



Home Office

UK Border Agency

Professional Standards for Enforcement

18th Floor
Lunar House
Wellesley Road,
CROYDON
CR9 2BY
www.ukba.homeoffice.gov.uk

David Hansen
request-92296-613f833f@whatdotheyknow.com

Our Ref: FOI 20568

07 December 2011

Dear Mr Hansen

Thank you for your email of 6 November, where you have requested information on the UK Border Agency's immigration operations at bus stations. This request falls to be dealt with under the Freedom of Information Act 2000.

You specifically asked us to provide;

- 1) A list of the types of public transport hubs, including bus stations, at which these operations have taken place,
- 2) A list of locations at which these operations took place,
- 3) The specific laws that allow Immigration Officers to stop and question a person alighting from a public transport vehicle,
- 4) Whether these laws extend to private transport vehicles; and whether people walking, riding bikes and travelling in cars are treated in the same way.

These types of operations fall into two categories; Crime reduction operations (CROPs) which are intelligence led operations organised by the police and undertaken in public areas or crime 'hotspots' with support from UK Border Agency, and Street operations (StOps) which are immigration led operations.

I can confirm that during the financial year 2010/2011 the UK Border Agency undertook both CROPs and StOps at train, bus, tube and coach public transport hubs, at the following locations; Clacton train station, Dewbury bus station, Harrow & Wealdstone tube station, Lewisham train station, Liverpool coach station, Liverpool Lime Street train station, Manchester central coach station, & Shude Hill bus station.

The information above is sourced from the National Operations Database (NOD) system. The NOD is a management information tool and data from is not and are not subject to the detailed checks that apply for National Statistics. Figures provided from the NOD do not constitute part of National Statistics and should be treated as provisional and may be subject to change.

The specific powers that Immigration Officers use to stop and question a person 'in-country', comes from paragraph 2(1) of Schedule 2 to the Immigration Act 1971 (as amended) and the interpretation of this by the Court of Appeal in the case of *Singh v Hammond* in 1987. The Court of Appeal in *Singh v Hammond* held that:

"An examination [under paragraph 2 of Schedule 2 to the '71 Act] ... can properly be conducted by an immigration officer away from the place of entry and on a later date

after the person has already entered ... if the immigration officer has some information in his possession which causes him to enquire whether the person being examined is a British citizen and, if not, ... whether he should be given leave and on what conditions."

Using these powers Immigration Officers may legitimately question individuals encountered in public places in order to determine their immigration status under three specific circumstances:

- The intelligence is so specific that the Immigration Officer knows the immigration offender will be travelling on a specific date, time, location, train etc;
- The Immigration Officer has formed a reasonable suspicion that the individual is an immigration offender e.g. from what is said by the person during the course of a prior interview with a police officer; or
- Where the individual displays an 'adverse reaction' to a clearly identifiable immigration presence. This could give rise to a 'reasonable suspicion' that the person is an immigration offender. An 'adverse reaction' could include attempting to avoid passing through or near a group of Immigration Officers, a sudden or unexplained change of direction, avoiding eye contact or hanging back from barriers.

The powers extend to all public areas where it is safe and lawful for the immigration officer to conduct enquiries under the three specific circumstances given above, and as such, they do not favour any particular mode of transport or specific locations such as public bus stations. Immigration Officers would not normally extend these powers to stop private vehicles in order to question individuals.

Guidance given on powers, policy and practice on undertaking immigration operations in public places, other than airports and seaports, is available in chapter 31 (paragraph 31.19) of the Enforcement Instructions and Guidance at:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/oemsectione/>

If you are dissatisfied with this response you may request an independent internal review of the UK Border Agency sending a substantive reply to your original request and should be addressed to:

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: FOIRequests@homeoffice.gsi.gov.uk

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

C Pick
Professional Standards for Enforcement