

Summary: Intervention & Options

Department /Agency: UK Border Agency	Title: Impact Assessment for Parts 3 and 4 of the Borders, Citizenship and Immigration Bill (Common Travel Area, Studies, Fingerprinting, Detention at ports in Scotland, Appeals and judicial review, and Children)	
Stage: Publication of Proposals	Version: 1.0	Date: 15 January 2009
<ul style="list-style-type: none">Related Publications"Making Change Stick: An Introduction to the Immigration and Citizenship Bill""UK Border Agency Code of Practice for Keeping Children Safe."		

Available to view or download at:

www.ukba.homeoffice.gov.uk/managingborders/borderscitizenshipbill

Contact for enquiries: Bill Team

Telephone: 020 7035 1353

What is the problem under consideration? Why is government intervention necessary?

The UK Border Agency works across government to meet the Government's migration and border objectives. The Agency has been structured to further strengthen our protection against crime and terrorism while encouraging the flows of people and trade on which our future as a global hub depends. This Bill proposes powers needed to maximise the Agency's effectiveness in response to these challenges.

What are the policy objectives and the intended effects?

There are proposals in the Borders, Citizenship and Immigration Bill which will strengthen our borders, help to control migration, ensure that newcomers earn the right to stay and support a firm but fair system.

What policy options have been considered? Please justify any preferred option.

1. Do nothing and maintain the existing legislation
2. Work towards delivering comprehensive reform of immigration law and address key legislative changes immediately to strengthen current law and to support the effectiveness of UKBA.

Option 2 is our preferred option as it helps the UK Border Agency to deliver its full potential, operate more effectively and to further support the police in tackling criminality.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

The policy will be reviewed 3 years after the primary legislation is in force. Performance will be monitored and evaluated over time to ensure the UK Border Agency is functioning effectively.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options

Signed by the responsible Minister:

.....Phil Woolas.....

Date: 12/01/09

Summary: Analysis & Evidence

Policy Option: 2	Description: Work towards delivering comprehensive reform of immigration law and address key legislative changes immediately to strengthen current law and to support the effectiveness of UKBA.
-------------------------	--

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups': UKBA: Set-up – Training & familiarisation for case workers and for UKBA officers exercising detention powers; new IT. UKBA: Costs of increased appeals, Judicial Reviews and support for UASC, and immigration and family asylum cases with children
	One-off (Transition)	Yrs	
	£ 6.15m	1	
	Average Annual Cost (excluding one-off)		
	£ 0m	10	Total Cost (PV) £ 6.15m
Other key non-monetised costs by 'main affected groups' Costs to foreign students of having to report changes to their sponsoring institution; costs to UKBA of enforcing compliance; risk of costs to MOJ and HM Courts Service if any increase in prosecutions are brought; cost of controlling passengers travelling between the UK and Republic of Ireland by air/sea.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'. No monetised benefits
	One-off	Yrs	
	£ 0m	10	
	Average Annual Benefit (excluding one-off)		
	£ 0m		Total Benefit (PV) £ 0m
Other key non-monetised benefits by 'main affected groups' To UKBA: greater knowledge of which sponsoring institutions foreign students are attending; increased ability to match identities of some foreign criminal cases and facilitate removal of harm cases; compliance with duty of care to children; to the police: designated UKBA officers will act in support of the police by detaining those subject to a warrant for arrest at ports in Scotland; to UK public: further protection against crime due to detention powers; increased border security from controlling the Common Travel Area (CTA) air/sea traffic.			

Key Assumptions/Sensitivities/Risks: Key assumptions include:
 100% compliance with reporting from foreign students; minimal process costs for taking and using fingerprints of foreign criminals; limits on scope and use of detention powers in Scotland and; 10% increase in appeals, JR and asylum support in year 1 for testing of children's duty cases.

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) - £ 6.15m
-------------------------	-------------------------	-------------------------------------	--

What is the geographic coverage of the policy/option?	UK wide			
On what date will the policy be implemented?	TBC			
Which organisation(s) will enforce the policy?	UK Border Agency			
What is the total annual cost of enforcement for these organisations?	Existing resources			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	Yes/No [no for detention]			
What is the value of the proposed offsetting measure per year?	n/a			
What is the value of changes in greenhouse gas emissions?	n/a			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro £0	Small £0	Medium £0	Large £0
Are any of these organisations exempt?	n/a	n/a	n/a	n/a

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)
Increase of	£ 0	£ 0	Net Impact £ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

BACKGROUND TO THE BORDERS, CITIZENSHIP AND IMMIGRATION BILL

The Government set out its intention to establish a new border organisation in July 2007. The detail of that proposal followed in the Cabinet Office Report: Security in a Global Hub published in November. The rationale for the change is to make controls more effective to protect the public and promote economic interests.

The UK Border Agency (UKBA) was established in April 2008 bringing together the work of the Border and Immigration Agency, UKvisas and the detection work at the border of HM Revenue & Customs into a single organisation responsible for tackling smuggling as well as immigration control.

UKBA works across Government to secure our border and control migration for the benefit our country. Our strategic objectives are to:

- protect our border and our national interests;
- tackle border tax fraud, smuggling and immigration crime;
- implement fast and fair decisions.

The Agency has been structured to further strengthen our protection against crime and terrorism while encouraging the flows of people and trade on which our future as a global hub depends. This Bill proposes powers needed to maximise the Agency's effectiveness in response to these challenges.

RATIONALE FOR GOVERNMENT INTERVENTION

The Government believes it should bring forward legislation at the earliest possible opportunity to support the UK Border Agency in delivering its strategic objectives. The proposals in the Borders, Citizenship and Immigration Bill will put in place measures to strengthen the Agency's legal framework and enhance the UK Border Agency's operational capability enabling it to provide an effective response to future challenges.

POLICY OBJECTIVES

The proposals assessed in this Impact Assessment will:

- **strengthen our borders** by providing for the power to routinely control all persons arriving in/departing from the UK from/to another part of the **Common Travel Area**, namely the Channel Islands, the Isle of Man and the Republic of Ireland, by air or sea. In practice, we propose to conduct intermittent controls in response to e-Borders data and intelligence on routes between the Republic of Ireland and the UK. The policy commitment remains not to introduce fixed controls on routes between the Crown Dependencies and the UK, or on routes across the land border. A specific CTA Reform Impact Assessment <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/strengtheningthecommontravelarea/> contains further detail and costs of these proposals have been considered there for accounting purposes.
- **control migration** by introducing a measure to better support the sponsorship system under Tier 4 of the Points Based System (PBS), by allowing a specific condition to be imposed **tying an overseas student to a particular institution**
- ensure that we have a more robust and consistent approach to **fingerprinting foreign criminals** - to enable UKBA to fingerprint those foreign national criminals who are subject to deportation under the automatic deportation provisions of the UK Borders Act 2007

earlier in the process. This will bring the power to fingerprint these individuals into line with the powers to fingerprint other foreign national criminals who are subject to the deportation provisions of the Immigration Act 1971.

- **strengthen our borders** by providing for a **power of detention at ports in Scotland**. The power will be similar to that already brought into force by the UK Borders Act 2007 in England, Wales and Northern Ireland. The proposals will enable the UKBA to support the police in Scotland by providing that a designated officers at a port in Scotland may detain, for up to 3 hours, an individual who is subject to a warrant for arrest, pending attendance by a police constable. The powers will ensure that UKBA officers in Scotland have similar powers to their colleagues in the rest of the UK and help protect Britain's borders.
- enable **judicial review applications in asylum, immigration and nationality matters** to be transferred into the Upper Tier of the unified tribunals structure, in readiness for any transfer of the Asylum and Immigration Tribunal into that system.
- **ensure a firm but fair system** by imposing a duty in relation to the UK Border Agency's customs, immigration, asylum and nationality functions in the UK – ensuring that those functions will be discharged having regard to the need to **safeguard and promote the welfare of children**

Further proposals in the Borders, Citizenship and Immigration Bill will strengthen border controls, by bringing together customs and immigration functions at the border (Border Functions, Part 1) and to ensure that newcomers to the United Kingdom earn the right to stay (Citizenship, Part 2). These proposals each have their own impact assessment available separately on the UKBA website at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/strengtheningthecommontravelarea/> where the full CTA Reform Impact Assessment can also be found.

OPTIONS

For the purpose of this Impact Assessment, we set out below some broad assessments of the impacts associated with the proposals in Parts 3 and 4 of the Bill.

In developing the legislation we have considered two options:

- **Option 1** - Do nothing and maintain the existing legislation
- **Option 2** - Work towards delivering comprehensive reform of immigration law and address key legislative changes immediately (CTA, Studies, Fingerprinting, Detention at ports in Scotland, Appeals and judicial review, and Children) to strengthen the current law and to support the effectiveness of UKBA.

A summary and description of the main provisions in the Bill is included in the table below:

Table 1 - summary and description of the main provisions in the Bill

	What is in the Bill?	What it does?
Common Travel Area	Provision to control all persons arriving in/departing from the UK from/to another part of the CTA via sea/air.	This is a border strengthening measure that brings immigration and customs powers in line on routes between the UK and another part of the CTA and enables the UKBA to carry out routine immigration/border controls on all persons arriving in/departing from the UK from/to another part of the CTA via sea/air.
Studies	A specific condition to be imposed tying an overseas student to a particular institution.	The proposal will support the new student route in the Points Based System tier 4 which will ensure that the UK continues to receive the economic and wider benefits of overseas students while minimising the risk of abuse of the system. This will guard against the risk of bogus colleges and close down routes which allow migrants to take low level courses and work placement courses with excessive hours devoted to work.
Fingerprinting	A minor amendment to existing fingerprints provisions to fill a gap in powers to take and retain the fingerprints of all foreign criminals who are subject to automatic deportation, as defined in the UK Borders Act 2007.	The proposal will ensure UKBA can: <ul style="list-style-type: none"> • take fingerprints of all foreign criminals to whom the automatic deportation provisions apply as defined in the UK Borders Act 2007; • speed up the identification and removal of foreign criminals; and • retain the data to help prevent foreign criminals from illegally re-entering the UK using other identities in the future
Detention at port in Scotland	Provision to enable a designated immigration officer to detain at a port in Scotland, an individual who is subject to a warrant for arrest. This will implement similar powers in Scotland as were provided for in section 2 of the UK Borders Act 2007 for England, Wales and Northern Ireland. At present there is no similar power in Scotland and the clause in the Bill ensures that UKBA officers have similar powers to their colleagues in the rest of the country to protect the UK's borders and are able to support the police in Scotland to tackle criminality.	This is a border strengthening measure that enables the UKBA to support the police to tackle criminality by ensuring that individuals do not evade intervention simply because a police constable is not in attendance. Introducing provision in Scotland will ensure that UKBA officers at ports there have similar powers to their colleagues in the rest of the country to protect the UK's border.
Appeals	We are proposing to amend the Tribunals, Courts and Enforcement Act 2007 in respect of asylum, immigration and nationality cases in readiness for any transfer of the Asylum and Immigration Tribunal into the unified Tribunal system established under the Act to remove the barrier to transferring immigration JR cases to the Upper Tribunal.	In the event that the Asylum and Immigration Tribunal is transferred into the unified tribunal structure this proposal will improve the current process by reducing the volume of asylum and immigration cases before the higher courts resulting in resource savings and time becoming available for other types of case.
Children	A duty in relation to the UK Border Agency's customs, immigration, asylum and nationality functions across all of the UK – ensuring that those functions will be discharged having regard to the need to safeguard and promote the welfare of children.	The proposal will enable UKBA to support and complement the role of other public bodies to be vigilant for signs that a child is at risk of harm. It will enable the Agency in addressing the specific needs of children whilst they are subject to immigration control, or whilst being dealt with as dependants of parents or carers whose immigration status is being addressed.

COSTS AND BENEFITS

Option 2 – Borders, Immigration and Citizenship Bill proposals

The key potential costs and benefits of the proposals in option 2 are set out in the table below:

Table 2 – Key descriptive costs and benefits of option 2 proposals in the Borders, Immigration and Citizenship Bill

KEY COSTS	<p>Common Travel Area¹</p> <ul style="list-style-type: none"> • Border control staff costs (estimated at approximately £2.5m to 4.5m each year when fully operational, depending on the method of border control employed). • Reduced output to the tourism industry over the medium term due to reduced travel demand (estimated at approximately £43.5m over 10 years). <p>Student Reporting</p> <ul style="list-style-type: none"> • Costs of training UKBA case workers to be aware of the requirements. • Costs to foreign students of informing UKBA of changes to their sponsoring institution. • Costs to UKBA of case working additional applications from students where they are changing sponsoring institution. • Risks of increased costs to UKBA of enforcing the duty, and/or tackling instances of non-compliance if there is not 100% compliance. <p>Fingerprints</p> <ul style="list-style-type: none"> • Costs of training immigration officers involved in foreign criminal cases in the new processes involving fingerprinting, and in their requirements and responsibilities. • Costs of fingerprinting machines and processes to take, use and store foreign criminal fingerprints. <p>Powers of detention</p> <ul style="list-style-type: none"> • Costs of training immigration officers in Scotland to be aware of the new powers and of training a proportion of immigration officers to exercise the powers safely, effectively and appropriately. • Costs of providing required personal protection equipment to immigration officers exercising powers in Scotland. • Costs per detention (unit costs of detaining a person subject to an arrest warrant for up to 3 hours * expected number of times the detention powers will be used). <p>Appeals</p> <ul style="list-style-type: none"> • Training and familiarisation for UKBA and HMCS staff. • Increased costs to AIT of transferring JR cases to the Upper Tribunal. <p>Duty of Care to Children</p> <ul style="list-style-type: none"> • Costs of training UKBA case workers to be aware of the requirements underlying the duty of care to children, and to ensure these are taken into full consideration when assessing cases involving children, primarily UASC cases and family asylum cases. • Costs of additional appeals and JR's to UKBA for cases involving children to test UKBA are applying the duty adequately and effectively. • UKBA provides financial support to UASC's and asylum seeking families in certain circumstances and if outstanding appeals and JRs under this provision lead to their stay in the UK being prolonged then these costs will increase significantly .
------------------	--

¹ Further details on the costs and benefits of the CTA proposals (including proposed changes to the CTA aspect of the Borders, Citizenship and Immigration Bill) can be found in the 'Strengthening the CTA' Impact Assessment <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/strengtheningthecommontravelarea/>

KEY BENEFITS	<p>Common Travel Area</p> <ul style="list-style-type: none"> • Reduction in imported asylum cases and abuse of immigration system. • Increased border security. • Reduction in number of illegal migrants and potential reduction in illegal working. • Reduction in cross border crime (including serious organised crime). <p>Student Reporting</p> <ul style="list-style-type: none"> • Benefits of being sure that the institutions foreign students are attending are genuine, reputable institutions that will comply with their obligations. <p>Fingerprints</p> <ul style="list-style-type: none"> • Benefits of having trained immigration officers to collect, store and use foreign criminal fingerprints. • Benefits of matching the identity of foreign criminals earlier in the removals process, speeding up the time spent applying for Emergency Travel Documents, facilitating removals and reducing detention costs to UKBA for those foreign criminals removed more quickly. • The availability of biometric identity information will make it easier for case workers to make fairer and faster decisions, and enable identification of foreign criminals with multiple identities. <p>Powers of detention</p> <ul style="list-style-type: none"> • Benefits to UK from a stronger border and increased protection against crime. • Benefits to UKBA and the police of having trained immigration officers at ports in Scotland with necessary skills to detain offenders wanted in connection with non immigration related crime where a police officer is not in attendance. • Benefits associated with downstream decrease in number of those who are the subject of warrants for arrest avoiding detection and corresponding increase in numbers of such person being brought before the courts as a result of detention powers. <p>Appeals</p> <ul style="list-style-type: none"> • Reduced volume of asylum and immigration cases before the higher courts results in resource savings and time becoming available for other types of case. <p>Duty of Care to Children</p> <ul style="list-style-type: none"> • Benefits to UKBA of having trained case workers of a standard consistent with a robust public policy of safeguarding and promoting the welfare of children. • Benefits to children from overseas who are subject to immigration control for whom this represents demonstrable parity with children born in the UK when it comes to having regard to the need to safeguard and promote their welfare.
-------------------------	--

Note on Costs

The majority of the estimated costs are indicative estimates based on current assumptions around how much additional training and/or familiarisation time will be required for case workers, immigration officers and relevant stakeholders to understand the provisions. The detailed assumptions are set out at Annex B.

Key changes to legislation may also require some additional private, public and voluntary sector staff to familiarise themselves with the new legislation. There will also be additional transitional costs for staff that require training in the new powers, processes and responsibilities.

Note on Benefits

It is not possible to accurately estimate the total economic benefits of these provisions. More detailed descriptions of the non-quantified benefits are included in the table on page 6.

Summary Table

Table 3 - Summary costs and benefits for option 2

Summary Cost and Benefit Table - Option 2	10 yr NPV
COSTS	
<u>Common Travel Area²</u>	
Border control staff costs (cost each year when fully operational, depending on method of border control employed)	not quantified
Reduction in output to the tourism sector	not quantified
<u>Student Reporting Duty</u>	
Training and familiarisation for UKBA case workers	£360,000
<u>Fingerprints</u>	
Training and familiarisation for UKBA immigration officers	£12,000
LIVESCAN fingerprint machines	£620,000
<u>Powers of Detention</u>	
Training and familiarisation for UKBA immigration officers	£55,000
Costs of provision of required personal protective equipment to IOs exercising powers	£55,000
Expected use of powers	not quantified
<u>Appeals</u>	
Training and familiarisation for UKBA caseworkers and HMCS staff	not quantified
<u>Children's Duty</u>	
Training and familiarisation of UKBA case workers (public sector)	£300,000
Costs of increased litigation: appeals and JR's (yr 1)	£450,000
Costs of increased asylum support (yr 1) ³	£4,300,000
BENEFITS	
<u>Common Travel Area</u>	
Reduction in imported asylum cases and abuse of immigration system	not quantified
Increased border security	not quantified
Reduction in number of illegal migrants and potential reduction in illegal working;	not quantified
Reduction in cross border crime (including serious organised crime)	not quantified
<u>Student Reporting Duty</u>	
Greater compliance from foreign students	not quantified
<u>Fingerprints</u>	
Facilitation of foreign criminal identity fixing and removal	not quantified
<u>Powers of Detention</u>	
Benefits to UK from a stronger border and increased protection against crime	not quantified
Benefits to UKBA and the police of having trained immigration officers at ports in Scotland with necessary skills to detain offenders wanted in connection with non immigration related crime	not quantified
Downstream decrease in number of those who are the subject of warrants for arrest avoiding detection and corresponding increase in numbers of such person being brought before the courts through detention powers	not quantified
<u>Appeals</u>	
Reduced asylum and immigration cases before higher courts	not quantified
<u>Children's Duty</u>	
Compliance with duty to safeguard and promote the welfare of children	not quantified
TOTAL COSTS	£ 6,152,000
TOTAL BENEFITS	£ 0
NET IMPACT	- £ 6,152,000

² The costs and benefits of the CTA proposals (including proposed changes to the CTA aspect of the Border, Citizenship and Immigration Bill) can be found in the 'Strengthening the CTA' Impact Assessment: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/strengtheningthecommontravelarea/>

³ Asylum support includes support under both section 95 of the 1999 act and/or section 4 of the 1999 act

SUMMARY AND PREFERRED OPTION

The preferred option is option 2.

Whilst there are some set up and transitional costs associated with option 2, the proposals will bring significant non-quantified benefits to UKBA and to the UK public; supporting the police to protect the public and strengthen the border in Scotland, enabling greater oversight by UKBA of foreign students to help control migration, improved identity matching for some foreign criminal cases facilitating removal, to safeguard and protect the welfare of children in all of UKBA's work, strengthening the Common Travel Area and bringing immigration powers in line with customs on these routes and to simplify the appeals process.

SENSITIVITY ANALYSIS

There are a number of uncertainties associated with the above proposals. In particular there are a number of uncertainties associated with the potential cost of appeals, Judicial Reviews and asylum support costs which may be created following the implementation of the proposals to comply with the Children's Duty. A range of high and low assumptions and outcomes are set out in Annex C, setting out the sensitivities of the key assumptions, and the total impacts under different scenarios.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	N/a	No
Small Firms Impact Test	N/a	No
Legal Aid	N/a	N/a
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Equality Impact Assessment

An Equality Impact Assessment has been completed for the Borders, Citizenship and Immigration Bill, covering assessments of race, disability and gender equality impacts. This will be published on the UKBA website at:

www.ukba.homeoffice.gov.uk/managingborders/borderscitizenshipbill

Annexes

ANNEX A: WORKING WITH OTHER PROJECTS

In proposing changes to immigration law we need to take account of major changes already underway in the way in which the Agency does its business. The key Agency wide programmes seeking greater efficiency and streamlining of the Agency's business processes are the:

Points Based System (PBS)

The PBS is focused on bringing in migrants who are highly skilled, or who can do key jobs that cannot be filled from the domestic labour force or from the European Union. It consists of five tiers to replace the approximately 80 routes to work and study that currently exist.

The Points Based System is being phased in from 2008 and will enable us to control migration to the United Kingdom more effectively, tackle abuse and attract the most talented workers into the United Kingdom economy.

The Points Based System will also replace existing student routes. The new system will require all foreign students to be sponsored by an educational institution, which must in turn hold a licence from UKBA. It will only get a licence if it is a bona fide institution that will comply with its obligations and if its educational services have been accredited. This will protect foreign students from exploitation by bogus or substandard institutions and will also ensure that UKBA is informed if the student does not turn up for his/her course, or disappears into the labour market.

e-Borders

The aim of the e-Borders programme is to transform our border control to ensure greater security, effectiveness, and efficiency. To do so, we will make full use of the latest electronic technology to provide a way of collecting and analysing information on everyone who travels to or from the United Kingdom. Other technologies, particularly fingerprints, will ensure we identify people securely and effectively.

The UK Border Agency is responsible for delivering the e-Borders programme, and we are doing so with the support of the police and HM Revenue & Customs. We are working closely with the travel industries, whose support is crucial to the programme's success.

Information will be gathered on all travellers, passengers and crew entering or leaving the country by air, sea or rail. It will allow us to identify passengers who are a potential risk and alert the relevant authorities.

The e-Borders programme has already successfully delivered three pilot projects.

- Semaphore has enabled us to test the e-Borders programme, ensuring carriers provide information on selected routes, and providing border agencies with detailed information about passengers who are a potential risk.
- The joint border operations centre (JBOC) is the operational hub for Semaphore and the e-Borders programme, and is a multi-agency operation staffed by officers from the UK Border Agency and the police. This is at the cutting edge of securing our borders. JBOC collects and analyses passenger information and provides border agencies with an alert on which they can act. This has led to significant operational successes. JBOC is evolving into the e-Borders operations centre (EBOC), enabling us to create travel histories for passengers.
- Iris recognition immigration system (IRIS) is our biometric entry system, which recognises the unique iris patterns of a person's eye to allow quick, automated entry for pre-registered passengers at selected ports in the United Kingdom.

For more information about e-Borders, please see:

<http://www.ukba.homeoffice.gov.uk/managingborders/technology/eborders/>

ANNEX B - High Level Assumptions for Borders, Citizenship and Immigration Bill

Measure / Description	Stakeholders Affected	OPTION 2 – Bill Assumptions	Issues, Sensitivities and Risks
Common Travel Area	UKBA Immigration Officers working on the border controls; industry (such as carriers and port operators), public travelling on Republic of Ireland – UK routes.	<p><u>Border Controls</u></p> <ul style="list-style-type: none"> – In response to feedback from the public ‘Strengthening the CTA’ consultation, UKBA plan to operate mobile teams or a permanent staff presence, flexibly responding to risk rather than traditional fixed immigration controls. Fixed immigration controls would have been costly to the private sector, whereas the cost of operating mobile teams will be minimal. <p><u>Lost tourism expenditure</u></p> <ul style="list-style-type: none"> – There will be some costs to the tourism industry over the initial period. However, the economy is flexible and will adjust in the longer term. <p>A passport will be required to prove identity for CTA nationals travelling between the UK and Republic of Ireland.</p>	<p>The implementation of these controls will be introduced in a proportionate phased way in consultation with key stakeholders in the longer term to minimise impact. Current costs will be minimal and will be incurred gradually over the implementation period. The full roll out of the proposals is planned by 2014.</p> <p>The potential costs to the tourist industry could be up to £43.5m (10 year NPV). This is driven by a number of assumptions as discussed in the CTA Reform Impact Assessment, 15 January 2009.</p>
Student Reporting Duty	UKBA case workers for Managed Migration (student) cases; Foreign Students.	<p><u>Training and familiarisation – UKBA case workers</u></p> <ul style="list-style-type: none"> - assume approx 4,000 UKBA case workers require 1 hr training and 2 hrs familiarisation in new student reporting duty rules <p><u>Ongoing process/ case working times</u></p> <ul style="list-style-type: none"> - negligible increase in UKBA case working for applications where students report changes to their course and/or sponsor 	<p>Assumption is that there will be 100% compliance with this duty. There is a risk there may be increased costs of enforcing the duty although existing resources will be used to handle non-compliance. Where leave is curtailed, removals will be prioritised according to harm.</p>
Fingerprints	UKBA Immigration Officers fingerprint foreign criminals.	<p><u>Training and Familiarisation – UKBA Immigration Officers</u></p> <ul style="list-style-type: none"> - approx 100 Immigration Officers trained in new processes (2hrs). <p><u>LIVESCAN finger-printing machines</u></p> <ul style="list-style-type: none"> - £620k for new machines to take finger-prints. <p><u>Ongoing process/ case working times</u></p> <ul style="list-style-type: none"> - Negligible impact on ongoing case working times for foreign 	<p>Total costs and benefits depend on the range of times fingerprint powers are used and associated outcomes in terms of facilitating removals. If removals can be increased by 1 week, detention costs would fall by approx £900 per case.</p>

		<p>criminal cases.</p> <p>- Negligible increase in removal times of foreign criminal's where biometric match identified, reducing removal and detention costs.</p>	
Detention at port in Scotland	UKBA immigration officers in Scotland.	<p><u>Training and Familiarisation – UKBA immigration officers</u></p> <p>- approx 110 immigration officers in Scotland. 50% require detention at ports training, at unit cost of £1,000 per person. Personal protective equipment costs approximately £1,000 per IO.</p> <p><u>Ongoing costs of using detention powers</u></p> <p>- Cost per detention range from approx £23 = £15 (0.5hrs for an IO at £30 per hr) + £7.50 (0.5 hrs of detention costs at £15 per hr) up to £135 = £90 (3 hours time for immigration officers at approx £30 per hour) + £45 (3 hours of detention costs at approx £15 per hour detention cost).</p>	Total costs depend on range of times powers are used and associated outcomes. We are working with the Scottish Executive and the police in Scotland to define the circumstances in which immigration officers will exercise the new powers. As the powers will be used to support the police and only where a police officer is not able to attend, impact is expected to be low.
Appeals	UKBA case workers involved judicial reviews and removals; Asylum and Immigration Tribunal; HMSC staff.	<p><u>Ongoing process/ case working times</u></p> <ul style="list-style-type: none"> • Reduced volume of asylum and immigration cases before the higher courts results in resource savings and time becoming available for other types of case. 	These provisions amend the legislation under which the existing Asylum and Immigration Tribunal (AIT) would be transferred into the unified tribunal structure. These provisions will only have an impact if the AIT transfer takes place. The level of impact will be assessed as part of an overall assessment for the transfer process.
Duty regarding the welfare of Children	UKBA case workers; Asylum and Immigration Tribunal; Immigration advisers; Asylum-seeking families/children.	See Annex C for details of key assumptions and costs.	See Annex C for sensitivities and risks associated with the Duty regarding the welfare of Children.

Annex C - Methodology to calculate possible cost ranges for Children’s Duty Proposals

It is difficult to accurately estimate how many additional appeals might be generated by the duty. Legal advice is that the courts are likely to arrive at a position which confirms (in light of the guidance on section 11 of the Children Act 2004) that the new duty was not intended to prevent and does not prevent UKBA from exercising its ordinary functions e.g. removal, detention, dispersal etc. However, this advice is necessarily speculative, given the impossibility of definitively predicting future court judgments. Hence, the estimates presented below are **broad estimates of the expected scale of the impacts, and subject to significant uncertainty**.

A baseline of costs has been constructed against which any additional costs can be measured. The key cost impacts are of four kinds:

- Set up costs of the legal change – training and familiarisation for relevant staff
- Additional case work costs – as asylum and immigration cases involving children must comply with the duty
- Direct litigation costs from increased appeals and Judicial Reviews, although there will be no new right of appeal
- Costs of continuing to support children and families who are making such appeals and who would otherwise be removed

Constructing a baseline

The baseline is estimated as follows: (asylum claims involving children in 2009) x (appeal rate following refusal) x (weeks it takes to resolve appeals [59% in 6 weeks: 90% in 12 weeks]) x weekly support costs for each family).

In addition: (unit cost per AIT appeal hearing x no of hearings) + (unit cost per JR x no of JRs).

Scenarios

Three scenarios of outcomes were suggested to determine what the range of cost outcomes may be as a result of the new legislation. Descriptions of each scenario are in the table below:

LOW-RANGE COSTS	MID-RANGE COSTS	HIGH-RANGE COSTS
<ul style="list-style-type: none"> - assume a 10% increase in appeals lodged for asylum-seeking family cases as a result of the new duty in year 1. - assume average duration of appeals: 49% 6 weeks, 31% 12 weeks, 10% 26 weeks. - assume unit cost of support for families = £400 per week. 	<ul style="list-style-type: none"> - assume a 10% increase in appeals and Judicial Reviews for asylum-seeking family cases in year 1. - this increases weekly support costs by the length of time it takes for the increased appeals and judicial reviews to be heard. 	<ul style="list-style-type: none"> - assume a 10% increase in appeals and Judicial Reviews in year 1, and assume the new legal duty leads to a test case behind which virtually all other appeals are stayed and which itself goes as far as the House of Lords or Strasbourg, increasing the complexity of the legal challenges. - this increases the number of families receiving support by the length of time for which support is granted.

Annex C – Table of Key Assumptions and Sensitivities for Children’s Duty Proposals

Children’s Duty Proposals – Sensitivity Analysis		
Costs and benefits	Assumptions	Sensitivities and Risks
<p><u>LOW RANGE ESTIMATES</u></p> <p>Assume 10% increase in appeals for asylum-seeking family cases, and additional duration on support in line with average time to conclude appeals.</p>		
<p>Set up Costs <i>Public sector</i> Training: £300k</p> <p><u>Ongoing Costs</u> <i>Public sector</i> Increased litigation costs: £450k Increased support costs: £1.9m</p> <p><u>Total Costs</u> Year 1 = £2.7m</p>	<p>In 2007: - 4,475 children in asylum family units - 70% applications refused = 3,132</p> <p>In 2009: - 5,000 children in asylum family units, 3.3 per family - assume 70% refused = 4,125</p> <p>Set-up costs - £300k required for training UKBA case workers</p> <p>Increased litigation costs - assume 10% increase in appeals = approx additional 450 appeals in year 1 - unit cost of appeal hearing = £1,000</p> <p>Increased support costs - unit support costs approx £400 per week - average number of weeks it takes to resolve an asylum appeal through the AIT (59% of appeals take 6 weeks, 90% take 12 weeks, 100% take 26 weeks)</p>	<p>- Asylum appeals and costs would be higher if section 11 impacts create more than a 10% increase in the appeal rate</p>
<p><u>MID-RANGE ESTIMATES</u></p> <p>As above but increased Judicial Reviews and increased duration on support for families for all appeal/JR cases.</p>		
<p>Set up Costs <i>Public sector</i> Training: £300k</p> <p><u>Ongoing Costs</u> <i>Public sector</i> Increased litigation costs: £450k Additional support costs: £4.3m</p> <p><u>Total Costs</u> Year 1 = £5.1m</p>	<p>Increased litigation costs - 10% increase in year 1</p> <p>Increased support costs - unit support costs approx £400 per week - assume all families remain on support for 26 weeks</p>	<p>- Asylum appeals and costs would be higher if section 11 impacts create a greater increase in appeals, JRs and duration of asylum support</p>

HIGH RANGE ESTIMATES

Assume costs as before but increased legal challenges and increased duration on support for families (average of 12 months for all appeal/JR cases).

<p>Set up Costs <i>Public sector</i> Training: £300k</p> <p><u>Ongoing Costs</u> <i>Public sector</i> Increased litigation costs: £450m + Additional support costs: £4.3m +</p> <p><u>Total Costs</u> Year 1 = £5.1m +</p>	<p>Increased litigation costs - 10% increase in year 1 - risk that litigation costs will be significantly higher for test cases</p> <p>Increased support costs - unit support costs approx £400 per week - assume all families remain on support for 26 weeks</p>	<p>- Asylum appeals and costs would be higher if section 11 impacts create a greater increase in appeals, JRs and duration of asylum support</p>
---	---	--