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ILLEGAL IMMIGRATION

IRU List of Voluntary Best Practices.

Following the decision taken by the IRU General Assembly on 8 November 2002, the IRU launched a call for experts from member associations, to join the team with the objective of elaborating an industry code of voluntary best practices, for both goods and passenger road transport operators. The main objective was to raise awareness and assist road transport operators in taking preventive measures.

From the outset, 9 experts from 8 member associations expressed their wish to participate in the work of the ad-hoc group. Additional experts joined the work of the group as this progressed.

The result of the group's activities is hereby presented in the form of two main documents:

1. A List of Voluntary Best Practices in Illegal Immigration for goods transport (clandestine entrants) for use mainly by transport operators of goods by road (Annex 1);
2. A List of Voluntary Best Practices in Illegal Immigration for passenger transport (clandestine entrants) for use mainly by passenger transport operators by road (Annex 2).

In addition, the group produced a comprehensive list of recommendations and best practices for illegal immigration in both goods and passenger transport operations, containing also a number of model documents (checklists, instructions, certificates etc.) that may be of use for detailed briefing, instructions, training etc. purposes (Appendix 1).

These lists of best practices specify recommended measures and procedures that road transport operators and their drivers may use to avoid human suffering, minimise economic losses and prevent illegal immigration.

Operators and drivers carrying out transport operations on/to routes sensitive to illegal immigration are invited to make use of all or part of the recommendations consistent with the risks inherent to the place of destination.

It is the IRU intention to review these lists regularly in order to take into account comments and recommendations from users, as well as to update these best practices in order to keep them as close as possible to the actual situation and the needs of potential users.

Member associations are encouraged to make wide use of these lists of voluntary best practices in their information, advisory and training activities, by translating, adapting and disseminating their contents to their members, the road transport operators.

It is also recommended that member associations share these lists with their competent authorities when involving them, depending on the local circumstances, in further improving both their contents and the acceptability of the checklist as sufficient evidence for due diligence exercised by the road transport operators.

The IRU would like to thank all associations and experts, which took part in defining these lists for their high professionalism and dedication.

We would appreciate any comments and proposals for improvements coming from IRU member associations, the road transport operators themselves, as well as from national and international authorities and other stakeholders from the civil society.

Annexes:

1. List of Voluntary Best Practices in Illegal Immigration for goods transport.
2. List of Voluntary Best Practices in Illegal Immigration for passenger transport.

Appendix 1: Compilation of existing best practices and models of documents used by goods and passenger transport operators by road

List of Voluntary Best Practices in Illegal Immigration

Goods transport – Clandestine entrants

*This list of Best Practices specifies recommended measures and procedures **freight road transport operators and their drivers** may use to avoid human suffering, minimise economic losses and prevent illegal immigration of **clandestine entrants**.*

The objective is to raise awareness and assist road transport operators in taking appropriate preventive measures.

Operators and drivers carrying out transport operations on/to routes/destinations/countries sensitive to illegal immigration are invited to make use of the recommendations below consistent with the risks inherent to the place of destination.

MEASURES TAKEN BY THE ROAD FREIGHT TRANSPORT OPERATOR/OWNER OF THE COMPANY

- Make use of any voluntary agreement, MoU, checklists, leaflets, training schemes or similar facilities agreed upon between competent authorities, port authorities, shipping/ferry companies and your trade association in order to improve your in-house instruction/training process.
- Establish a checklist of security procedures related to illegal immigration.
- Instruct and where appropriate train drivers and hand over a printed version of the checklist to every driver carrying out operations on sensitive routes/destinations.
- Keep a record of security-related activities.
- Ensure drivers are issued with appropriate security equipment and check lists, preferably validated by the respective competent authorities.
- Check and retain completed checklists. Monitor check lists to ensure that your drivers are complying with your instructions.
- Take documented action where employees are not complying with company policy.
- When operating on routes sensitive for illegal immigration, make sure that you have an effective system in place to prevent clandestine entry and that it is operated properly.
- Purchase and install modern technical detection devices of vehicle control (cameras, etc.) if affordable for your company.
- Make sure that the driver carries onboard of his vehicle any evidence related to the fact that he has been instructed/trained, as well as the regularly and duly completed and signed check list and Consignors Clearance Certificate, if available.
- Where available, supply drivers with emergency call numbers or other appropriate phone numbers to enable them to liaise with his company and/or the relevant authorities and embassies.

MEASURES TO BE TAKEN BY THE DRIVERS TO ENSURE THE SECURITY OF THE VEHICLE

- During and after loading - check that no unauthorised people enter or remain in the vehicle or trailer.
- Ensure vehicle is sealed and/or padlocked after loading and that a cord is used where possible.
- Enter number of seals/padlocks on vehicle documents.
- Wherever possible obtain a third party witness to sealing/padlocking.
- When leaving the vehicle unattended check that:
 - Windows are closed,
 - Vehicle immobiliser is armed,
 - Cab deadlocks are engaged.
- After any stop, check vehicle security and physically inspect seals/padlocks/cords/outer shell/fabric and roof, if it is possible to do this safely and complete check list accordingly. The roof may be checked from the inside where this is possible.
- If it is suspected that clandestines are on board – inform the local authorities at **phone number ...**
- **Important:** Prior to embarkation check vehicle as thoroughly as possible, confirm seals/locks/cord have not been tampered with and **CHECK INSIDE IF POSSIBLE.**
- Ensure that the vehicle is checked if 3rd party checks are available (CO² - Dogs – Scanner - Physical). If not available indicate on the Check List.
- Do not embark if you suspect that clandestines are on board. Contact immigration or other authorities at port or call **phone number**
- At all times **BEWARE** - some clandestines may be aggressive and could attack you.
- All actions to comply with this procedure should be in accordance with the appropriate Check Lists.
- All checks should be timed and dated and, where possible, witnessed by a third party.

MODEL SIMPLIFIED VEHICLE SECURITY CHECK LIST

VEHICLE NO.....		COMPANY.....			
DRIVER (Print Name).....		DATE.....			
<p>I have received and understood instructions from my company that I must secure the vehicle and carry out checks in accordance with the rules and instructions shown by completion of the following Check List. I also understand that if I fail to do so I could be subject to a penalty.</p> <p>Drivers signature</p>					
LOADED AT(PLACE OF LOADING)					
CHECK	AFTER LOADING DATE/TIME	1 ST STOP DATE/TIME	2 ND STOP DATE/TIME	BEFORE EMBARKATION DATE/TIME	3 RD PARTY WITNESS NAME
Vehicle checked & sealed by Consignor	YES/NO				
Seal/padlock number recorded	YES/NO				
Seal/padlock checked (number & signs of tampering)	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Outer shell/fabric of vehicle & trailer checked for signs of damage including roof if possible	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Interior Checked	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Roof checked for damage internal	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
External storage compartments, tool-boxes, wind deflectors checked.	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Below vehicle recesses checked	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Third Party check carried out at... (NAME OF PORT) CO² <input type="checkbox"/> Dogs <input type="checkbox"/> Scanner <input type="checkbox"/> Physical <input type="checkbox"/> (tick as appropriate)					
COMMENT OR REASONS FOR NON COMPLIANCE TO CHECK LIST					
SIGNATURE			DATE.....		
PRINT NAME.....			TIME.....		
3RD PARTY WITNESS.....					

List of Voluntary Best Practices in Illegal Immigration

Passenger transport – Clandestine entrants

*This list of Best Practices specifies recommended measures and procedures **passenger road transport operators and their drivers** may use to avoid human suffering, minimise economic losses and prevent illegal immigration in the form of **clandestine entrants**.*

The objective is to raise awareness and assist road transport operators in taking appropriate preventive measures.

Operators and drivers carrying out transport operations on/to routes/destinations/countries sensitive to illegal immigration are invited to make use of the recommendations below consistent with the risks inherent to the place of destination.

MEASURES TAKEN BY THE ROAD TRANSPORT OPERATOR/OWNER OF THE COMPANY

- Make use of any voluntary agreement, MoU, checklists, leaflets, training schemes or similar facilities agreed upon between competent authorities, port authorities, shipping/ferry companies and your trade association in order to improve your in-house instruction/training process.
- Establish a checklist of security procedures related to illegal immigration.
- Instruct and where appropriate train drivers and hand over a printed version of the checklist to every driver carrying out operations on sensitive routes/destinations.
- Keep a record of your security-related activities.
- Ensure drivers are issued with appropriate security equipment and check lists, preferably validated by the respective competent authorities.
- Check and retain completed checklists. Monitor check lists to ensure that your drivers are complying with your instructions.
- Take documented action where employees are not complying with company policy.
- When operating on routes sensitive for illegal immigration, make sure that you have an effective system in place that prevent illegal entry and that it is operated properly.
- Purchase and install modern technical detection devices of vehicle control (cameras, etc.) if affordable for your company.
- Make sure that the driver carries onboard of his vehicle any evidence related to the fact that he has been instructed/trained, as well as the regularly and duly completed and signed check list.
- Where available, supply drivers with passenger lists, emergency call numbers or other appropriate phone numbers to enable them to liaise with the company and/or the relevant authorities and embassies.

MEASURES TO BE TAKEN BY THE DRIVER TO SECURE PASSENGER VEHICLES AGAINST UNAUTHORISED ENTRY

- Secure and lock vehicle and any compartments accessible from the outside with a lock or locks, which prevent unauthorised entry. In case these cannot be locked, make manual regular checks.
- Ensure that vehicle is locked when unattended. Keep locked any compartments (e.g. luggage space), which are accessible from the outside, when not being accessed.
- When leaving the vehicle unattended check that:
 - Windows are closed,
 - Vehicle immobiliser is armed,
 - Deadlocks are engaged.
- Supervise whenever passengers board or alight from the vehicle and when baggage or belongings are loaded or unloaded, to ensure that unauthorised persons do not use that opportunity to gain entry.
- **Important:** Prior to embarkation on a ship, check all spaces in or on the vehicle, which are capable of containing a person. Keep locked toilets, luggage space and any space accessible from the outside until the vehicle passes through the border. Before passing through the border, check to ensure that all persons on the passenger manifest, if required, are accounted for.
- Do not embark if you suspect that clandestines are on board. Contact immigration or other authorities at port or call **phone number**
- At all times **BEWARE** - some clandestines may be aggressive and could attack you.
- All checks should be timed and dated in accordance with the checklist and, where possible, witnessed by a third party.
- Where the checks conducted suggest that the security of the vehicle may have been breached, or that an unauthorised person or persons are on board, record such circumstances in the checklist and report to the police in the country concerned, or at the latest, to the passport authorities at the border.

MODEL CHECKLIST - CLANDESTINE ENTRANTS - PASSENGER VEHICLE^{0*}

Driver name: Vehicle number:
 Company name: Trailer number:
 Departing from:
 On (date):

I have received and understood instructions from my company that I must secure the vehicle and carry out checks in accordance with the rules and instructions shown by completion of the following Check List. I also understand that if I fail to do so I could be subject to a penalty if such clandestine entrants are carried on board of my vehicle.

Drivers' signature

Check	Departure		1 st Stop		2 nd Stop		Before embarkation ²		Date, place and signature
	Date:		Date:		Date:				
Vehicle inside	Yes	No	Yes	No	Yes	No	Yes	No	
External compartments checked	Yes	No	Yes	No	Yes	No	Yes	No	
Internal compartments checked	Yes	No	Yes	No	Yes	No	Yes	No	
Toilettes checked	Yes	No	Yes	No	Yes	No	Yes	No	
Below vehicle checked	Yes	No	Yes	No	Yes	No	Yes	No	
All locks checked ¹	Yes	No	Yes	No	Yes	No	Yes	No	
Time checked									
Driver's signature									
Any 3 rd party signature ³									
Comments or reasons for non compliance to checklist									

⁰ ✓ as needed

¹ Locks and possible padlocks should be checked physically to ensure they have not been cut or broken and repaired.

² In case of border crossing taking place while vehicle is on board a ship or train.

³ e.g. travel agent, tour guide

APPENDIX 1**Compilation of existing Best Practices and models of documents used
by goods and passenger transport operators by road**

This compilation of best practices and model documents specifies recommended measures and procedures road transport operators and their drivers may use to avoid human suffering, minimise economic losses and prevent illegal immigration in the form of either clandestine entrants or improperly documented passengers.

The objective is to raise awareness and assist road transport operators in taking appropriate preventive measures.

Operators and drivers carrying out transport operations on/to routes/destinations/countries sensitive to illegal immigration are invited to make use of all or part of the recommendations below consistent with the risks inherent to the place of destination.

CLANDESTINE ENTRANTS HIDDEN ON BOARD

I. ROAD HAULAGE

1. Measures taken by the road transport operator/owner of the company

- (a) Make use of any voluntary agreement, MoU, checklists, leaflets, training schemes or similar facilities agreed upon between competent authorities, port authorities, shipping/ferry companies and your trade association in order to improve your in-house instruction/training process.
- (b) Document/establish a (check)-list of security procedures related to illegal immigration.
- (c) Instruct and where appropriate train drivers and give a printed version of the checklist (see annexes 2, 4 and 6) to every driver carrying out operations on sensitive routes/destinations, including on specific and illegal immigration-vulnerable types of transport operations, including *groupage*.
- (d) Keep a record of security-related activities.
- (e) Ensure drivers are issued with appropriate security equipment and check lists; it is recommended that these check lists be validated by the respective competent authorities.
- (f) Check and retain completed check lists. Monitor check lists to ensure that your drivers are complying with your instructions.
- (g) Take documented action where employees do not comply with company policy.
- (h) When operating on routes sensitive for illegal immigration, make sure that you have an effective system in place to prevent clandestine entry and that it is operated properly.
- (i) Purchase and install modern technical detection devices of vehicle control (cameras, etc.) if affordable for your company.
- (j) Make sure that the driver carries onboard his vehicle all evidence related to the fact that he has been instructed/trained (see written instructions in annexes 1 and 3), as well as the regularly and duly completed and signed checklist (see annexes 2, 4 and 6) and Consignors Clearance Certificate (see annex 5), if available. Regarding the latter, should the Consignor not wish to sign, instruct the driver to note accordingly and sign himself instead.
- (k) Where available, supply drivers with emergency call numbers or other appropriate phone numbers to enable them to liaise with his company or the relevant authorities/embassies.

2. Measures to be taken by the driver to secure goods vehicles against unauthorised entry

- (a) Make sure that cuts or tears in the outer shell or fabric of the vehicle are repaired before final loading.
- (b) If present at the time of final loading, the driver of the vehicle must check to ensure that no persons have gained entry and are concealed within. If not present at the time of final loading, it is highly recommended, in particular on extremely sensitive destinations, that the person in charge of loading provides the driver with written confirmation (e.g. by signing the checklist) that these checks were properly conducted and that the vehicle did not contain concealed persons at the time of final loading and securing. Should the person in charge of loading refuse to give a written confirmation (e.g. sign the check list), the diver should make note accordingly and sign himself.

- (c) Secure the load space immediately after loading by appropriate lock, seal or other security device.
- (d) Make sure that tilt cords and straps, where used, are undamaged, pass through all fastening points, are made taut and are secured by lock, seal or other security device.
- (e) There must be no means of entry to the load space other than via access points which have been secured by lock, tilt cord/strap and seal, or other security device.
- (f) Locks, tilt cords, straps and other devices used to secure the load space must be of robust quality and effective.
- (g) Where appropriate, use company seals and record their use in the checklist accompanying the vehicle documentation.
- (h) Where a sealed container (except a container sealed by Customs) is loaded onto a vehicle, the driver should, where possible, e.g., on extremely illegal immigration-sensitive destinations and as an exceptional measure, check to ensure that it does not contain unauthorised persons. After checking, it is recommended the container be resealed and these actions be recorded, and the number of the new seal used must be in checklist/documentation accompanying the vehicle. It is recommended to only break the seals as an exceptional and a last-resort measure. The normal procedure should be that the client seals the container, and indicates this on the accompanying documents. In such cases, it is also recommended that the driver makes use of other available technical means, such as CO2 tests, detectors of movements, scanners, dogs, physical search etc. It is also recommended that the driver be supplied with emergency call numbers or other appropriate phone numbers, where available, to liaise with his company and the relevant authorities. (See annexes 1 and 3)
- (i) It is recommended to perform the same checking, securing and recording procedure detailed in paragraph 1.2.h. above where the load space in the vehicle has been opened by the operator or driver, or any other person before the final checks are carried out
- (j) Where a new driver becomes responsible for the vehicle, he should ensure that it does not contain unauthorised persons. It is recommended that both the previous and the new driver sign the checklist certifying that an appropriate check has been carried out.
- (k) In cases where the driver cannot or is not allowed to use seals or stamps to validate an operation on the vehicle or a record in the documentation, it is recommended that he signs personally.

3. Measures to be taken immediately prior to the goods vehicle boarding the ship or train, before re-taking the route after a pause and before and after border crossings

- (a) Check tilt cords and straps for evidence of tampering, damage or repair.
- (b) Check that seals, locks or other security devices have not been removed, damaged or replaced. In order to ensure that there has been no substitution, numbers on seals must be checked to confirm that they correspond to those recorded on the checklist/documentation accompanying the vehicle.
- (c) Check the outer shell/fabric of the vehicle for signs of damage or unauthorised entry, paying particular attention, if possible, to the roof, which may be checked from either inside or outside the vehicle.
- (d) Check any external storage compartments, tool-boxes, wind deflectors and beneath the vehicle.
- (e) Check inside the vehicle. Where available, detection devices may also be used for this purpose.
- (f) Where it is not possible to secure a vehicle by means of locks, seals or other security devices, a thorough manual check of the load and load space is highly recommended.

- (g) Make use of any dedicated control facility offered by authorities at terminals, ports etc., such as CO2, screening/X-Ray, movement detectors, physical checks, dogs, physical search etc. and try to get a written certification of the result of these checks.
- (h) Don't embark on a ferry if you suspect the presence of illegal immigrants on board.

N.B! Checks before embarkation are the most decisive and they can suppress the value of any previous checks and entries in the checklist. Make sure that these are properly carried out making use of your own and any other third party facility

4. Other

- (a) Vehicles should be checked regularly en route to ensure that they have not been entered, particularly after stops when left unattended.
- (b) Where available, it is recommended that a document list detailing the system used to prevent unauthorised entry be carried with the vehicle, so that it may be produced immediately to an immigration officer on demand.
- (c) A report/checklist detailing the checks that were carried out must be carried with the vehicle. If possible, the report should be endorsed by a third party, who has either witnessed or carried out the checks himself by arrangement with the operator or driver (See checklists enclosed).
- (d) Where the checks conducted suggest that the security of the vehicle may have been breached, or the operator or driver otherwise has grounds to suspect that unauthorised persons have gained entry to the vehicle, such circumstances should be recorded in the checklist and reported to the police in the country concerned at the earliest opportunity.
- (e) In case of groupage, and in particular in case of non-sealed groupage, drivers must check the credibility of the paperwork, including the invoices for the goods that will have been provided with the CMR. In particular, they should concentrate on **packaging** (have they been consistent with the goods listed?), **the load** (have parcels been loaded in the way that might be expected? Are there boxes of inappropriate size?), **consignee's identification** (are the consignee's name and address clearly marked on the loads?), the **nature of the delivery** (is this a regular delivery?). In case of suspicion, the driver should inform without delay his company (and customs authorities, if appropriate).

II. BUS AND COACH OPERATIONS

1. Measures taken by the road transport operator/owner of the company

- (a) Make use of any voluntary agreement, MoU, checklists, leaflets, training schemes or similar facilities agreed upon between competent authorities, port authorities, shipping/ferry companies and your trade association in order to improve your in-house instruction/training process.
- (b) Document/establish a (check)-list of security procedures related to illegal immigration.
- (c) Instruct and where appropriate train drivers and hand over a printed version of the checklist (see annexes 7 and 8) to every driver carrying out operations on sensitive routes/destinations.
- (d) Keep a record of your security-related activities.
- (e) Ensure drivers are issued with appropriate security equipment and check lists; it is recommended that these check lists be validated by the respective competent authorities.
- (f) Check and retain completed check lists. Monitor check lists to ensure that your drivers are complying with your instructions.
- (g) Take documented action where employees are not complying with company policy.

- (h) When operating on routes sensitive for illegal immigration, make sure that you have an effective system in place that prevent illegal entry and that it is operated properly.
- (i) Purchase and install modern technical detection devices of vehicle control (cameras, etc.) if affordable for your company
- (j) Make sure that the driver carries onboard of his vehicle all evidence related to the fact that he has been instructed/trained (see model written instructions for goods transport in annexes 1 and 3), as well as the regularly and duly completed and signed check list (see annexes 7 and 8).
- (k) Where available, supply drivers with emergency call numbers or other appropriate phone numbers to enable them to liaise with the relevant authorities and/or his company.

2. Measures to be taken by the driver to secure passenger vehicles against unauthorised entry

- (a) The vehicle and any compartments accessible from the outside must be capable of being made secure with a lock or locks, which prevent unauthorised entry. In case these cannot be locked, drivers should make manual regular checks.
- (b) The vehicle must be locked when unattended and any compartments (e.g. luggage space), which are accessible from the outside, must be kept locked when not being accessed.
- (c) The operator or driver must supervise whenever passengers board or alight from the vehicle and when baggage or belongings are loaded or unloaded, to ensure that unauthorised persons do not use that opportunity to gain entry.
- (d) Where possible, it is recommended that the driver keep a manifest detailing the names of all persons whom he knowingly carries in the vehicle.

3. Measures to be taken immediately prior to the vehicle boarding the ship or train, before re-taking the route after a pause and before and after border crossings

- (a) All spaces in or on the vehicle, which are capable of containing a person, must be checked before the vehicle is taken on board to ensure that no unauthorised person has gained entry.
- (b) Toilets, luggage space and any space accessible from the outside must then be kept locked until the vehicle passes through the border.
- (c) Before passing through the border, it is recommended that the driver perform a check to ensure that all persons shown on the passenger manifest are accounted for.

4. Other

- (a) Where possible, it is recommended that a document detailing the system operated to prevent unauthorised entry be carried with the vehicle so that it may be produced to an immigration officer on demand.
- (b) A report/checklist detailing the checks that were carried out must be kept with the vehicle. If possible, the report should be endorsed by a third party who has either witnessed or carried out the checks himself (See enclosed checklists).
- (c) Where the checks conducted suggest that the security of the vehicle may have been breached, or that an unauthorised person or persons are on board, such circumstances must be recorded in the checklist and reported to the police in the country concerned, or at the latest, to the passport authorities at the border.
- (d) In cases where the driver cannot or is not allowed to validate an operation on the vehicle or a record in the documentation, it is recommended that he sign personally.

UNDOCUMENTED PASSENGERS

III. BUS AND COACH OPERATIONS

In this chapter "vehicle" means buses and coaches engaged in the operation of occasional and scheduled international bus-lines.

1. Measures taken by the road transport operator/owner of the company

- (a) Make use of any voluntary agreement, MoU, checklists, leaflets, training schemes or similar facilities agreed upon between competent authorities, port authorities, shipping/ferry companies and your trade association in order to improve your in-house instruction/training process.
- (b) Document/establish a (check)list of security procedures related to undocumented passengers.
- (c) Instruct and where appropriate train drivers and hand over a printed version of the checklist to every driver carrying out operations on sensitive routes/destinations.
- (d) Keep a record of your security-related activities.
- (e) Ensure drivers are issued with appropriate security equipment and check lists; it is recommended that these check lists are validated by the respective competent authorities.
- (f) Check and retain completed check lists. Monitor check lists to ensure that your drivers are complying with your instructions.
- (g) Take documented action where employees are not complying with company policy.
- (h) When operating on illegal immigration-sensitive routes, make sure that you have an effective system in place to prevent clandestine entry and that it is operated properly
- (i) Make sure that the driver carries onboard of his vehicle any evidence related to the fact that he has been instructed/trained (see model written instructions for goods transport in annexes 1 and 3), as well as the regularly and duly completed and signed check list (see annexes 7 and 8).
- (j) Where available, supply drivers with emergency call numbers or other appropriate phone numbers to enable them to liaise with the relevant authorities and/or his company.

2. Sale of tickets and boarding the vehicle

- (a) At the point of ticket sale, if possible, it is suggested that passengers are reminded by the operator or his contracted travel agent to ensure that they have the proper travel documents for the countries to be visited (including transit countries).
- (b) On boarding the road passenger vehicle for an international journey on a regular service, the operator, in cooperation with the agency in charge of the organisation of the trip itself, should put in place reasonably effective checking procedures in order to allow the driver to identify, to the extent possible for a non-expert, any passenger who is inadequately documented. In such cases, the transport operator should inform the organiser of the trip of these requirements, and make sure that the organiser of the trip itself marks his agreement and cooperates fully in carrying out the checks. This could be done by means of a specific mention in the transport contract.
- (c) When checks of travel documents are particularly difficult, e.g. at remote bus stops on the road and during night hours, these should be carried out to the extent possible and documented in the checklist.

- (d) Where the driver has doubts about the documentation presented by the passenger, the driver may:
- seek advice from the relevant Immigration Service of the country concerned, if feasible;
 - establish a record in the checklist (of the document details, i.e. number, date and place of issue, visa(s) held etc.);

- (e) Keep a record (checklist) of the checks made.

For such purposes, and in particular on illegal immigration sensitive destinations, operators/drivers may wish to keep a passenger list with full details of all passengers carried and of their travel documentation.

In particular sensitive cases/countries, where a valid visa for entry into the countries visited (transited) is held, it is recommended that consideration should be given to noting and retaining details of it, such as number, date and place of issue and validity, perhaps with ticketing records, if local legislation permits such an exercise.

On such destinations, owners/operators may wish to look into the practicality of ensuring that a copy of a (simplified) passenger list is carried by the driver or person in charge of a road passenger vehicle and that it is updated as appropriate in respect of any passengers who may join en route.

- (f) In cases where the operator/driver of the vehicle is not allowed by law to carry out such checks required, it is advisable that the operator/driver makes an appropriate record in the checklist.
- (g) On sensitive destinations, and where this is possible, it is recommended that the driver asks a third party to sign any passenger list to certify that such a document check of all passengers was undertaken.

3. Remember

- (a) The judgement as to the acceptability of a passenger to the immigration authorities en route or on arrival can be exercised only by the immigration officer. The driver should not replace representatives of state authorities.
- (b) However, operators/drivers are expected by several immigration authorities, in particular on immigration sensitive destinations/countries, to check, to the extent possible and within the limits of their sound non-professional judgement, whether a passport or travel document presented by the passenger is valid and that the passenger is the rightful holder, the passenger needs a visa and, if yes, it is available and valid for the holder and also for any other accompanying passengers named in the passport.
- (c) The operator/driver may be made liable for false travel documents if the falsity is 'reasonably apparent' A falsity is reasonably apparent, if it were of a standard, which a trained (instructed) and yet non-expert representative/driver of the carrying company, examining it carefully but briefly and without the use of any technological aids, could reasonably be expected to detect. A trained (instructed) representative/driver would be expected to have a level of basic knowledge of how to identify false documents, but not to be expert nor to have the resources for any detailed examination. The trained/instructed representative/driver should examine the photograph and personal details in the document, and compare these with the passenger in order to detect any impersonation.
- (d) Periodical specific training of drivers and other staff in direct contact with passengers is recommended about the passports and other travel documents that are acceptable for travel to various destinations, and about how such documents should be checked. A checklist for use by drivers regarding undocumented passengers might be useful (See enclosed checklists).
- (e) In cases where the driver cannot or is not allowed to validate an operation on the vehicle or a record in the documentation, it is recommended that he sign personally.

Annexes.

Model Driver's Information Sheet¹

<i>WHAT TO DO ABOUT ILLEGAL IMMIGRANTS ON BOARD</i>

If in France:

- Call as soon as possible speed n°17 or 117, give code word ALIC (Help with illegal immigration)
- Identify yourself: name, telephone number where you can be reached
- Identify your vehicle:
 - Type of vehicle, colour, inscription
 - Registration number
 - Cargo
 - Cargo type (mention if sealed for customs)
- Explain the situation accurately and briefly
- Give your location:
 1. **You know the place, you are immobilised**
Indicate the location precisely, and where you are in relation to your vehicle
 2. **You don't know the place, you are mobile**
Indicate your routing plan, ask the police to meet you at a point on your itinerary

Do not try to take any action yourself. Do not draw attention to yourself by changing your behaviour, and use regulation or necessary stops to alert the authorities as explained here-above. You could ask that the Check be inscribed on the back of the tachograph disk.

If in England:

- Inform the British Immigration Authorities of your suspicions (hotline : 0 1304 210 897). Do not take any action yourself.
- Present your control documents, have the cords and/or locks, seals etc examined.
- Answer any questions.

Though you may be acting in good faith, you may be retained for questioning. In this case:

- Ask to call your employer
- Ask for the services of an interpreter (if necessary)

If you are involved in an administrative inquest, **the presence of a lawyer is not foreseen**. You must state your name and address. Do not sign any document, or any legal report.

If you are booked, you must not, in any case, pay the fixed fine, as this will be notified at a later date to yourself, the owner of the vehicle and the consignor.

In all cases, do not leave the port area without checking your vehicle yourself. Leaving the port area with illegal immigrants on board, could lead the British Authorities to consider that you have committed an act of human trafficking.

¹ Driver's information Fiche (Fiche conducteur) established by the FNTR in France for transport to the UK.

Model of check list validated by the UK authorities²

TRANSPORT A DESTINATION DU ROYAUME-UNI

Prévention de l'immigration clandestine / *Prevention of illegal immigration*

Immigration and Asylum Act 1999 – Code of practice

Liste de contrôle / *Check list*

	numéro du véhicule - remorque - conteneur <i>vehicle / trailer / container number</i>
--	--

Après le chargement du véhicule / <i>After loading vehicle</i>		oui / yes	non / no
véhicule fermé - scellé par le conducteur ou l'expéditeur <i>vehicle locked/sealed by driver or consignor</i>			
numéro du plomb enregistré / <i>seal number recorded</i> plomb douane / <i>TIR seal</i> plomb transporteur / <i>firm seal</i>			
numéro du cadenas enregistré / <i>padlock serial number recorded</i>			
Nom du conducteur / <i>driver's name</i>		Signature et timbre de l'expéditeur <i>Signature and stamp of the consignor</i>	
Date – heure <i>date – time</i>	Signature		

- Avant l'embarquement / Prior to embarkation
- Avant l'entrée dans la zone de contrôle britannique à Coquelles
Before entering into the British checking area at Coquelles

	oui / yes	non / no
véhicule contrôlé par la Chambre de commerce et d'industrie de Calais (ferries) <i>vehicle checked by the Chamber of commerce in Calais (only ferries)</i>		
vérification de l'état du plomb / <i>seal checked for tampering</i>		
vérification du numéro du plomb / <i>seal number checked</i>		
vérification de l'état du cadenas / <i>padlock checked for tampering</i>		

² The list was originally established by FNTR (F). Subsequently it was reworked by the French competent authorities and validated by their UK counterparts – to be used for French operators in transports towards the UK

vérification du numéro de cadenas / <i>padlock number checked</i>			
vérification de l'état du plomb et du cordon / <i>seal and cord checked for tampering</i>			
vérification de la carrosserie extérieure (bâche, sangles), véhicule + remorque <i>fabric of vehicle and trailer checked (outer sheet, straps) for signs of damages</i>			
vérification du toit / <i>roof checked for damage</i>	de l'extérieur / <i>externally</i>		
	de l'intérieur / <i>internally</i>		
vérification des compartiments extérieurs (boîte à outils, déflecteurs) <i>external storage compartments checked (tool boxes, wind deflectors)</i>			
vérification du châssis du véhicule / <i>below vehicle recesses checked</i>			
vérification de la citerne / <i>tank checked</i>			
Remarques / <i>Comments</i>			
Nom du conducteur / <i>Driver's name</i>		date – heure / <i>date – time</i>	Signature

Model Instructions to Drivers³

VEHICLE SECURITY

1. During and after loading - check that no unauthorised people enter or remain in the vehicle or trailer.
2. Ensure vehicle is sealed and/or padlocked after loading and that a cord is used where possible.
3. Enter number of seal/padlock on vehicle documents.
4. Wherever possible obtain third party witness to sealing / padlocking.
5. When leaving the vehicle unattended check that:
 - Windows are closed,
 - Vehicle immobiliser is armed,
 - Cab deadlocks are engaged.
6. After any stop - check vehicle security and physically inspect seals / padlocks/cord/ outer shell/fabric and roof, if it is possible to do this safely and complete check list accordingly. The roof may be checked from the inside where this is possible.
7. If it is suspected that clandestines are on board – inform the local authorities and contact the UK Immigration Service on **00 44 (0) 1304 210897**
8. Prior to embarkation check vehicle as thoroughly as possible, as per 6 above, confirm seals/locks/cord have not been tampered with and **CHECK INSIDE IF POSSIBLE**.
9. Ensure that the vehicle is checked if 3rd party checks are available (CO² - Dogs – Scanner-Physical). If not available indicate on the Check List.
10. Do not embark if you suspect that clandestines are on board. Contact immigration or other authorities at port or call **00 44 (0) 1304 210897**.
11. At all times **BEWARE** - some clandestines are dangerous and could attack you.
12. All actions to comply with this procedure should be in accordance with the appropriate Check Lists and with the Prevention of Clandestine Entry Code of Practice.
13. All checks should be timed and dated and, where possible, witnessed by a third party.

³ Established by the Road Haulage Association (RHA), UK

Model Vehicle Security Check List⁴

VEHICLE NO.....		COMPANY.....			
DRIVER (Print Name).....		DATE.....			
<p>I have received and understood instructions from my company that I must secure the vehicle and carry out checks in accordance with the Home Office Prevention of Clandestine Entry Code of Practice shown by completion of the following Check List. I also understand that if I fail to do so I could be subject to a maximum penalty of £2000 per clandestine if such persons are carried to the UK.</p> <p>Drivers signature</p>					
LOADED AT(PLACE OF LOADING)					
CHECK	AFTER LOADING DATE/TIME	1ST STOP DATE/TIME	2ND STOP DATE/TIME	BEFORE EMBARKATION DATE/TIME	3RD PARTY WITNESS NAME
Vehicle checked & sealed by Consignor	YES/NO				
Seal/padlock number recorded	YES/NO.				
Seal/padlock checked (number & signs of tampering)	YES/NO.	YES/NO.	YES/NO.	YES/NO	YES/NO
Outer shell/fabric of vehicle & trailer checked for signs of damage including roof if possible	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Interior Checked	YES/NO.	YES/NO	YES/NO	YES/NO.	YES/NO
Roof checked for internal damage	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
External storage compartments, tool boxes, wind deflectors checked.	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Below vehicle recesses checked	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Third Party check carried out at...(NAME OF PORT) CO² <input type="checkbox"/> Dogs <input type="checkbox"/> Scanner <input type="checkbox"/> Physical <input type="checkbox"/> (tick as appropriate)					
COMMENT OR REASONS FOR NON COMPLIANCE TO CHECK LIST					
SIGNATURE		DATE.....			
PRINT NAME.....		TIME.....			
3 RD PARTY WITNESS.....					

⁴ Produced by the Road Haulage Association (RHA), UK

Model Consignors Clearance Certificate⁵

VEHICLE SECURITY

CONSIGNOR CERTIFICATE – LOCKING / SEALING DETAILS

VEHICLE NO:

HAULAGE COMPANY:
.....

DRIVER'S NAME:

- 1. After loading and prior to locking / sealing the vehicle there did not appear to be any unauthorised people on board
- 2. Seal No:was applied after loading
- 3. Padlock No:was applied after loading

CONSIGNOR REPRESENTATIVE

Signature:

Name (printed):

Company:

Date:

The Company Representative was not prepared to sign that the vehicle was secure and was sealed or padlocked.

DRIVER'S SIGNATURE:

PRINTED:

Date:

⁵ Produced by the Road Haulage Association (RHA), UK

ANNEX 6 - DRAFT TEMPLATE CHECKLIST - CLANDESTINE ENTRANTS - GOODS VEHICLE ^{0*}

Driver name:
 Company name:
 Loaded at:
 On (date):

Vehicle number:
 Trailer number:
 Seal(s) number:

I have received and understood instructions from my company that I must secure the vehicle and carry out checks in accordance with the provisions in force (....) shown by completion of the following Check List. I also understand that if I fail to do so I could be subject to a penalty if such clandestine entrants are carried on board of my vehicle.

Drivers' signature

Check	After loading Date:	1 st Stop Date:	2 nd Stop Date:	BEFORE EMBARKATION ³	Date, place and signature
Vehicle/Trailer inside	Yes No				
Tilts & roof checked for damage	Yes No	Yes No	Yes No	Yes No	
External compartments checked	Yes No	Yes No	Yes No	Yes No	
Below vehicle checked	Yes No	Yes No	Yes No	Yes No	
TIR cord tight and in place and checked ¹	Yes No	Yes No	Yes No	Yes No	
Seal in place and checked ²	Yes No	Yes No	Yes No	Yes No	
Padlock in place and checked ²	Yes No	Yes No	Yes No	Yes No	
Seal/Padlock number					
CO2-Check				Yes No	
Cabin-Check				Yes No	
Time checked					
Driver's signature					
Any 3 rd party signature ⁴					
Free comments by the driver on important items not covered by the list above					

⁰ √ as needed

¹ The TIR Security Cord should be checked physically for evidence of tampering, in particular for signs that it has been cut and rejoined.

² Seals and padlocks should be checked physically to ensure they have not been cut or broken and repaired. If a padlock is difficult to open or close this may suggest it has been tampered with.

³ In case of border crossing taking place while vehicle is on board a ship or train.

⁴ e.g. consignor

ANNEX 7 - DRAFT TEMPLATE CHECKLIST - CLANDESTINE ENTRANTS - PASSENGER VEHICLE^{0*}

Driver name:

Company name:

Departing from:

On (date):

Vehicle number:

Trailer number:

I have received and understood instructions from my company that I must secure the vehicle and carry out checks in accordance with the provisions in force (....) shown by completion of the following Check List. I also understand that if I fail to do so I could be subject to a penalty if such clandestine entrants are carried on board of my vehicle.

Drivers' signature

Check	Departure		1 st Stop		2 nd Stop		Before embarkation ²		Date, place and signature
	Yes	No	Yes	No	Yes	No	Yes	No	
Vehicle inside	Yes	No	Yes	No	Yes	No	Yes	No	
External compartments checked	Yes	No	Yes	No	Yes	No	Yes	No	
Internal compartments checked	Yes	No	Yes	No	Yes	No	Yes	No	
Toilettes checked	Yes	No	Yes	No	Yes	No	Yes	No	
Below vehicle checked	Yes	No	Yes	No	Yes	No	Yes	No	
All locks checked ¹	Yes	No	Yes	No	Yes	No	Yes	No	
Time checked									
Driver's signature									
Any 3 rd party signature ³									
Free comments by the driver on important items not covered by the list above									

⁰ √ as needed

¹ Locks and possible padlocks should be checked physically to ensure they have not been cut or broken and repaired.

² In case of border crossing taking place while vehicle is on board a ship or train.

³ e.g. travel agent, tour guide

ANNEX 8 - DRAFT TEMPLATE CHECKLIST - UNDOCUMENTED PASSENGERS - PASSENGER VEHICLE⁰ *

Driver name:

Vehicle number:

Company name:

Trailer number:

Departing from:

On (date):

I have received and understood instructions from my company that I must secure the vehicle and carry out checks in accordance with the provisions in force (....) shown by completion of the following Check List. I also understand that if I fail to do so I could be subject to a penalty if such improperly documented passengers are carried on board of my vehicle.

Drivers' signature

Check	Departure Date:		1 st Stop Date:		2 nd Stop Date:		Before embarkation ¹		Date, Place and Signature
Passport check	Yes	No	Yes	No	Yes	No	Yes	No	
Visa check, if relevant	Yes	No	Yes	No	Yes	No	Yes	No	
No checks possible per local law	Yes	No	Yes	No	Yes	No	Yes	No	
False document found If yes, details :	Yes	No	Yes	No	Yes	No	Yes	No	
		
		
Contact with immigration service sought If yes, details:	Yes	No	Yes	No	Yes	No	Yes	No	
		
		
Passenger list available and updated	Yes	No	Yes	No	Yes	No	Yes	No	
Time checked									
Driver's signature									
Any 3 rd party signature ²									
Free comments by the driver on important items not covered by the list above									

Important Note: While this checklist may fit the specific case of regular passenger lines, in the case of occasional passenger trips a much lighter variant may well be needed to reflect the specificity of this type of transport.

⁰ √ as needed

¹ In case of border crossing taking place while vehicle is on board a ship or train.

² e.g. travel agent, tour guide

* Checklists should take the form of a logbook/carnet, the driver using one sheet per trip. Final form should contain columns/boxes for stamps/signatures by official and other organisations. Useful information for drivers to call/refer to might be included (on the reverse).