

ILPA Briefing for House of Commons (as amended by standing committee B)

HC Report stage briefing to Clause 10

Information about passengers

1. The Requirement that travel documents should be copied by carrier companies at the point of departure is intended to make identity checks at UK immigration controls easier and to accelerated the removal of failed claimants. It will however increase the perceived and actual risks for asylum seekers attempting to flee persecution without coming to the attention of their authorities.
2. The perception of the asylum seeker will be that it exposes them to additional dangers of being identified, prevented from leaving the country and exposing themselves and their families to further potential harm. The effect of the measure will be to force traffickers and facilitators into making alternative arrangements, to force people into more clandestine and dangerous forms of escape e.g. in sealed container lorries and increase the likelihood of the tragic deaths witnessed in recent years by people attempting to enter the UK by such methods.
3. A carrier company abroad cannot be regarded as a secure and safe agency on behalf of the UK immigration authorities for the collection, storage and transmission of personal data. Airline security has been a source of great recent concern particularly in relation to anti-terrorism measures. It is very likely that the security of an individual carrier company will be breached if such useful and valuable identification information is in its possession. These breaches may be by corrupt airline officials for criminal profit or government agencies seeking to identify potential asylum seekers and their families as they attempt to leave.
4. The increased availability of identity data from corrupt airline officials would potentially fuel the false document market not reduce it.
5. The Minister accepted during Standing Committee B when introducing this late new clause that it would not be practical to implement such a requirement across all carriers and therefore its use would be selectively targeted. It is most likely that its main use will be on routes out of refugee producing countries as well as those perceived to be significant illegal migration routes. Targeting South African airlines for example would further restrict Zimbabwean refugees travelling to the UK. Its effect will be to deny refugees a relatively safe avenue of escape.
6. The Race Relations Amendment Act 2000 provides that UK public authorities must not discriminate contrary to Section 19D of the Race Relations Act 1976 in asylum and immigration matters except where there is a specific Ministerial Authorisation permitting such derogation.
7. Current Ministerial Authorisations (MA) allow discrimination to take place on grounds of nationality for only specific and limited reasons. Security/intelligence information and statistics showing trends of increase in asylum seeking from

particular countries can form the basis for the justification for such authorisations to derogate.

8. The list of countries subject to Ministerial Authorisation is kept secret on diplomatic and security grounds. The full race equality impact of such discrimination cannot be adequately assessed by external observers and legal representatives. The implementation of the proposed copying requirement either as a pilot scheme or in full would be contrary to the RRA 2000 without new Ministerial Authorisations.