cleared (i.e. Calais) and uncleared (Dunkirk) and the problems this could cause for the Port authorities should segregation of traffic be required.**
- **It appears that the controls will not apply to Norfolkline, Dunkirk - Dover. How will it work at Dover with only one operator requiring immigration controls?**

Response

The UKIS is aware that Dover receives traffic from ports other than Calais. Our aim is to minimise any difficulties managing the cleared and uncleared traffic flows from different ports on arrival at Dover. This may be achieved through the use of on-board officers on the in-bound routes but other options are being investigated.

The UKIS is working closely with Dover Harbour Board to examine potential difficulties. Now that the Treaty has been signed we will be able to discuss with the French authorities other ports where it might be appropriate to establish juxtaposed controls. We are already in discussion with Norfolkline regarding the route between Dunkirk and Dover and examining the best way to handle their traffic.

9. COMMERCIAL DISADVANTAGE

Comment

- **You have highlighted, quite correctly, in your proposals and in the accompanying risk impact assessment, the benefit in terms of equity and fairness that this would bring to the commercial competition between Eurostar, the Eurotunnel shuttle and the Port of Dover. I would like to respectfully point out that we have the same issues and that we are in direct competition with all of these modes of transport. It is also apparent that our major port competitor, Dover, may benefit commercially by this scheme.**

Serious consideration should be given to the effect that this will have on the market at Portsmouth.

- **Throughout this process you have paraded the benefits of juxtaposition to the ports and ferry industries and pointed to its success at Eurotunnel. You suggest the current proposal provides parity of treatment from a commercial perspective when clearly it does not if only partial juxtaposition is introduced, and “free exit” is not available to port customers.**
- **If successful on the Dover - Calais route, we would like to see Juxtaposed Controls extended to all continental routes to the UK as soon as possible, so nobody suffers from a competitive disadvantage in the longer term.**

Response

No decision has yet been taken regarding which other ports will have the benefit of juxtaposed controls. As mentioned earlier in this document, that is a matter for further discussion with the French Government. As a result of potential displacement of illegal migration to Cherbourg and its surrounding regional ports we may consider, in consultation with the French authorities, establishing a juxtaposed control or introducing New Detection Technologies. These options will depend on the mode and scale of illegal migration.

Free exit from the port is clearly the ideal situation for customers but the bilateral Treaty initially focuses on immigration controls in order to achieve the principal objective of dealing with illegal and inadequately documented entrants. But as already stated, the question of the inclusion of other agencies in the controls will be considered separately by the UK and French Governments in the light of operational requirements. The current practice of “selection” operated by HMC&E colleagues will continue and police anti-terrorism checks will be carried out in such a way that traffic exiting Dover will be inconvenienced as little as possible.

10. CONSULTATION PERIOD

Comment

- **We do regret that the short time imparted for this consultation did not allow an in-depth full-scale consultation of the entire European road transport industry. We therefore would appreciate if, in future, more time is allowed for a wider in-house industry consultation to take place.**

Response

There are Cabinet office guidelines for Government consultation and a copy of the Home Office’s Code of Practice Criteria for Public Consultation was included in the original consultation document. We make every effort to follow these guidelines as closely as possible. It is regrettable that, in this case, the consultation period was unavoidably shorter than that recommended. We hope that consultees have understood

the urgency of the problem that needs to be tackled. For expediency it was essential to include the enabling power in the NIA Act as it was then before Parliament and provided an opportunity to move quickly. Respondents have had only a limited time in which to compile comment, but all contributions to the consultation document have been very helpful.

We began informal consultation on 16 August 2002 prior to the drafting of the provision in the Act. The main interested parties have therefore been aware of the proposals, through both informal and formal consultation, for about six months. We have also been in frequent discussion with Dover Harbour Board including formal and informal briefing meetings, joint meetings with French authorities, HM Customs and Excise, Kent Police and carrier representatives.

11. MODES OF TRANSPORT

Comment

- **Road freight transport should also be included in the juxtaposed controls scheme.**
- **Our information at the moment appears to be that most asylum seekers are found in the freight lorries and I would question why these are not included at an early stage rather than the cars.**
- **There exists a potential for discrimination between modes of transport e.g. by introducing juxtaposed controls for one mode (Eurostar between Brussels and London), while continuing to impose the “traditional” severe control measures, for instance, on road transport.**

Response

Freight will be incorporated gradually over coming months with full freight coverage expected by the end of 2003. We will endeavour to introduce freight controls as soon as we have the necessary resources and facilities to enable us to conduct effective checks. We appreciate the difficulties for operators with uncertain timescales but implementation of our operations in France requires negotiations with the French Government, both centrally and locally.

Juxtaposed controls tackle illegal immigration by people who present forged, counterfeit or inadequate documentation in order to circumvent immigration controls. It allows the receiving State to deny boarding to those who do not qualify for entry.

The Civil Penalty is designed to ensure hauliers take responsibility for their own vehicles so that they do not negligently bring illegal immigrants into the UK. People who choose to conceal themselves in freight vehicles are more likely to be detected by mechanical rather than human methods. For this reason we are using a combination of juxtaposed controls and new detection technology to combat illegal immigration, with emphasis on the latter at ports where freight is the dominant or only traffic.

12. LEVEL OF IMMIGRATION STAFFING

Comment

- **Every effort should be made to avoid unnecessary delays provoked by the juxtaposed controls e.g. by means of the appropriate staffing of checkpoints (sufficient number of officers).**

Response

The UKIS is already recruiting new staff to allow us to be in a position to staff the new controls to an adequate level. We are also working towards service agreements with port

operators to provide acceptable levels of passenger processing. The Immigration Service is committed to offering rapid clearance of bona fide passengers, inconveniencing them as little as possible.

13. COSTS

Comment

- **We remain very concerned about the cost implications.**
- **The capacity required will have to be justified as reasonable.**

Response

The Frontier Controls Treaty signed on behalf of the UK and French governments states that the facilities required should be no more than are necessary to enable the state of arrival to carry out their functions effectively. We are in discussion with Dover Harbour Board about possible ways to minimise potential costs. We are also in discussion with the French PAF about their requirements. Detailed costings will be outlined in the second consultation paper and the Regulatory Impact Assessment (RIA).

14. DUPLICATE CONTROLS

Comment

- **We do not want to see our customers' affected/impeded by two lots of controls on one single journey (i.e. in Calais and in Dover).**

Response

Passengers travelling to either State will be cleared by immigration officials from the adjoining State prior to boarding. In Calais, the French Customs authorities (Douanes) will operate their routine selective checks. In Dover, the current practice of "selection" operated by HMC&E colleagues will continue and Special Branch will also operate controls under the Prevention of Terrorism legislation so as to inconvenience traffic exiting Dover as little as possible.