

Detention at Ports

Background

Sections 1-4 of the UK Borders Act 2007 (“the act”) introduced new powers **for immigration officers to support the police to tackle criminality.** Section 1 of the act allows the Secretary of State to designate immigration officers at ports in England, Wales and Northern Ireland for the purposes of exercising the powers in section 2 of the act. The powers in section 2 allow a designated immigration officer at a port in England, Wales or Northern Ireland section to detain an individual who they think may be liable to arrest by a constable or is subject to a warrant for arrest. The designated immigration officer who detains an individual must arrange for a constable to attend as soon as is reasonably practicable and the maximum period for which an individual may be detained is three hours.

Designation criteria

The powers in the Act do not apply to all UK Border Agency staff. Only immigration officers designated specifically for the purpose may exercise the detention at ports powers. The Secretary of State may only designate immigration officers who she thinks are “fit and proper” for the purpose and are suitably trained. The designation criteria include a modified process for those immigration officers who already possess a number of the skills required (for example, arrest trained immigration officers).

The Pilot

Given the nature of the powers, the likely implementation costs and the many surrounding developments at the border it made sense to pilot processes, measure benefits and de-risk full roll out. A pilot lasting four weeks was therefore conducted at Terminal 3 Heathrow in July and August 2008. It used immigration officers from the Heathrow Immigration Prosecution Unit (HIPU) who already had a number of the key skills identified as essential to the designated officer role, and who underwent role-specific additional training as part of a designation process. During the pilot, UK Border Agency responded

to alerts on behalf of the police and detained several individuals who met the DaP criteria. The pilot confirmed the process worked but also identified areas that required further development before the procedures could be rolled out more widely.

Current Situation (March 2009)

The UK Border Agency, Border Force Border Security & Risk team now have responsibility for the DaP project, and are in the process of scoping how it can best be taken forward.