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Sent: 28/09/2021 13:14:22
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CC: Dan O'Mahoney; [Personal Data] @homeoffice.gov.uk
Subject: Maritime tactics follow up sub
Attachments: OFFSEN 20210928 Maritime Tactics responses to further questions sub v1.docx

Importance: High

Hi all

I've been asked to go back to HSPO to answer some additional questions which the submissions of 16 Sept generated: feedback below for ease of reference. Sorry for the tight deadline, but we need to go back today really, so responses within the next hour would be good – happy to speak if that's easier.

[Name] – not sure if you'd like to add anything extra for media handling, perhaps in the light of changing migrant behaviour?

Thanks

[Name]

1. Commencing Seat tactics - As communicated during Monday's meeting with the Home Secretary; she was clear that she would like to commence the use of sea tactics as soon as possible. As flagged to you on Friday, she has asked that Dan and the team produce an Operational Playbook [**Action 1: please provide by 1pm, Monday**] and stressed the importance of BF officers being visible and on the water practising on a daily basis.

2. On the outstanding policy decisions, the Home Secretary as made the following comments:

- **Proposals on whether tactics should be deployed to vessels carrying minors** – The Home Secretary is content with the proposal but added that the tactics should only be suspected if there is clear evidence of clear vulnerability.
- **Proposals to manage asylum claims when tactics are to be carried out** - The Home Secretary is not content with this proposal and on balance thinks we should accept the risk as is. The Home Secretary has also for more information on the SI which was laid to prevent claims on the water and an explanation as to why this does not cover this. [**Action 2: can we have this asap and happy to chat more about this**]
For the record, the previous ICJ Minister's comments were:

LPP

LPP

➤ **Publication of the Policy Statement** - Both the Home Secretary and the previous ICJ Minister were clear that this should not be published or made public, or its contents disclosed in response to requests/questions. Nor should the SOPs [which I understand we don't anyway] be amended as it gives far too many operational details about when and how the tactic will be used. Disclosing such details will (1) assist people smugglers in avoiding the tactic and (2) help people who want to formulate a legal challenge. The previous ICC Minister also suggested that we should adopt the Australian approach and say that we do not comment on operational matters. **[Action 3: SpAds have made some suggested amendments to the Policy Statement in Annex; but we would welcome further advice on publishing information and any possible risks in not doing so. This should also address the point the previous ICJ minister made around exemptions on sensitive operational activity]**

3. Border Force Resource and Capabilities – the Home Secretary considered this advice alongside the Perm Sec's comments which were that he was broadly content with the recommendations. Saving lives at sea should remain the priority and while BFMC resources are stretched, it is appropriate to extend the lease and provide valuable capability at this time. He does note, however, that any further extensions or expansion of vessels will need to be considered alongside the financial implications and the balance of operational benefits/effectiveness against other resource needs. **The Home Secretary has asked whether military options have been throughout considered in terms of resourcing? [Action 4: I would be grateful for a response on this as early as possible tomorrow so we may swiftly return this advice to the HS to consider the asks within.]**

Name

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