

Brexit Institute News



With post-Brexit politics and economics, however, the risks arising from policy decisions and international commitments based on possibly unrealistic assumptions about border control technology, such as ETA (Electronic Travel Authorisation), are so much greater, and a U-turn might not be an option.

The vision at the core of the ETA announcement of a Britain that is more open and generous to the world is wholly different from that conveyed by [Farage's shameful poster](#) that helped to garner the Brexit vote. ETA and the travel and migration policies that it will support will welcome '[people based on the skills they have to offer and how they will contribute to the UK, not where their passport comes from](#)'. Also, we are informed that risks stemming from wider and easier access will be fully covered. Technology will create '[the world's most effective border, one that enables prosperity and enhances security for Global Britain](#)', for instance, [conviction information will be used to identify unsuitable or risky people](#).

Striking an effective, fair and fundamental rights compliant balance between easier visitor or migrant travel authorisation and risk prevention or, if that fails, an effective criminal justice

response to crimes committed by foreign residents is a challenge for wealthier democracies, but this has to be addressed proportionately. For instance, contrary to right-wing propaganda, there was never a UK crime wave caused by Single Market Freedom of Movement. Prosecution data analysed by a team led by my colleague [Derek Johnson](#) in fact reveals a lower level of offending than basic demographics would have suggested. Nevertheless, it is always important to find the few people in the generally law-abiding and tax-paying crowd crossing the border [who pose a significant risk](#). The EU developed a holistic response to this challenge; a comprehensive system of digitalised information sharing, mutual trust in investigative and judicial cooperation and budget transfers to enable less wealthy member state participation in such cooperation, all underpinned by data protection and fundamental rights provisions in EU criminal law.

Such cooperation is not just relevant to a small minority of foreign neighbours and colleagues. The EU (for some aspects EEA) system – much of it retained in the 2021 [Trade and Cooperation Agreement](#) – is equally critical for denying UK criminals impunity by slipping across EU borders, and in maintaining comprehensive UK safeguarding in education and for vulnerable people.

It would be reckless for at least three reasons for the UK Government to make international commitments or policy decisions that rely on assumptions about full ETA operational effectiveness [‘for everyone who interacts with the immigration system and crosses the border’](#) by the end of 2024.

Firstly, technology project risks: the ETA is part of a comprehensive and long-delayed renewal of UK border control technology. This project began in 2003, was reconfigured after the costly failure of E-borders with a view to completion in 2019 but was reset in that year to 2022 and 2024 because of policy [‘changes, scope creep and poor programme performance’](#).

Secondly, even the most brilliantly functional e-travel authorisation system depends on access to reliable information. If such information is not available there is no alternative to traditional pre-travel interviews, document scrutiny and inquiries by government staff in the country of departure. Presumably, this partly explains why the US visa-waiver program (delivered by its Electronic Travel Authorization system) is only available to the nationals and sometimes the residents of [39 countries and territories](#)? Missing from that list are many countries central to ‘Global Britain’ market aspirations that might have an access price-tag. India and the PRC are excluded and, except for Australia, Japan Taiwan, South Korea and New Zealand, all Pacific countries together with all of Africa and most of Latin America. [Australia’s similar visa-waiver schemes](#) cover an almost identical selection of countries.

Thirdly, UK border scrutiny has historically been concentrated mainly on [33% of foreign arrivals](#) (i.e., those from outside the EEA). Information flows and cooperation are even more EU-centric: for example, 86% of information about UK citizens’ foreign convictions, [94% of requests from for information about criminal convictions in the UK and about 99% of authorised extraditions](#). Any pivot away from EEA countries of origin to the rest of the world is likely to be costly and, if the same level of information reliability cannot be guaranteed, would significantly damage border security.

ETA dependent treaty commitments and policy decisions – ranging from travel and migrant access needed to secure trade deals to staff cuts in the countries of departure or the

privatisation of critical elements of the authorisation process – need to wait until ETA is proven to be fully operational and effective, including evidence of the system’s access to reliable relevant information.

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The views expressed in this blog reflect the position of the author and not necessarily that of the Brexit Institute Blog.