

Copying Passenger Documentation

Home Office Consultation on a Voluntary Scheme for Carriers.

Response from British Air Transport Association (BATA)

Respondee Details

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BATA welcomes the opportunity to respond to the Home Office consultation on a voluntary scheme for copying passenger documentation. BATA represents UK-registered airlines, both scheduled and charter. Our members produce 90% of UK airline output. We have also commented on the Regulatory Impact Assessment.

We are pleased that the Home Office has listened to carriers' concerns during the initial consultation which led to the "proof of concept" trials being set up. However we are surprised that this consultation has started before the trials have finished and the results analysed.

BATA members recognise the problems that undocumented arrivals (UDAs) cause the Immigration Service and are willing to help by implementing reasonable measures to reduce the problem. These measures should:

- Be effective in reducing UDAs and positively identifying UDAs.
- Minimise the inconvenience to bona fide passengers.
- Cause no significant disruption to check-in or boarding procedures.
- Cause no significant increase in airline costs.

On balance, we prefer a voluntary scheme rather than one imposed by legislation. Voluntary measures have been successful in the past. The code of practice for the scheme should be extended to cover circumstances where it is necessary to suspend copying. This could occur, for example, where there is equipment failure or the copying process risks creating a delayed departure.

Results from the Trials

The trials have thrown up a number issues which will have to be resolved before the scheme is implemented.

Effectiveness. Why were only 42% of UDAs reconciled with copies of their documents? This is a disappointingly low success rate. A reconciliation rate approaching 100% would act as a very powerful deterrent.

Data transfer. The memory sticks were found to be unsatisfactory and “resource intensive” (paragraph 15). The consultation document suggests using CD ROM or an electronic data link (paragraph 49). What evidence is there that CD ROMs would be any better than memory sticks? A data link has many attractive features but there would be a large amount of data to be transmitted. There may be insufficient capacity in the existing networks and a temporary upgrade would be costly.

Multi-Sector Flights. These present a potential loophole in the system.

Staffing. The statement in paragraph 14 that “there has been no adverse impact on ... carriers’ staffing requirements” contradicts the statement in paragraph 12 “The third carrier chose to employ 2 additional staff for the exercise.” It cannot be assumed at this stage that there will be no staffing impact. In particular, we are concerned that there has not been a trial on a short haul route where boarding has to be completed in a much shorter time than is the case for long haul flights.

For UK-based carriers, passenger handling at foreign airports is often contracted to handling agents who will want extra payments if asked to carry out extra tasks.

At Check-in or at the Gate? Copying at the boarding gate has the advantage of being more secure. Airside transfer passengers will be included and it prevents passengers avoiding checks by swapping boarding cards. At most airports this should be possible and would be the location preferred by many carriers as there may be more room at the gate than at check-in. However, the reverse is the case at other airports and copying may have to be done at check-in. In the end, the carrier must be allowed to choose the best location.

Selection Criteria

In themselves the selection criteria seem to be reasonable.

However, applying them could lead to a situation where not all carriers on a route would be copying passports. We believe this might undermine the effectiveness of the process. Those intending to destroy their documents would switch to flying on the non-copying carrier. That carrier would eventually be asked to start copying but this would take some time to bring into effect. It might be better to ask all carriers on a route to start copying documents from the beginning.

Evaluation of the Voluntary Scheme

It is proposed that the voluntary scheme will run for a reasonable period before consideration is given to whether a statutory scheme is required. There is a strong presumption in the consultation document that if the voluntary scheme is ‘ineffective’, the statutory scheme will start. We are concerned that this should not necessarily be the case. Consideration should first be given as to why the voluntary scheme is ineffective before the statutory scheme is introduced. The reasons for the failure of the voluntary scheme need to be carefully analysed first.

Data Privacy

The loss of the memory sticks raises data privacy concerns. The data could easily fall into unauthorised hands and this conflicts with the statement in paragraph 42 that “there is unlikely to be any contravention of the Data Protection Act 1998”.

Comments on the Regulatory Impact Assessment

Costs and Savings

The costs given in the document are an underestimate. Only the cost of the readers has been given. No account has been taken of:

- Staff costs. The trial has shown that extra staff may be needed. Handling agents will want extra payments for the extra work.
 - Set up and installation costs.
 - Equipment maintenance.
 - Costs of data media (e.g. memory sticks or CD ROMs)
- or
- Data link costs (should that be the chosen method of data transfer). There might be extra equipment and installation, extra circuits and transmission charges.

The savings to carriers (£72,000 in 6 months based on a reduction in fines for carry passengers with inadequate documentation), we believe are overstated especially for those carriers with AGC (Approved Gate Check) status. The number fines for these carriers is very small. If there are savings they will be to the benefit of non-AGC carriers.

We cannot comment on the savings for the Home Office except to note that they are considerable and far exceed those assumed for carriers. The Home Office costs are “negligible”. In short, as presented, nearly all the savings are to the benefit of the Home Office but all the costs fall on the carriers. Given this imbalance, we strongly suggest that the Home Office should meet some if not all of the costs as they did for the trials. Although the 1971 Immigration Act makes carriers responsible for providing the means to furnish passenger information, there is no legal reason why the Home Office could not meet the costs. Furthermore, in paragraph 15 of the consultation document it is stated that “It would be helpful if participating carriers were all to use the same system.” If UKIS bought and supplied the equipment it would ensure that this was indeed the case.

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