

# **Immigration, Asylum and Nationality Bill**

## **Partial Regulatory Impact Assessment on Data Capture and Sharing Powers for the Border Agencies**

### **Response from the British Air Transport Association**

BATA welcomes the opportunity to comment on the Immigration, Asylum and Nationality Bill and respond to the Partial Regulatory Impact Assessment (PRIA) on data capture and sharing powers for the border agencies. BATA represents UK-registered airlines, covering the scheduled, charter and freight sectors. Our members produce 90% of UK airline output.

The Immigration, Asylum and Nationality Bill covers a range of issues but our response is limited to the information aspects of the Bill.

We support the objectives of the Bill to improve border security. Our concerns relate to practicalities and costs of implementing the provisions in the Bill.

### **Data Sources**

The Bill imposes a duty on carriers to provide Advance Passenger Information (API), Passenger Name Record (PNR) data and similar information for freight. We note that only PNR data that is gathered routinely for carriers' own commercial purposes has to be provided. It should be noted that in some cases very little is known by the carrier.

Charter carriers generally do not hold passenger information in advance of check-in. It is the travel agents who have this information and it is not normally passed on to the carrier. Most charter carriers do not have a reservations system.

Freight is usually presented to carriers in loads that have been consolidated by freight forwarders and shippers. The data at consignment level is held by the freight forwarders. Moreover, freight movements within the EU are not subject to customs control and even less data is usually held on these consignments.

### **Data Format**

The Bill permits the Secretary of State to determine the format and timing of data transmission. Many other countries are also requesting such data and we urge the government to use international standards such as those being developed by ICAO. By doing so not only will costs be reduced but implementation will be quicker.

### **Single Window**

We strongly support the single window concept but this should apply not just to the three principle border agencies, but also to all other government departments and agencies who

may require passenger or freight information, such as DEFRA and Port Health Authorities.

## **Costs**

Carriers will incur costs in setting up and running systems to meet the requirements of the Bill. The stated objectives are to improve areas of national security and to counter organized crime, illegal immigration and the like and the overwhelming benefits, more than £1.4bn over 15 years, accrue to the government. In contrast, the tangible benefits to airlines, if any, will be very small. They relate mainly to the potential reduction in fines for carrying inadequately documented passengers and reductions in detention and repatriation costs. These are likely to be less than £1m per year and will be far outweighed by the running costs of the scheme. We therefore contend that the costs to the industry should be met by the government.

If the data required is extended to include biometrics, the quantity collected could increase considerably and transmission costs could rise.

The PRIA states that “work is underway to establish the practicality of charging passengers a small fee to cover costs”. We would strongly oppose such a charge. UK passengers already pay APD, unlike other transport modes, and this would further undermine the competitiveness of the UK airline industry.

## **Authority to Carry (ATC)**

We recognize the advantages of “exporting the border” so that passengers who would not be allowed to enter the UK are prevented from flying in the first place. However we have doubts about the practicalities of some aspects of the scheme:

- In order that a fast response can be given at check-in, extra functionality will have to be provided at thousands of check-in desks and kiosks around the world used by hundreds of different airlines. This will be a considerable challenge to implement and, depending on the method chosen, it could be very costly. Some airports and some airlines still use paper-based systems for check-in.
- In order to deal with queries when a passenger is refused ATC, it is proposed that a 24hour/7days per week telephone help line is set up. We doubt that this will be able to deal with all queries especially if the passenger does not speak English. When a passenger has been wrongly refused ATC, i.e. a false positive, unless the matter is cleared up quickly the passenger will miss their flight.
- Procedures will have to be established to ensure that check-in can continue when the ATC system is not available.

The ATC scheme raises some liability issues:

- If ATC is granted and the passenger is subsequently refused entry when reaching the UK, then the carrier should be immune from the consequences, including any detention or repatriation costs.
- If a passenger has been wrongly refused ATC, and has missed their flight then it should be the government that is liable for the costs of providing alternative travel arrangements, accommodation and denied boarding compensation.

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