



Home Affairs Committee

Oral evidence: [The work of the Border Force](#), HC 502

Tuesday, 10 February 2015

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Members present: Keith Vaz (Chair); Ian Austin, Mr James Clappison, Michael Ellis, Paul Flynn, Dr Julian Huppert, Tim Loughton, Yasmin Qureshi, Mr David Winnick.

Questions 92 - 132

Witness: **Sir Charles Montgomery**, Director General, Border Force.

Q92 Chair: Sir Charles, thank you very much for coming and I apologise for keeping you waiting. There was a Division and as always when we have the Immigration Minister, Members get very excited and have lots of questions for him. Your task before this Committee is relatively easy because the Minister has just told us that by 31 March, or 8 April as he has put it, we will have 100% exit checks. You must be absolutely delighted.

Sir Charles Montgomery: Chair, thank you for your welcome. I was listening to the Minister's statement and he made it very clear that the Government committed to 100% exit checks, acknowledging that there was a defined scope. I would like to remind the Committee of my previous evidence session in which I exemplified some of the areas that were out of scope and again I would pick out—

Q93 Chair: Are we to read the words “out of scope” to be, in ordinary English, that it is probably not going to happen; if it does not happen it is because it is out of scope?

Sir Charles Montgomery: Correct. In other words, by 8 April there will be a defined scope of exit checks that will be delivered and, as I said last time, there are things that are out of scope and that includes general aviation, general maritime and the common travel area. I did make that point in my previous evidence session. There is a defined scope, there always was a defined scope. The Minister mentioned risk-based assessments and he has recently accepted that coach parties of under 16 year-olds will not be covered by the exit check regime. These are the under 16 year-olds—

Q94 Chair: Oh, when was that done?

Sir Charles Montgomery: That was very recently.

Chair: Like—?

Sir Charles Montgomery: I think about two or three weeks ago.

Q95 Chair: Is this the Brodie Clark issue with the under 16s?

Sir Charles Montgomery: No. The under 16 year-olds on coach parties. You will know that we have been piloting this for some time in Calais in the juxtaposed controls. That was an exemption that the Minister has agreed.

Q96 Chair: The pilot was successful. You went to the Minister and said roll it out to all under 16 year-olds, and this has now happened two weeks ago?

Sir Charles Montgomery: I think it was about two weeks.

Chair: I don't think Parliament was told this. This may be the first time. Was there a written statement?

Sir Charles Montgomery: Not as far as I am aware, Chair, no.

Chair: But you know?

Sir Charles Montgomery: I know that the Minister has agreed that coach parties—

Q97 Chair: I think that the rest of the Committee and Parliament probably does not, so thank you for that. I am interested in how you are going to get from a position of zero as of today for those on the Eurotunnel shuttle, some 10 million people annually, to 100% as of 8 April. It sounds like a very large figure.

Sir Charles Montgomery: I am confident, Chair. Let me assure you I am confident. The Border Force is ready and will be ready. Actually we will be ready on 1 April. We achieved a very great deal since I last—

Q98 Chair: So you will be ready on 1 April and not 8 April?

Sir Charles Montgomery: No. We will be ready on 1 April but it will go live on 8 April, if I can make the distinction between the two.

Q99 Chair: We now have three dates: 31 March, 1 April and 8 April. It is because it is a gradual thing, but by the 8th it will be the big bang?

Sir Charles Montgomery: It will be going live on 8 April. You raised the specific question of the Channel tunnel, the rail travel. I am confident that we will be delivering exactly what the Ministers want in terms of exit checks going through rail, which is 100%. As I say, there is a defined scope of what is in and out of scope but I am confident we will be delivering 100%. Incidentally, if I could just make the point that it is not just Border Force that will be ready. I am separately the Chairman of the Border Systems portfolio as well and we have made enormous progress to procure and test mobile systems to enable the operators to collect the data. We have tested their own systems to make sure that where they don't use

mobile that the static systems will be compatible with our own systems. Furthermore, we have a training programme in place to train up port operators.

Q100 Chair: As far as the private sector is concerned, who expressed concern to us the last time they gave evidence—and some of us have been over to have a look at this—are they quite happy with this timetable still? Do they believe that it is all doable?

Sir Charles Montgomery: To be fair, I think “happy” is not quite the word. They know that they have to do it.

Chair: Are they unhappy?

Sir Charles Montgomery: They know that they have to do it. I am not saying whether they are happy or unhappy. They know they have to do this and are preparing to do this. In the same way that I am very confident the Border Force and the Border Systems programme will play its role in being absolutely ready for the 8 April go live, I am also confident that the port operators will be ready to do their part of the programme as well.

Q101 Chair: Unless there is full co-operation, something of this kind could easily go wrong, so the Committee will write to the private sector companies concerned and just ask them whether they are concerned about this. We felt it was important you should keep that dialogue open with them. There was a feeling that those at Marsham Street were not keeping them informed of what was happening.

Sir Charles Montgomery: I know that over the months you have been engaged with the port operators. I can assure you that we have been in very regular contact, probably daily or more than once daily, with operators as the programme has evolved. The Minister has been very hands on with the chief executives of the various operators as well. I do not think that the private sector would fault the amount of engagement that the Home Office has undertaken with them. Indeed, the decision to defer from 31 March to 8 April was a decision taken in very close consultation with the port operators and I think demonstrates that we do actually listen to what they are saying.

Chair: Because of the Easter weekend?

Sir Charles Montgomery: Because of the Easter weekend.

Q102 Dr Huppert: The date has slipped from 31 March to 8 April; I can live with that. It is already after we would be able to find out the outcome, because I notice this is being changed just after Parliament is dissolved. You have told us there was a set of things that were always out of scope, the common travel area, and at least one thing that has now been changed to be out of scope in order to hit the target. Could you be very clear with us exactly what it is that has always been out of scope and what has changed in that scope? As I am sure you know, there have been suggestions in the past that various parts of the Home Office have occasionally just changed the goalposts in order to make sure they hit them.

Sir Charles Montgomery: I can assure you that general aviation, general maritime and the common travel area have always been out of scope. The only change to that is the

under 16 coach travel, and that is on the back of the results of the piloting that we have been undertaking in Calais for the last 12 months or so.

Dr Huppert: It is very useful to know where the goalposts will be so we know how to judge whether you have scored.

Q103 Yasmin Qureshi: We have heard from the Eurotunnel and the ferry companies that there are logistical problems of carrying out exit checks of passengers in coaches. It is not like lorries where you have one person, a driver, but you have a coach of 60-odd people and that is inevitably going to cause a lot of delays. What is going to be done about that?

Sir Charles Montgomery: The coach sector is the most difficult of all logistically. That has been the focus of trials and tests at each of the major ports that operate coach travel. The trials are still underway. They are continuing to refine and change practice to make sure that the regime works as smoothly as possible. I am confident we will have a solution come the go live date.

Q104 Paul Flynn: What success have you had in frustrating the work of the traffickers who are operating at Calais?

Sir Charles Montgomery: We have operated nationally with the National Crime Agency who have the lead in this matter, and with Immigration Enforcement and then internationally, of course, with our French partners. In the last year alone nine separate gangs have been disrupted and that resulted in about 130 arrests by the French authorities.

Q105 Paul Flynn: So has the number of illegals attempting to enter Britain via Calais decreased?

Sir Charles Montgomery: No. It comes and it goes, as you will be aware. There is always a seasonal fluctuation.

Q106 Chair: Could you give us some figures?

Sir Charles Montgomery: Yes, of course. We are seeing about 3,000 people in the Calais region seeking to come across the border. Over a period of about four months or so there has been a relatively level detection of clandestines by Border Force at Calais and at Coquelles.

Q107 Paul Flynn: But if the numbers have not decreased, it probably means that the people that you have got off the scene have been replaced by others, because this is a permanent thing. There are perhaps 3,000 people at Calais; in a month's time and in a year's time there will be 3,000 people. They are not the same 3,000 people because people are moving across and it is a steady business of crime that is not being disrupted.

Sir Charles Montgomery: There is some movement across the border, you are absolutely right. The issue for Border Force at the borders, as I am sure Committee members are aware, is the enormous weight of numbers, many of whom are being facilitated by criminal gangs to get across the border. We are disrupting that. The numbers of people there,

3,000, many of them we see time and time again in repeated attempts to come across the border and we continue to return them to the French authorities, so we do see very repeated attempts to get across the border.

Q108 Paul Flynn: If clandestines have money they can get across. The ones who are not getting across are the ones who are impoverished, but the system continues. Are you satisfied that the French are not encouraging the process because they want to get them off their soil?

Sir Charles Montgomery: My relationship is at the operational level with the French authorities and I am absolutely convinced, there is no question in my mind, that they are seeking to encourage people to get off their soil. After all, the police aux frontières are actually apprehending roughly speaking about as many clandestines across the border as we are, so they are conducting their own searches and they are removing people from the port area to go outside the port area. So there is not any evidence from my point of view, absolutely none, that the French authorities are not being honest in their attempt to disrupt this trade as well. We are seeing increasing numbers of clandestines now seeking asylum in France, which I think is the first time we have really seen this process, and that also represents how increasingly difficult it is now for the clandestines to get across the border and indeed some of the less attractive elements in the UK itself. We are seeing increasing asylum applications in France.

Q109 Paul Flynn: Would it help if the French police fingerprinted the clandestines?

Sir Charles Montgomery: Not from our perspective per se. Of course you will be aware of the limitations of Dublin, but it might help in removing one or two of them back to the original ports of origin if they were fingerprinted, for example, when they arrive in Italy.

Q110 Paul Flynn: What do you do with the clandestines when they are found in Dover or Folkestone?

Sir Charles Montgomery: Once they have crossed the border they are then the United Kingdom's to deal with and I hand them over to my colleagues in Immigration Enforcement.

Q111 Paul Flynn: What happens to them then?

Sir Charles Montgomery: That depends on what route they choose to take. I think it is important to recognise that many of these clandestines are not seeking to gain asylum. They are in many cases seeking to avoid detection all the way through the system, so when some of them get to Dover they seek a return back to France.

Q112 Paul Flynn: This system has been going on for a very long time. What persuades the clandestines to take great risks and spend huge sums of money is the belief that the system is a porous one and they will get through to the United Kingdom, which is their aim. From what you are saying, there may be some signs of improvement but the flow is still the same as it was a year ago.

Sir Charles Montgomery: The flow is governed by the numbers of people who repeatedly try to cross the border. I cannot look the Committee in the eye and say that I do or

will ever be able to operate a 100% control to make sure that absolutely none of the clandestines get across the border. I will not be able to do that, I must be absolutely clear with you, but on the other hand our success rate on clandestine interdiction is better than it has been for any time in the last four years. The weight of numbers arriving in Calais is the issue we are confronted with and the solution, as the Minister was indicating in his previous session, is not going to be just about what we do at Calais. It is going to be about what the European Union and other countries do to detect the problem either at source or on arrival in the European Union.

Q113 Chair: That is what the Committee has been saying to the Government for some time, that the focus is not necessarily Calais but it is those who seek to come from North Africa. When the Committee went over to meet people in Calais, apart from two people from Pakistan who had paid €9,000 each to get there, all the rest had come from North Africa. Therefore, do you think more of an effort should be put into the southern border as opposed to building a fence in Calais, which of course has blown down twice?

Sir Charles Montgomery: Indeed, the Government is putting more effort through the European Union and in collaboration with France is putting pressure on the European Union to do more on its southern border. As you will know, there is an operation run by Frontex on the southern border, which replaces the Mare Nostrum operation. That is still ongoing. Border Force provide some support expertise in Italy to help with the interviewing and nationality-proving process as well. So we are starting already to put more effort into the southern border nationally, and the European Union is as well, but I think everybody would acknowledge that there is more that the European Union might do to help close its southern border.

Q114 Chair: You said you were listening to the Minister's appearance. Were you sitting outside?

Sir Charles Montgomery: I was, yes.

Chair: How were you listening, at the door?

Sir Charles Montgomery: I was in one of the other committee rooms, Chair.

Chair: You would have heard me give the example of the gentleman who e-mailed me this morning who had an illegal migrant in his horsebox. He went off to the French and they refused to help. At your level there obviously seems to be very good co-operation. We have seen for ourselves the excellent work that is done by your staff at the border. However, if you don't get co-operation from the French you are not going to be able to stop these people coming in, are you?

Sir Charles Montgomery: I heard the example you gave and I am quite sure that I will be tasked to investigate this specific instance further. I am very keen, as indeed is my French opposite number, to investigate any cases where there is any lack of co-operation from both parties. But I can assure you, Chair—and I think it was implicit in what you just said—that this is very untypical of the relationship that exists between Border Force and the police aux frontières.

Q115 Chair: At the border it is absolutely excellent, as we saw. We saw the co-operation that exists, but it is if you go further. Our parliamentary colleague, Sir Jim Paice, talked about people getting into lorries in Spain and then moving over to France and then arriving in Dover. If you can give us some figures of how many people were apprehended by UK Border Force in January of this year? I know you get daily figures.

Sir Charles Montgomery: I do. Let me have a look, if you will excuse me for just one second. I don't have the January figures in front of me but so far up to January, from March up to the end January—

Chair: So a year, March last year.

Sir Charles Montgomery: —there were 30,180 detections by Border Force at the juxtaposed controls.

Chair: You found 30,000 illegal migrants who did not cross over but for your intervention?

Sir Charles Montgomery: Correct.

Q116 Chair: How many do you estimate would have managed to get across, if you seized 30,000, which sounds like a huge number? Well done for that.

Sir Charles Montgomery: I must caveat any figure I can offer by saying that this has not been verified by anybody other than the data that we are trawling, so ONS have not looked over it.

Chair: Of course. We understand that and we will take that.

Sir Charles Montgomery: If I could just caveat it with that, the best I can offer is that this year there have been about 6,000 detections in country who claim to be clandestines, some of whom will claim to have come through the juxtaposed controls. It is a very flaky number, not least because there is some evidence that people who have overstayed in this country will claim to have arrived clandestinely so that they might then go through an asylum process.

Q117 Chair: It is about 6,000, with lots of caveats on that.

Sir Charles Montgomery: It is about 6,000 with loads—

Q118 Chair: You gave us a figure of 30,000 seizures.

Sir Charles Montgomery: I gave 30,000 up to the end of January.

Chair: What was the comparative figure for the year before?

Sir Charles Montgomery: 18,000.

Chair: So it has almost doubled.

Sir Charles Montgomery: If you take year on year, of course, the prediction is it is going to very much more than double.

Q119 Chair: Do you see why this worries the Committee? We know your personal commitment; we know what the Government has done; we know the amount of money that has been spent on Calais. Despite all this and the issue being paramount in the EU, the numbers are actually increasing not decreasing.

Sir Charles Montgomery: They are and of course that represents—

Chair: 30,000 is a shocking figure.

Sir Charles Montgomery: To me it is a figure and it is a figure that I have to do my very best to—

Chair: Of course you can't be shocked. Only Members of Parliament can be shocked.

Sir Charles Montgomery: I can't be shocked. I have to deal with it, so shock is not the right reaction for me. I have to deal with 30,000 people so far this year. Of course there are very obvious reasons why these numbers have increased over the last 12 months. The reasons lie very far upstream and that requires an international response well beyond even the European Union's boundary.

Q120 Chair: That means a dialogue with the source countries, as you have said.

Sir Charles Montgomery: It does.

Chair: We have to go back to the source countries. We have no control over a war in Syria or what is happening in Afghanistan and, as the Committee has seen for itself on the border between Greece and Turkey, as soon as there are these kinds of situations people want to come to western Europe, don't they?

Sir Charles Montgomery: They do and, as again you will be aware, the numbers coming to Germany and France are significantly in excess of those who are reaching or even trying to reach the United Kingdom. This nation is doing a lot in the region of Syria in providing funding for aid and development programmes and a lot in the Horn of Africa now through the Khartoum process. My policy colleagues from the Home Office were recently out in Eritrea with a particular focus on what it is the Government might do to help there. One of the things we can do with the Foreign Office and DfID, for example, is launch a communications campaign to demonstrate the very clear risks there are in this extraordinary journey that people are undertaking and the enormous challenge of getting across the Channel to the United Kingdom and that life inside the United Kingdom is not quite the cakewalk that it is sometimes made out to be by these traffickers who are seeking to make a fast buck.

Chair: I think the Committee agrees with that.

Q121 Mr Winnick: As a rather detached member of the delegation, if that is the right word, who visited Calais, the impression I got is that the French believe that it is a British problem and emphasised that. When the Mayor of Calais came over, she made the point with her colleagues and that was re-emphasised. You made the point a moment ago to the very interesting questions put by the Chair that it is a far deeper problem arising from the conflict in the places that we know about. Are you anywhere near confident that Britain and France would be able to reach some sort of agreement over the appalling problem that undoubtedly exists in Calais?

Sir Charles Montgomery: We have already done a lot, as you will be aware, through the joint programme with France. From our point of view, of course, it was very much focused on reinforcing security around Calais and, let me just emphasise, Coquelles, Dunkirk and elsewhere. From the French point of view, it is about handling quite a significant internal security challenge, and an humanitarian challenge. From both points of view, of course it is about engaging within the European Union to strengthen the resolve to do more on the borders. I have already indicated there has been some progress made. We have to keep up the pressure on European partners to contribute as they must contribute to the security of the European border, and I think that is really as much as I can say at the moment.

Q122 Mr Winnick: From the point of view of the British Government, it is a situation where if it was decided to let more people in it—I think there is no other way to describe it—would simply be an encouragement for others to use every possible device once they know that the UK relents.

Sir Charles Montgomery: I think this lies at the crux of the operation that Border Force is undertaking at the juxtaposed controls. It is every bit as much about detection, interdiction and return as it is about deterrents. My purpose here is to make it demonstrable that it is so difficult to get across the border, so difficult and people have to live in appalling conditions for so long that they won't make this extraordinary journey perhaps through to Europe but from southern Europe to northern Europe.

Q123 Mr Winnick: I got the impression from talking to some of the people involved—I couldn't speak their language and I can't speak French as a matter of fact—those who could speak English, when I said to them, "Even if it is a matter of your own lives being in danger in coming, in trying somehow to get to Britain"—they call it England, as you know—"would you pursue you?" they said, "Yes, we have no alternative".

Sir Charles Montgomery: Of course, they do have an alternative. If they are genuine asylum seekers they can claim asylum in the first safe country of entry, and that is precisely what they should do.

Q124 Dr Huppert: I don't know if you have seen but today the Committee has announced that we are going to be holding a drugs conference, a follow-up to the report that we did a couple of years ago. It is going to be hosted, I am delighted to say, in Cambridge, which is very convenient for me, and hopefully will get some good coverage and contain some very good material. It would be interesting to get an understanding of your interaction with that,

which is the data on seizures that you have. Could you update us on what is happening with the seizures that you do perform, where are most of the seizures taking place, of what, and how much of it is organised crime versus small personal amounts?

Sir Charles Montgomery: I will try to take those questions one by one and possibly even in reverse order, but if I miss anything out I am sure you will let me know. The first thing to say is that it is almost all exclusively organised crime. We target the organised criminal routes and we have some considerable success in interdicting criminal smuggling of drugs. It is a very high priority. I have a control strategy and class A drugs are right in the top category of that control strategy.

Dr Huppert: Higher than human trafficking or weapons or anything like that?

Sir Charles Montgomery: I don't want to go into too much detail, if you don't mind, but I am just making a point that it is one of the issues that is right at the top of my anti-smuggling effort. Our performance on drugs this year is very good.

Q125 Chair: Could you give us some figures, Sir Charles?

Sir Charles Montgomery: Certainly, yes. Again, do you mind if I just refer to my tables?

Chair: No, not at all.

Sir Charles Montgomery: I am delighted to. In terms of cocaine, we have interdicted well over 2,000 kilograms at the border so far this year, between March and January.

Q126 Chair: What is the street value of that?

Sir Charles Montgomery: I can't tell you but I am sure I could follow it up with some advice on that.

Chair: That is fine.

Sir Charles Montgomery: Heroin is very nearly 500 kilograms. That gives you an idea, a flavour of the highest priority interdictions of drugs at the border. Likewise, we are interdicting a very significant amount of cannabis at the border.

Chair: How much?

Sir Charles Montgomery: I may have to come back to you on that one, Chairman. I can give you an idea of the number of seizures but that is not really what you want. You are wanting to have some idea of the quantity of cannabis and I can't give you that at the moment.

Q127 Dr Huppert: If you could write to us, because it would also be interesting to understand what fraction the 2,000 kilograms of cocaine is of all of the cocaine trying to get into the country.

Sir Charles Montgomery: I can't answer that question. I am not even sure if I went back and scratched my head that I could give you an idea of what that really means in terms of the overall quantity of cocaine in the country. My targets are set on the basis of historical precedents and performance and I am on target to well exceed drug seizures at the border this year.

Q128 Dr Huppert: Do you want to continue with where it is being seized?

Sir Charles Montgomery: Yes. Some of it is coming through with passengers and the majority of that is coming through in the air environment, of course. The overwhelming volume of class A drugs is coming through in the maritime environment, in particular through roll-on-roll-off and we are finding some in the container traffic as well.

Q129 Chair: Are the drug seizures on an increase?

Sir Charles Montgomery: My drug seizures are on an increase.

Chair: Obviously you would like us to know that you are doing better at seizing them.

Sir Charles Montgomery: I do like you to know this, Chair, and I can assure you that I am doing better at seizing them. More importantly, it is my people who are doing better.

Chair: Of course, and your people need to be praised for what they do and we have seen them in operation. But does it mean that more is seeking to get into the United Kingdom? Is that the issue?

Sir Charles Montgomery: That is difficult for me to say. As I have already indicated to the earlier question, the absolute volumes that we are seeing in the United Kingdom is very difficult to define. There is no metric that easily enables a defined answer so I won't offer one.

Q130 Dr Huppert: When this Committee travelled to Portugal, the US and Colombia we found people saying, "We are seizing large amounts". You would ask what fraction it is and they would eventually admit it was a very small fraction, probably not having that much effect at all, and I worry that we are seeing the same thing. The other thing we found in Portugal is that there was a returns process that seemed to be in place where they were finding people smuggling cocaine in particular back out of Portugal to West Africa. Have you seen any of that happening?

Sir Charles Montgomery: Other than across the border in the common travel area, no.

Q131 Chair: Finally on Frontex, very quickly: are you satisfied that Frontex is doing what it is supposed to be doing? Our involvement is limited since we are not part of Schengen. I know we have assisted. Should they be doing more? With what is happening in the Mediterranean, we do need a force out there that is both humane but also effective.

Sir Charles Montgomery: Since Mare Nostrum was terminated and Frontex took over the maritime operation there, I think we are seeing a much more successful operation. That is what I have seen over the first few months of the operation. Through our engagement with Frontex, we are getting some very good intelligence of movements from the southern European border as well. One must not underestimate, both in answer to my last question on drugs and what we are getting through Frontex, the important role that Border Force plays in getting intelligence upstream. The intelligence that we get from Frontex is very useful to us in enabling us to identify trafficking gangs and routes that might be used.

Q132 Chair: Is the Raytheon issue now settled once and for all?

Sir Charles Montgomery: No, it is not. There is an arbitration still outstanding and because of that there is absolutely nothing I can say about Raytheon.

Chair: Of course, but it is still going on?

Sir Charles Montgomery: It is still going on.

Chair: Sir Charles, as this is probably the last time that you will appear before this Committee before Parliament is dissolved, on behalf of the Committee could I thank you personally for the way in which you and your office have dealt with this Committee? Whenever we have asked for any information, you have been open and transparent, if I may say so to a different degree than other parts of the Home Office. You have always been extremely courteous and helpful to this Committee. I want to thank you for that and I hope that continues with our successor Committee.

Sir Charles Montgomery: Thank you very much indeed.