

The [Immigration and Asylum Act 1999](#) imposes obligations on those entering the United Kingdom to secure their vehicles to prevent illegal immigrants, or so called clandestine entrants, from entering the United Kingdom.

If you fail to secure your vehicle, and you are found to be carrying a clandestine entrant, you could be fined up to £2,000 per person carried.

The fine can be levied on the person responsible. This usually means the driver, but where the driver is an employee, can also include the owner, or hirer of the vehicle, (which includes any trailer). In some circumstances vehicles may be detained pending payment.

If found with a clandestine entrant, it is a defence to show:

- that you did not know and had no reasonable grounds for suspecting that a clandestine entrant was or might be concealed;
- that there was an effective system in operation to prevent the carriage of clandestine entrants;
- such a system was operated correctly.

UK Border Force have issued a [Code of Practice](#) setting out the steps involved in creating an “effective system” to prevent the carriage of clandestine entrants. The code prescribes the steps to be taken in the case of different types of vehicle. Understandably, those responsible for commercial vehicles are required to take the most care, for instance by locking trailers, regularly checking for signs of entry, and documenting the steps that have been carried out. A [template checklist](#) has been produced to assist in documenting the steps taken. As employers may face liability for clandestine entrants, appropriate steps should be taken to ensure their employees comply with the code.

Those driving cars should, where possible, prevent unauthorised entry by locking compartments, using alarms where fitted, and checking areas which cannot be easily locked, for instance under a boat cover.

While the code does not expressly refer to volunteers driving vehicles on behalf of clubs and class associations, it is suggested that clubs and class associations follow the appropriate guidelines for the type of vehicle used, and be aware that fines may be imposed on the “responsible person” which for an unincorporated association could fall to a committee member or even the wider membership, depending on the organisation’s legal structure.

What do I do if I find or suspect a clandestine entrant in my vehicle or trailer?

If you suspect a clandestine entrant has entered your vehicle, do not board a ship or train bound for the United Kingdom, or enter UK Immigration control operated in prescribed zones outside the United Kingdom.

Contact the local police, and explain the situation.

Practical guidance for those returning to the UK:

- Lock doors and secure trailers/ boats/ or compartments where people could hide.
- Consider leaving covers off boats to reduce the number of possible hiding spaces.
- Check your vehicle before boarding a ferry/ train.
- Report any concerns to the local police.
- Consider if you need to document the steps you have taken to secure your vehicle or trailer, or if the nature of your vehicle requires specific steps to be taken.

Further information

<https://www.gov.uk/guidance/secure-your-vehicle-to-help-stop-illegal-immigration>

Clandestine Entry Civil Penalty Team
Border Force
Border Force South/South East & Europe
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The Quadrant
Mondial Way
Harlington
Middlesex
UB3 5AR

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If you have any queries, questions or comments on the information contained in this leaflet, kindly contact the Legal Team on 023 8060 4223 or legal@rya.org.uk.

RYA Responsibility Statement:

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