



Border Force

Clandestine Entrant
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Sp z oo

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12/02/16

Dear Sirs,

Port Ref: CPU/PEN/

Re: Immigration and Asylum Act 1999 – Prevention of Clandestine Entry

Further to an incident that took place on 22/06/15 at Felixtowe Docks, in United Kingdom, when seven (7) clandestine entrant s were discovered concealed in vehicle index of which you were the owner/hirer, it has been exceptionally decided, that no penalty should be imposed on you on this occasion.

The decision in this case is not an acceptance that you currently operate an effective system and should not be taken as setting a precedent in the event that you are involved in an incident in the future.

Border Force will impose a civil penalty when a driver and/or company fails to have an effective system to protect vehicles from being used by clandestine entrants, or fails to operate the system properly. These procedures are designed to target only those who have been negligent. This is in accordance with section 32(2) of the Immigration and Asylum Act 1999. There is no legal requirement to put in place the security measures recommended in the Code of Practice however failure to demonstrate these systems are in place may result in a fine. Penalties can be imposed the company and the driver up to a maximum fine of £2000 per clandestine.

Further information may be obtained from our website at:

<http://www.gov.uk/secure-your-vehicle-to-help-stop-illegal-immigration>

The Civil Penalty scheme allows for recognition of hauliers who have effective protection. There is an accreditation scheme for road haulage companies. If a company is accepted onto the scheme and clandestine entrants are detected in its vehicles, Border Force will not fine the company provided it is operating in accordance with the scheme

Further information on the scheme is available here:

[Civil penalty accreditation scheme: accredited haulage companies - Publications - GOV.UK](#)

Yours sincerely,

B. Wright
CP Team

