



BORDER FORCE MARITIME COMMAND
OPERATIONAL ORDER (MARITIME PLAN)

APPROVED (15/05/19)

Operation Name:	OPERATION DEVERAN
Business Area:	ILLEGAL MIGRATION USING GM IN THE ENGLISH CHANNEL
Planned delivery date:	MAY 2019
Author:	HEAD OF MARITIME COMMAND
Owner:	BFMC
Version:	4 (REVIEWED APRIL 2021)

1. Information and Intelligence

The threat of Organised Crime Groups (OCG) and opportunists utilising small vessels to facilitate cross-Channel illegal migration activity continues to be a significant problem for the UK. Due to the success of measures already taken to secure principal ports in France, illegal migrants and their criminal facilitators have significantly increased attempts to cross the Channel in small boats. Channel crossings have mainly involved overloaded small rubber boats completely unsuited for this purpose, without navigational aids, appropriate safety equipment or proper clothing and containing occupants with little or no maritime experience.

Year on year increases have been significant and this year we have already seen over double the number of migrants being intercepted in UK Waters by BFMC assets than for the same time last year and this is despite significant efforts by the French in preventing almost 60% of crossings.

2021 – 111 incidents in UK Waters with a total of 2088 migrants recovered (as at 02/05/2021)
 2020 – 525 incidents in UK Waters with a total 6990 migrants recovered.
 2019 – 142 Incidents in UK Waters with a total of 1695 migrants recovered.

Operation DEVERAN is the Border Force led maritime response at sea to the threat of either opportunistic and/or facilitated illegal migration using small boats. It has been operating since MAY 2019 and covers the BF maritime strategic, tactical, and operational response in support of Operation Altair, which is the overarching campaign plan to make small boat crossings unviable under the command of the Clandestine Channel Threat Command.

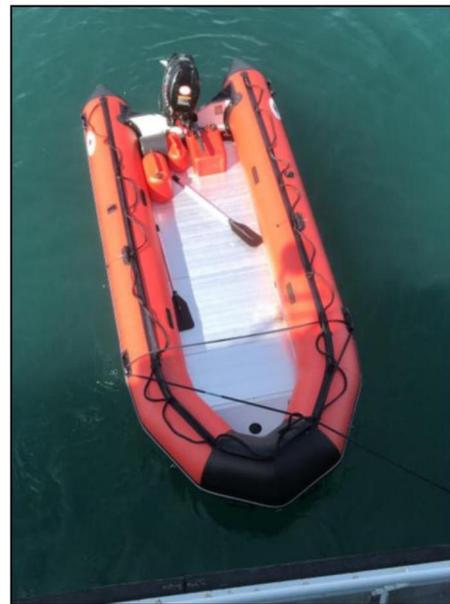
Through our standard deployment in the Dover Straits, BF maritime have dealt with almost 90% of all migrant vessels which have been identified within UK Waters (Over 10,000 migrants from over 800 vessels). This has included the extremely demanding periods during last summer such as the 2nd September 2020 where BFMC dealt with 417 migrants from 27 vessels with the support of the RNLI.



The majority of crossings intercepted in UK Waters are between 2300hrs and 0700 but we have recently seen a number as early as 2030hrs in the evening and also later in the morning and early afternoon, extending the period of time when migrant vessels require a response in UK Waters. We have also seen an increase in uncontrolled beach landings where migrant vessel have not been detected at sea.

Once at sea and where detected, approximately 50% of migrant vessels are identified by French Authorities whilst still in French Waters. Approximately 22% are reported by Commercial vessels, 12% through 999 calls from the migrants themselves and approximately 10% from the proactive patrols of BFMC assets (these % are from crossings so far this year but seen as indicative of the previous trend).

The majority of detected migrant sea crossings since October 2018 have involved 4-5 metre inflatable boats with small HP outboard motors, essentially yacht tenders. These are unsuitable for the passage and bring an increased likelihood of breaking down and/or becoming lost and resulting in a 999 call to authorities.



There have also been numerous examples of much smaller craft being used including kayaks, surfboards, wooden rowing boats and, in one unsuccessful attempt a children's paddling pool.

Late 2020 also saw the use of much larger craft that were first seen in migrant operations in the Mediterranean. These are large (up to ten meters) and are often of a single chamber design which can carry large numbers of migrants. Due to the lack of compartmentalisation, the risk of these vessels sinking if compromised is extremely high. There has also been a recent trend of facilitators attempting to strengthen the craft by planking out the floors. It is believed that this may be to allow additional numbers on the boats and to allow them to launch in poorer weather conditions.



These photographs show indicative vessel types used. Typical crossings consist of groups of passengers ranging between 3- 16 persons but there have been increasing instances where the numbers have been significantly higher. [So far in 2021 there have been 8 migrant vessels with over 35 persons on board and three with over 50 on board.](#) This number of people in such small unsuitable craft increases the risk to life and likelihood of a Search and Rescue incident.





Whilst the weather and sea conditions improve over the summer months there is a significantly increased likelihood of more crossings and the potential risk of mass crossings at the same time.

The current assessment is that crossings will continue to involve vessels which can be launched from a beach after being taken there direct or hidden in the area.

Currently the specific threat concerns departures from France (between Calais and Cap Gris Nez) towards the UK (North Foreland – Folkestone) and involve crossing the Traffic Separation Scheme.

Dover Strait

The Dover Strait is one of the busiest international seaways in the world, regularly used by over 400 commercial vessels daily. It became the first [[HYPERLINK "http://www.imo.org/Pages/home.aspx"](http://www.imo.org/Pages/home.aspx)] (IMO) approved Traffic Separation Scheme in the world in the early 1970s, and was the first to come under full radar surveillance. The Channel Navigation Information Service (CNIS) provides a 24 hour radio and radar safety service for all shipping in the Dover Strait, and is jointly operated by the UK and French Administrations from the Dover Maritime Rescue Co-ordination Centre (MRCC) and CROSS Gris Nez in France. The Dover Strait is a mandatory reporting area, meaning that vessels over 300 gross tonnes are required to report to either Dover MRCC (South West Lane) or CROSS Gris Nez (North East Lane) before proceeding through the service area. The functions of CNIS are to keep the Dover Strait Traffic Separation Scheme under observation, to monitor the flow of traffic and to detect and report vessels which contravene the International Regulations for Preventing Collisions at Sea 1972, as amended (COLREGS). The UK responsibility for operating CNIS is vested in HM Coastguard at Dover MRCC. Crossing the Dover Strait by unconventional means and/or in unorthodox craft poses a significant risk to all those involved and so it is important that those crossing meet the legal requirements of any Channel crossing (compliance with the International Regulations for Preventing Collisions at Sea) as well as ensuring crossings do not put the vessel, its occupants or other people at risk.

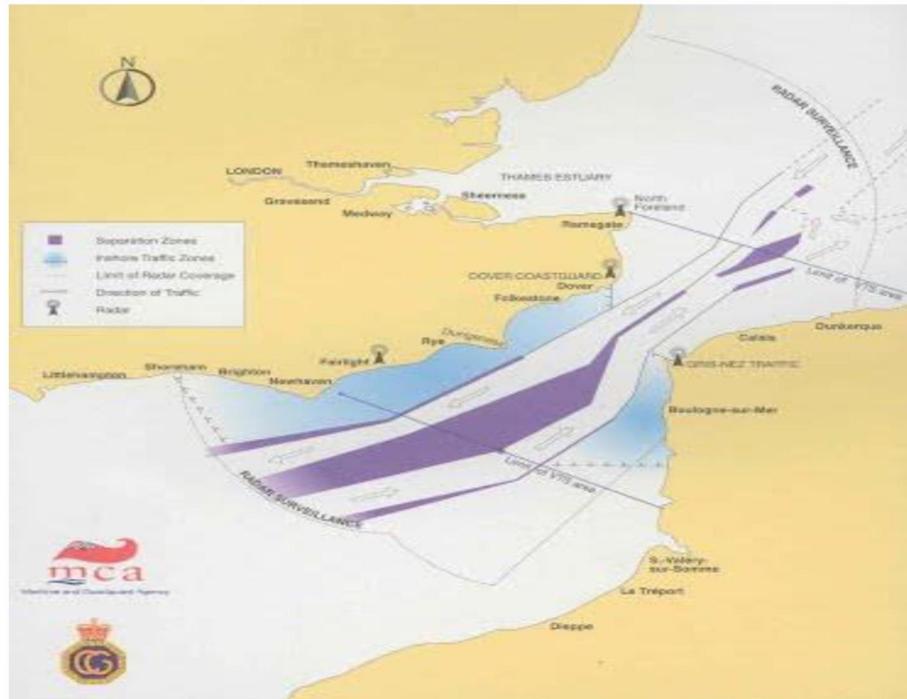
Many of the ships passing through the Strait carry dangerous cargoes which, if accidentally released into the sea, could have disastrous effects on the environment, marine life and the coastlines of England, France, and the North Sea States. The passage of ships through the Dover Strait is further complicated by the presence of strong tides, sandbanks, shallow waters, and a great deal of concentrated cross-channel traffic. Much of the crossing traffic is made up of high-speed ferries carrying as many as 2400 passengers. The very large vessels passing through the Strait can be difficult to manoeuvre. They may take several miles to stop or turn. Container vessels can be over 300 metres long, 42 metres wide with a service speed of 24 knots (35 mph). They have to commit themselves to a course of action long before they can see or detect on radar a small craft such as a migrant vessel. Weather conditions in the Strait are also liable to rapid change. Even in comparatively light winds, the strong tides can give rise to rough seas with steep breaking waves. Visibility is often poor, changing quickly to dense fog, even in strong or gale-force winds, rendering navigation difficult.

Traffic Separation Scheme

Recognising the dangers of navigation in the Dover Strait, a Traffic Separation Scheme, approved by the International Maritime Organisation, has been established. Two lanes akin to motorways run through the Strait for inward and outward-bound traffic. The Rules for navigating in or near a Traffic Separation Scheme are internationally agreed. The basic guidelines to be followed are set out in Rule 10 of the Merchant Shipping (Distress Signals and Prevention of Collisions)(Amendment) Regulations 1991. Taking into account that the word 'vessel' includes every description of watercraft used or capable of being used as a means of transportation on water. Rules 10(c) and 10(j) of the Regulations are particularly relevant to any plans to cross the Strait in an unorthodox craft or by unconventional means. Rule 10(c) first requires that a vessel shall so far as practicable avoid crossing traffic lanes or a Traffic Separation Scheme. Secondly, it requires that if a vessel is obliged to cross traffic lanes it should do so steering at right angles to the direction of traffic flow. Rule 10 (j) requires that a vessel of less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following



a traffic lane.

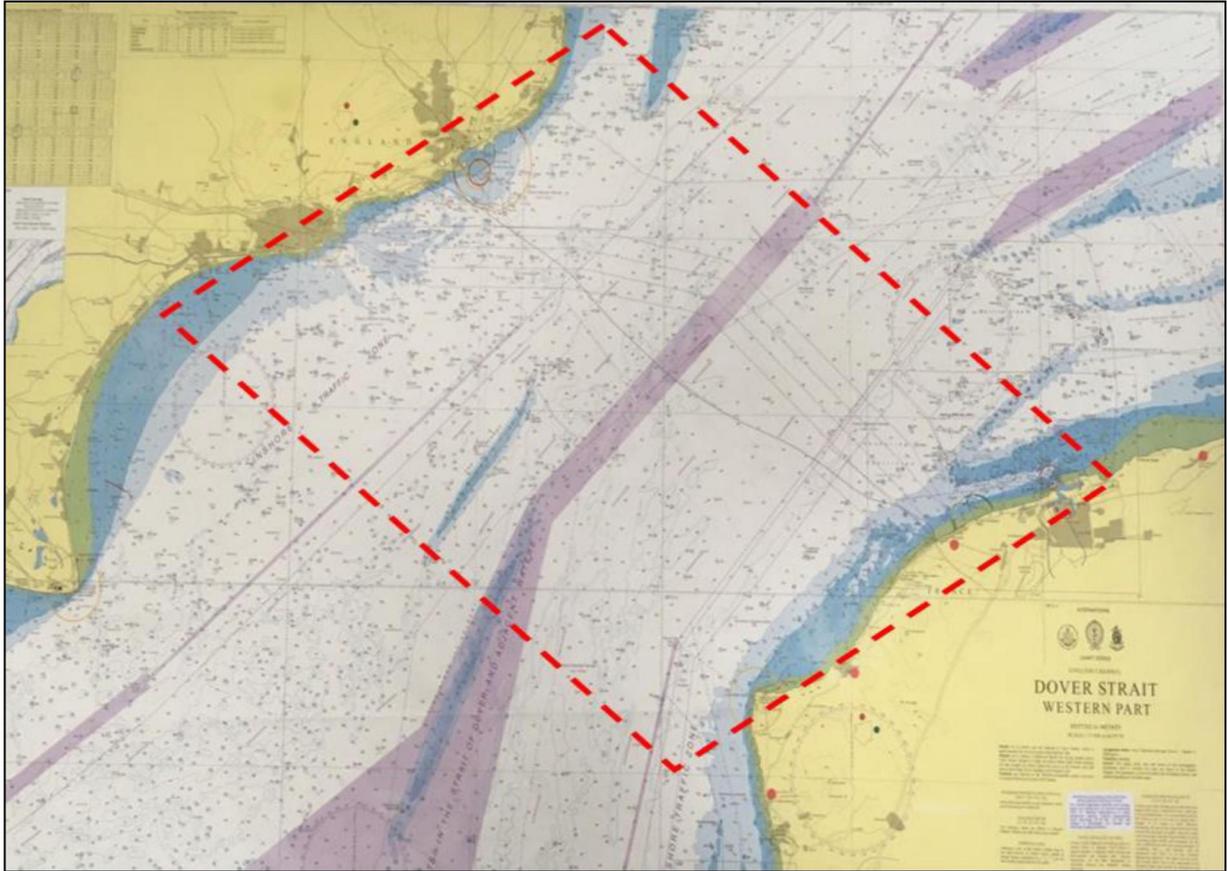


National Laws

The National Laws of both France and the United Kingdom require compliance with the International Regulations for Preventing Collisions at Sea. In addition, according to French law, vessels are classified according to their characteristics, such as beach amusement craft, which in French waters are not allowed to sail more than 300 metres from the coast.

Migrant crossings of the Dover Strait in unorthodox craft

Most of the unorthodox craft, which are characterised by slow speed and poor or non-existent manoeuvrability, such as rafts and pedalos, used in attempts to cross the Dover Strait by migrants are very small and have limited speed and ability to manoeuvre. They are not adequate for deep-sea navigation in a heavy traffic area. Their presence, or that of a group of them in the Dover Strait, will dangerously impede the vessels in the traffic lanes and may lead to a marine casualty. It is the view of the Anglo/French Safety of Navigation Group that such crossings are highly irresponsible and constitute a serious hazard to other people going about their lawful activities.



This 'corridor' provides many visual cues for attempts to circumvent UK controls; the UK coast and Port of Dover are visible from French Beaches (Wissant and Tardighen) as are navigation marks denoting the Varne Bank and Goodwin Sands. Additionally, repeated cross channel ferry movements provide a 'guiding light' for vessels to follow, even if they cannot maintain pace.

Criminal Investigations.

Public Interest/Operational Sensitivity

Public Interest/Operational Sensitivity

From April 2021, CFI officers will deploy onto Squadron vessels on a regular basis in order to enhance the Law Enforcement response.

Public Interest/Operational Sensitivity

Public Interest/Operational Sensitivity



Border Force Maritime Command will:

1. Regularly update IE SPOC's as to approaching Op Deveran migrant 'Red Days'.
2. Maritime Command Centre (MCC) will ensure to notify IE officers if they have been party to a rescue where a migrant has subsequently tested positive to Covid 19.
3. The Commander/OIC will undertake a pre-deployment briefing at the start of the patrol in which COVID safeguards and SSoWs will be reviewed. This briefing will be noted in the vessels log.

Immigration Enforcement will:

1. Maintain their officers in a dedicated bubble and will only deploy alongside a single CPV crew during their two-week patrol.
2. Obtain negative LFT tests within 4 hours of each deployment.
3. Will submit a Border Force Maritime Command (BFMC) Crew/Passenger Coronavirus (COVID-19) Health Self-Declaration Form to the CPV Commander prior to each deployment.
4. Will be subject to temperature checks prior to each deployment.
5. Will wear PPE face masks throughout deployment.
6. Will submit their staffing roster into the MCC at the start of each deployment (this will need to include officers' email and mobile phone contact numbers).
7. If notified of potential contact with a Covid 19 positive migrant, IE officers will commence serial testing or self-isolation as appropriate.
8. Have appropriate PPE and individual lifejackets.
9. Have completed BF Dock & Ship Awareness training and obtained Personal Survival Techniques qualifications.
10. No more than two Immigration Enforcement Officers will deploy at any one time.

NB Public Interest/Operational Sensitivity

Public Interest/Operational Sensitivity

Weather Assessments

Weather conditions are a significant impact factor in relation to the likelihood of attempted migrant crossing. Up to late 2020 a weather assessment matrix had been developed to predict weather windows over the following 48hours. These were produced by the Cutter Commander on the lead Op Deveran Cutter every Monday, Wednesday and Friday and circulated by the MCC to all of Clandestine Threat Command (CTC) along with HMCG and JMCS.

Since 2021, The Clandestine Threat Command has tasked the Met Office to produce a daily weather assessment for the operational area. This is disseminated at 12.00 hours Monday to Friday

The Met Office assessment refines the previous Deveran Commanders' Report and provides additional focus on the French beaches. They have also refined the original three stage RAG assessment. The new assessments are –

- **Dark Green** - Highly Unlikely >1m Greatly limited crossing activity, mostly associated with larger vessels more able to operate in adverse sea conditions.
- **Light Green** - Unlikely >0.5m to 1m Limited crossing activity in marginal conditions.
- **Yellow** - Realistic Possibility >0.4 to 0.5m Increased crossing activity.
- **Amber** - Likely or probable ≥0.3 to 0.4m – Favourable conditions.
- **Red** - Highly Likely ≥0.3 to 0.4m Optimum Conditions

An example can be found below -



Date and time	Minimum Feels like Temp (C)	Small boat launching conditions at 00UTC			Likelihood of crossing attempts due to weather
		Western Beaches	Central Beaches	Northeast Beaches	
22UTC Thursday, 22 April to 06UTC Friday, 23 April	0	Favourable	Favourable	Unfavourable	Unlikely
22UTC Friday, 23 April to 06UTC Saturday, 24 April	1	Favourable	Favourable	Unfavourable	Unlikely
22UTC Saturday, 24 April to 06UTC Sunday, 25 April	3	Favourable	Marginal	Unfavourable	Highly Unlikely
22UTC Sunday, 25 April to 06UTC Monday, 26 April	1	Favourable	Unfavourable	Unfavourable	Highly Unlikely
22UTC Monday, 26 April to 06UTC Tuesday, 27 April	2	Favourable	Unfavourable	Unfavourable	Unlikely [Mod Confidence]
22UTC Tuesday, 27 April to 06UTC Wednesday, 28 April					Realistic Possibility [Low Confidence]
22UTC Wednesday, 28 April to 06UTC Thursday, 29 April					Likely [Low Confidence]
22UTC Thursday, 29 April to 06UTC Friday, 30 April					Unlikely [Low Confidence]
22UTC Friday, 30 April to 06UTC Saturday, 01 May					Unlikely [Low Confidence]
22UTC Saturday, 01 May to 06UTC Sunday, 02 May					Unlikely [Low Confidence]

Due to the fact that the Met Office product is disseminated on a Monday to Friday basis, the Deveran cutter commander will continue to produce the original Deveran RAG assessments over the weekends. This is to be submitted to the MCC at 12.00 hours. This will allow the MCC to amend deployment planning if required. Over the weekends the MCC will also have the option of engaging with the CTC Silver Commander who dials into a call with the Met Office over the weekend to obtain any updates.

These forecasts inform and guides The Maritime Command deployment framework which is set out below.

The vast majority of migrant incidents within the Deveran operational area have been overt in nature and coordinated under a multiagency SAR response. In recognition of this fact, Border Force maritime assets activate their Automatic Identification Systems (AIS). Communication with the Coastguard can be undertaken on VHF Channels 0 however Dover Coastguard now have access to Airwave Channel 315 (XMAMA) and can communicate with BPS vessels on this channel. This has the advantage of providing secure communications during migrant events which cannot be illegally monitored (there have been examples of such monitoring uploaded onto Social Media).

Although, outside the Deveran area, the Maritime Command interdiction of The French flagged motor cruiser SAQUERLOTTE III in November 2019 and the detection of eight Albanian migrants being illegally facilitated into the UK by a British national [and the FY SVANIC intercepted by a Cutter off the East Coast with over 60 smuggled Albanian nationals onboard](#) is an important reminder that covert facilitation activity is also an enduring threat.

Maritime Command assets will, therefore, continue to deploy to their Border Security remit both within and outside Op Deveran. Such deployments will be continually enhanced by Border Force intelligence teams and other key partners including the National Crime Agency, Immigration CFIs and the Clandestine Threat Command.

The CRIP produced by the CCTC should be considered as the overarching summary of information and intelligence to support Strategic and Tactical decision making in relation to this operation, including the ongoing assessment of threat and risk.

2. Threat/Risk Assessment

The following threat and risks have been identified, based on the current information and intelligence, in relation to migrant crossings of the eastern Channel in unsuitable and unsafe small boats;

- The risk to life or serious injury to migrants crossing the Channel is considered High.



- The risks increase when leaving French TTW's and crossing the Traffic Separation Scheme (TSS) which is one of busiest shipping channels in the world (due to the size and volume of ships and their ability to identify small craft and take avoiding action); at night, or in reduced visibility or adverse weather and sea conditions.
- The seasonal drop in both land and sea temperatures is also a significant impact factor in relation to the risk and there is an increased risk to those who are vulnerable, including children.
- There is also the potential increased risk to migrants as a result of action they make take to avoid and evade interventions at sea by law enforcement officers if they believe they are likely to be returned to France.
- The potential risk to the lives of future migrants who are exploited by organised crime groups through facilitated attempts to cross the Channel in unsuitable small boats is considered High.
- There is a potential risk that migrants may be being trafficked for exploitation and therefore vulnerable once returned to a safe Port if appropriate support not in place. The risk of this is currently unknown but more likely to be linked to covert crossings in larger vessels.
- The risk of increased criminal behaviour, disorder and financial exploitation of vulnerable migrants is considered High if illegal crossings using small boats are not stopped.
- The risk to other General and Commercial Maritime within the area of identified migrant crossings is considered Medium. This is likely to increase during the night and during reduced visibility and could be a contributing factor in relation to collisions at sea and/or dangerous attempts at rescuing migrants by other maritime vessels in the area.
- The risk to officers and other agencies tasked with responding to incidents and SOLAS/SAR operations is considered Medium. This risk increases if migrants are in peril, refuse or resist rescue attempts or are uncooperative and is also impacted by weather and sea conditions.
- The risk of on-going criminality by OCG's and opportunists both in terms of targeting and putting at risk vulnerable people and undisrupted criminal enterprise is considered High.
- The risk to the integrity of the border control systems of the UK and France, which are vital in the fight against crime and terrorism, is considered Medium
- The risk of a loss of confidence of the public in the ability of BF and other agencies to secure the UK borders at sea and prevent loss of life is considered Medium.
- The COVID-19 pandemic has generated further risks both to the migrants and Border Force Officers engaged in Operations Deveran and Altair.

These risks must continue to be dynamically assessed by tactical and operational commanders and other officers deployed, based on the information and intelligence at the time, and action prioritised accordingly but the priority will always be public safety and the safety of the crews deployed.

3. Overall Strategic Intent

Op Altair Gold Strategic Aims:

Save Lives

- Protect Life by Preventing entry to the UK using high risk methods through joint working with France and other Near Neighbours Countries.
- Provide welfare and medical support to all migrants to prevent death or injury.
- Ensure the wellbeing, welfare and necessary support of all staff engaged in these events.

Secure the UK Border

- Stop the threat from circumventing or compromising the integrity of the UK border; maximise the opportunity to detect emerging threats, ensuring all intelligence opportunities are exploited including, where possible, the fast time sharing with French and other near neighbours countries.

Public Confidence

- Improve public confidence in the UK Government's ability to secure the UK Border
- Ensure an effective media/communications strategy is delivered

Vulnerability



- g. Recognise and identify those people who may be vulnerable or “at risk” and/or victims of exploitation, or alternatively those who may pose a risk to others.

4. BF Maritime Strategic Objectives

Maritime Strategic Objectives

The following Maritime Strategic Objectives have been directed to deliver the strategic intent of the Op Altair Gold. They must be reviewed and prioritised based on the specific circumstances at the time and the dynamic assessment of threat and risk. They will be prioritised based on that assessment, **but the overarching priority will always be public safety and SOLAS;**

- Detect those that who seek to illegally enter the UK in small boats.
- Identify and safely interdict those attempting to illegally enter the UK in small boats and ensure any immediate welfare and medical needs are met.
- Minimise the risk to those attempting to cross the Channel in small boats. This includes both the immediate risk to life and their on-going potential vulnerability.
- Minimise the risk to other Maritime users within the identified area of operation.
- Maximise the safety of officers and staff deployed.
- Ensure a proportionate Law Enforcement response to identified criminality.
- Preserve and secure evidence to support the identification and subsequent prosecution of those committing Organised Immigration Crime.
- Gather Information and intelligence in support of the above objectives.
- Reassure the Public in our ability to secure the UK Maritime Borders and respond to those at risk.
- Work effectively in partnership with other Agencies and the French Authorities in delivering this operation.

Preferred outcomes;

Migrants are prevented from entering the sea in France in unsuitable small boats

If they enter the water in unsuitable small boats the risk to migrants is minimised, they are rescued where necessary and taken to a place of safety

Migrant boats are safely interdicted by French assets whilst within French TTW's and returned to France

Facilitators are identified and evidence secured to support prosecutions.

Acceptable outcomes;

Where the interdiction in French waters has not been possible or the migrant vessel is first detected whilst in international of UK TTW's they are intercepted in UK Waters, safely rescued and brought into the UK.

Unacceptable outcomes;

Our actions result in uncooperative/aggressive behaviour of migrants at point of contact by rescuing vessel which increases the risk to all those involved

Loss of life or serious injury to migrants following being located and intercepted by BF assets.

Loss of control of a Border Force vessel due to hostile action by migrants.

Loss of life or serious injury to BF Staff.

The actions of BF officers are unlawful or increases the risk to migrants or other maritime users.

Our actions create a “distress situation” at sea.



5. Powers and Policy

This section provides the legal and policy framework to support tactical and operational decision making.

It is provided as guidance to those deployed at sea (as designated Immigration and Customs Officers) and those in command and outlines the balance necessary between protecting UK borders and saving life.

The primary role of Border Force is border security and our maritime BF priorities include the following relevant to this operation:

- Tackling organised immigration crime with a focus on safeguarding and Human Trafficking. **Priority A – BF Control Strategy.**
- Preventing and detecting clandestine entry by sea using general maritime. **Priority A – BF Control Strategy.**
- Support to SAR and SOLAS.

BF officers are deployed as Law Enforcement officers but, due to the specific nature of this operation and the risk to life to all persons at sea especially that of migrants crossing the channel in unsuitable vessels, safety must take priority. The first consideration for officers deployed at sea will be SOLAS.

Decisions and action at sea by BF officers must also be:

- **Proportionate (interference into the Human Rights of others must be minimum necessary in achieving a legitimate aim)**
- **Legal (sound basis in Law)**
- **Auditable (appropriately recorded)**
- **Necessary (there is no other less intrusive option)**
- **Ethical (action which is morally acceptable and able to be justified to the wider public)**

SOLAS Operations

SOLAS will always take priority in support of the state's obligations to UNCLOS and Article 2 of the Human Rights Act (Right to life) and will take precedence in any decision-making regarding action at sea.

Whilst deployed on this operation Border Force vessels are likely to be required to rescue migrants or support a declared SAR. Those rescued and taken onboard a Border Force vessel should be taken to a place of safety as decided by the Commander and in consultation with appropriate coordinating authority. Given that patrol plans for this operation for BF vessels will routinely be in UK waters it is likely the nearest safe port will be the UK. Where Border Force are directed to assist in a rescue in international or French waters by the appropriate coordinating authority, then Border Force should routinely look to land those rescued at the nearest appropriate port within France as identified by the co-ordinating authority.

Law enforcement activity leading to an investigation must result in migrants being taken into a UK Port to allow due process and facilitate the on-going investigation.

SOLAS Legislation

Her Majesty's Coastguard (HMCG) will be the lead coordination agency for all SAR activity in UK TTW's. Key legislation being –

- Article 98 of UNCLOS (United Nations Convention on the Law of the Sea) which provides the basis for a state's obligations regarding safety at sea:
- SOLAS (Safety of Life at Sea) 1974 provides an obligation for Masters of all vessels to respond.



- HM coast guard operates to SOLAS and the International Convention on Maritime Search and Rescue (IAMSAR). The IAMSAR gives formal guidance on certain incident phases of a Search and Rescue and HM Coastguard operate to these distress phases for all incidents.

Legislation specifies that those rescued must be taken to a place of safety and SOLAS guidance defines a place of safety as:

1. Where the rescued persons' safety of life is no longer threatened;
2. basic human needs (such as food, shelter and medical needs) can be met; and
3. transportation arrangements can be made for the rescued persons' next or final destination.

A place of safety is unlikely to be a vessel and should be considered when those rescued have disembarked at a safe Port

When to declare a SOLAS incident: guidance

If a BF asset locates a migrant vessel, either in response to an incident or whilst on patrol, the Commander of the BF vessel will need to consider whether a SAR should be called and notified to the appropriate coordinating authority. It is reasonable to assume that as a result of intelligence from previous incident debriefs that those on board these vessels have no maritime experience, may fear for their safety, are vulnerable, are transiting the Channel Traffic Separation Scheme (TSS) (one of the busiest waterways in the world) and there is a risk to not only themselves on that vessel but to other mariners transiting that area. It is, therefore, likely that rescue should be instigated irrespective of whether assistance has been asked for.

Officer's should in particular consider;

1. the existence of a request for assistance;
2. the seaworthiness of the vessel;
3. whether the vessel is overloaded with passengers;
4. whether it has sufficient supplies to reach shore;
5. whether it has qualified crew;
6. its safety, navigation and communication equipment;
7. whether anyone aboard has an urgent need of medical assistance;
8. whether there are any deceased persons aboard;
9. the presence of pregnant women or children on board; and
10. the weather and sea conditions.

Legislative powers and authorities

Border Force officers have a range of LE powers that can be considered in the maritime environment. This includes a general power to exercise a right of visit to board un-flagged vessels on the High seas to check on the nationality of the vessel. (UNCLOS 1982 Art 110) Or indeed under CEMA 1979 Section 27 and 28 in UK TW for Customs purposes.

Immigration Enforcement Powers to combat immigration offences are found in Part 3A of and Schedule 4A to the Immigration Act 1971 ("the 1971 Act"). The relevant sections for this operation are;

- Immigration Act 1971 Section 25A, 25B and 25C – specifies the relevant facilitation Offences
- Immigration Act 1971 Part 3A – Maritime Enforcement Powers: specifies enforcement powers
- Immigration Act 1971 Schedule 4A – enforcement powers in relation to ships: this gives authority to stop, board, divert and detain ships and search occupants

These powers are the most appropriate powers where acting in a LE capacity targeting illegal migration. They enable the officer to intercept a suspected migrant vessels at sea in the UK TTW and search that



vessel and persons and seize evidence relating to offences (paragraphs 3 and 4 of Schedule 4A). Searches can also be for protective purposes to protect against physical injury, damage to property or endanger the safety of the ship. This search can be exercised on the ship or elsewhere (paragraph 5 of Schedule 4A). Authority through the NCC to take enforcement action on any vessel other than a UK flagged or a vessel without nationality is required.

SOLAS considerations will initially take priority when encountering a small boat that falls under this operation. There have been instance where the vessel refuses to stop or at a certain point in the transit they become disabled for what ever reason. However, where upon engaging with the vessel the Border Force Officer's considers that enforcement action would be the most appropriate course of action then, once a vessel has been safely stopped and the safety of life secured, the powers in the Immigration Act can be relied on.

The transfer of migrants to a BF vessel will usually take place as part of a SAR but only with their cooperation.

If there are reasonable grounds to suspect a facilitation offence under immigration legislation is being committed powers bestowed by immigration legislation [IA 1971 schedule 4A para 3(2)] should then be relied upon for further action. In these circumstances officers should use immigration powers to conduct a protective search of individuals. If no evidence of immigration or other offences are found, or a decision is made not to pursue these, as consideration is being given to return the migrants to France, then officers can switch to dealing with an incident under SOLAS legislation

Authority to detain and carry out protective searches of migrants rescued at sea;

Commanders (Master's) of BF Vessels have the authority under common law to search migrants on boarding their vessel if they reasonably believe they pose a risk to themselves or others and to detain them on board using reasonable force on the basis that such force is necessary for the safety of persons on board. This is considered the only power of search if acting in a SAR capacity and persons are not suspected of Immigration facilitation offenses regardless of the place of safety being in the UK or elsewhere. All action must, however, be justified and reasonable in the circumstances.

This authority to search does not provide for the seizing of articles as suspected evidence of offences, such as cash and mobile phones.

If evidence of an offence is found whilst conducting a common law search, then the officer must consider whether it is justified and necessary to further investigate offences and seize evidence and therefore switch to law enforcement activity.

Vessels Commanders should also be cognisant with a master's power of arrest as set out at Section 105 of the Merchant Shipping Act and the associated Merchant Shipping (Home Office Ships) Order 2020.

Use of Force

An individual commits an offence under para 11(1) and/or (2) of Schedule 4(a) 1971 Immigration Act if they fail to comply with directions made or obstruct an officer in the performance of their duties under the Act. This includes a failure to stop a vessel when directed. As described above, officers may adopt enforcement action where otherwise justified providing that safety of life is no longer an issue (the incident is no-longer under SOLAS). Common law, PACE and the Criminal Law Act 1967 then allow reasonable use of force by officers in the performance of their duties

BUT: there is no power to use force to rescue a person subject to a SAR unless justified under common law to prevent an imminent loss of life.

AND: if in French TTW's BF have no enforcement powers and so the legal framework surrounding any action is restricted to the master's right to maintain safety and discipline on their vessel and the right to protect yourself and others (See above).



Asylum Claims – if BF are acting within UK TTW's then any asylum claims must be processed in the UK.

Indictable criminal offences committed on a Cutter whilst outside UK TTW's can be prosecuted in the UK under the Aviation and Maritime Security Act.

If officers suspect Section 25 and 25A of IA 1971 offences (Facilitation) then suspects should be taken to the UK to facilitate the on-going investigation. Other rescued migrants could still be returned to France under the SAR operation if in the appropriate circumstances and operationally viable by transshipment to a second vessel. It is, however, important to assess the evidential impact of this on the on-going investigation such as the loss of witnesses/evidence from others returned to France.

Welfare of Children

All staff have a duty under section 55 of the Borders Citizenship and Immigration Act to have regard to the welfare of children in all our actions and policies.

Recording of decisions

Decisions made in relation to this operation must be recorded in appropriate documents as soon as is reasonably practicable (Day book, Ships log and/or pocketbook). This should include the supporting rationale for the decision made.

RIPA and Directed surveillance

Public Interest/Operational Sensitivity

6. Basic Plan (including SOP's/Risk Assessments) and contingencies

The following basic plan has been developed to deliver the Strategic Maritime Objectives set; provide a framework within which operational activity and effect will be achieved and; ensure a proportionate but effective response to identified or suspected migrant crossings.

- The standard BF maritime deployment for Operation Deveran in the Channel is one Cutter and two CPV's which has been the profile since May 2019. This is based on an on-going review and assessment of operational effect, documented de-briefs, and learning from the 32 months we have now been running this operation delivering an efficient and effective response. Since September 2020 when enhanced statistical capture was developed, there have been 304 migrant events of which Maritime Command have responded to 264 (a response level of 87% of total migrant events). Since January 2021 there have been 99 events of which Maritime Command have responded to 88 (a response level of 89% of total migrant events).
- CPV's remain a very effective response to migrant incidents, they are more reactive and provide greater flexibility than the Cutters in many incidents. They are also not tidal bound in Port as the Cutters are in Ramsgate.
- As of April 2021, plans are underway to relocate the migrant reception areas and berthing away from the Tug Haven and located them at the Dover Jet Foil Berth. Once completed, this will allow



the Deveran Cutter to utilise the new berth on a permanent basis. This will reduce the dependence on the Ramsgate Berth and the associated tidal constraints.

- The deployment of assets into the Channel along with other deployments will be reviewed on a daily basis within the MCC involving the Cutter/CPV Commander, RHIB team HO and Duty Ops SEO and referred to the Head of Maritime Command if any changes to the standard deployment are being proposed. This review will consider weather conditions, the risk of migrant crossings, any intelligence, vessel availability and maintenance and crew availability, welfare, and resilience.
- The Deveran Deployment plan will be supported by a second, "surge" cutter that can enter the Deveran operational area within twelve hours of being tasked.
- As of April 2021, work is underway, to move the crew change date of the Deveran surge cutter. This will allow it to deploy into the Deveran operational area to cover the crew change of the primary Deveran cutter. This will enhance operational capabilities and allow for a planned and effective crew change and stores process.
- Operation Deveran will also be reviewed in line with the deployment plan from the French Prefecture Maritime, which we receive on a daily basis within the MCC and following liaison with HM Coastguard.
- A regular tactical meeting will be held by BFMC with HMCG, RNLI and the JMSC to review previous migrant incidents, intelligence, de-brief from previous incidents and learning to help inform future deployment plans.
- When required, a tactical conference call will also be held with Maritime Command and the Cherbourg Prefecture Maritime with similar terms of reference. Both conference calls will inform future deployment plans and may form part of wider briefings into the CTC (Op Altair).
- Specific planning will be undertaken in advance of any Red Day (s) in order to maximise Maritime Command's deployment framework and to coordinate a multi-agency response including UAV and fixed wing assets and Police maritime assets where available.
- As part of this planning, the Command will deploy additional RHIBs. The Dover GM RHIBs (Athena and Artemis) will deploy in support of the cutters and CPVs with the objective of collecting empty migrant craft and returning them to Dover. This will allow Maritime Command assets to return to Dover at best speed to enhance migrant welfare.
- Maritime Command RHIBs will also deploy. Whilst maintaining the overall SAR/SOLAS objectives, they will have an additional objective of intercepting migrant craft inshore in order to prevent beach landings. OICs will review tide and wind patterns when establishing pre-planned patrol patterns.
- From MAY 2021, this framework will be enhanced by the deployment of tactical watercraft including jet skis. Initially, these will form part of the inshore patrol patterns with the key objective of supporting the Squadron by preventing beach landings.
- It is important to note that the daily operational deployment plan will be coordinated by the MCC. The MCC will generate a planning document for the following twenty-four hours. This document will take into account, prevailing weather conditions, intelligence feeds and an assessment of French disruption activity over the previous day. On Amber and Red Days this document will be submitted to the Duty Senior Officer who will review and submit it to the duty G7/DD with recommendations. Based on their final authorisation, this will then be cascaded to the Squadron and key partners. Any subsequent changes to the deployment plan should be notified immediately to the on-call Senior Officers.



- The deployment plan will set out the number and type of vessels that will be deployed. In due course, additional crewing levels will allow for a cadre of officers who can deploy to RHIBs and CPVs. On occasions it may be considered operationally expedient to adjust RHIB coverage in order to achieve additional CPV patrols (particularly to respond to the requirement for overnight coverage or crew fatigue issues).
- On high risk days, there will be an expectation that there will be a Squadron asset on overnight patrol.
- A deployment plan will also be generated for low risk (Green) days but there is an expectation that Squadron vessels will remain on a reactive basis and there will be no requirement to submit the document to the on-call Senior Officer for SLT approval,
- In order to enhance and maximise coordination between Maritime Command vessels and Dover Coastguard, a suitably experienced officer will be embedded at the Dover Coastguard Station on Red Days. This is the first stage in the process of establishing a permanent presence in the CTC control room at the station.
- Prior to the COVID-19 pandemic optimum crew levels for the cutters was 12. This has been temporarily reduced to 10 to assist safe systems of working in response to the COVID threat. These crew levels will be kept under constant review. The CPV's will be crewed at 5 on each vessel (See above in relation to planned CFI deployments).
- Any reduction in Cutter and CPV crewing will be notified to the Duty MCC AD or other member of BFMC SLT for approval.
- Due to the demands of Operation Deveran the Cutters crews will be rotated out of the patrol area after a maximum of three, two-week patrol periods (3 months).
- CPV crews will be rotated out of the Deveran area after between four and six patrol periods (4 – 6 months)
- The above decisions are held within Maritime Command but reported at regular the twice weekly CTC resource meetings which oversees the wider response and planning process at the Tug Haven (Operation Altair) This is attended by Head of BFMC or nominated deputy who hold the overall strategic command for the BF maritime operation.
- In conjunction with the Maritime Command Health and Safety Team additional guidance has been issued in the form of an SOP to Deveran vessels regarding the management of migrants in cold weather and those who are potentially suffering from Hypothermia.
- This details steps that should be undertaken when bringing migrants into the interior of Border Force vessels. These actions will be dynamically risk assessed by the commanders. A generic risk assessment has also been added to Section 10 of this order.
- As with all other medical concerns, Commanders should, in the first instance, urgently liaise with the Coastguard who will provide medical advice and instigate emergency air evacuations if necessary.
- If it is considered that the best option is for the subject to remain on the Border Force vessel, it is essential that the relevant reception teams in Dover are notified in advance and the casualty landed as a priority.
- Operation Deveran Crews should continually review migrant stores in order to ensure that a sufficient quantity and quality are always available and contact the ESU as a matter of urgency if they have any concerns.



In all maritime situations within this operation the Cutter and CPV commanders will take cognisance of this operational plan and the strategic objectives sought but the final operational decisions regarding the response to incidents and on-going activity at sea will be theirs. At all times the safety of migrants, other maritime vessels and crews and the Cutter and CPV Crews themselves will take primacy.

UK Border Force has three types of vessel to provide a flexible and layered capability for Maritime Operations;

Cutters which contain a RHIB;



Coastal Patrol Vessel (CPV);



BF Maritime Command deploy RHIBs as part of the inshore patrol pattern. The Command also receives additional support from General Maritime RHIB's from the District of SE&E. The GM RHIBs are tasked specifically to assist in the collection of empty migrant craft.

Vessel Capability

4207 Cutter.

The response capability and patrolling distance of a Cutter is significantly affected by weather and tides, but the following data is an example of estimates that are used to calculate passage plans; Urgent response of up to 200 miles can be achieved within 10 hours travelling at between 20-25 Knots.

Travelling at normal patrolling speed (13.5 Knots) the vessel can travel approximately 600 miles in 48 hours.

The Cutters provide:

- Operational vessels crewed 24/7, 365 days per year for immediate deployment
- Range of 2,300 miles
- On call vessels at 30 mins notice to sea
- Good offshore capability
- Good surveillance capability
- Carry a 7.5m RHIB for deploying a boarding team for interdictions at sea
- Able to be used as a platform for other agencies (Police, MMO)
- Capable of extended operations at sea (up to 5 days)

Coastal Patrol Vessel (CPV) provide:

- Operational vessels crewed 24/7, 365 days per year for immediate deployment
- On call vessels at 60 mins readiness for sea
- Good coastal capability
- Ideal for marinas, small harbors and inlets
- A capability to intercept fast craft (maximum speed of 38 Knots)
- Increased visibility and deterrence;
- An operating range of 60nm offshore and for a distance of 280 miles.



French maritime deployments will generally consist of 3 types of vessel;

Patrol Boats Cormoran, Pluvier and Flamant (French Navy)



Patrol Boats Athos and Aramis (Gendarmerie Maritime)



Patrol Boats Scarpe and Escault (Gendarmerie Maritime)

The primary operating area will be from Dunkerque to Ramsgate in the North East to Boulogne across to Dungeness in the South West. This area covers both UK and French TTW's and area of the High Seas.

UK Law Enforcement Assets will not routinely patrol French TTW's and French Law Enforcement Assets will not patrol UK TTW's without the express permission of the respective country whose territorial sea is involved.

Public Interest/Operational Sensitivity



Public Interest/Operational Sensitivity

Public Interest/Operational Sensitivity

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Public Interest/Operational Sensitivity

For each incident the initial action will be;

Confirm and fix location



Assess risk and immediate actions required to save life and minimise risk

METHANE - **Major Incident Declared?** **Exact** location, **Type** of incident, **Hazards**, **Access**, **Numbers** of casualties, **Emergency** services required.

JESIP Principles – Co-locate tactical commanders, Communicate, Co-ordinate, Joint understanding of risk, Shared situational awareness.

Clarify command and control – who has primacy HMCG or French MRCC (Gris-Nez)

Offences/legal considerations – powers and policy

Consider opportunities to secure evidence of offences disclosed or suspected.

Consider opportunities to gather Intelligence

Identify contingencies

Fully brief staff deployed

Overarching Plan

- Border Force will deliver high-visibility, proactive, intelligence-led patrols at sea, in concert with French Colleagues, and utilising Cutters, CPV's and Regional RHIB's during high risk periods for crossings to deter, detect and provide an early response to incidents.
- Border Force Maritime will co-ordinate a multi layered operational response to the on-going migrant threat in the English Channel Operational Area. This will include, maritime assets supported, where appropriate, by an aerial and land-based surveillance capability.
- In the first instance this will be achieved by the deployment of Border Force Coastal Patrol Vessels (CPVs) and Cutters in the agreed operational area.
- Patrol patterns will vary due to a number of factors (weather conditions, sea states, developing intelligence and other technical capabilities) but the basic patrol patterns will cover the Varne – Goodwin Sands corridor but will be flexible and coordinated with French Colleagues and jointly tasked where appropriate.
- In order to increase patrol area coverage, joint air surveillance will be considered on a risk assessed basis aimed at early detection of migrant crossings in French TTW's to direct activity and secure evidence and intelligence (A full air surveillance protocol and RAG assessment is in place and will guide ongoing air deployments)
- The key objective of the air surveillance will be to identify suspected migrant activity on the French beaches and, in conjunction with French Law Enforcement partners, disrupt this activity prior to the migrants setting out from the beaches.
- All operational activity will be predicated on the fact that the welfare and safety of the migrants and officers deployed in the area is paramount.
- HMCG will be the lead coordinating authority during all SAR activity. Control may transfer to the French Coastguard (MRCC) if a BF Vessel crosses into French TTW to undertake a SAR.
- HMCG to adopt responsibility for an SAR if initially called in the French AOR and the event migrates into the UK AOR.
- Based on UNCLOS and SOLAS legislation it is highly probable that, due to the nature of the migrant crossings in small inflatable boats, a SAR will be instigated in any event.



- HMCG should require all suitable GM and CM traffic to respond to a SAR event. UNCLOS and SOLAS set this requirement as an obligation.
- The final decision regarding transportation of migrants to a place of safety lies with the Cutter Commander.
- Only suitably trained and properly equipped officers are to be deployed on this operation.
- Each incident to be de-briefed and reviewed where appropriate to ensure lessons are learnt and implemented. The commander of the BF vessel involved will ensure a de-brief is completed, recorded, and then submitted to the MCC after each incident.
- These debriefs will inform a weekly Maritime Command meeting comprising of representatives from the SLT, MTLU, HSU, MCC and Commanders/OICs. The objective of this meeting is to identify and review developing trends and to proactively instigate actions to mitigate identified threats and risks.
- Accurate records of deployments to monitor staff resilience and fatigue to be maintained by the BF vessel commander and submitted to the MCC. This should include periods on watch or deployed on operational activity in response to an incident.
- Appropriate welfare support is in place through TRiM, EAP and Mental Health First Aiders and Commanders and the Maritime Senior Management Team must continue to closely monitor the impact of this on-going operation on staff deployed and take action where appropriate.
- All Border Force Officers deployed in the Operational Area will have the appropriate level of training which includes evidential and forensic awareness.
- The Border Force MIB will coordinate and enhance the developing intelligence picture and produce a Problem Profile.
- Border Force will continue to liaise with Law Enforcement partners to enhance the developing intelligence picture.
- Additional maritime intelligence including analysis of weather patterns and sea states will be generated by the JMSC.
- Border Force will support Operation KRAKEN in order to maximise intelligence opportunities in the UK coastal environment.
- Detailed intelligence reports (MEN/Public Allegations Form/IR) will be submitted by BF officers following every interaction with migrants
- The MIB will ensure the timely passing of information and intelligence to the French Authorities and BF assets to enable their early interdiction where appropriate to both attempted migrant crossings and OIC.
- Officers deployed to be fully briefed regarding current intelligence picture and intelligence gaps and the operational order.
- Border Force will support the on-going Strategic Communications/Media strategy in order to highlight the inherent dangers of the crossings and to explain the Border Force and law enforcement response to the evolving threat.
- Engagement with French operational, intelligence and senior managers is in place and on-going.

Management and support to migrants when onboard a Cutter or CPV



A generic Risk Assessed will be produced in the first instance and then each migrant incident must be dynamically Risk Assessed using the initial assessment as the baseline.

The following position is set regarding migrants being brought into the interior of cutters and CPV's-

- The final decision lies with the Commander based on a dynamic risk assessment basis.
- The commander must ensure a security assessment is conducted and confirm where they will be located, i.e. messdeck, and then decide on what areas need to be secured i.e. wheelhouse, forward cabins, lower cabins, galley and cupboards/storages.
- Preparations should be made in advance to establish areas where the migrants can enter the vessel.
- Steps should also be taken to secure areas on the vessels where they should not be able to access for safety or security reasons (accommodation/bridge/engine compartment).
- Once established, the allocated migrant safeguarding space should be cleared of all non-essential equipment.
- This process should also be undertaken for the route the migrants will take into the area.
- A security review should be undertaken to ensure that no personal/sensitive information is on show on notice boards or other areas.
- If possible, the area should be sanitised to combat possible contamination issues such as sea sickness.
- Officers should be in place to safeguard the migrants during the passage into port.
- Location of sentries and/or stewards needs to be identified.
- Need to assess and mitigate the impact migrants on board may have on dealing with on board potential emergencies, fires, floods etc. Would the migrants require moving and to where? How will locking the vessel down internally impact on emergency reaction times.
- What is the impact on crew sustainability if incident protracted, messing, eating etc.

Evidential Considerations

Protection of the incident area – secure area and preserve potential evidence.

Visual inspection – photographs/video, identification and location of evidence, adopt possible protective measures to ensure evidence is secured

Collection of evidence to include;

GPS, electronic charts, logbooks, communication diaries, computers, phones, electronic devices, documents (bills, receipts, ship certificates), money.

Origin of engine (serial number), identification of the boat, identify and separate facilitators and migrants at earliest opportunity and keep separate.

Accurately record evidence in PNB's and other appropriate documents.

Record searches as appropriate under PACE in PNB.

Liaise with the duty CFI team at the conclusion of the deployment.

Planned Scenarios

The following scenarios have been considered to outline the planned UK response;

Each response will depend on whether a Cutter, CPV or both are deployed and additional vessels from UK or French Authorities and should consider whether;

SAR called, SAR not called, SAR called and the migrant vessel does not stop, migrants compliant and cooperative whilst in small boat, migrants hostile and uncooperative whilst in small boat, migrant vessel refuses to stop, migrant vessel disabled/broken down, migrants refuse to board BF Cutter or CPV, once on board Cutter or CPV migrants become uncooperative/aggressive if not taken to UK Port, immediate welfare/medical needs identified, facilitators identified/suspected onboard migrant vessel, other vulnerability identified such as MSHT concerns.



Scenarios-

- BF assets tasked to respond to a potential migrant crossing by HMCG in UK TTW's (reported by other vessel or call from migrants themselves)
- BF assets tasked to respond to a potential migrant crossing by Fr MRCC in French TTW's
- BF assets tasked to respond to a potential migrant crossing in international waters (HMCG or Fr MRCC)
- BF assets responding to a potential migrant crossing identified by assets deployed in support of this operation (i.e. Aerial surveillance)
- BF assets identify and locating a suspected migrant crossing whilst on routine patrol in UK TTW's
- Multiple migrant vessels simultaneously identified crossing Channel (3 or more) in Fr TTW or UK TTW
- Migrants identified leaving French coast
- Migrants identified whilst making landfall in the UK
- The French declare an SAR but escort the migrant vessel to the median line and expect BF assets to take control of the migrant vessel.

Vessel commanders should develop their response to the above scenarios based on the specific circumstances at the time, the training and capability of their team and the dynamic assessment of risk within the overarching framework of this operation.

As of April 2021, additional planning is underway on a multiagency basis to explore law enforcement options to combat the overarching threat of criminality and exploitation of migrant crossings. This is being undertaken under the Operation Sommen plan.

Relevant BF Standard Operating Procedures (SOP's) -

- Migrant rescue – Cutter SOP
- Migrant rescue – CPV SOP
- Migrant Rescue – MCC SOP
- Helicopter Winching - SOP
- Cold Weather Assessments during SAR Operations - SOP.
- Empty migrant craft control SOP.
- Migrant Reception (Tug Haven) SOP.
- COVID-19 SSoW

7. Command and Control:



Maritime assets deployed and available within the French and UK territorial seas, including aerial support, will remain subject to national chains of command and deployment processes as outlined below;

UK Border Force Maritime Command and Control

This operation will be supported by a Strategic Maritime Commander from Border Force Maritime Command. This will be the Head of BF Maritime or nominated deputy when unavailable.

Tactical Maritime Command of any incident will be with either the Cutter Commander or the CPV OIC depending on which asset is deployed. If both vessels are deployed than overall tactical command will be retained by the Cutter Commander unless circumstances dictate otherwise and agreed by those commanders deployed.

The chain of command will be supported by the Maritime Command Centre (MCC) which will monitor and coordinate all deployments from the NMIC.

As of September 2020, a revised system has been established as regards the command and control of migrant events –

- Maritime Command through the MCC will maintain control and oversight of Border Force's maritime response.
- This will be supported by the Maritime Command Liaison Officer who will deploy to the joint CTC Control Room on higher risk days.
- The MCC will deploy maritime assets based on updated from the Cherbourg MOC via the established Skype link, HMCG, the Dover Liaison Officer and any developing intelligence.
- Once deployed, Maritime Command vessels will be a taskable asset for Dover Coastguard.
- They will respond to events based on the Coastguards Alphabetic Reference System.
- Once the migrants are embarked, the MCC will issue the Commander/OIC with a, "M" reference.
- The final decision to respond to additional taskings from the Coastguard lies with the Commander/OIC. During multiple migrant events, a Commander/OIC may feel that the Maritime Command vessel is at capacity or there is an urgent need to return to Dover to ensure migrant welfare. If this is the case, they will notify HMCG and request that another vessel is deployed.
- Also, if they arrive on scene and assess that the numbers on the migrant craft are too great to allow safe embarkation or conditions do not allow for a safe embarkation, they should notify HMCG and request additional support.
- As part of this process, the Commander will take account of vessel stability and the ability of the crew to undertake emergency procedures if required.
- The MCC will keep the RCCU regularly updated. The RCCU will update Senior Managers, relevant Border Force Teams and partner agencies.
- The Commander/OIC will liaise directly with the designated Tug Haven Bronze Commander via Airwave.
- The MCC, in conjunction with the relevant Commanders/OICs will also have responsibility for standing Maritime Command vessels down. The MCC will take particular cognisance of crew fatigue issues and will notify HMCG accordingly.
- The RCCU will coordinate all shore-based responses.

The Duty BF Maritime AD and/or Senior Officer from Maritime Command will provide oversight and support to the MCC if necessary.

The operational vessel commanders will have independent responsibility for real time/dynamic command and control decisions during the interdiction/operational phase including SOLAS considerations.

The Designated Person Ashore (DPA)

The DPA is responsible for ensuring the safe operation of each ship and to provide a link between the Company and those on board, every Company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons should include monitoring the safety and pollution prevention aspects of



the operation of each ship and ensuring that adequate resources and shore-based support are applied, as required. We as Border Force Maritime Command ensure this by visiting the vessels regularly to assure they are safe to operate and mitigate risks relating to operating with known defects. The DPA is on call 24/7 and is available to all vessels within the fleet should a safety matter arise where it is felt that it is not being managed appropriately.

French Maritime Command and Control

The Maritime Operations Command (MOC) in Cherbourg is the overarching command and control facility for all French assets deployed at sea and comes under the Prefecture Maritime. In relation to SAR this is supported by the French MRCC based in Gris-Nez where any coordination of an SAR in French TTW's will take place.

MRCC

Search and Rescue: It is most likely that a report mid-Channel from commercial shipping (and in support of a SAR incident), will be routed to the Maritime and Coastguard Agency (HMCG). HMCG is not a law enforcement agency and their primary concern is SOLAS, at no point should they be exposed to or asked to conduct any activity that is likely to increase the risk to their personnel. **HMCG will take primacy in the coordination of any SOLAS incident** and execute C² from their Maritime Operations Centre at Fareham. MCGA will inform the MCC and NCC of any ongoing or potential incident involving suspected illegal migration. It is imperative the HMCG should not assume that an event is related to illegal migration and even if it is this will not impact on obligations under SOLAS 1974. There is an HMCG presence and a repeater of their 'ops control screen' within the MCC ops room at Portsmouth. The MCC will engage with the NMIC and core intelligence providers to determine any supporting and co-operating information to be passed to the NCC. The HMCG will continue to conduct the SAR operation from the MRCC at Fareham. The HMCG will provide regular updates to the NCC (for further dissemination), to coordinate the most appropriate response.

Intelligence Sharing: Timely intelligence-sharing and ensuring joint situational awareness will be vital to success. All agencies are requested to provide regular intelligence assessments and reports to the NCC and MCC.

Additional Air Support:

Drone and fixed wing deployments are coordinated via the regular Aerial Assets Tasking meeting in the JMSC. Tasking requests are predicated on a number of factors, the Met Office weather assessment being a key consideration.

All communications from the aircraft whilst operating in the Deveran area will be routed through Dover Coastguard with oversight from the ARCC based at the NMOC .

HM Coastguard will provide Maritime Command with the post flight debriefs.

8. Communications:

BF Maritime Communications will be coordinated via the MCC and the Dover Liaison Officer.

9. Post Incident Procedures

The following procedures relate to circumstances where a person dies or is seriously injured (DSI) following contact with a Border Force EO, as the facts surrounding such incidents are likely to be fully and independently investigated in order to comply with obligations under Article 2 HRA. This will include those officers who may have used force and those who have made decisions regarding the command and control of the incident.

For the purposes of a post incident investigation a DSI is defined as:



Any circumstances in which, or as a result of which, a person has died or sustained serious injury (Fracture, a deep cut, a deep laceration or any injury causing damage to an internal organ or the impairment of any bodily function) and;

- At the time of death/serious injury the person had been arrested (by BF MEO) and had not been released or was otherwise detained in the custody of (BF MEO) **OR**;
- At or before the time of death/serious injury the person had contact of any kind – whether direct or indirect – with a (BF EO) who was acting in the execution of their duties and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the death/serious injury.

In such circumstances there is a duty to take all steps to as are appropriate in the circumstances to preserve evidence relating to the DSI matter.

This includes;

The identification and preservation of all potentially relevant evidence and scenes.

The identification of all non-BF EO witnesses.

Identification and handling of key BF witnesses

Prohibition on conferring.

Ensuring all officers accounts are not contaminated by other evidence.

Personal Initial accounts.

The need to support a post incident investigation must be balanced against our duty of care to our staff, who may have been involved in a very stressful and traumatic incident where immediate medical/welfare support may be required. There is also the risk of potential jeopardy as a result of actions and so there also needs to be consideration of appropriate legal advice through Unions where available.

Senior Level Engagement has been undertaken with Kent Constabulary who will provide PIM officers to act as, “critical friends” for Maritime Command if required.

Kent Police will also deliver a programme of briefings for Maritime Command Staff in order to ensure that they are fully aware of the PIM process and cognisant of the role and objectives of any investigation SIO, PIMs and Maritime Command Senior Managers in the event of a fatality on-board a Maritime Command Vessel.

10. Risk Assessment

The key Risk Assessments for this operational order are –

- RA0001 – General Risk Assessment Working on Board a Vessel.
- RA0005 – Boarding Duties – Compliant
- RA0006 – Boarding Duties – Non-Compliant
- RA0007 – Use of RHIB/Boarding Boat
- RA0011 – Small Vessel Rummage
- RA0015 – Dock and Marinas
- RA0100 – Opposed Boarding
- RA0250 – Contact with Migrants by Sea (UK Ops).
- RA0252 – Returning Migrants to France.
- RA0300 – Dover Dredger Birth
- Management of migrants brought inside Cutter/CPV
- COVID-19 SSoW

11. Human Rights

Human Rights Act

The following human rights articles must be considered in relation to any operational activity and any interference carefully considered in relation to justification, proportionality and necessity and balanced against the strategic objectives sought. Decisions must be clearly documented and auditable;



Article 2 – Right to Life
Article 3 – Prohibition of Torture – inhuman or degrading treatment
Article 5 – Right to Liberty and Security
Article 6 – Right to a Fair Trial
Article 8 – Right to respect for private and family life
Article 14 – Prohibition of discrimination

12. COVID-19

As far as possible, all operational activity within Operation Deveran will adhere to the latest Government and Departmental guidelines for COVID-19.

In addition to the regular updates provided by the SLT, the key documents are –

- BFMC COVID-19 SOP (Migrant Deployments). This will include cleaning regimes for vessels and PPE including migrant life jackets.
- BGMC COVID -19 Social Distancing on BF Vessels SOP
- The September 2020 Report – Recommendations on Additional Corona Virus Protective Measures to support existing guidance for crews.
- The General Maritime Tug Haven migrant reception SOP.
- Current COVID-19 Operational Risk Assessments.

13. Media and Operational Security

Border Force and Maritime Command's response to migrant crossings has been the subject of significant mainstream press and social media scrutiny. This has led to a number of individuals filming in the area both at sea and on-land.

Officers should adhere to Departmental Guidelines if they are approached by members of the established media and refer all questions to the relevant press office.

Officers should also adhere to Departmental Guidelines if they encounter private individuals who are attempting to film or engage with the officers for possible political/social media reasons.

Officers should maintain a high level of care and vigilance when traveling to squadron vessels and when moving around public areas.