

TONY SMITH INTERVIEW

Key:

EHdK: Dr Eve Hayes de Kalaf (Interviewer)

TS: Tony Smith (Respondent)

Date/Location:

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EHdK 00:01 Here with me today is Tony Smith, former Director General of the UK Border Force and author of the book *Changing Borders: A Kingdom Unlocked. From Immigration Service to Border Force*. Thank you for agreeing to meet with me today. Can you tell me about your career because, as I understand it, you spent 40 years in the immigration service. Tell me how you entered and your first experience starting on that path.

TS 00:40 I joined the Home Office directly from school from A-Levels in 1972. I didn't go to university. I wanted to get into the workplace. I didn't really know what I wanted to do if I'm honest.

EHdK 00:57 How did you hear about the Home Office? Did you know what it was at the time?

TS 01:02 No. I remember going to see my careers teacher at school to say, "I really need to get a job and I don't want to go to university. What do you think?" He asked if I had thought about the Civil Service and I hadn't. I didn't really know what the Civil Service was, but I had a few family members that would have been in the police. I didn't really want to join the police, but I was looking for something vaguely similar maybe like customs or something. I was quite interested in law enforcement, etc. In the end, I found myself being placed, rather than requesting, a spot in the Immigration and Nationality Department at the Home Office where I started off. I wasn't at the port. I was actually in the Home Office which was in Holborn then it literally moved to Croydon that year. I came to realise in later life that I joined at a pretty momentous time in the history of UK immigration because it was literally at the coming into force of the Immigration Act of 1971 which was enacted in 1973 when I was literally in the midst of my induction and training. But my first job was granting extensions of stay in what was known as the Aliens Department. So, we had an Aliens Department and there was a separate Commonwealth Department because the rules obviously prior to 1973 relating to Commonwealth citizens were rather more relaxed.

EHdK 02:38 Tell me about the rules. In the 1970s, when a Commonwealth citizen arrived in the UK how did they arrive? What kind of documentation did they carry? What engagement or interaction would they have with the Border Force official? Could you talk me through that a little bit?

TS 03:01 Some of that was before my time really. The original legislation was the Aliens Order of 1953. That was before my time so there's always been controls on aliens.

EHdK 03:12 What was an alien?

TS 03:16 An alien was someone who wasn't a Commonwealth citizen, so everybody else other than British and Commonwealth people. British and Commonwealth were largely synonymous. Commonwealth citizens were British subjects and at that time in the 50s they could come here absolutely without any hindrance. They were entitled to come here. As time went by, through the 1950s, the first real controls over Commonwealth citizens weren't enacted until the Commonwealth Immigrants Acts of the 1960s [1962 and 1968] where progressively checks were being done on who was coming in from where and, of course, at the same time other countries were becoming independent. So, you could be a British subject but a citizen of Australia, or a British subject and a citizen of Canada.

EHdK 04:15 Jamaica became independent in 1962.

TS 04:19 Yes, prior to that you would have been a British subject but then you would have acquired Jamaican citizenship when they were declared independence. So, you were still a British subject. You weren't necessarily subject to full immigration controls. But, you know, we started to introduce some checks on people that were coming in from countries in the Commonwealth Department, if you like. The Immigration and Nationality Department kind of grew in the 1960s before I started.

EHdK 04:52 Tell me about the Commonwealth Department. How many people worked there? How was it organised? What kind of day-to-day tasks were they responsible for?

TS 05:02 The tasks were really all very similar. What I do remember, vividly, was the Commonwealth files. Obviously, it was done on paper. In those days, there weren't any computers. But the Commonwealth files were yellow and the Aliens files were green. I was posted to the Aliens Department, so I didn't really deal with any Commonwealth casework. But the rules that were being applied to the Commonwealth were different. Some of that was to do with family reunification applications and other types of processes under the Commonwealth Immigrants Acts which obviously didn't apply to aliens. It wasn't until 1973 that the two kind of came together and the residual rights of Commonwealth citizens were pretty well abandoned, I suppose, by the coming into force of the 1/1/73 [1 January 1973]. That's what led to ultimately a merger between the Commonwealth departments of the Department and the Aliens Department but [they still worked on] legacy casework. But what I remember most vividly were these two separate units.

EHdK 06:09 It's interesting. There were two separate teams that then came together and began working with their yellow files and their green files so the files for Commonwealth citizens and for Aliens together. What impact did that have? What changes did that bring into effect? Because, effectively, before there was a clear divide and then suddenly that was starting to become merged. Did that have any kind of bureaucratic implications?

TS 06:40 Well, it did at the border. Because at the border there used to be Commonwealth channels for Commonwealth passport holders and different channels for aliens. I mean, now if you come to the border you'll see British, EU and EEA lanes and other lanes, we've always triaged arrivals. But the process for Commonwealth citizens was quite different. It was a much more relaxed approach to Commonwealth citizens so, for example, they didn't have to fill out landing cards prior to 1/1/73 [1 January 1973]. There were certain forms that officers had to complete if they were coming for settlement, they might require a medical examination. There may be various forms which were archived and placed on the record but they weren't treated in the same way as the aliens were. After that, they were all subject to the same requirements. They didn't need visas. Visas were already in place on some alien cases. But the Commonwealth didn't need visas in those days. Gradually over time, over the years while I was in service, visa controls were introduced on various countries around the Commonwealth.

EHdK 07:50 One of the main arguments that came out of Amelia Gentleman's book was the focus on landing cards. This was something that I know campaign groups around the Windrush scandal have focused on as well. It's this understanding that the Home Office destroyed the landing cards or simply didn't issue them. What's your view on that? What actually was going on at the coalface?

TS 08:24 I must admit, I was involved after in the debates in parliament where the landing cards issue was raised. I did do some media interviews to try and put the record straight on that because there was a fight between the Conservatives and Labour about who was responsible for the destruction of the landing cards. It wasn't the landing cards that were destroyed. It was what we call the registry books. So, you know, when you've got a paper file and you haven't got computers, you had to have some way of tracking where that file was. The registry books would say File No. M347118, relating to Muhammad Abdul Khan, has gone to this particular caseworker and then before you sent it off to somewhere else it would go back to the registry and they would put on the registry slip where that file had gone to. That was when the decision was taken to - I think it was in 2010, maybe 2012 - when there was a real pressure. Was there any real point in keeping lists of where files were sent 40 years ago? It didn't give you data about when the person entered the country. All it was was a reference to a file number and the files were then stored in a huge warehouse down in Hayes called the Iron Mountain where you would then be able to retrieve files but it wasn't really landing cards. That was a bit of a red herring, really.



EHdK 09:48 Thank you. I appreciate the clarification on that. So how far back did those registry books go? How many decades?

TS 09:58 Every time a file was raised then a registry slip would be raised at the same time. So, you know, whenever files first started which was probably back in the 1950s for aliens, and they would have started in the 1960s for Commonwealth when we started introducing controls over settlement and the 1960s Acts. So, a registry slip would have been raised in the 1960s which would have been a file number and then that would cross reference you to the file. But the landing cards, which you fill in when you come to the country, didn't actually come into place until 1/1/73 [1 January 1973] for the Commonwealth.

EHdK 10:32 Just to get a clearer picture then. When people arrived in the UK from the Caribbean before the early 1970s what type of record would the Home Office or Border Control have kept of their arrival in the UK?

TS 10:51 That would depend on what they were coming for and who they were with. If somebody was coming for settlement, depending on the date of arrival, on whether it was 1962 or 1968, or the various legislations, then the paperwork would vary. But the main interest of those times was settlement, people coming to live here, which they were allowed to do without visas under the Commonwealth legislation subject to certain criteria. Forms would be filled out when a family arrived. It may not involve a passport stamp. It wouldn't necessarily involve a landing card. There may be an archive record somewhere, but you wouldn't rely on it when you're seeking to determine status because it wasn't designed for an entry/exit system. It was simply an administrative process to overcome statistical issues, medical issues that may arrive when you're thinking about assimilating new migrants into the community which has been why the weight of evidence placed on these very old records, I think, was probably overstated when we started talking in later years about Windrush.

EHdK 12:05 Did everybody come on a passport or did they have other forms of identification?

TS 12:10 As far as I know, people came on passports, but you could of course come as a child on your parents' passports. Also, in those days, passports didn't necessarily have photographs of the children on. They might have the name and date of birth of the child on whether that name and date of birth would have been transferred from the passport onto a piece of paper and kept somewhere is debatable. It depends on who you speak to. Quite a lot of the guys I did speak to have passed away now so it's quite difficult to know exactly what was kept but it's possible that some people...there was no record if they came on their parents' passport, and the passport might not have been stamped at all.

EHdK 12:43 Am I right in understanding that if, for example, they have birth certificates, there could have been spelling mistakes or issues with...there could

have been discrepancies between how somebody was recorded on their Jamaican birth certificate and how they were recorded on their passport?

TS 12:59 Yes because these were all filled out manually. A lot of it was based on what people told you. People were writing down as you were speaking, what you were saying. You wouldn't necessarily have a breeder document to show. So quite a lot of these names that were developed back in those days and transposed onto passports weren't necessarily as easily identifiable as they are these days where you've got a much clearer idea of what your identity is.

EHdK 13:27 Where would people have acquired their documents from? Where would they have had to go?

TS 13:35 They would have needed a travel document of some sort and that would have been in the source country they came from. Probably from the British Embassy if they were coming here. The British Embassy would probably issue them with some form of a British passport, or it could be a British subject passport with different variations of passport they would have been issued. But there should have been a passport at least of some form. But potentially children might well have just been included on the adult's passport.

EHdK 14:05 Okay, so getting back then to when you were a young lad. How old were you when you first started working at the Home Office?

TS 14:15 Eighteen.

EHdK 14:18 Describe that experience to me. You said that you started working at the Immigration and Nationality Department. How long were you there for?

TS 14:26 I stayed in what was known as IND as an Executive Officer for a couple of years between 1972 and 1975. As I say, I wasn't an immigration officer. I was an Executive Officer.

EHdK 14:42 What did that entail?

TS 14:45 It entailed people applying to either get a visa from abroad perhaps, if they were from a visa country, or for an extension of stay. Usually, people had come in for a limited period and wanted to stay here maybe to study or maybe to work and they would have to apply for a change of status. The passport would be sent into the Home Office, it would be put on one of these files and it would be allocated to us in the case working groups. I remember I had quite a lot of South American Spanish because I had to use [roman numerals] and Greek because it was done by surnames, so I had some of those. Plus, some of the Ms which had all the variations of the name Muhammad which was quite a considerable workload. But it was done on a name basis which wasn't perfect either, of course, because there are so many ways you could spell a name. I had a cohort of cases



that were presented to me, piled up on my desk, and my job was to clear those during the week and fill out my stats about how many cases I've processed one way or the other. Whether I granted extensions to stay or refused.

EHdK 15:52 Throughout the years you went from quite a lowly position, so to speak, in the Home Office to really working your way up the ranks. Where did you go next?

TS 16:03 It was a very long story. But, essentially, there was this thing called the Immigration Service which isn't there anymore. It's called the Border Force now. I was brought up in the Immigration Service. I became an immigration officer in 1975 and that's where you then get powers. I was given powers of arrest. I was given a warrant card. I had all the authority to detain people at the ports of entry to serve removal directions. None of those things were available to me when I was just dealing with extensions in the Home Office. That became a much more sort of a law enforcement job. I went to the border. I worked on the passport control on the line for a number of years. I went over to the Intelligence Unit where I started dealing with crime. There was quite a lot of facilitation. People were being facilitated through the airport, avoiding the passport controls. So, I did investigations for about four or five years. Then I stayed in that department right the way through. I went from Immigration Officer, Chief Immigration Officer, Inspector, Assistant Director, Deputy Director, Director, Senior Director, right the way through to Director General. I climbed my way up the ranks over a period of 40 years. I stayed in that department. In its broader context, I did visa work, enforcement work, on entry, after entry, pre-entry work, loads of different things. But I'm a rare breed. I don't think that happens anymore now. If go into the Civil Service, you probably won't even stay in the Home Office for your whole career let alone in the immigration department. I think I'll probably be the last one that's actually come up through the ranks from Immigration Officer to Director General.

EHdK 16:40 What airports did you work at?

TS 17:44 Heathrow mainly. I started at Terminal One which was mainly European flights. This is all obviously before the EU, so they were subject to the same checks as everybody else. Then I went off to Bangladesh. I did some visa work in Dhaka in Bangladesh in the 1980s. Then I went to Terminal Three again and I went off into immigration enforcement which was really where we started to get involved with people who were here without permission. Illegal entry or people who had come without seeing an immigration officer altogether and avoided the controls. People who had come on false passports or no passports and had evaded the controls in some way. Or more common as well were overstayers; people who were given permission to enter for a month and just never went back and decided to stay.

EHdK 18:33 I remember reading in your book you said there weren't many women employed in the 70s. Is that right? And that kind of culture began to change. What do you remember about that time?

TS 18:48 That was true in the Immigration Service, not in the department. In the department, there were a good number of women that did work there. I think that was historical because after the Second World War people drifted into public service. There weren't so many women in the workplace then but those that were tended to be involved in work that was more administrative or Monday to Friday, 9-5 roles. The Immigration Service really grew out of the military. Ex-military guys who had come out of the military and had done their time. The immigration...so shift work 24/7, night shifts, you could be posted anywhere in the country. It was very much a male-dominated profession. When I joined, there were very few women but only about half a dozen or so when I first joined. It's vastly different now but it was very much a male-dominated service when I joined it.

EHdK 19:43 In what ways do you think the system has changed? You've seen the cultural changes, you've seen institutional changes, you've seen technological changes. How have you seen that develop? I know 40 years is a long time to think through but what are some of the major ways you've seen the sector change?

TS 20:09 I think the first thing is that the volume of people moving around the world obviously is vastly different to what it was when I was at Heathrow in the 1970s. Global mobility is massive now compared to then. There were a great many people, I think back in the 1960s, that had never left their home country at all even to go on holiday let alone thinking about living in another country. Gradually, with the growth of globalisation, mobility, more people seeing opportunities to move to other countries. I think that's the first thing. I think the second thing you mentioned is technology. So, passports, when I was checking them, were very easy to forge. I mean, I could just take my photograph out, stick yours in there, really. If I didn't have time to thoroughly look at you these were easily tampered with. You could change names and dates of birth. It was all manual.

EHdK 21:02 What were some of the warning signs, let's just say in the 1970s, when you received the paper passport and you're an immigration officer? What were some of the red flags you were looking for when you suspected that somebody was either entering the country under false pretences or they were coming on a false passport?

TS 21:22 There were two things really. We were all sent on forgery training courses. We were taught how passports were stitched together, how the photographs were affixed, with what sort of glue, what sort of embossing stamp was used. We were taught what sort of things to look out for; ultraviolet to see if they'd been sorted simply changing in dates of birth, substituting photographs, substituting pages with substituted visas, someone else's visa. Those were the kinds of things that would happen with documentary fraud. Then some of it was more what we would call deception in that people would say because they were coming for a holiday when actually they weren't really coming for a holiday. You got to learn after a while what to look out for. Is it really feasible that somebody from that country or on that income from that background is going to come here for a month and then go back again

having spent three years wages on a trip to see Buckingham Palace? Then quite often the true story would come out when you did the baggage search and you would find work references in there and letters saying good luck with [your] uncle's business. You would have needed a permit, of course, to do that. So, there was deceptive entry and then there was documentary fraud were the two main areas I suppose we were looking out for.

EHdK 22:39 How has that changed today in terms of the introduction of biometrics, facial recognition technology, all of these things? Because that's a major change.

TS 22:51 It's quite hard now to forge a passport and that is because of technology. There's very high-quality passport manufacturing. I think digital passports have made a big difference. Now the fact that most countries are issuing what we call e-passports, electronic passports. These have a digital chip in the cover of the passport that's got all the data in it. It's got your face on it. You can't really get these things out and stick another one in without being spotted. I think it's much harder now to enter on a false document. It's probably still possible to do it as an imposter providing you can find someone that's a really good lookalike to you because we rely on facial recognition which makes it much harder to tamper with passports. So, people are finding other ways to get into the country. They're coming in the backs of lorries or in the small boats as we're seeing now or other ways of getting around the control because it's quite hard to get onto a plane with a dodgy passport now.

EHdK 23:55 What kind of engagement did you have with the Caribbean community, with people who were either settled and living in the UK or people that were maybe going to see family members or spending time abroad with them or returning?

TS 24:09 It's interesting actually. Obviously, I had retired by the time the Windrush scandal broke. I had been out of the department for a while by then. But I was very surprised really because I can remember...what we used to do in Immigration Enforcement...I worked in London in both of the enforcement offices and the police would quite often call us in what we callouts. They would call up Immigration Officers saying they have somebody in custody here. They were usually arrested for something else - suspicion of drugs or something - but they couldn't establish whether the person was in the country legally or illegally. If they were in the country illegally then it was quite often a handover to us because perhaps the best policy option would be to remove the person from the territory rather than go through the courts. I spent quite a lot of time covering some of the South London boroughs where I was frequently called where I'd say just West Indians, Africans, you know, people from different countries that had been arrested. And the police just wanted to do a status check. Now there was never a phone number you could just phone up...you couldn't just phone the Home Office and give this person's name and say, well, is this person legal or illegal? They didn't have any documents or there wasn't a Home Office file. That's where our expertise came in. That's where we would go and interview them. We'd ask them, "When did you come to the country? Who did you come with? What document did you come on?" All of those sorts of questions...because we knew our history of the border. We knew about

people we've discussed earlier. People who had come before 1973, potentially, perfectly legitimately and may not have a passport or a Home Office file.

EHdK 25:54 Do you have memories of any specific interviews?

TS 25:56 Well yeah, I can remember interviewing...I mean I can't give you any specific cases...but quite often we would find West Indians being arrested for potentially possession of cannabis or something like that. There was no evidence of lawful entry. That was the point. There was no evidence of your lawful entry but that didn't make you an illegal entrant. What it meant was that we couldn't find evidence...but it didn't mean to say there was necessarily evidence there. In fact, you might not even have it yourself because you've just come here with your parents under the Commonwealth Immigrants Act so we would just simply say that we were satisfied that person is not here illegally.

EHdK 26:45 Were you aware of any citizenship campaigns that were taking place? Perhaps in the 1980s around encouraging Caribbean nationals to actually get some form of documentation in the UK?

TS 27:04 No, I think that's probably with hindsight where we might have done better. All we did was simply say to the police, "As far as we're concerned, this person is of no interest," but we didn't actually go on then to issue them with any sort of a document that wasn't within our duties really. We weren't actually saying to people that you probably ought to get yourself documented. All we did was keep a record of the police callouts. If we had visited that person and found that person was - as far as we were concerned - lawfully, we would know that next time round if he got arrested again, we wouldn't have to go through all that again. There were some enforcement records kept of people that had been arrested but we didn't actually go so far as to say to that person, "We've now encountered you. We think there's an issue with you because if you do get arrested again by the police then how are you going to be able to show them? I know, you're not illegal because I'm an immigration officer and I know my onions, but a lot of police officers wouldn't know whether you're legal or not." They didn't really have anything to show people. We didn't have a hostile environment in those days, they didn't need this stuff. I mean, it was easy enough to get a national insurance number.

EHdK 28:14 What years or what decades were you having these types of conversations and with people from the West Indies?

TS 28:24 I would say the 1970s, the 1980s, possibly even through to the 1990s.

EHdK 28:28 So, what checks were in place? What would you have done to establish that somebody had arrived?

TS 28:32 The first thing you would do is check with the Home Office. We had a dedicated hotline number that we would phone to see whether there was any record. That would be your first point of contact. You would try and find whether the person had any documents on them which had names on which would help. You know, "What is your name?" You would ask someone what their name is but also, "How do you spell that?" Papers. Have they got a national insurance number? They usually had some kind of paperwork. You would potentially take them back home to their address and have a look around there to see if there were any papers anywhere that might help you. So, it's an investigation really into immigration status which involved a check of documents, if there were any. A check with the Home Office. But mainly an interview where we would want to talk about their entry into the country and that's where we would then make a determination as to whether the person was an illegal entrant or whether they were actually here perfectly lawfully.

EHdK 29:29 Really the defining line there was pre-1973 and post-1973. Is that correct? What happened to people who had arrived here and you could establish they had arrived here after 1973? What would have been the process?

TS 29:46 The problem quite often with people who stay illegally in this country, in my experience, is they change their names. They are quite often advised to change their names because it's much harder then for us to return somebody if we don't know who they are. Often overstayers, for example, might come in on a visa in one name and then throw their passport away and then establish a different identity where there isn't a record. So, they might find a record of you in your real name is an overstayer but if I don't know what your real name is then I'm not going to be able to verify that. So, these are quite complicated investigations to try and work out. Is this person someone who has really been here since the 1960s and 1970s and came as part of Windrush or, you know, before 1173 [1 January 1973]? Or is this someone who has come in after that and has thrown their passport away and overstayed? Quite often you'd see those cases as well.

EHdK 30:44 Did you frame it in that way? Did you talk about it that way? As you know now, the Windrush scandal is a term that has been coined. But was that the kind of language were you using to talk about these issues at that time?

TS 31:01 It would be status. It would be a status check. So that's what we thought our job was. To help the police, or anybody else for that matter, who couldn't easily determine someone's immigration status. To use our expertise and knowledge and experience about how the border works to talk to people and then come to a judgement as to whether or not that person is lawfully or unlawfully in the UK.

EHdK 31:23 But, as you say, there was no formal follow up then from the Home Office. There was no next step to say to somebody that they should...

TS 31:33 No, we didn't actually think about having a national identity register at that time. It was really a question of...our role was to determine status. It couldn't have been absolutely conclusive. It's very possible that we let some people go who might have been offenders. I don't know. But we were pretty good at knowing the types of processes. You would just say, "What vessel did you arrive on? Did you arrive by ship or by aircraft? Can you describe the point of entry? The port of entry?" We knew the process at the border because we had done it ourselves. Did you speak to an officer? Did you present a passport? All of these interviews would be recorded and you we keep a report. There would be a report kept of the fact that you encountered this person. But what you didn't do was then go on to give that person some kind of a status, you know, a green card, for example.

EHdK 32:30 To be fair they didn't exist then, and we don't have a national ID system.

TS 32:37 Well, they could apply for indefinite leave to remain [ILR] from the Home Office. So, it is possible, you know, you could go to the Home Office and say that I've been here for the last 10-15 years, and I need permission to stay. The Home Office can then give you a letter. But it was only a letter really. And they were easily swapped around.

EHdK 32:58 Could you give me clarification of ILR because, as I understand it, ILR is a status that's given to foreigners who have resided in the country and are then legally entitled to remain. Why was that status then given to people from the Commonwealth who effectively came here as British and were recognised as having a legitimate right to remain? Why was ILR recommended to them and what happened along the way?

TS 33:33 I'm not sure it was recommended to all Commonwealth citizens to apply for ILR. I think there was a recognition that we didn't have fool proof records of everybody. We didn't know what someone's status was, but it was okay to live here without carrying around some kind of card to show your status. We don't have a green card system or, like other countries, a residence card. I mean there were documents which were quite often forged. That you could say, "Well, if you've got that kind of status there should be something that shows you have." But, I mean, the documentary processes back in those days were very loose. It was just letters and easily forged stamps and papers. We didn't have a very good system.

EHdK 34:26 I'd be interested to hear your thoughts on the UK's ID system. This is a very, as I understand, it's a very cultural thing. Because in many countries, ID systems are fairly standard. They're not viewed with suspicion by most people. But why did we not introduce some form of national identification system in the UK. What happened?

TS 34:53 I was Regional Director for the UK Border Agency. We created regional directors so one of my jobs was to manage all of the operations in Croydon at Lunar House. That's when we first came up with the idea of a biometric residence permit, what's known as a

BRP. And it was actually on my watch. It was my team that built it. There was a perceived need that this was a growing problem. We were getting more and more people, and we just simply didn't know what their status was. I remember when we first joined the EU, or not long after, they tried to give EU citizens some kind of a token but it didn't work. We just said, "Well, we don't need this. And an EU passport was just as good as a British passport." But, of course, a lot of them had EU identity cards which we were finding in the community, but the EU identity card was widely abused. We found factories making these things in various parts of London working with the police. Very high quality so they would get past an employer check. You would get Moroccans pretending to be French people, Algerians pretending to be French people, South Americans pretending to be Spanish people. Sometimes verging on criminality and organised crime. Identity became a real problem. That was one of the reasons was well, I thought why we don't issue everybody with a biometric residence permit which has your biometric on and also has your photo on it. It sets out on the card.

EHdK 36:26 The biometric residence permit [BRP] was for foreign nationals. Am I correct in understanding that? So, if somebody was a Commonwealth citizen...they would have them too?

TS 36:33 Yes, because this was in the 1990s now. We didn't introduce it until the 1990s.

EHdK 36:40 But a British citizen, someone born in the UK to British parents, would not have the right...?

TS 36:45 No, and we only started to issue them to people who came after 1998. It wasn't retrospective.

EHdK 36:52 So people who came before 1973, for example, who applied before 1998 couldn't get a biometric residents permit?

TS 36:56 No, they couldn't. This was, I think, a major policy error that I argued very strongly at the time. That if we were going to do this why would we not offer it to everybody, so we've got a US-type green card system? So, everybody who hasn't got British citizenship, that is a foreign national residing here, would have a BRP. But that was thrown out. I don't know why. I think it's probably on cost grounds. We didn't do that. So, you had this two-tier system now of people who had been here after the 1997/1998 introduction of the BRP. It was a very good token which they could show to people with their biometrics on it. You couldn't really use somebody else's.

EHdK 37:46 What do you mean by biometrics? Do you mean fingerprints?

TS 37:49 Yeah, so we took fingerprints. You were invited into Croydon. You wanted to stay to study three years at the University of London. You would come into Croydon. But instead

of just stamping your passport and giving you a bit of paper, we would give you a BRP. You would have a photograph taken, your fingerprints taken. You would then carry that in your purse. If anyone wants to say, "Who are you? What's your status?" you could then say, "Well, here it is." That would then tell you when your leave expires, whether you're allowed to work or not, and if you're allowed to work then for how long. I thought it was a great idea.

EHdK 38:16 What about your relationship with the Foreign and Commonwealth Office [FCO]/the Foreign Commonwealth and Development Office [FCDO]? What conversations have taken place historically between the two institutions and how would those conversations take place?

TS 38:39 Well, there was a bit of a tug of war over visas. Because the way we've got set up our government, as most countries, is you've got one department that deals with overseas stuff and one that deals with home affairs. And immigration was a home affairs issue. But we contracted out the visa work to the Foreign Office. But, of course, most officers working in the Foreign Office didn't have much of an idea about immigration and they weren't immigration experts. It was very easy to get a visa from some countries. That's why I went to Bangladesh. A number of immigration officers were sent to high immigration countries to deal with areas where we thought there was abuse going on because we had the expertise and the knowledge.

EHdK 39:19 So what were some of the tensions in the conversations that you had?

TS 39:23 I think it was about jurisdiction, authorities, decision-making, funding, there was a whole raft of issues that came up from time-to-time and particularly when the government decided to introduce a new visa. In the 1980s, for example, we started putting visas on Pakistan, India, a number of African countries. I'd never seen Heathrow so busy because everybody rushed to get under the wire to get in before the visa requirements because once you've got a visa on the country, they can't get on a plane to come here at all. This was the thing about who's going to deal with all these applications.

EHdK 40:02 I'm thinking about border control. The powers of somebody who manages the border has gone beyond the UK, for somebody arriving in the UK, right? One example I can think of is in Ireland. People pass through US immigration before they even leave Ireland to travel overseas. Another example would be people arriving at an airport. Let's say in Kingston or in Bridgetown. And are being stopped from taking a flight because the airline was taking the decision that they didn't have the correct documentation. When did those kinds of dynamics begin happening?

TS 40:47 I was in law enforcement in London in the 1990s and we had a number of problems with serious criminals coming to the country. I can remember the Yardies in particular. We worked with the police on what to do about that. There was a lot of serious crime going on. Shootings, drugs. We were invited to deport them to Jamaica, rather than putting them

through the criminal justice system, which we did. But then they were back again two weeks later on. The police would phone me and say, "Hey, I thought you'd deported that person. He's back. We've got him back in Brixton and he's causing trouble again. How did he get back?" This was a mystery to me because if we'd deported him then he was on our watchlist. So, he wouldn't and shouldn't be able to get back in again. By now I think we'd even got a visa requirement on Jamaicans as well. So, he should have hit against the watchlist when he applied for his visa in the first place. But it's very easy in those days to bribe somebody in the Passport Office to give you a completely new identity with a new passport on it which wouldn't have a different name.

EHdK 42:00 You mean on a Jamaican passport?

TS 42:02 Yes, a Jamaican passport in a different name which would defeat border control and defeat visa control. That's when we introduced the biometric visa. We started fingerprinting people, criminals, before we deported them so if they were to try and do that they would have to go and get a visa. But to get a visa to come here now you have to give your fingerprints. So, we would be able to match the fingerprints to the deportation and say, "We actually know who you really are so you're not going to get a visa."

EHdK 42:25 What about visa requirements that have changed? I'm thinking specifically about the Caribbean. As you stated, if you're a Jamaican national, you need a visa. But as I understand it, if you're from Barbados, you don't need a visa. Were you involved in any of those kinds of conversations or decisions around visa entitlement or who should be able to enter the UK?

TS 42:54 It was more the policy departments that did that, but we would certainly be involved in it because essentially when a visa is imposed upon a country it quite often becomes a reciprocal arrangement. So, British people then need visas to go to their country. There's one argument which is, why do we have all this visa stuff because it would be a lot easier if we didn't have any visas? But I can give you a number of reasons why we do have visas. Best practice now in border management is what we call the multiple borders strategy. That means checking people at the very first opportunity that you can check them before they even travel. Now, whether you do that by way of a visa or an ESTA or an ETA or something else but because you now have the technology, there is a way now where you can actually upload your photograph onto your mobile phone, match it against the chip in your passport and send that data to Border Force and the airline before you take off.

EHdK 43:59 My question goes back then to when airlines became involved in border control. Where did that decision come from? Was it because they were getting fined if they allowed, for example, somebody who didn't have the right paperwork to board?

TS 44:17 We had a number of conversations that I was involved with the airlines in the 1980s because they were bringing significant numbers of people to Heathrow without passports. We'd sweep the airport at night, and we'd find 40 or 50 people sitting in the transit lounge seeking asylum. But we didn't know who they were.

EHdK 44:46 What happened to those people?

TS 44:48 We had to process them. The challenge we had was finding out who you they were because they'd thrown their passports away. If you throw your passport away and change your name, it makes it very hard for the Border Force to deal with you. So, they could have been thrown away in the toilet on the plane or between the gates in the arrivals hall or handed off to a third party, a facilitator. All kinds. So, we had a lot of CCTV cameras installed around Heathrow which we monitored to look out for that kind of mischief.

EHdK 45:21 I would imagine noticing people trafficking as well?

TS 45:25 Oh yeah, huge issues around smuggling and human trafficking in the 1980s.

EHdK 45:29 What kinds of cases did you see with people trafficking?

TS 45:36 Child cases, there were quite a lot of children being brought through. We found unaccompanied children left at the airport not knowing really who they were or what they were supposed to do with themselves. So, we did quite a lot of work with Hillingdon Social Services. What we said the best thing to do was to make sure that they got their passports checked before they got on a plane. So, we introduced a carrier's liability legislation which said to the airline, you will check this person's got a passport and a visa, and we trained them in basic training about how to look out for forged passports and visas. Then if you brought someone to the UK without a passport or the right visa, you will be fined £2,000 per passenger.

EHdK 46:14 Let's talk about the Windrush scandal. There's a chapter in your book about the scandal. I know you think the scandal should never have happened but what warning signs were there that something of this magnitude could happen?

TS 46:37 I started with my story about the biometric residence permits and not doing that retrospectively. Because I've told you about some of the cases I dealt with where people were here lawfully but couldn't prove it. I was worried then when we started to bring in the hostile environment where we were inviting other parties, employers and even landlords to check papers, that quite a lot of people wouldn't have papers because we didn't issue papers until 1998. I argued very strongly that we needed the national identity register which we did put forward in 2010. That went to the coalition government and I think it was a red flag raised to get into the coalition that the liberals were not interested in identity cards. That was proposed by the Labour government actually, but it was lined up and I had officers lined

up to go and interview everybody, even British passport renewals, were going to be interviewed.

EHdK 47:43 What were some of the arguments against introducing national identity cards?

TS 47:47 I think the argument was that this is becoming a police state now that we're going to get challenged everywhere we go. Policemen would stop me in my car and ask to see my identity card. This is not what Britain's all about. It was a political argument that did away with it. But the fact was that I knew, having worked in Canada, on a permanent residence card in Canada, they were very liberal country...

EHdK 48:16 Also post-9/11 right?

TS 48:18 Yes, post-9/11 that identity is a huge problem in border control and border security. I thought, well, it was just seemed to me so sensible to do that. Had we done they might not have been a Windrush scandal.

EHdK 48:28 Did you notice a shift then after 9/11 of securitisation measures and an overhaul basically of immigration reform?

TS 48:42 Oh, it's a huge change. I mean, I was actually Director of Ports of Entry in Canada on 9/11 and it was a dreadful experience because there was real fear in the communities in North America. Probably here as well. I was invited to go straight down to Washington to talk to the Americans about what had happened. How was it that these people could get into America and blow the country up basically or hijack airlines to destroy major buildings?

EHdK 48:19 So, it was a global change that was made?

TS 48:20 Well, it was led by the Americans. And we introduced something called the concept of intelligence-led targeting. But this was now about getting data on people before they came and this is another argument for multiple borders. You really want to be stopping bad guys don't you from even getting on the plane. you know. It's a stop too late if it's on the plane sometimes. So, how could we work together, firstly, Canada, US, we established Joint Passenger Analysis Units, joint targeting teams. We brought police in with immigration and customs, security services, the Mounties, all came together...I was responsible for some of this...to create what we call Joint Passenger Analysis Units. So, this was now getting data on the flight manifests on who was coming, who was travelling where. If you read the 9/11 report, there were a number of opportunities if they had been doing that before that where they could have intervened but didn't.

EHdK 50:13 You retire in 2013. The hostile environment policies began before but started being properly until implemented in around 2012. Were you aware of the kind of the conversations that Theresa May was having, that the department were having?

TS 50:35 No, not really because I went off to do the Olympics so we had to sign up to the Olympics three years before 2012. So, I was aware of it when I was Regional Director. There was a big push by the Labour government to crack down on illegal working. In fact, we were given illegal working targets. We were told to go after employers who were hiring people who didn't have the right papers and we were able to serve penalty notices on you, as an employer, if you had people in your workforce where you hadn't done proper checks. I was aware that we were now clamping down on illegal working, but we hadn't got to the point of the hostile environment because I'd gone off to do border security for London 2012 Olympics which was a three-year plan.

EHdK 51:24 What do you think of the hostile environment?

TS 51:26 I think it's just blatantly obvious to me that you can't have a hostile environment unless you've got a national identity register. It's just a no brainer. I knew we didn't have a national identity register because I'd argued for one two or three times during my time in the Home Office and it had been kicked back. That was where I think we lost the plot a bit. This is the problem we've got in government now. I'm not criticising any of my successors because there's some wonderful people in the Home Office. But we don't have this corporate memory. A lot of the people that took those decisions in Windrush hadn't been working in the Home Office long. I know they hadn't been given much training, if any. They assumed, you know, one way or another if you've been living here for 50 years you should be able to demonstrate that and if you can't demonstrate that well then you must be illegal. Which is nonsense! No self-respecting immigration officer in a million years in my day would have ever served notices on people in those circumstances. You might have done further investigations. You might have said I want to see you again and want to come back but there's no way you would issue deportation notices to people. It was just embarrassing. I found it totally embarrassing but it's just symptomatic of the fact that we've lost corporate memory on immigration.

EHdK 52:39 So basically what you're saying is people weren't trained. They didn't understand the nuances in British immigration and citizenship law and essentially they're enforcing an arbitrary policy that wasn't open to thinking about certain groups of people who were potentially falling through the gaps or being impacted in a negative, a tremendously negative, way. What else do you think was the scandal?

TS 53:08 Again, I think it was not having a national identity strategy. We still haven't got one, have we? I don't know that we have. I have been advocating and I think there's a lot more opportunities now because of the digital age. A lot of people carry their identities around with them now on their mobile phones, don't they? But I would have thought that we



would have done something to regularise people who didn't have documentation. That this would have been a matter of public concern. That we're not trying to create big brother, but we think it's in your own interests to have a document which verifies who you are and what your status is in this country. Because if you don't have that then there's always going to be the risk that potentially you could fall foul of the system. The same thing with the EU Settlement Scheme that's happened recently. I've worked with a company that developed the app for that which is great.

EHdK 53:10 What's the company called?

TS 53:11 Entrust. They spoke to me - I do border consultancy now - and told me about their technology which means that you can literally hold your passport up against your mobile phone and it will near field communications, extract the data, including a photograph, directly onto your phone. So, you can't make the mistake of your name or your date of birth which a lot of people do when they're keying in.

EHdK 54:35 Which is what happened with the old paper systems as well.

TS 53:37 Yeah, people make mistakes with their names.

EHdK 54:39 That is what happened with the old paper systems. Some people are still inheriting those problems from their grandparents or their parents because they were there was a spelling mistake.

TS 54:46 What we want you to do, whatever it is, we want your data to match your passport. We don't want your data not to match your passport. This system enables it to be an absolute match with your passport. It is fool proof and we've registered six million Europeans on the basis of that. They've been given settlement. What worries me is they haven't been given a token. So, they haven't got a card or anything. They've got a share code on their mobile phone which when they're going for a job they can give to the employer who can then check the Home Office. But I'm afraid I haven't got another face in the Home Office system even now.

EHdK 55:22 I've been speaking with British and Caribbean High Commissioners and something that I've really taken away from my time in the Caribbean, and what's become really clear, is that the role of the British High Commission has changed considerably. In the sense that in the past, if people had any kind of question or bureaucratic or administrative tasks that they wanted that they needed to perform, they would go and talk to a person. Whereas, since around 2010 that's been outsourced, essentially, that people are asked to apply online, to put their documents in an envelope. Then that application itself gets sent off to either New York or Miami or different Home Office processing centres. What do you know about the Home

Office's involvement with British High Commissions and with applications that go through outside of the UK? How do they get processed?

TS 56:35 So, for visas we've introduced, again around the same time we introduced the BRP in 2008, we introduced visa application centres which outsourced a lot of this. So instead of having to overwhelm embassies around the world with people queuing up outside to come in and apply for visas, that you go to an in-country visa application centre which are based all over the world. You would go to your nearest one for those and that's where your biometrics will be taken, your photograph will be taken, you'll be given assistance to fill out your application form and hand in your passport because before embassies couldn't cope with the volume. I think that was quite a good idea. Then the cases, as you say, with the advent of technology, a lot of the data could be transmitted or sent to another place for the decision to be made. The decision didn't have to be made in the same place where the application was made. The issue is contact, as you say, with the individual, because being an immigration officer, I might want to talk to you despite what you've sent me. For me, interviews were really important. I think there is a danger that we if we over automate the system, we lose that face-to-face contact. That cuts down your ability to risk assess. I think they're doing a lot of this on FaceTime, but for me I am worried that you don't have an opportunity to intervene, and you really want that.

EHdK 58:03 Essentially, losing that human connection with applicants that this is being done via a machine or via technology. I'm also interested in the people who are processing these applications. What kind of background do they have? How are they hired? What kind of training do they go through?

TS 58:22 So, the visa offices abroad are now under huge pressure to clear much greater volumes and to collect revenue. They do deploy some veterans, immigration officers, who go out every year to on secondment. They would tell you that actually, they're quite concerned about the visa system now because it's cases that probably would have been refused a visa a few years ago are now being granted a visa because of this increased pressure to process more cases, make more money. It's become a very financially-driven efficient operation. But it doesn't take any account of enforcement and what happens to all those people who are given visas or when they turn up here can't support themselves or end up in trouble.

EHdK 59:13 I think there's also a flipside to that. So, specifically, when I spoke to one of the former Jamaican High Commissioners, one of her observations was she was the Jamaican High Commissioner to the UK. In order to visit the UK to get a visa, she's been asked to fill out I don't know how many forms. She said that even as a former High Commissioner, I am finding this overwhelming to the point where I am having to hire somebody to help assist me in ensuring that these forms are being filled out correctly. Do you think that maybe the system has lost some logic in the demands that it's putting on people?

TS 59:59 Well, there's definitely a huge demand now. I think Brexit has been responsible for some of that. Because everybody now under the new points based system has to apply for a permit if they come in here for anything other than a visit and we're bringing in an electronic travel authority (ETA) for them next year. So, I think the department has been put under huge pressure with volumes of applications. I think they're taking the path of least resistance and say, "Let's try and automate this and speed these through," but I'm worried about enforcement. I don't know how many people are actually getting visas that shouldn't be given visas in the first place. There will be a knock-on impact down the line. We don't know how many people are residing in this country illegally. We've got a huge problem with the border now and I think there's a problem with integrity of the border if we oversimplify the visa system.

EHdK 1:00:48 Thank you so much for speaking to me today. Is there anything else that you want to add before we end the interview?

TS 1:00:55 I spent a lot of time now on international border practice. I think we do need to look around the world and see what other countries are doing. We might not want to do what they've done but, actually, identity management systems that were brought in in Canada, the US have a green card system for as long as I can remember, the EU are now introducing next year an entry/exit system for third country nationals. Most member states have got identity cards, I think we need to decide as a country what are we going to do about identifying people and bracketing them so that we know clearly they're here lawfully so we don't get another Windrush disaster. It enables people who are entitled to be here to access services to do that properly and those that are not in that bracket that we can identify them and deal with them appropriately. I think that's just a no-brainer for me. But I'm really worried because I'm afraid I can't see at the moment how that's going to happen.

EHdK 1:01:53 Do you think another Windrush scandal could happen?

TS 1:01:57 I am worried about an EU Windrush. There's talk about people in the older generations, perhaps EU settlements. People have been here for many years may not even realise that actually even if you've been in 50 years, you still need a USS. They haven't got a token. They don't know about it. You can't give someone you know, in their 70s or 80s, a token on their mobile phone. You just assume that everybody knows that you're here lawfully, but they don't. I am worried about another potential scandal. I don't think it'll happen because the Home Office had a real shot in the arm on all of this and it has been a real knee jerk in the Home Office. I mean, it shows all kinds of problems, systemic problems, in the Home Office. But, for me, it's much more to do with policy. I think to do with identity policy. We must agree surely whatever your politics are on having an identification system, so we know who's who and who's entitled to more.

EHdK 1:03:03 Thank you for speaking with me today. [END OF AUDIOFILE].