

Dear Home Secretary

Following the report from the Independent Chief Inspector of Borders and Immigration (ICIBI) on the Border Force operation to deter and detect clandestine entrants to the UK, we are writing to express our significant concerns over the Inspector's findings and the Home Office's response to the report.

We support all reasonable efforts to keep the UK border secure. Drivers and vehicle operators have a vital role to play in those efforts, with penalties required for those who do not secure their vehicles. However, any such scheme must be applied consistently and fairly, with adequate exercise of discretion to ensure that drivers and operators that have done everything they can to prevent clandestine entrants are not unfairly punished. This has become a particular issue since the increased penalties for clandestine entrants and insecure vehicles were introduced in the Nationality and Borders Act 2022.

The ICIBI report is damning and finds that the Clandestine Entrant Civil Penalty Scheme (CECPS) lacks leadership and resource. The scheme readily and easily shifts liability onto drivers and operators but is not equipped to exercise discretion when evidence shows there is no fault or negligence on their part. It is vital the scheme works efficiently and effectively to ensure penalties are consistent and fair.

We are particularly concerned about the lack of resource for the Clandestine Entrant Civil Penalty Team (CECPT), especially since the 2023 reforms to the CECPS projected more staff would be required to ensure the scheme ran efficiently and effectively. The poor administration and communication from the CECPT and the significant disparities over how fines are issued needs urgent action to redress. This lack of resource is despite the CECPS recovering over £10m since 2022, with another £26m potentially recoverable.

To address these issues, the ICIBI made 7 recommendations. Whilst we welcome the Home Office's acceptance of the majority of these, the 12–18-month timescale provided is disappointing given the current situation is both of long standing and high significance. We ask that the Home Office accepts these recommendations in full and commits to implement them by the end of 2025.

For too long, our industry has been unfairly hit by the failings in the current scheme. We echo the Inspector's comments that the Home Office should either adequately resource or reform the scheme in line with the funding it is willing to commit.

Every day, drivers and operators who have taken all possible steps to secure their vehicles do not know if they will be fairly treated under the current system. This does not instil confidence, and we hope you agree that the status quo is deeply unfair and cannot continue.

We look forward to seeing greater urgency on this issue to keep the UK border secure as effectively as possible.

Yours sincerely