



Border Force

Border Force North
1st Floor
International Pier
Glasgow Airport
Paisley
PA3 2TD

Ruth Maguire
Convener
Equalities and Human Rights Committee

Web www.homeoffice.gov.uk

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FEMALE GENITAL MUTILATION (PROTECTION AND GUIDANCE) (SCOTLAND) BILL

Dear Ms Maguire,

Thank you for your invitation to give evidence to the Equalities and Human Rights Committee regarding the Female Genital Mutilation Bill. I am sorry that we have been unable to give evidence in person.

Background

Border Force is responsible for conducting immigration and customs checks at the border. Border Force officers are based at the main airports in Scotland and we operate at ports throughout the country.

Our main legal powers relevant to immigration examinations which are most pertinent to FGM are contained in the Immigration Act 1971; these are powers to examine, detain and refuse leave to enter the United Kingdom to non-British nationals. We use the balance of probability as the burden of proof.

We are uniquely placed to detect both the perpetrators and potential victims of FGM as they leave or enter the country. We work closely with a range of partners in Scotland, the UK and abroad to counter a broad range of threats including FGM. We use intelligence and data to guide our operations.

Our evidence will also show that Border Force's counter FGM efforts extend to customs controls and we use our customs powers to detect and seize items that may do harm to others.

Under section 55 of the Borders, Citizenship and Immigration Act 2009 our staff have a duty to promote the welfare of children and vulnerable adults in the following way

- Section 55 requires Border Force to carry out their normal functions in a way that takes account of the need to safeguard and promote the welfare of children who are in the UK.
- *But in carrying out our functions we will have to take account of children's needs and be able to demonstrate that we have done so, even though these can be balanced against other considerations, such as the need for immigration control.*
- The duty defines a child or young person as someone aged under 18. We recognise that in Scotland a person is deemed to be an adult at the age of 16 but Border Force considers a child to be a person under the age of 18 regardless of their location.
- In order to keep children and vulnerable adults safe from harm Border Force officers must be vigilant for any signs that a person may be at risk and to act upon concerns

Evidence

1. *What do you currently do when you encounter FGM in your work? Would Border Force officers see part of their role as potentially raising an FGM protection order?*

Border Force Safeguarding and Modern Slavery specialist officers attend mandatory 4 day training. As part of this they are trained on how to process FGM cases if they are encountered. There is also FGM e-learning training that all officers complete. The Home Office has Female Genital Mutilation Guidance which gives officers instruction on various aspects of FGM including:-

- **The Definition** – tells Border Force staff about the definition of FGM and the key legislation that makes it a criminal offence
- **Identifying FGM Cases** – tells Border Force staff about being alert to the indicators of FGM
- **FGM Concerns** – tells Border Force staff about what you should do if they have concerns that there may be a case of FGM
- **Referral to the Police and Social Services** – tells Border Force officers about referring FGM cases to the appropriate agencies.
- **Refusing entry to non-British Citizens** – tells Border Force Officers about refusing leave to enter in FGM cases.
- **Protection Orders** – tells Border Force Officers about FGM protection orders.

Home Office guidance informs Border Force officers of the procedures in England, Wales and Northern Ireland with regards to FGMPOs; it clearly states there are different procedures for staff working in Scottish ports. Upon any changes to Scottish legislation regarding Protection Orders Home Office guidance would be updated accordingly and Scotland based Border Force officers would be informed of these changes.

2. *What are the experiences of Scotland-based Border Force officers in relation to FGM?*

There are no recorded cases of Border Force officers in Scotland encountering victims of FGM. There have been potential or possible victims in Scotland that officers had concerns about. The individuals displayed indicators that gave cause for concern. The officers took the necessary action conducting further investigations and contacting the relevant agencies to carry out welfare checks to address the concerns.

Border Force supports the annual International Day of Zero Tolerance and this support is led by our Chief Operating Officer, Emma Moore. Border Force plays a key role in the global fight against FGM by identifying victims or potential victims and perpetrators. This year Border Force coordinated events across the UK including at both Glasgow and Edinburgh airports. Border Force at Edinburgh Airport held an FGM awareness session with Waverly Care (a Scottish based non-profit organization). This presentation covered all aspects of FGM including cases that the charity had actually been involved with. Border Force at Glasgow Airport delivered awareness briefings to all staff and officers were instructed to remain vigilant in combatting and disrupting the practice and reminded to complete the FGM e-learning course. FGM literature was shared with all officers as well as the Police.

Also 18 Border Force locations throughout England, Wales and Northern Ireland participated in activities to mark this day. This included an operation to screen the mail from countries where FGM is prevalent for items indicative of FGM and other unidentified cultural items. This operation resulted in several seizures of suspected FGM paraphernalia items.

Border Force officers at Edinburgh and Glasgow also took part in a counter FGM operation (Limelight) in June and August this year. The main objective of the operation was to identify potential perpetrators and victims of FGM or harmful practices and undertake necessary enforcement or safeguarding action. The operation also sought to increase public awareness of harmful practices, whilst providing assurance that Police Scotland and Border Force are committed to assisting affected communities.

Operational activity to identify potential victims of FGM takes place at the beginning and end of each major school holiday. Due to the length of time children have away from school these holidays present an opportunity for the children to be taken out of the UK for an extended period without attracting attention from the child's school. Intensified checks are carried out on both departing and arriving flights, including at passport control and the customs channels looking for potential perpetrators being brought into the country to perform FGM within the UK.

During these periods of intensified activity officers attend the departure gates for target flights and engage with the public, raising awareness of harmful practices and also using the opportunity to identify any potential offenders amongst departing passengers. Leaflets and other material provided by the NSPCC, UK Government

and NHS are distributed to those passengers our officers have spoken to. These publications give advice on the risks of FGM, information on the Government's determination to end this practice and details the support available for those affected.

In June a total of 18 flights were targeted at Glasgow and Edinburgh airports and 667 people spoken to. In August a total of 31 flights were targeted between Glasgow and Edinburgh airports and 699 people spoken to. This was a collaborative effort from Border Force operational officers, Border Force Intelligence officers and Police Scotland.

Operation Limelight received highly positive reaction and comment from the travelling public illustrating the positive public response to this proactive activity. This operation also allowed Border Force specialist safeguarding officers the opportunity to interact with the public in a different, less formal fashion than they are used to as FGM is a topic that does not normally arise on a day to day basis with the travelling public. This operation provided a unique opportunity to speak to the public about FGM and to ensure officers skills and knowledge of this topic remain up to date.

3. Are you aware of the current FGM guidance, and if so what are your views on it? Do you think there is a benefit to making FGM guidance statutory, as opposed to advisory?

We are aware that the invite from the Equalities and Human Rights Committee to provide oral evidence is the first part of a 3-stage process which will be followed by a Committee report and a vote on whether the Parliament agree to the general principles of the Bill.

Jane Scott, a Border Force Senior Officer based at Glasgow, attended the Scottish Government FGM National Action Plan Implementation Group. We are therefore familiar with the current FGM guidance and we believe this could benefit and strengthen the protection of women and girls from FGM. The introduction of FGM Protection Orders in Scotland would protect a person who has already been subjected to FGM and more importantly potentially prevent or reduce the likelihood of an FGM offence being committed. This would also protect the person from being taken overseas. It would contribute to raising awareness in Scotland as the Bill gives Scottish Ministers the power to issue statutory guidance about the Act and other FGM matters ensuring that public bodies subject to the guidance will have to take it into account in their decision-making processes. If the Bill is passed it could also support (if included) the provision of lifelong anonymity for victims of FGM which in my opinion would encourage more victims to come forward.

Our experience of safeguarding is that speed is of the essence in preventing harm. We would recommend that, in order to maximize the opportunity to protect the vulnerable, the process for securing a Protection Order should not be over complicated. Obviously the process would balance individual rights and freedoms with the need to safeguard the vulnerable.

4. Are you aware of any successful FGM interventions in other countries? Can we learn any lessons from practice in England and Wales?

We are limited in what we can openly discuss however in 2018 Border Force detected the following potential victims of FGM:

- a 12 year-old Dutch girl was encountered at the juxtaposed immigration controls at Coquelles in northern France.
- A female and her 13 year-old Swedish girl encountered on arrival at Stansted Airport.

Both were excellent examples of inter-agency working, which is replicated in Scotland.

I trust that you will find this response helpful in your examination of the issues. Border Force is determined to play an integral role in countering this crime against children.

Should there be further opportunities to present evidence to your or other Scottish Parliament Committees we are keen to do so.