

# **Enforcing the rules**

**A strategy to ensure and enforce compliance with our immigration laws**

**Home Office March 2007**



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## Foreword by the Home Secretary



John Reid MP

I believe the coming task for the Labour Government is to tackle the root cause of the British public's concern about migration – its present unfairness.

Britain is a country where people work hard, play by the rules, speak English, and get on through merit.

It has a proud, centuries-old record of integrating immigrants from around the world and, many times down the years, it has become home to communities fleeing persecution.

That is why I am keen now to press on and sign the Council of Europe Convention on Action against Trafficking in Human Beings. Failure to take on the people traffickers, who are behind three-quarters of illegal immigration to this country, leaves vulnerable and often desperate people at the mercy of organised criminals.

But, equally importantly, the fact that many immigrants, at the end of their journey, end up in shadowy jobs in the grey economy undermines the terms and working conditions of British workers. That's not fair. It chips away at the social contract and fabric of our country. Resentment of it breeds discontent and racism. This is especially keenly felt among those who believe they are not getting the economic or social opportunities they should because others, who have flouted the rules and often the law, seem to be getting on ahead of them. That's not fair either.

The public want people to play by the rules, and they don't like people who don't. Media stories about illegal immigrants getting access to housing, legal aid or NHS care may be exaggerated, but they do reflect an underlying concern that in the past we have not been tough enough in enforcing the rules.

That is why the time is now right to tackle the exploitation underpinning illegal immigration. We have to tackle not only the illegal trafficked journeys, but also the illegal jobs at the end of them. We need to make living and working here illegally ever more uncomfortable and constrained. Introducing biometric ID cards, starting with newly arrived foreign nationals, will make it easier to ensure fair access to services and will stamp out fraud and abuse.

Access to the benefits of UK residence and citizenship should be earned. It's not uncivilised to treat our own nationals differently from overseas citizens. Shared nationality, whatever your race, is an important part of what binds us together – it creates shared benefits and responsibilities that are different from the relationship between a temporary migrant and the UK.

This strategy is the next step for us in enforcing the rules.

## Foreword

The first priority is to get the police and Border and Immigration Agency enforcement staff to work together through formal immigration crime partnerships, so as to share intelligence and ensure a consistent and properly joined-up approach.

With that joint intelligence they will target the organised gangs that profit from people's misery, crack down on abusive employers who employ illegal labour, and make it easier for legitimate employers to check the employment status of workers.

This new approach, which tackles the root causes of the resentment about immigration, as well as making life in this country ever more uncomfortable and constrained for those who come here illegally, is a tough-minded, fair approach grounded in modern British values. The aim is to ensure our society and economy remain open, vibrant and successful, while addressing the real concerns some sections of the public feel about immigration and coming down hard on the criminals that make their living from this trade.

A handwritten signature in black ink that reads "John Reid". The signature is written in a cursive style with a long horizontal stroke underneath.

John Reid MP  
Home Secretary

# Foreword by the Minister of State for Nationality, Citizenship and Immigration and Chair of the Asylum and Migration Working Group



Liam Byrne MP

The world is on the move. Mass-migration is now a fact of life. Since the 1960s, the global movement of people has more than doubled. The UN estimates that 191 million people live outside the country of their birth – more than the population of Brazil. This would have been unimaginable a decade ago but cheap air travel, rapid global economic growth and the melting of the rigid borders of the post-war era have transformed the scale of movement.

This creates an urgent challenge for many countries, including ours. How do we realise the many benefits of migration – economic, social and cultural – and connect with the global economy and the growth markets of the future without laying ourselves open to abuse?

Between now and 2025 the World Bank believes that 1 billion people will join the workforce in developing nations. The International Labour Organization (ILO) says workers can increase their income five fold by moving from a low-income to a high-income nation. Unless we strengthen our border and immigration system today, then pressure tomorrow will grow.

Since last summer I have travelled over 3,000 miles around the country, meeting and listening to the Immigration and Nationality Directorate's (IND's) frontline staff and officers, the public, our partners in local government, the police, the NHS, the Department for Work and Pensions and the business community. Everywhere I've gone I've heard people tell me how important it is to deal effectively with illegal migration. This is a subject that people care about and on which they have strong views.

Since the Home Secretary's shake-up of immigration announced last July, we have developed an ambitious programme of change:

- New money and resources, to double enforcement and compliance by April 2009.
- New powers in the UK Borders Bill.
- New technology such as biometrics and systems to count people in and out of the UK.
- New ambitions for our global alliances, to tackle illegal migration.

This strategy is the fifth crucial piece of the jigsaw. It brings together for the first time a combined response across government to one of the great global challenges the UK must confront.

A handwritten signature in black ink that reads "Liam Byrne".

Liam Byrne MP  
Minister for Nationality,  
Citizenship and Immigration

## Executive summary

The Review of the Immigration and Nationality Directorate (IND), *Fair, effective, transparent and trusted: Rebuilding confidence in our immigration system*, published in July 2006, set out how IND would respond to the challenges facing it now and for the future, when it becomes the Border and Immigration Agency.

Four objectives were set out in the Review document. This enforcement strategy describes our approach to the third of those objectives:

“To ensure and enforce compliance with our immigration laws, removing the most harmful people first and denying the privileges of the UK to those here illegally.”

The Home Secretary and Permanent Secretary also set out five priorities that we need to deliver to meet public expectations for change. Three of these are directly related to our enforcement activities:

- We need an effective approach to managing the identity of foreign nationals, requiring them to have secure, unique identification in order to cross our borders, to help manage migration and cut illegal working.
- We need cross-government enforcement action, including identity cards, to shut down fraudulent access to benefits and services and tackle illegal working.
- We must remove those people not entitled to be here more quickly, using the best of the public and private sectors.

Our approach to the first of these – identity management – has been set out in the *Borders, Immigration and Identity Action Plan* and the *Strategic Action Plan for the National Identity Scheme*, published in December 2006.

In this enforcement strategy we explain how we plan to deliver the second and third priorities set out above.

Most migrants are here legally. Chapter 1 shows the categories of people who are allowed to come to the UK and what they are allowed to do while they are here. It also explains what forms illegal migration takes and the harm that it causes. This is important because we will be prioritising our enforcement activity against illegal migrants who are causing the most harm in our society: those who have committed serious crimes or are involved in activities such as terrorism, drugs and human trafficking.

While improving compliance and enforcement, we must strike the correct balance with another of our strategic objectives: “Boosting Britain’s economy by bringing the right skills here from around the world, and ensuring that this country is easy to visit legally.” Getting the balance right is also important for promoting and maintaining community cohesion. Chapter 2 describes how we intend to widen the gap between the experience of legal and illegal migrants – making it easier for legal migrants to come to this country and make a positive contribution, whilst closing off the privileges of living in the UK to those people who are here illegally. As part of this process, we will make it easier for employers, healthcare workers, local authorities, government agencies and service providers like banks to access information more easily and determine whether or not migrants are here legally and entitled to services.

The detail of how we will ensure and enforce compliance with our immigration laws is dealt with in Chapter 3. The five key building blocks in our response are:

- Creating immigration crime partnerships across the country, across government agencies and across public services to tackle the harm and exploitation caused by illegal immigration.
- Transforming the collection, analysis and dissemination of information and intelligence about immigration crime.
- Shutting down the privileges of the UK to those here illegally and stepping up detection and removal.
- Making it easier to obey the rules.
- Providing constant feedback to the public.

Chapter 4 provides an overview of how we will approach implementation of the strategy and how we will address the resource implications by maximising the value of our existing resources, pragmatic testing of the benefits of new approaches and the targeted use of new investment as it becomes available. The strategy is applicable throughout the UK, but we recognise that the impact of certain proposals upon services within the responsibility of the devolved administrations must be taken fully into account. For that reason, we will be working closely with Scotland, Wales and Northern Ireland to ensure that the appropriate arrangements are in place so that all illegal immigration is tackled consistently across the country.

A set of milestones that summarise what we plan to deliver and by when is annexed at the end of this document.

To reinforce the actions described in this strategy, we are also introducing the UK Borders Bill, which provides specific additional powers to combat those who cause the most harm; bringing in a new approach to charging for IND and UKvisas services, which will inject resources into compliance and enforcement; and implementing new technology to confirm identify and count people in and out of the UK, as set out in the *Borders, Immigration and Identity Action Plan* published in December. We are also pursuing stronger international alliances to manage migration better at source. Taken together this represents a comprehensive and systematic approach to the problem of illegal migration.



Strengthening our presence at the UK border

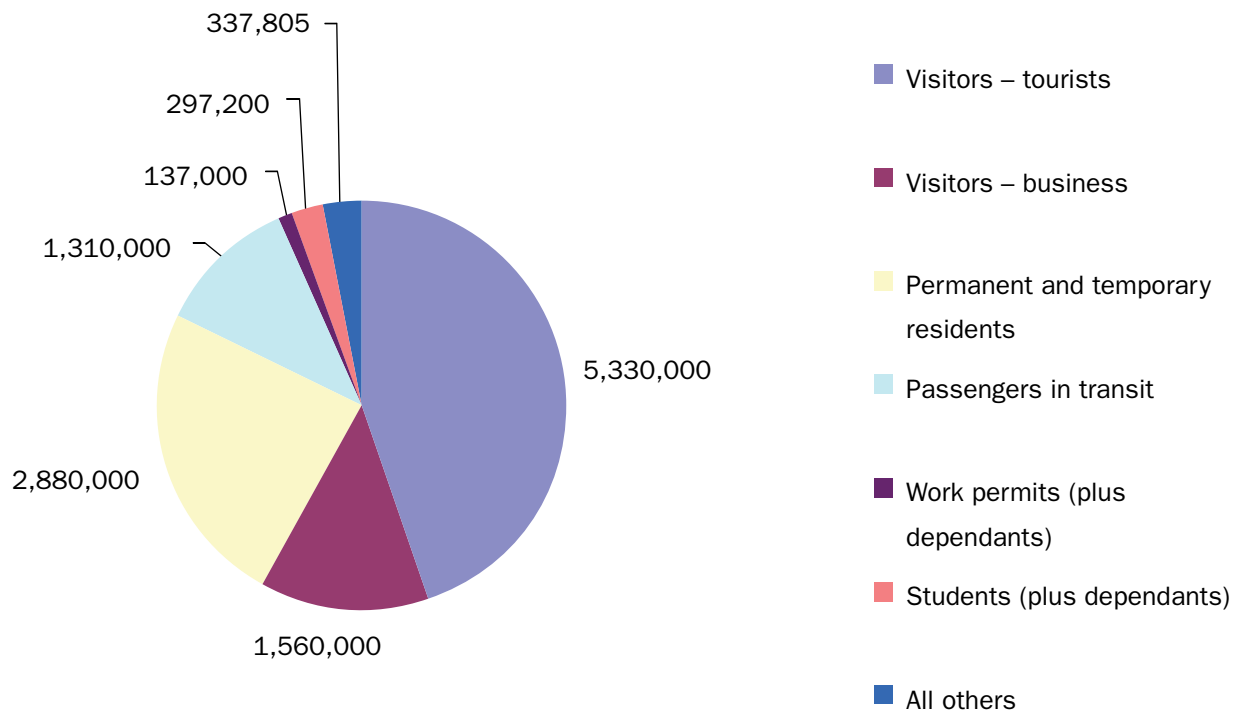
## Chapter 1:

# Legal and illegal migration: benefits and harms

### Who comes to the UK and why

1. Several million foreign nationals enter and leave the country each year, most entirely legitimately, and make a significant contribution to our economy and society. Many are from European Economic Area (EEA) countries (or Switzerland), whose citizens enjoy freedom of movement within the EEA. In 2005 a further 11.8 million passengers from countries outside the EEA entered the UK.

**Figure 1: Passengers given leave to enter the UK in 2005, by category**



Source: Control of Immigration: Statistics United Kingdom, 2005

## Responsibilities of legal migrants

2. People who come to the UK from outside the EEA have to meet certain criteria, comply with rules about what they can and cannot do while they are here and are usually set a time limit for their stay. The main categories are set out in Table 1 below:

**Table 1: Entry routes to the UK**

Entry route	Rationale and benefits	Current restrictions
Visitors	Tourism is the UK's fifth largest industry, directly employing over 1.4 million people, visitors drive economic performance at national, regional and local levels.	Visitors usually cannot work and cannot extend their visas.
Students	Students in UK further and higher institutions, English language colleges and independent schools contribute an estimated £5 billion annually to the UK economy.	Students have to study at a bona fide institution, may only work part time in term time, and have to leave at the end of their studies unless they have a degree and obtain a work permit.  To provide educational services to students from overseas, schools and colleges have to be registered with the Department for Education and Skills (DfES) and, in future, will need to be registered to bring in international students through the Points-Based System.
Workers	Workers bring labour and skills to the UK and contribute to some of our core economic objectives around growth, productivity and stability. Migrants fill important jobs across the labour market and highly skilled, high-earning migrants are vital to the continuing development of the UK as a high-value economy.	Workers, except for the highly skilled, have to work for a named, authorised employer. It is a criminal offence to employ a person who does not have valid permission to work in the UK and employers are expected to ensure that a person is eligible to work before they start employment with them.
Family members	Family formation and reunion has been a key route for immigrants into the UK for decades, though tighter rules have recently been introduced to reduce abuse.	Family members may work when entering as dependants, but can be refused entry if it is suspected that they cannot support themselves financially.
Asylum	Those who are genuinely fleeing persecution can claim asylum here in line with our international obligations.	Asylum seekers are not allowed to work and we will remove them should they not qualify to stay.

3. To maximise the benefits to our society and our economy we need to allow people to travel easily in and out of the country, so that we can bring in revenue through education or tourism and stay connected to overseas markets and the global economy.

## What is illegal migration?

4. Illegal migration is a collective term for many forms of abuse of the immigration rules. It may be entering the country illegally – by attempting to get through the controls we have overseas, or at our border through fraudulent or clandestine entry – or by breaking the immigration rules in the UK – by working full

time having been allowed in to study, or by failing to leave at the end of their stay. Organised crime feeds on the migration pressure from those seeking a better life for themselves outside the country where they live and we estimate that as much as three quarters of illegal migration is facilitated by criminal gangs.

In Operation Inga, the police work with immigration officers to follow up concerns raised by managed migration caseworkers about suspicious colleges, illegal workers, absconders and overstayers, forgery and fraud and suspicious marriages. In one such case, a man who had applied under the Worker Registration Scheme using a forged passport was found to be a failed asylum seeker, and he and his family were removed from the UK.

5. It is difficult to build a precise picture of illegal migration as the individuals clearly want to avoid detection and, when they are found, they may refuse to give details of how they got here and what they have done. However, we can use existing information to build up a picture, although we cannot put all our information into the public domain without compromising our response.

### **How do illegal migrants get into the UK?**

6. People have always sought to enter the UK by deceiving visa and border officers about their intentions. As well as simple deception the main illegal routes to the UK are:

- Document fraud and forgery
- Clandestine entry
- Unfounded asylum claims
- Legal visitors overstaying.

All undermine the integrity of the immigration system.

7. **Document fraud and forgery:** Identity fraud and other document abuse, in order to obtain a

visa or gain entry at the border, appear to be a growing threat. Illegal immigrants may also destroy travel documents en route and then claim asylum.

8. In key parts of the world we conduct extra checks before people board aircraft to the UK. In the last five years 150,000 passengers have been prevented from boarding. This has contributed to:

- reducing the number of passengers found to have reached the UK with fraudulent documents from 8,258 in 2004 to 5,485 in 2005; and
- reducing the number of undocumented passengers from 4,609 in 2004 to 2,730 in 2005.

Immigration officers visited eight addresses as part of Operation Figural in October 2006. Two forgery factories were discovered, 13 people were arrested in total and around 100 passports were uncovered. Eight of those arrested were found to be immigration offenders. Six people were charged with conspiracy to produce false instruments, three were charged with possession of false instruments and one has been rearrested to await an appearance at Crown Court.

In another case, the Police aux Frontières at the channel tunnel encountered 11 individuals travelling by coach who presented counterfeit documents. They were referred to the Immigration Service's Kent Arrest Team and the Frontier Crime Unit who completed checks and interviewed the Turkish and Filipino nationals. All were arrested and charged with forgery offences and are awaiting trial.

9. **Clandestine entry:** Through the use of new technologies, we are transforming the security of the UK border. Enhanced checks, incorporating heartbeat and carbon dioxide detectors, are catching illegal immigrants at or before the border and serving as a deterrent.

In 2003 we detected 3,482 people after arriving at a UK sea port, by 2005 this had more than halved to 1,588. From our analysis of the nationalities of people we detect attempting clandestine entry to the UK, we know that these migrants have often travelled large distances to get to a sea port; that their journeys are likely to have been facilitated by organised criminal gangs; and it is likely that many plan to make unfounded asylum claims.



Immigration officers check a lorry for stowaways at a port, using carbon dioxide detection equipment

10. **Unfounded asylum claims:** High rates of refusal for asylum claims (79 per cent refused at the initial decision stage in 2006) suggest that illegal migrants, who are not genuine refugees, are attempting to use the asylum system as a way of settling in this country. The fact that the majority of asylum claims (85 per cent in 2006) are made in-country rather than at port, indicates that the asylum seekers are likely to have been in the UK some time before claiming asylum. Systematic reform, including tightening of border controls and the introduction of juxtaposed controls, have made the UK a less attractive destination for unfounded asylum claimants and have contributed to a dramatic fall in asylum claims from 80,315 in 2000 to 23,520 in 2006 (all excluding dependants), the lowest figure since 1993. We have also increased the rate of removal, with 16,250 failed asylum seekers

removed in 2006 (excluding dependants; including assisted returns and some voluntary departures following enforcement action) and the key target of removing more failed asylum seekers than the number of unfounded claims was met in 2006.

11. **Overstayers:** The large number of entirely legitimate visitors coming to the UK every year provides an opportunity for people to try and remain in the UK illegally. From our analysis of detected overstayers, some may be doing so inadvertently, of whom many are thought to be young and from countries with reasonably high GDP per capita and perhaps with high levels of education. Anecdotal evidence suggests that these groups do not intend to stay long term in the UK and require low levels of encouragement to return home. Some groups overstay deliberately as a way of evading immigration controls and some of these may then go on to make an unfounded asylum claim.

### Harms caused to the UK economy, society and individuals

12. We made it clear in the IND Review published in July 2006 that our enforcement priority would be to take action against the most harmful people first and deny the privileges of the UK to those here illegally. Prioritising those who we believe to be causing the most harm allows us to target our response and our resources. By 'harm' we are referring to all the potential negative consequences of illegal migration.

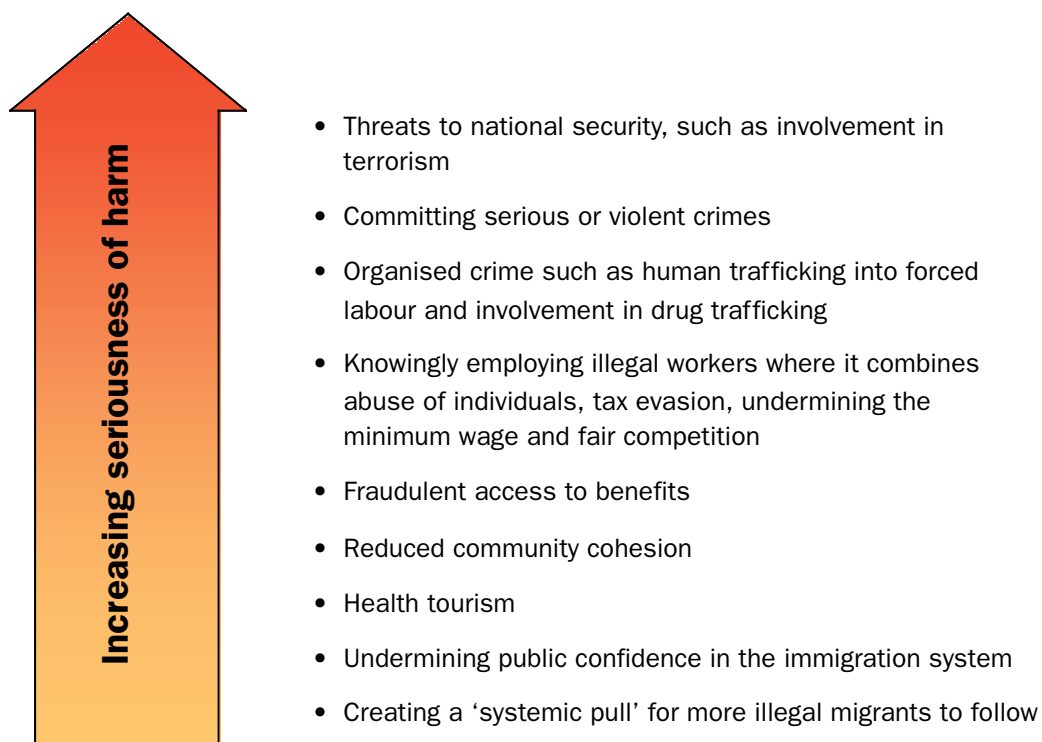
13. Figure 2 opposite, and the remainder of this chapter, illustrate the kind of harms that we are striving to minimise and offer a sense of their relative impact. It is not intended to be comprehensive. The majority of cases are likely to involve illegal migrants, but not always. Illegal activities may be facilitated by people here legally. The illegal migrant may also be a victim of the crime, such as in the case of trafficking for sexual exploitation.

Chapter 3 sets out how we will respond to different types of harm, from the most serious criminals, to the ‘careless’ visa overstayer, in partnership with other government departments, the police, local authorities, other organisations and the business community.

14. **Funding organised crime:** We have already highlighted above the importance of organised crime in facilitating illegal entry to the UK. This can often involve significant payments to organised criminals ranging from about £150 to £20,000 depending on route and nationality for those travelling from outside Europe. These payments maintain high profits for gangs facilitating illegal migration, making human smuggling and trafficking an increasingly attractive business for criminals. The gangs may also be involved in other harmful activities such as drug trafficking.

Immigration officers working jointly with police noticed a number of Romanian nationals who tried to enter the UK using forged Scandinavian passports. By finding out who had done the bookings, they were able to establish common mobile phone numbers and addresses that linked cases, pointing to the activity of an organised crime group. The case was taken to the National Criminal Intelligence Service, now part of the Serious Organised Crime Agency (SOCA). Information provided by a Romanian national interviewed by immigration officers and police established a link with similar intelligence reports in other parts of the country. The organised crime group carrying out the facilitation was based in London and in France, so a cross-border operation with OCRIEST, the French law enforcement counterpart, was initiated. Arrests and prosecutions were made in both countries, with large numbers of forged documents, cloned credit cards and cloning machinery recovered, and a volume people smuggling group was dismantled.

Figure 2: Examples of harm



15. **Trafficking and forced labour:** Recent research estimated that at any one time in 2003 there were around 4,000 women in the UK who had been trafficked for sexual exploitation. The economic and social cost of human trafficking for sexual exploitation in 2003 was estimated to be about £1 billion. There is also growing evidence of children being trafficked to the UK for domestic servitude. It should be noted that these cases can often involve legal immigrants as well as illegal ones.

Three men were prosecuted for trafficking a 15-year-old Lithuanian girl to the UK for sexual exploitation, following an investigation by South Yorkshire police. Counts of trafficking into the UK and within the UK were added to counts of false imprisonment and rape. They were sentenced overall to 18 years, 15 years and 5 years respectively.

South Yorkshire police worked closely with Europol, Eurojust and the Lithuanian authorities during the investigation. South Yorkshire police are part of a regional, multi-agency team dealing with organised immigration crime, funded through Operation Reflex.

16. **Committing crime:** We do know that a small number of illegal migrants are engaged in very serious crime. There are also some legal migrants who abuse the hospitality of the UK by breaking the law. Thirteen per cent of the prison population in England and Wales at the end of 2005 were foreign nationals. They will be dealt with effectively and firmly, to protect the public and reduce crime in the UK, and removed as soon as possible to reduce pressure on our penal system.

In Chapter 3 we describe new partnership arrangements with the police and the Serious Organised Crime Agency to target organised immigration crime and better align conventional law enforcement with the work of the Border and Immigration Agency, as well as new powers in the UK Borders Bill for the automatic deportation of foreign national prisoners who have committed serious crimes.

17. **Document fraud:** A variety of agencies across government play a crucial role in detecting illegal immigrants, as a by-product of regulating access to services and benefits. In the first 11 months of 2006, the Department for Work and Pensions (Jobcentre Plus) referred 381 suspicious applications for National Insurance numbers to IND. Similarly the Driver and Vehicle Licensing Agency (DVLA) rejected around 2,000 applications for driving licences in 2005/06 due to immigration irregularities (usually involving forged documents).



Immigration officers interview a suspected illegal worker after an enforcement operation

18. **Illegal working and employment:** There is evidence that some of those who are working illegally earn below the minimum wage, do not pay tax and in some cases may be doing dangerous work that breaks health and safety regulations. Employers who look to employ illegal migrant workers do so because they want to avoid providing minimum standards,

such as the National Minimum Wage and paid holidays. This has a high potential for harm to the workers involved.

19. Many employers seek to employ migrants legally to fill skills or labour market gaps. The Points-Based System we are introducing to manage work and study-related migration will improve and streamline the process, using a new system of sponsorship to improve the management of labour migration.

Operation Baillie was set up by immigration officers to tackle Romanian and Bulgarian nationals suspected of working illegally at the new Wembley Stadium. Although Romania and Bulgaria joined the European Union on 1 January 2007, their nationals are subject to employment restrictions. Officers spoke to 764 people at the gates. Five people were detained and interviewed at Kilburn police station and all five were served with £1,000 fixed penalty notices. The operation involved immigration officers and Police Operational Support Unit (POSU) staff.

In Chapter 3, we describe how we will build on collaborative efforts we are already making amongst the full range of workplace enforcement agencies to maximise our collective enforcement impact.

20. **Bogus colleges and abuse of student visas:** Students – or those who claim to be students – pose a significant risk in terms of illegal immigration. The overall rate of refusal for student visas in 2005/06 was 31 per cent. Much of this is due to suspected document fraud. In some visa-issuing posts the figure was considerably higher. The Universities and Colleges Admissions Service has said that there was a five-fold increase in the number of applications cancelled due to missing or forged documents between 2000 and 2005. Different levels of harm may be caused depending on the type of illegal activity:

- Bogus educational establishments undermine confidence in the system: those who set them up are either facilitating illegal entry into the country or duping genuine would-be students into paying fees but without providing the promised educational service. The Department for Education and Skills (DfES) register of legitimate colleges was established on 1 January 2005. Since then 45 colleges have been removed from the register.
- Less serious, but still fraudulent, are those who come here on a student visa but with no intention to study, which may deprive another legitimate student of a place.
- A legitimate student may overstay their visa or spend a higher proportion of their time working than the rules permit, where the harm chiefly lies in undermining the integrity of the system.

The Student Task Force carries out compliance visits to colleges on the DfES Register to see if they meet the requirements of the Immigration Rules and to assess the premises. Acting on received intelligence, immigration officers executed a search warrant at Anfell College in Commercial Road, London. The assessment of the premises showed them to be inadequate for the number of students believed to be enrolled. Despite the visit being made on a weekday in term time, only four people were present. No lecturers attended, and the director of the college refused to come to the premises when asked to by the immigration officers. The college was removed from the DfES Register. Any further applications to study at the college were automatically refused after the removal from the Register and no further visas were granted overseas.

In Chapter 3, we set out how we will step up enforcement and compliance activity, including against bogus colleges.

21. **Accessing the health service:** Illegal migrants are unlikely to place a great strain on the NHS as most are thought to be young and therefore

relatively healthy. However, there are some exceptions:

- There is evidence of small-scale but very deliberate abuse of the NHS. For example, a sampling exercise last year at one airport suggested that health tourists were being detected at the rate of about 15 per month. This primarily involved heavily pregnant women arriving in the UK with an intention of using NHS maternity services.
- The threat of infectious conditions being brought into the country generates serious public health concerns. Since December 2006, visa applicants from 16 high-risk countries will be required to produce a certificate showing that they are free from infectious pulmonary tuberculosis.

In Chapter 3 we describe plans for a review of access rules for NHS care for foreign nationals to simplify the process of applying controls.

22. **Accessing children's social services:** Unaccompanied asylum-seeking children (UASCs) are looked after by local authorities, with their care funded by IND. Currently there are about 6,000 children in this situation and IND currently spends approximately £140 million per year supporting them. These costs are very high and there is also some evidence of young adults claiming to be under 18 in order to gain the benefits of UASC status. To ensure that these resources are targeted on those who have a genuine need, we are exploring how technology can be used to assess the age of young asylum seekers, as well as considering appropriate arrangements for returning those whose asylum claims fail. We do not believe that it is in a child's best interests to remain in the UK separated from

their parents or communities. A consultation exercise is under way into all aspects of the treatment of UASCs.

23. **Accessing housing:** Illegal migrants are also more likely to be living in overcrowded conditions, in poor-quality housing which carries a range of health and safety risks. Illegal migrants who make an asylum claim become eligible for state support and accommodation through IND, although we have driven down the cost of support substantially.

In Chapter 3 we describe how the new Housing Act enforcement regime for private sector landlords will be used to target this abuse.

24. **Sham marriages:** Marriages for the sole purpose of allowing one of the marriage partners to stay in the UK have been an area of concern. Changes in the law on marriage in 2005 have resulted in a sharp drop in the number of reports of suspicious marriages from registrars to IND, from 3,740 in 2004 to fewer than 200 between February 2005 and March 2006 (from registrars in England and Wales).

A British woman married three foreign nationals in order for them to obtain residency in the UK. One of the men has since been convicted of a number of counts of armed robbery and sentenced to five years in custody. The Home Office is pursuing deportation action. In February 2006, immigration officers from the London Command Crime Group attended the home address of the British woman, where she was arrested. During interview she made a full admission and was charged with three counts of facilitation and two counts of bigamy.

**What we don't know about illegal migration and harms**

25. There is much that we don't know about the nature and cost. Some aspects will change as trends in global migration shift. There will be other aspects that we will never be able to quantify completely – individuals who engage in illegal activity want to remain hidden and once found are not likely to be forthcoming about their pathways into the UK and into illegality.
26. However, we will significantly improve our understanding of illegal migration by reorganising our intelligence and information management functions.

Chapter 3 sets out how we will improve our knowledge base.

Chapter 2:

## A model for enforcement: enabling compliance and combating abuse

### Our aim

27. Our overall aim is to make it as straightforward as possible for migrants to stay compliant, while penalising those who break the rules. We will reduce the number of people not complying because of carelessness (e.g. allowing their visa to expire) and prioritise tough enforcement action against those who cause the most harm (e.g. traffickers and other forms of organised crime).

### Enabling compliance

28. The two key principles for enabling compliance are:

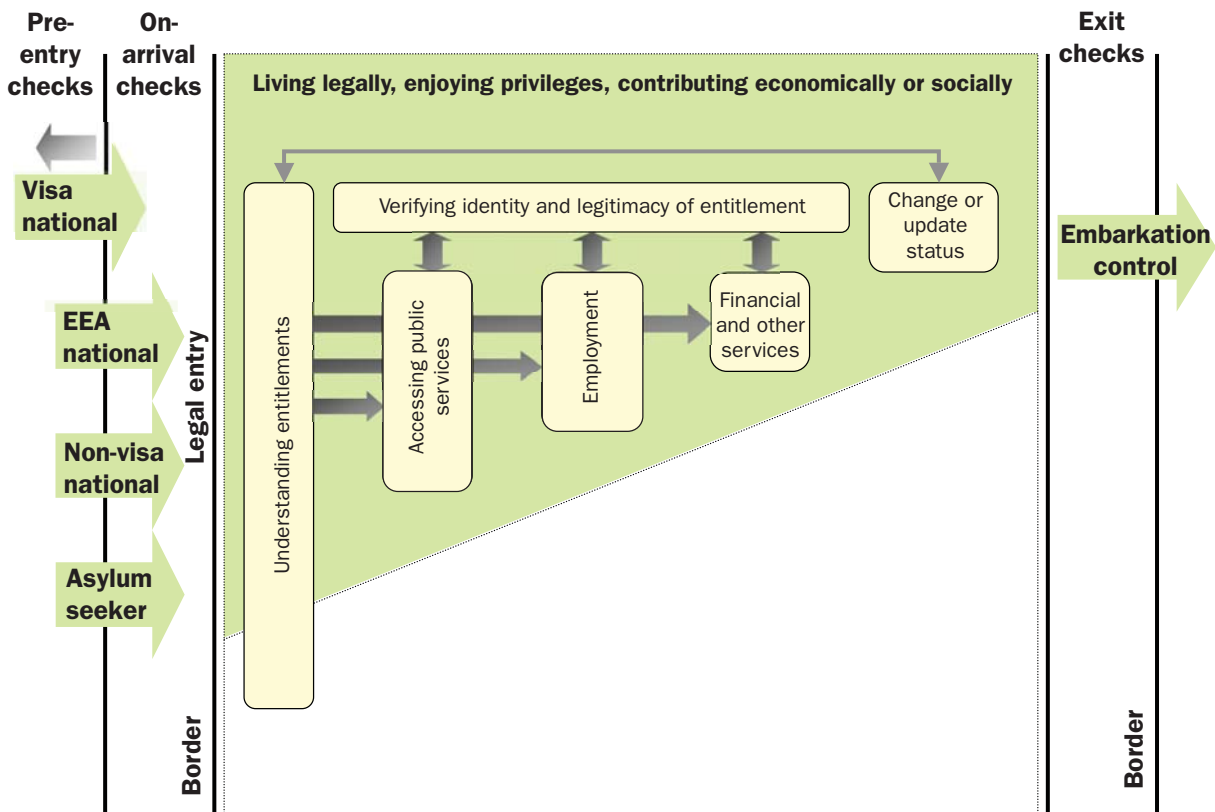
- Clear, easy-to-understand rules about who is allowed to come here and why, and what obligations there are on migrants and sponsors, making it easier for people to integrate.

- Make the process of checking identity easy and reliable so that it becomes straightforward to access appropriate services, incentivising people to comply.

29. These principles are reflected in Figure 3 below, which shows the interactions between service providers and migrants who are compliant – arriving legally and following our rules while in the UK.

30. We need to ensure that the legal requirements on those coming to the UK should be as easy to understand as possible for potential or actual migrants, employers, providers of services or benefits and the general public. At the moment these requirements are too complex, so we will simplify and streamline our laws and guidance.

Figure 3: Enabling compliance



31. As a key part of this simplification, we are implementing a Points-Based System,<sup>1</sup> for work and study, which will be easier for applicants to understand and for the Border and Immigration Agency and UKvisas to manage, and we will be improving the information provided to migrants to explain the rules and their obligations.
32. We also want to make it easier to confirm someone's identity and their right to entitlements once they are in the UK. The *Borders, Immigration and Identity Action Plan* set out our plans for using technology to transform the process around identity management for those coming into the UK. The UK Borders Bill introduces new powers to maximise the potential of the technology. This strategy completes the picture by setting out the practical actions that will be taken to improve compliance and enforcement.

### **Combating abuse and reducing the harm caused by non-compliance**

33. By simplifying our systems and better aligning the responsibilities and incentives for sponsors we will increase the level of compliance and make it easier to identify and focus on those who break the rules, prioritising those who cause the most harm. Our key principles in this area will be:
  - We will prioritise efforts to remove those causing the most harm first.
  - There should be systematic and predictable consequences in response to determined non-compliance.
  - The impact and immediacy of those consequences will depend on the seriousness of the breach of the rules and the potential harm.

- For those not prioritised for removal, they should be denied the benefits and privileges of life in the UK and experience an increasingly uncomfortable environment so that they elect to leave.

Figure 4 overleaf develops the model to show the contrasting experience of illegal migrants.

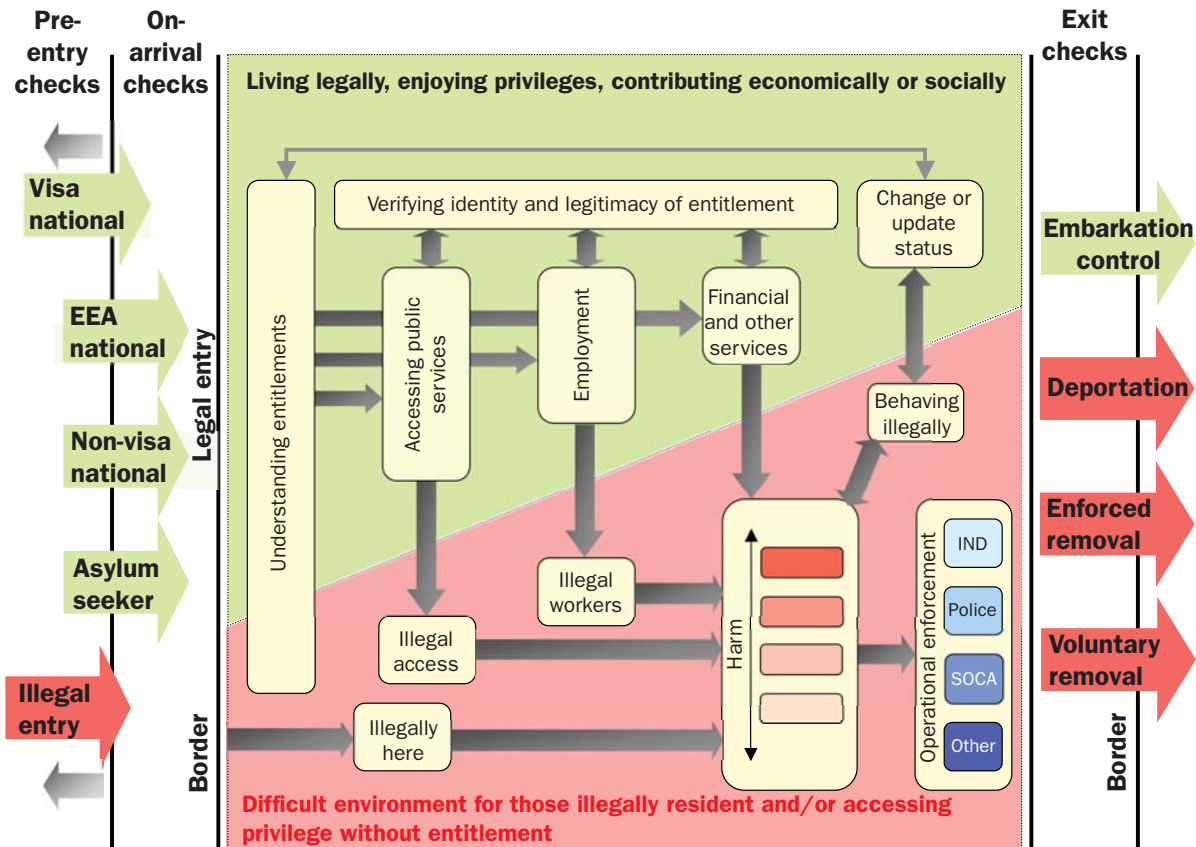
34. If migrants enter the UK illegally, or they entered legally but have since overstayed their visa period, or they are a failed asylum seeker, or are working, accessing services or claiming benefits in breach of the rules, they are illegal migrants. We want to make it harder for these people to gain access to services and benefits that they are not eligible for. We will step up our work with service providers and those who control access to benefits to enable them to check the entitlement of all migrants quickly and easily, so we can identify those that fall into the illegal category. Where the checks show non-entitlement they will inform IND and, in most circumstances, they will deny access to the service. There may be circumstances where a service would still be provided, but on a different basis – for example, some types of medical treatment might go ahead but the cost of the treatment would be recovered from the individual.



An illegal migrant is escorted onto an aeroplane to be removed from the UK (photo courtesy of the Press Association)

1 The new scheme was set out in *A Points-Based System: Making Migration Work for Britain* (March 2006)

Figure 4: Enabling compliance, combating abuse and reducing harm



35. Where the behaviour is highly harmful or is sustained and repeated, we will take rigorous enforcement action with a view to removing the individual, particularly where criminality is involved. The UK Borders Bill introduces new provisions to strengthen and simplify the link between criminality and deportation.

36. In relation to less serious harm, where swift removal is less likely, we will deploy a range of sanctions and penalties against illegal migrants, in order to make their ongoing stay here increasingly frustrating and difficult, to encourage them to leave.

37. But even for the low-harm cases – such as overstaying for a month – there should be consequences, even if it is simply that their conduct is recorded to influence their next application to come into the country.

## Chapter 3:

# Our response to the harm caused by illegal migration

38. The IND Review set out a comprehensive agenda of reform to ensure that the new Border and Immigration Agency could deliver more effectively. This strategy is focused on developing Strategic Objective 3 from the review:

“We will ensure and enforce compliance with our immigration laws, removing the most harmful people first and denying the privileges of the UK to those here illegally.”

39. The primary focus of the strategy is what happens in the UK, but it forms an integral part of a more comprehensive vision for effective compliance and enforcement that starts beyond our borders, and runs through the system to departure, settlement or removal. Two complementary strategies will look at strengthening the UK border and how we can work internationally to deliver our strategic objectives. The International Strategy will explore what we can do with other countries and international bodies to reduce the flow of illegal migrants.

40. All government departments and agencies have a responsibility to ensure that we have the right measures and controls in place to enable us to enforce compliance within the UK. This strategy sets out not only the Border and Immigration Agency’s own responsibilities but also how we will work with others in the public, private and voluntary sectors to maximise the impact of our collective enforcement activity.

41. There are five key building blocks:

- Creating immigration crime partnerships across the country, across government agencies and across public services to tackle harm and exploitation.
- Transforming collection, analysis and dissemination of immigration crime information and intelligence.

- Shutting down the privileges of the UK to those here illegally and stepping up detection and removal.
- Making it easier to obey the rules.
- Providing constant feedback to the public to improve understanding of and confidence in the system.

## Creating immigration crime partnerships across the country

42. Immigration enforcement is highly dependent on the contribution made by a range of partners. The Border and Immigration Agency will work in partnership with local agencies (local authorities, police, primary care trusts), government departments and agencies (the Serious Organised Crime Agency (SOCA), the Department for Work and Pensions (DWP), HM Revenue and Customs (HMRC)), the devolved administrations, the private sector and the public to increase the impact of our enforcement effort. We will ensure that the right systems and controls are in place and that we have the right relationships with, and provide the right services to, external partners.

43. We will measure the performance of the Border and Immigration Agency, among other things, by how it reduces the harm caused by illegal immigration. There will be a national framework but also scope to reflect local performance priorities. Local priorities could be affected by factors such as the dispersal of asylum seekers, proximity to ports or variations in the employment profile. This will be supported by new commissioning arrangements which will balance national and regional priorities for compliance and enforcement activity.

44. We will share objectives with other parts of government, where it makes sense and because of overlapping priorities and collaborative working, to reflect cross-government collaboration to shut down illegal migration.

45. The Border and Immigration Agency's new regional structure will provide closer links to local communities and our partners, allowing us to respond to the concerns of local people and ensure that there is a coherent view of the impact of immigration on communities.

We will:

- join local partnership structures (such as crime and disorder reduction partnerships and local strategic partnerships in England), in priority areas, to tackle the harms caused by illegal migration;
- undertake pilots in three local areas to help identify the best approaches to harm reduction from September 2007. We will also build on the lessons highlighted in the Audit Commission's recent report *Crossing borders*,<sup>2</sup> and
- we will consider how harm-reduction commitments, in support of the enforcement of immigration laws, could be reflected in the new performance framework for local government in England. The new framework, including Local Area Agreements, will apply to local authorities working alone or with partners. We will agree with the devolved administrations the most appropriate mechanisms to bring a harm reduction focus to bear in local areas in Scotland, Wales and Northern Ireland.

46. By collaborating with other enforcement agencies, the impact of our enforcement activities will be extended.

47. To tackle serious harm we will manage specific partnerships with criminal justice agencies – police services, SOCA, the UK Human Trafficking Centre (UKHTC), courts, the Crown Prosecution Service (CPS), Prison and Probation Services and the Scottish Crime and Drug Enforcement Agency (SCDEA).

- With the police, we will develop a new partnership covering priorities, commissioning, information sharing and agreeing respective responsibilities and joint working arrangements. This will provide the basis for joint operations against serious crime. The new relationship will be set out in a formal partnership document to be signed with the Association of Chief Police Officers (ACPO) by May 2007. Parallel discussions with ACPO (Scotland) on partnering arrangements are also under way.
- This partnership will be informed by pilots involving joint teams of police officers and immigration officers working to identify, analyse and tackle immigration crime in local areas.



An officer from the Police Operational Support Unit working alongside immigration colleagues

- We have already begun piloting new arrangements for identifying foreign nationals when they enter the criminal justice system to create a single identity, shared between the criminal justice agencies, to make it easier to consider their deportation earlier in the process.

Eighty-four foreign national prisoners were removed by IND's Criminal Casework Directorate in one week in February 2007. These prisoners, drawn from a variety of nationalities, were removed from the UK, having served custodial sentences for offences ranging from murder, rape and supplying drugs, through to attempting to obtain a British passport through deception.

The Criminal Casework Directorate works closely with the National Offender Management Service (NOMS) and the Prison Service to protect the public by ensuring that no foreign national prisoners are released without having first been considered for deportation. As a result, our management information shows provisionally that approximately 2,240 foreign national prisoners were removed from the UK between April 2006 and February 2007, a 40 per cent increase from the previous year.

48. We will put in place new partnerships with workplace enforcement teams in HMRC, DWP, the Gangmaster Licensing Authority (GLA), the Health and Safety Executive (HSE) and the Department of Trade and Industry (DTI), to maximise the value we get from overlapping functions and priorities.

- Border and Immigration Agency regional directors (including the Regional Director for Scotland and Northern Ireland) will draw up formal partnership arrangements with partners by December 2007. The exact model will be tailored to regional needs. Some agreements may be signed at national level. We will focus on three issues: information and intelligence sharing, joint prioritisation and joint operations.
- These arrangements will be underpinned by lessons from the Joint Workplace Enforcement Pilot in the West Midlands, and a new pilot starting in March 2007 to explore how the Border and Immigration Agency and HMRC can develop collaboration to target specific sectors

that present a high risk of abuse – beginning with construction.

In one Joint Workforce Enforcement Pilot case, an employer received an £8,000 fine for employing illegal workers, as a result of investigations by the Immigration Service and HMRC. Initially, there were 25 individuals who were targets of the operation. Ten individuals were taken away for further questioning. HMRC is continuing to investigate the employer for tax non-compliance.

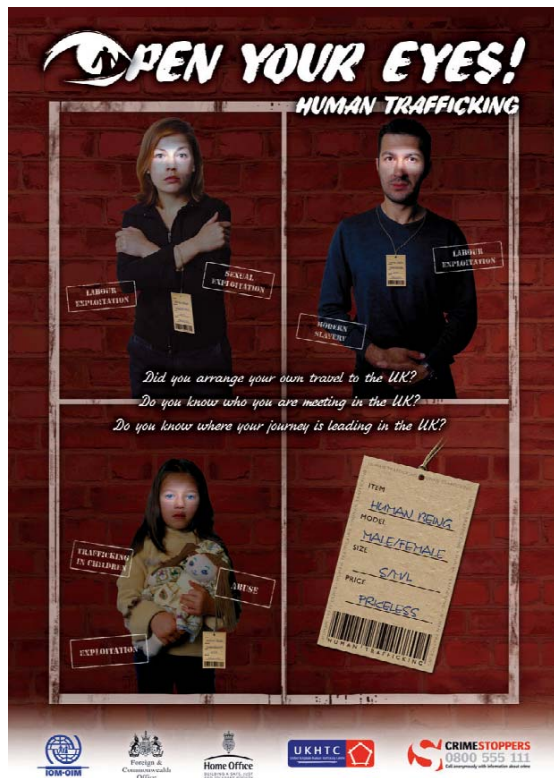
- We will take action against employment agencies knowingly supplying illegal migrants to employers, using existing powers to prohibit unsuitable persons from running an employment agency. In addition, we will not hesitate to apply to prohibit anyone whose actions in this context demonstrate that they are unsuitable to run an employment agency.
49. Finally, we need to build a partnership with the public. Since January a link from Crimestoppers to IND has provided an easy mechanism for the public to report alleged abuses of immigration rules.



### Transforming collection, analysis and dissemination of immigration crime information and intelligence

50. To improve the efficiency and effectiveness of our enforcement and compliance activities, we need to make a step change in the way the Border and Immigration Agency collects, analyses and disseminates the information and intelligence it receives. We will:

- redesign our existing intelligence units so that they manage the flow of information into, through and out of the organisation in a more structured and systematic way by March 2008;
  - create a function in each region to collect, analyse and disseminate information, and link this into HMRC, DWP, SOCA, the police services, SCDEA and local authorities, allowing them to focus on local compliance and enforcement priorities. These will be in place across the UK by March 2008; and
  - improve the reliability, integrity and value of information. This will be achieved by implementing a programme of improvements, starting with the creation of a dedicated data quality function in March 2007.
51. Making effective use of data will be critical to denying the privileges of the UK to those migrants who are here illegally or abusing access to services and other benefits. We will create a Watch List of illegal migrants that we can provide to other government departments and agencies to:
- enable them to deny access to their services at the point of application, while generating vital feedback for the Border and Immigration Agency; and
  - match against other bulk data sources, such as HMRC data, to help trace individuals and shut down abuse. The Audit Commission's National Fraud Initiative is exploring the potential value of this approach by matching details of failed asylum seekers with data sets in the NHS and local authorities and we want to build on this experience, using the expansion of scope to be provided through the Serious Crime Bill.
52. To maximise the value of this approach we will systematically review the effectiveness of our information sharing powers and arrangements with all key partners and, where there are deficiencies, we will resolve them. For example, we are already implementing a new data sharing gateway with HMRC, via the UK Borders Bill. This will allow us to check lists of overstayers against national insurance data and, where we find a match, contact the employer to establish whether the individual is still working for them and take appropriate action against the individual and/or the employer.
53. Where it is inappropriate to make the list available in full (for example to private sector employers), we will provide an enhanced service to check individuals' legality through our one-stop checking helpline.
54. In parallel, we will improve the quality of the Border and Immigration Agency's investigative capability by:
- widening the circumstances in which operational staff have the power of arrest – the UK Borders Bill will provide new powers of arrest in connection with asylum support fraud; and the new offence of knowingly employing an illegal worker;
  - increasing the number of staff trained to use the powerful tools in the Proceeds of Crime Act to strip criminals of the assets they have gained through their crimes and making better use of suspicious activity reports, relating to questionable financial transactions submitted by financial institutions. Initially this will be helped by the secondment of financial investigators from the police. This will enable the Border and Immigration Agency to remove the financial incentives that often underpin abuses of the immigration system; and
  - working with the police to develop and deploy more sophisticated investigative skills, including financial investigation.
55. We will target the organised crime networks that are fundamental to immigration crime. Organised immigration crime is one of SOCA's top priorities and the Border and Immigration Agency will support them and the UK Human Trafficking Centre in targeting and prosecuting the gangs involved.



Addressing harm: a cross-agency campaign to raise awareness of human trafficking

56. In January 2006 the Government launched a public consultation on a proposed UK Action Plan on Human Trafficking which will provide a co-ordinated, end-to-end strategy on human trafficking, including actions from the prevention of trafficking, through to investigating and prosecuting the perpetrators and to the protection and support of victims. We intend to publish the plan in the next few months.
57. The UK will also sign the Council of Europe Convention on Action against Trafficking in Human Beings. This will support the harm reduction agenda by improving the care of genuine victims of trafficking, through minimum standards of protection and victim support. However, the evidence from previous operations against trafficking also shows that working with genuine victims also helps tackle the crime gangs involved in trafficking and forced labour, which will continue to be a very

high priority. The Government will sign the Convention this year, and will work through the operational implications of implementation, in close co-operation with a range of stakeholders, in part to ensure that this does not become a source of abuse by people claiming to be victims of trafficking.

### Shutting down privileges of the UK to those here illegally and stepping up detection and removal

#### Dealing with root causes

58. Key to reducing the harm caused by illegal migration will be increasing the certainty of detection and making sure that people know about the predictability of the consequences. There has been a sustained and effective drive to detect, detain and deport or remove failed asylum seekers but more is required.

IND is accelerating the speed of decisions on asylum cases through a new end-to-end process. The new asylum model aims to fast track asylum applications through to integration or removal within six months. Case Owners in regional asylum teams are responsible for managing all aspects of the claims, having regular face-to-face contact with the applicant through to integration or removal, and making use of electronic tagging and voice recognition systems as appropriate. Other than asylum applications from persons serving a custodial sentence, which will be managed separately, all new asylum applications will be handled by the new regional asylum teams by April 2007.

59. We will use a range of sanctions to ensure that illegal migrants face consequences appropriate to the level of harm caused. For those that cause the most harm, e.g. criminal activity, this will mean prosecution, detention and removal or deportation. There will also be a stronger alignment between failure of in-country appeals and removal.

60. For others, the sanctions will increase with non-compliance to ensure that living illegally becomes ever more uncomfortable and constrained until they leave or are removed. Repeated offending will be seen as a significant aggravating factor in relation to the penalties deployed.

61. We also need to address the role of intermediaries and facilitators, whether they are employers and labour providers or criminal gangs, who are motivated by the potential profit they can make from exploiting illegal migrants.

In 2005 a Ukrainian gangmaster who had made millions of pounds supplying illegal workers to fish factories in north east Scotland was convicted of money laundering and aiding illegal immigration, following a joint operation between the police and IND, and sentenced to seven years. Cases like this prompted the setting up of the Gangmaster Licensing Authority.

### Shutting down privileges

62. We also need to shut down inappropriate access to services that are privileges intended for people who are in the UK legitimately. At its simplest, this is an issue of fairness.

63. In relation to healthcare, we will:

- review the rules governing access to the NHS by foreign nationals. The review will be completed by October 2007;
- work with the NHS to ensure that the implementation of new rules flowing from the review is accompanied by a programme of communication and good practice to those who apply the rules, including practice staff, GPs and trusts. This will be completed by September 2008; and
- as part of this programme, run a pilot in three NHS trusts to test how access to rules, provision of data from the Border and Immigration Agency and mechanisms for

securing payment from overseas visitors can be combined together to collect revenue from those individuals who are not entitled to access these healthcare services.

64. In relation to other public services, we will:

- review how we can best use the driver licensing system to identify and combat illegal immigration. This will include identifying those illegal immigrants who apply for licences fraudulently and ensuring that they are denied a licence and targeted for enforcement action. It will also include considering how we can best ensure that licences are not abused by those here illegally – including their use in establishing identity to access other services;
- ensure that local authorities can access the data to clamp down on council tax fraud by people claiming to be international students; and
- work with local authorities to support their new licensing and enforcement regime for private sector landlords, in relation to multiple occupancy housing, to tackle overcrowding where it overlaps with immigration enforcement activity. This could mean fines of up to £20,000 for landlords who rent a property that is inhabited by an excessive number of occupants (recognising that illegal immigrants may well be in properties where landlords are operating illegally).

This reflects the systematic approach we are taking to identify and shut down abuse of the system. We have already tightened up the process of issuing National Insurance numbers to determine whether people have the right to work in the UK, which is shutting down significant numbers of fraudulent applications.

65. The private sector should have the right to know whether it is providing services to those here illegally (and liable to be removed). Therefore, we are planning a pilot exercise where we would disclose data on persons known

to be here illegally with a fraud prevention agency to help understand if there are significant links between those persons and fraudulent activity in the UK.

66. To restrict illegal working we will provide a one-stop identity checking service for employers. A pilot service using Border and Immigration Agency data will go live in April 2007, advising on the authentication of identity documents and checking whether specific individuals have the right to work. A feasibility study currently under way will determine how a joint venture service between the Identity and Passport Service and the Border and Immigration Agency could extend and develop this. As our capability develops, we will look to roll out the same facility to other organisations that wish to avoid providing services to those who are not entitled to them.

67. Increasingly we will provide enhanced identity checking through application of biometric technology for visa applications and in-country Biometric Residence Permits (BRPs) before the wider roll-out of the National Identity Scheme and the National Identity Register.

#### Boosting capacity and capability

68. We recognise that the new agency will require the right enforcement resources to do the job. This means getting the most out of our existing resources, extending capacity where this is a constraint on our impact, and equipping our people with the right powers and tools to do the job.

69. We will double the Border and Immigration Agency's frontline compliance and enforcement capacity by April 2009 and ensure it has the right tools for the job. As a first step, by March 2008 this will mean:

- 100 extra immigration staff working locally with police, based in police stations;
- 250 additional police officers and nearly 300 extra operational enforcement staff focused on a mix of national and local harm reduction priorities; and

- expanding our use of the private sector and developing new ways of detecting and preventing immigration crime. We will explore what the private sector can provide and test the marketplace for new ways of working and more efficient and cost effective ways of delivering our services.



New uniforms increasing the visibility of immigration staff

70. We will use a range of powers to penalise those who profit from illegal migrants. This will include:

- using the Proceeds of Crime Act more often to seize cash and forfeiture/disposal of property. The UK Borders Bill will extend our ability to use these powers;
- fast tracking the implementation of civil penalties for employers of illegal migrant workers which were in the 2006 Immigration and Asylum Act, in consultation with the CBI and others by December 2007. The package will include higher financial penalties for employers who re-offend, and we will explore how fines could be linked to the cost of removal;
- using our existing powers to apply to the courts to disbar company directors convicted of an offence in connection with the management of a company, such as knowingly employing illegal workers; and
- adding extra prosecution staff in the Border and Immigration Agency to increase the rate

of prosecution for offences such as knowingly employing illegal workers.

71. The key sanctions for high-harm immigration offenders are removal or deportation. To increase the rate of removal we will:

- increase our detention capacity. A new 420-bed immigration centre at Gatwick is due to open in 2008 and the Home Office has acquired the former RAF base at Coltishall to help expand capacity;



Expanding the detention estate: Colnbrook Immigration Removal Centre was opened in August 2004

- increase our use of electronic monitoring in 2007/08 so that as many as 2,000 extra individuals can be subject to electronic tagging or voice verification to ensure that they are subject to close contact and control prior to removal;
- introduce an automatic presumption of deportation for those foreign national prisoners sentenced by a court to 12 months or more (or for specific offences) in the UK Borders Bill;
- reduce the scope for judicial review of decisions to remove in cases where the request for a judicial review is clearly only to delay the decision or prevent removal. We will implement a new policy on tackling abuse of process in March 2007; and

- increase the number of people returned to countries with whom we already have established routes, and open up routes to countries where we do not have well functioning arrangements. The Prime Minister's Special Envoy, Lord Triesman, will give greater impetus to this crucial activity by establishing a new level of working with partner countries.

Returning illegal migrants to the country of which they are a citizen often means we have to source new travel documents for those who do not have passports. We have built a network of documentation specialists around the UK who have the detailed knowledge to ensure we are able to secure travel documents to make returns. We constantly monitor our arrangements for travel documents and access to removals flights, so concerns that our operational needs may not be met can be swiftly identified.

We are working closely with the Foreign and Commonwealth Office, engaging with foreign governments to ensure that appropriate arrangements are in place to return failed asylum seekers and other immigration offenders to their countries of origin. In recent years we have successfully negotiated documentation arrangements with a number of countries, including Vietnam, Pakistan, India, Turkey and China, but there is still work to be done to ensure that we can remove all immigration offenders swiftly. Immigration is at the centre of our relationship with all major source countries of illegal migrants and failed asylum seekers and the appointment of Lord Triesman as the Prime Minister's Special Envoy gives additional impetus to our work on returns.

72. We will ensure that the consequences for abuse committed in the UK can extend beyond leaving the country. This will include refusal of future visa applications and continuing pursuit of money owed for services/fines etc. We are also looking to share data with other

countries, so illegal activity could have implications for applications to visit or work or study in other jurisdictions.

### **Making it easier to obey the rules**

73. Most of the people who come to this country wish to comply fully with our immigration laws. To ensure they continue to comply, we must make their interactions with us straightforward and efficient.
74. We have already announced that we will:
  - radically overhaul the immigration laws, so that the rules are clear and easy to understand, by April 2009; and
  - simplify the business processes that will support the new rules, to make it easier for our staff to deliver high-quality services to migrants, employers and service providers, by April 2009.
75. The new Points-Based System for managed migration creates a new, simplified process for migration for work or studying, with 80 existing ways of gaining permission to enter the UK streamlined and reduced to five tiers. Applicants will need sufficient points to obtain leave to enter or remain in the UK. Points will be awarded according to objective and transparent criteria in order to produce a structured and defensible decision-making process. Every migrant will require a sponsor to support their application (for all tiers except Tier 1 – highly skilled) and then share the responsibility for keeping the applicants they support compliant.
76. We will:
  - implement the Points-Based System in a phased manner, with Tier 1 customers using the system by April 2008 and implementation completed by April 2009;
  - introduce sponsorship under the Points-Based System, by April 2008. Sponsors will be licensed employers or academic institutions

who vouch for the legitimacy of migrants' applications to come to the UK and have a responsibility and an incentive to work with us in ensuring compliance because it will affect their ability to recruit foreign students or employees in the future;

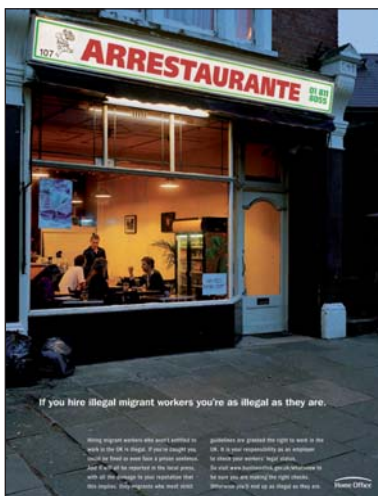
- create a network of Border and Immigration Agency compliance teams by April 2008, to help licensed employers and academic institutions operating under the Points-Based System comply with the requirements of the new system, whilst also capturing knowledge about abuse in their sector and feeding the information back into the system. An increased number of compliance officers will check on prospective sponsors and visit suspect colleges and employers;
- increase the level of proactive contact with managed migrants (as is already being introduced for asylum seekers), for example by using proactive phone calls and text messaging to people whose visas are about to expire, to improve compliance with the rules. This will start in April 2007, initially as a pilot for three months; and
- remove unnecessary regulations that cannot be enforced through our Simplification Project.

### **Providing constant feedback to the public**

77. This strategy is the start of a wide-ranging engagement with the public, service providers, employers and migrants, both legal and illegal, about our expectations of migrants when they are here, and the consequences of their actions if they act illegally. This, together with a clear communication of the rules on arrival, should ensure that migrants comply with our rules more consistently.
78. We will implement a highly visible campaign through contact with the Border and Immigration Agency's own customers, via other government departments, and using national, regional and local media to help ensure people know the rules and shut down abuse. The

programme has already started with campaigns on illegal working and human trafficking, and will run to March 2008. It will include:

- running campaigns targeting specific forms of abuse – building on the current illegal working campaign in the UK;



Getting our message across:  
tackling not tolerating illegal working

- publicising successful enforcement operations, such as removal figures or ‘naming and shaming’ rogue employers or operators of bogus colleges; and
  - communicating our expectations of migrants and the consequences of non-compliance. We will work with the Foreign Office and UKvisas to educate would-be migrants on their obligations and the realities of living in the UK.
79. More generally, providing regular feedback to the public will improve understanding of and confidence in the work of the immigration system, and reflect the need for the Border and Immigration Agency to be clearly accountable to the public. This will in turn help to promote cohesion in areas which can be adversely affected by misinformation and the development of myths.

## Chapter 4: Making it happen

80. Taken together, the existing commitments and new proposals represent a major programme of work, comprising a number of pilot schemes and other short-term actions, together with a number of significant strands of work. Many of these are already in train, such as the Points-Based System and e-Borders programmes, but others will require new change projects or the reshaping of existing activities.
81. This programme must be implemented alongside day-to-day business, and must fit within the overall IND Transformation Programme launched following the July 2006 review.
82. We will draw on expertise within the Border and Immigration Agency and the wider Home Office, as well as using our Commissioning and Contestability agenda to provide us with additional capabilities. We will need close co-ordination with other government departments, and close working with local partnerships.
83. Between now and April, we will develop detailed plans for implementing these proposals. We will do this taking account of our legal and international obligations and of the necessary regulatory and equality impact assessments. This will include compliance with the Human Rights Act 1998.
84. The Annex sets out an initial view of the key milestones we expect to achieve over the next three years.



Immigration Minister Liam Byrne listens to staff at Manchester Reporting Centre

### Providing the resources

85. The pace and extent of change will be influenced by the overall level of resources available to the Border and Immigration Agency going forward: through funding, efficiency savings and income from charging. Resources will also influence the available capacity of our partners. However, this strategy does not depend on major investment.
86. We believe that we can do more with our existing resources by:
  - simplifying the rules to increase efficiency;
  - improving our use of information and providing our staff with additional skills and powers to increase our effectiveness;
  - redirecting resources into frontline working to increase our capacity; and
  - realising the value of partnership working to extend our reach.
87. We will develop new ways of working through pragmatic examination of the feasibility, costs and benefits of change:
  - increasing the sophistication of our verification service to employers and other services through a phased roll-out;
  - testing the value of data matching through an incremental series of pilots; and
  - exploring how greater clarity about the rules and better verification data could enable more effective regulation of access to services such as the NHS, helping eliminate fraud.
88. As resources become available, we will invest in building our infrastructure:
  - creating the compliance infrastructure to support the Points-Based System for migration;
  - expanding the capacity of the detention and removal estate; and
  - introducing identity technology to support enhanced controls of access to services.
89. To provide more detail of the initial impacts of the strategy we will be publishing a partial Regulatory Impact Assessment.

Annex:

## Summary milestones

Our objective	What we plan to deliver...			
	By April 2007	By December 2007	By April 2008	By April 2009
<p><b>Creating immigration crime partnerships across the country</b></p>	<p>Start pilot on collaborative working with HMRC focused on high-risk sectors such as construction</p> <p>Deliver link from Crimestoppers to allow public to report alleged abuses of immigration rules</p>	<p>Develop a new partnership with police covering priorities, commissioning, information sharing and joint working</p> <p>Pilot new arrangements for identifying foreign nationals with criminal justice agencies</p> <p>Partnerships with HMRC, DWP, GLA, HSE and DTI</p> <p>Develop new local partnerships, in priority areas, to deliver harm reduction</p>	<p>Introduce harm reduction to the performance framework for the Border and Immigration Agency</p> <p>Link into the new performance framework for local government in England, where appropriate</p> <p>Complete pilot on sector collaborative working with HMRC</p>	
<p><b>Transforming collection, analysis and dissemination of immigration crime information and intelligence</b></p>	<p>Create a dedicated data quality function to improve the reliability, integrity and value of information</p> <p>Sign the Council of Europe Convention on Action against Trafficking in Human Beings</p>	<p>Systematic review of data-sharing arrangements with key partners</p>	<p>Transform all Border and Immigration Agency intelligence units to manage the flow of information and intelligence better</p> <p>Create a regional information function that links into HMRC, DWP, SOCA, the police and local authorities focusing on local enforcement and compliance</p> <p>Create a Watch List of illegal migrants that we can share with others</p> <p>Work with the police to develop financial investigation skills</p>	

Annex:  
**Summary milestones**

Our objective	What we plan to deliver...			
	By April 2007	By December 2007	By April 2008	By April 2009
<b>Shutting down privileges and stepping up detection and removal</b>	Examine our use of the private sector to extend the capacity of our enforcement resources and increase innovation	<p>100 extra immigration staff based in police stations</p> <p>Introduce presumption of deportation for the highest harm foreign nationals</p> <p>Review access rules to the NHS for foreign nationals</p> <p>Pilot data sharing with a private sector fraud prevention agency</p> <p>Implement civil penalties for employers of illegal workers</p>	<p>250 additional police officers in the Border and Immigration Agency working on national and local harm reduction priorities</p> <p>Nearly 300 extra Border and Immigration Agency operational enforcement staff working on national and local harm reduction priorities</p> <p>Pilot with three NHS trusts to improve data sharing and collection of revenue from individuals not entitled to free healthcare</p>	<p>Work with practice staff, GPs and trusts to implement new access to healthcare rules</p> <p>Double frontline compliance and enforcement resources</p>
<b>Making it easy to obey the rules</b>	Commence pilot of proactive text-messaging and outbound calls to visa holders nearing expiry	Provide a one-stop shop identity checking facility to employers and other service providers	<p>Implement the first phase of the Points-Based System</p> <p>Introduce sponsorship under the Points-Based System</p> <p>Start providing enhanced verification of identity through Biometric Residence Permits</p> <p>Start to remove unnecessary regulations that impose a disproportionate burden on employers</p> <p>Create a network of Border and Immigration Agency compliance teams</p>	Complete implementation of the Points-Based System
<b>Communicating constantly to the public</b>	Action plan for a visible public education programme, with the campaign on illegal working already delivered	<p>Publishing removal figures both nationally and regionally</p> <p>Publicising successful enforcement operations</p> <p>Individual campaigns targeting specific forms of abuse</p>	Maintain the momentum	





