

Home Affairs Committee

Oral evidence: [Home Office preparations for Brexit, HC 67](#)

Wednesday 23 October 2019

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Members present: Yvette Cooper (Chair); Rehman Chishti; Sir Christopher Chope; Janet Daby; Stephen Doughty; Chris Green; Kate Green; Tim Loughton; Stuart C. McDonald; Toby Perkins; Douglas Ross.

Questions 255 - 375

Witnesses

I: Rt Hon Priti Patel MP, Home Secretary; Sir Philip Rutnam KCB, Permanent Secretary, Home Office; Shona Dunn, Second Permanent Secretary, Home Office; Glyn Williams, Director General, Borders, Immigration and Citizenship Systems Policy and Strategy Group, Home Office; Paul Lincoln, Director General, Border Force, Home Office.

Written evidence from witnesses:

- [Home Office](#)
- [Home Office \(follow-up after meeting\)](#)



Examination of witnesses

Rt Hon. Priti Patel MP, Sir Philip Rutnam, Shona Dunn, Glyn Williams, Paul Lincoln

Q255 **Chair:** Can I welcome everyone to this session of the Home Affairs Select Committee and welcome the Home Secretary, Permanent Secretary and senior civil servants to give evidence to us today? Home Secretary, this is the first time we have seen you since your appointment, so we welcome you very much to the session today. Thank you for your time and apologies for the late start of this evidence session.

You have just made a statement in Parliament on the terrible events in Essex and the awful crime that seems to have taken place and the unbearable thought of people dying in that way. I am very grateful to you for that statement. I realise there will not be anything more that you are able to say on that incident at this stage, given the investigation that is underway. In the light of that, could you tell us something about the way in which you envisage that kind of co-operation on what looks to be international trafficking cases across Europe, trafficking cases as part of the future security partnership and the future security arrangements that you will be planning after Brexit?

Priti Patel: Chair, thank you for your comments and thank you for the opportunity to come here today. There are a number of points I would like to make. First of all, you have all heard my statement. Obviously as a live investigation there is not much we can add to that right now. From what I gather, things are moving quite quickly on that.

First and foremost it is important to recognise that in light of what has happened, which is dreadful, Border Force, immigration teams and law enforcement agencies work together in terms of information sharing, data sharing and co-operation. To be quite candid, we do not know the boundaries to this yet, so we should recognise that. This could be wider than the UK, wider than Europe. That is now a matter for the police and their investigation.

It is important to recognise as well though, as we all know, the UK Government works with all European authorities to share intelligence and to monitor movements when it comes to issues like this. We are talking about migrants, we are talking potentially about criminality with what we have seen today. Also we share information and intelligence across the agency landscape on the tactics of many of these serious organised gangs who undertake what is quite frankly unacceptable, inhumane and dangerous activity.

You have specifically asked in regards to post-Brexit in terms of co-operation. As far as I am concerned as Home Secretary, my priority—as ever—is naturally to keep our country safe, to lead the world in the way in which we do already in terms of collaboration, security and international co-operation. We should recognise we have all been



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involved in debates upon EU exit, how we are going to leave, whether we are going to leave with a deal or no deal. That is obviously not for this Committee right now. However, there should be no cap and no limit to our aspiration in terms of what we want to achieve with long-term security co-operation and partnerships. I have many priorities, but that is a significant priority of mine.

To speak to that point, I have been through about 96 days so far as Home Secretary, working across the board with agencies, and I have been in touch with the Commission in terms of post-Brexit arrangements. There are Government mechanisms as well that we have had through EU exit preparedness to look at co-operation going forward. At the same time, we want to achieve that and work to therefore drive future negotiations around security co-operation.

Q256 Chair: The plan at the moment, based on the Prime Minister's deal and proposals, are you anticipating the long-term security partnership being part of a separate security treaty or part of the future partnership treaty more widely?

Priti Patel: It is important to recognise a couple of things right now. Obviously if we are working for a deal and achieving a deal, you would have seen the political declaration and how security is represented in there. That of course would be the next part of negotiations and discussions and, to be quite frank, building upon existing discussions that have taken place even predating me before I became Home Secretary. The important point to make is that of course I have always said there will be no cap in terms of where we want to be in terms of enhancing and strengthening, but the key thing—

Chair: The process.

Priti Patel: The process would be negotiating and going into the next stage of discussions on that.

Q257 Chair: There are two ways you could do this and we have had different evidence from different Home Secretaries in the past. You could be envisaging it being a separate security treaty to underpin the legal co-operation, the work with Europol, the extradition arrangements and so on. It could be a specific separate security treaty or it could be part of a wider future partnership agreement that also includes trade and all sorts of other things. I am keen to know, in terms of your Home Office planning at the moment, which avenue are you currently planning on?

Priti Patel: We are working on the basis that security will obviously be at the foremost of everything that we do. The fact of the matter is that we do need a deal to then set the direction of travel going forward. Without a deal, I am not going to speculate in terms of the route. Maybe Glyn would like to come in on this, because prior to me becoming Home Secretary and even now Glyn has been leading on much of that Brexit preparedness and planning that has taken place both within the Department but across Government with our agencies too.



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Q258 **Chair:** I still want to know what you want. If you want the Prime Minister's deal and withdrawal agreement, I am trying to get to the bottom of what it is you want for the next phase.

Priti Patel: We want to absolutely build upon the strength of the security co-operation and partnership that we have.

Q259 **Chair:** In a separate treaty or in a wider agreement?

Priti Patel: We have to make sure that that is totally unlimited. I am not going to engage in next steps and process when we do not even have a deal in place right now. I think we should all be concentrating our efforts on getting a deal in place and then look in terms of how we strengthen our capabilities and perhaps even pick up on future opportunities where we can go over and beyond some of our capabilities, grow them and enhance capabilities, but also new future partnerships.

Q260 **Chair:** That sounds like you do not have a decision on which of those two routes you will do, just in terms of the content. On your current timetable you would need to have some form of either a future partnership agreement or a security agreement in place by December 2020, is that correct?

Priti Patel: I am going to emphasis this right now. Under the existing situation that we are in right now—I think that is the best way to put this—obviously we have been planning, like any responsible Government would, to leave the EU on 31 October. Our co-operation on security in terms of all the tools that exist for law enforcement across the board, we have been working with agencies but with our counterparts as well to ensure that we would be able to have that smooth transition through a deal in particular.

The point is through the current frameworks that are on offer—and bear in mind we do not have a deal through in terms of going to Committee stage to debate the content of the deal itself and then getting the Act through Parliament—that would give us the framework then to move on to the next stage. This is a negotiation. This is part of the next stage of discussions.

As you will appreciate, as outlined in the political declaration, we have been clear in terms in the nature of the co-operation that we want to see and the direction of travel we as a country want with our EU partners and the level of our aspiration as well as in terms of the type of security co-operation that we want. That is exactly what we have been preparing for. We have been preparing for that as that being part of the next stage of negotiations.

Q261 **Chair:** I still do not have any information from you. What I am trying to work out is you clearly have a plan that includes a transition period where all of the co-operation will stay the same until December 2020. I still do not understand what your plan is after 2020, because the political declaration is quite broad brush.



For example, Europol has a European Migrant Smuggling Centre, which I raised in the Chamber earlier. Is your objective to stay part of that European Migrant Smuggling Centre? Currently the UK is part of that as part of the joint operational team. Is it your objective to continue and be part of that or is your objective something different and you would like a different relationship?

Priti Patel: It is important, as I have already said, to recognise that we want to continue our enhanced partnership collaboration to be one of the safest countries in the world. That is my priority, full stop. In terms of what would come after transition, that is part of the discussions through transition, but it does not mean we are going to move away necessarily from existing frameworks or partnerships or collaborations. We would use the opportunity to strengthen them and to build upon them.

Q262 **Chair:** What is the timetable then? What is the timeline for doing so?

Priti Patel: I am not going to speak about hypothetical timetables and timelines when we are not even on to the next stage of moving this debate forward in terms of Brexit in the House of Commons.

Q263 **Chair:** You only have 14 months. We were told that it could potentially take two years to get a data adequacy agreement that might be needed to get access to the European databases. We were told that extradition arrangements could take years to agree and in fact the Iceland and Norway extradition treaty has taken four years even to ratify. I press you again: what is your timeline? At what point in the next 14 months do you need a treaty agreed in order to then be able to get it ratified in time for December 2020?

Priti Patel: I will say again that we are in the process. As you would expect, these are discussions that are ongoing with our counterparts with the Commission. I myself have been in touch with the Commission in terms of that security partnership, that security relationship. It is important that we work through that umbrella and important that we absolutely continue to have that dialogue.

Chair: That is not an answer.

Priti Patel: It is an answer because—

Q264 **Chair:** Do you have any assessment of how long it will take other countries to ratify any treaty?

Priti Patel: We are working obviously with the Commission and with our counterparts to look at the co-operation that we will have going forward. It is fair to say that this is ongoing. It is absolutely ongoing. This is not just about reaching an end date, it is about enhanced co-operation. It is building upon the partnerships that we have already, it is building upon the existing frameworks and tools that we have and looking, where we can, to strengthen them too. I think that would be welcome.

Chair: All of that this Committee has agreed with many times, that we



should want very strong, close co-operation to continue and also that it is in other European member states' interests as well. What is worrying me though is that you do not seem to have a practical plan for executing this. Evidence that this Committee was given said it would take 18 months simply to ratify a treaty, in which case we are already on negative time in getting this security treaty or future partnership agreed. Given how important the database access and co-operation on things like people trafficking are, aren't you starting to get really worried that you just do not have a timetable to get this stuff sorted?

Priti Patel: The important point to make is that this is ongoing. This is not just about timetabling events. The fact of the matter is if the House of Commons could move forward, start with the Committee stage of the Bill, start landing the deal that the Prime Minister has secured, it will then move us on to the next phase of the negotiations that will take place.

This is not a simple, "We are moving from here to here within a set period". We have to do this on concurrent terms, obviously with what is going on with securing the Prime Minister's deal and then moving on to the next phase of negotiations. That is absolutely the process but it also does not mean, Chair, that nothing has happened in the meantime. There has been a lot of work that predates me even in my time thus far in terms of engagement with the Commission, engagement with other member states and working—

Q265 **Chair:** Have you had a meeting with the Commission specifically about a security treaty and the future partnership?

Priti Patel: I have been in touch directly with the Commission—

Chair: Have you had a meeting with them?

Priti Patel: —to ask for that dialogue and we are waiting to hear back.

Chair: You have asked for dialogue but you are still waiting to hear back?

Priti Patel: In all my discussions with my counterparts across the European Union as well, whether it is my French counterpart, my other counterparts that I have been engaged with, these are the conversations that we are actively having.

Q266 **Chair:** What level of confidence do you have? Give us some rough percentage confidence: what level of confidence do you have that this security treaty or a future partnership can be negotiated and ratified by December 2020?

Priti Patel: I think the important thing to recognise is that when you look at the way in which the Prime Minister's new deal has come together in not just a short period of time but with very significant changes, that is through engagement.

Chair: But it will have to be ratified. It will have to be ratified by the individual member states.



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Priti Patel: Ratification is a process. To be fair, our exit of the European Union needs ratification, clearly.

Q267 **Chair:** Yes, but it did not have to be ratified by member states. Do you have an assessment of how long it will take to ratify through member states?

Priti Patel: Of course we are conscious of timeframes, but the point is that this is ongoing and the dialogue is ongoing. It is international collaboration, collaboration with our partners, showing that we are all in the same place. It is of mutual benefit as well to ensure that we come to the right kind of agreement, that we have the right kind of tools in place, the right kind of security relationships. To achieve that obviously is in all our interests. I think, if nothing else, we are all very focused on achieving that.

Chair: If you are able to write to us with any form of timeline or assessment, that would be immensely helpful and reassuring, because otherwise your answers are quite worrying.

Q268 **Stephen Doughty:** Welcome, Home Secretary. First, can I associate myself with the comments both the Home Secretary and the Chair have made about the horrific events in Kent today? I am sure the Home Secretary would agree with me that those involved in potential people trafficking, smuggling and things like that are absolutely disgusting. We would all agree on that, I am sure.

I want to follow up on what the Chair has said about security co-operation first. Could you tell us, Home Secretary, given what you have just said, have you met with Commissioner King and his team? Have you met with them?

Priti Patel: No, I have not. I have been in touch with the Commission.

Q269 **Stephen Doughty:** Have you spoken to Commissioner King by phone?

Priti Patel: No, I have not. I have been in touch with them to have the dialogue.

Stephen Doughty: You say you have been in touch with them to have dialogue but you have not met the Commissioner?

Priti Patel: No, I have requested engagement.

Stephen Doughty: But you have not met the Commissioner and you have not spoken to him on the phone?

Priti Patel: No, I have not.

Q270 **Stephen Doughty:** Is that because he has refused to have that dialogue?

Priti Patel: No, it is not. There is a reason for this, because there is a cross-Government Brexit process that is taking place. Much of this is being led centrally through the DExEU Department and that also means



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engagement with Commissioners and the Commission directly. My engagement has obviously been through that process as well.

Stephen Doughty: That is a helpful clarification.

Priti Patel: Let me emphasise that there is a cross-Government process that is taking place and all that work is—

Q271 **Stephen Doughty:** I understand that, but you have helpfully clarified that you have not spoken to the Commissioner responsible either in person or by phone.

Given what the Chair has identified, and I have looked at the declaration myself and have some serious concerns about this as well, obviously one of the key areas we will lose access to is the SIS II database. Although there is mention of other things in terms of Prüm and others in there, which are obviously important, we will lose access to that. In previous evidence to this Committee it was made very clear to us by senior law enforcement officials that losing access to the databases would have consequences and that we would be potentially less safe as a result, certainly in a no-deal situation, but also if a proper security treaty was not negotiated. Can you confirm that we would not have access to the SIS II under the political declaration as it stands, and therefore can you guarantee that we will be as safe as we are today?

Priti Patel: I have already said that safety of our country is a number one priority. That is absolutely the right approach.

Stephen Doughty: Can you guarantee?

Priti Patel: It is very clear that we will remain safe as a country, but I should also emphasise that through any tools, through no deal in particular, there will be a mutual loss of capability. The fact of the matter is that we will continue, as we have been pursuing this route already, to used tried and tested alternatives, for example, using Interpol notices as well as drawing upon multilateral co-operation and bilateral co-operation through other EU structures of national security.

Q272 **Stephen Doughty:** I have read the declaration and I have read what is said in there very closely. You have admitted there that there will be a mutual loss of capability. One of the key aspects of that is undoubtedly around the SIS II database. Would you accept that using Interpol databases, in terms of the numbers of records that are available on them, is substantially lower than those available to us currently on SIS II?

Priti Patel: I think it is important to say that we should not dismiss Interpol red notices at all.

Stephen Doughty: It is a hugely lower number of pieces of information, millions lower.

Priti Patel: First of all, if I may come back to the whole point, if you look at what has happened in Parliament over the last few days, if we have a



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deal then obviously we can move forward in terms of security co-operation. That also means greater collaboration. I have already spoken about SIS II and mutual loss of capability. That is not just from our perspective but obviously that is from the EU's perspective as well. The fact of the matter is that if we want to move this forward with a deal, achieve greater security co-operation, we can do this through developing or enhancing our partnerships—

Stephen Doughty: Home Secretary, it is very clear from your answer there are no guarantees and we will lose mutual capability. Can I ask about a separate issue?

Priti Patel: You have already heard me say there should be no cap, no limits to our aspirations and horizons when it comes to security.

Q273 **Stephen Doughty:** I am interested, Home Secretary, in factual guarantees. Can I ask about you a separate issue relating to our borders? Obviously the Home Office is responsible for Border Force, which has responsibilities for customs checks as well, and we have discussed this issue many times before. The Prime Minister just told us in Prime Minister's Questions that there will be no checks between Northern Ireland and Great Britain. The Brexit Secretary told the Lords EU Select Committee that exit summary declarations will be required from NI to GB. He confirmed that to both the Chair of the Brexit Select Committee and to me in questions the other day, where he admitted that international obligations would require practical information to be provided on the movement of goods from west to east. He confirmed that to me and said there will be occasions where electronic information is required for the movement of goods. Did the Prime Minister just mislead Parliament on that?

Priti Patel: No. That is a ridiculous assertion to make, it really is.

Q274 **Stephen Doughty:** So did the Brexit Secretary mislead Parliament?

Priti Patel: If I may say so, there has been plenty of comment in Parliament about this, both from the Prime Minister and the Brexit Secretary, but also from the debates that have taken place in the House. From my perspective, you have asked about border security specifically. From a Home Office perspective of course our priority is investing in the border around the EU exit—

Q275 **Stephen Doughty:** Yes, but you have responsibility for Border Force, which has responsibility for customs checks. Will Border Force officers be involved in the checking either in person or electronically or otherwise on these exit declaration checks that the Brexit Secretary has confirmed, both in the House of Lords and in the House of Commons, will be required from Northern Ireland to GB?

Priti Patel: I will ask Paul Lincoln from Border Force to speak to this in a minute.



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Q276 **Stephen Doughty:** It is a very simple question: yes or no, will they be involved?

Priti Patel: No, because the situation depends on various circumstances.

Stephen Doughty: Depends on what?

Priti Patel: I am not going to speak about hypothetical situations right now because the point is—

Q277 **Stephen Doughty:** Home Secretary, with the greatest respect, this is not a hypothetical situation. This what the Brexit Secretary has confirmed to a Select Committee in the House of Lords and to me and the Chair of the Brexit Committee on the floor of the House, that there will be exit checks required on goods transiting from Northern Ireland to GB, within our own country. I am asking you are Border Force officials going to be involved in that?

Priti Patel: But we are not there. We are not there yet. This is the point to make. We are simply not there in that situation. When it comes to Border Force, as I have already said and I said in the House of Commons earlier on today in relation to what has happened in Essex, in terms of intelligence-led checks through Border Force—

Stephen Doughty: So they will be involved in those checks?

Priti Patel: Paul, why don't you enlighten us?

Q278 **Stephen Doughty:** Mr Lincoln, will Border Force officials be involved in these checks?

Paul Lincoln: The lead policy on this is of course HMRC and the Treasury. Jim Harra, the Second Permanent Secretary at HMRC, interim chief executive officer, gave evidence on this yesterday to the Treasury Select Committee. As he said, there will be a minimum amount of electronic information that will have to be shared on movements from west to east. It is yet to be worked out in detail with the Commission, which needs to be worked out in the Joint Committee process, as to who will do those checks.

Q279 **Stephen Doughty:** It could be yourselves; you are not ruling that out?

Paul Lincoln: It has not been agreed at this point who will be leading this.

Stephen Doughty: It has not been agreed but there will be checks. That is very helpful.

Paul Lincoln: I should be clear that he said that there would not necessarily have to be checks from west to east. West to east, the protocol sets out that it is unfettered movement of goods. East to west is a different matter.

Q280 **Stephen Doughty:** It is the other way around. The Permanent Secretary said that from Northern Ireland to GB there will be checks.



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Paul Lincoln: Which is from west to east.

Stephen Doughty: That is from west to east, yes, not from east to west.

Paul Lincoln: From west to east, unfettered access.

Stephen Doughty: There will be checks.

Paul Lincoln: From Northern Ireland to GB, unfettered access. The protocol sets out that there will be unfettered access for goods moving from Northern Ireland to GB.

Stephen Doughty: That is not what the Brexit Secretary said.

Paul Lincoln: Then from east to west, from GB to Northern Ireland, in order to protect the regulatory zone within the island of Ireland, there will be declarations that have to be made. The explanatory notes to the protocol set out that there are no more than 4% of checks done electronically as well and there are fewer than 1% of physical checks done on customs as we speak now.

Q281 **Stephen Doughty:** Last question. On Operation Snow Bunting, Home Secretary, can you tell me how many officers and how many constabularies across the UK have been identified as part of Operation Snow Bunting for redeployment in the event of no deal or in the event of any general difficulties in the Brexit process?

Sir Philip Rutnam: Shall I comment on that?

Stephen Doughty: No, I would like the Home Secretary to answer.

Priti Patel: No, Philip will comment on that.

Sir Philip Rutnam: For those who are not familiar with the terminology, Snow Bunting is the term given to the contingency planning taking place within policing and also with the Home Office and other partners around potential civil contingencies associated with the EU exit, which could arise in a whole range of different scenarios, of course, not just in a no-deal exit.

Stephen Doughty: We do not have a lot of time. Could I just have the specific answers, please?

Sir Philip Rutnam: The answer to your question is I am afraid I am not in a position to share operational detail with you. What I can say is very extensive planning—very extensive planning—has been underway for many months.

Q282 **Stephen Doughty:** Involving more than one constabulary?

Sir Philip Rutnam: This is all founded on the principle of mutual aid. Mutual aid is an operational principle that applies across not just the 43 police forces in England and Wales but also Police Service Northern Ireland and Police Scotland. All of these forces have been working together under the leadership of Chief Constable Charlie Hall, who is the



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NPCC lead for this operation, to ensure that right across the United Kingdom there are the right arrangements in relation to mutual aid for a wide range of scenarios.

Q283 Stephen Doughty: I understand that. What is the total cost? Can you write to us with the total cost?

Sir Philip Rutnam: The cost for the planning activity at the moment is very small. I am afraid I do not have a figure.

Stephen Doughty: Could you write to us?

Sir Philip Rutnam: We have already provided some special grant to Kent Police associated with their work around EU exit planning, which is of the order of £4 million, and also to the Metropolitan Police associated with the additional policing they have been doing around Westminster to the order of £2 million. I do not have a figure for the cost of the planning. I think that is probably quite modest. I can write to you with further detail, yes.

What I would want to get across though is the depth and the quality of the preparation that has been going on within policing on a UK-wide basis for a wide range of scenarios.

Q284 Chair: Can we clarify? I do not want there to be any misunderstanding about the evidence that you have just given us. Are you saying that there will be checks on goods travelling between Great Britain and Northern Ireland? Even though you would anticipate them being fewer than 1% of physical checks, there will still be physical checks?

Paul Lincoln: The proposition is that there would have to be declarations made. To put that in context, 99% of all customs declarations are processed electronically and 94% of all goods are cleared within five seconds electronically as part of that. The vast majority of checks, of documentary checks that happen via HMRC, is part of that automatic process. To a degree that other things happen, a very small number of targeted checks happen as things stand currently.

Q285 Chair: If there are 800,000 HDV vehicles travelling to and fro, 1% is still going to be about 8,000 checks.

Paul Lincoln: I am not saying you have to do 1% worth of checks. What you are talking about is targeted intervention where there may be a problem. If 99% of those are cleared in a small number of seconds and there are no issues with them, you would not be expecting to have to carry out checks on those.

Q286 Chair: Those checks you would anticipate taking place where? Holyhead, Liverpool, Belfast?

Paul Lincoln: These specifics still have to be worked through. The default when it comes to something like agriculture would be more likely to be happening in Northern Ireland than it would be on the GB mainland



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because that would be the process by which you could most ensure that you have a single ecological zone, because you are protecting it at the point at which it reaches that country.

Q287 Toby Perkins: Welcome, Home Secretary. I want to ask you about the EU settlement scheme. The explanatory notes to the Withdrawal Agreement Bill state that once free movement has ended, beneficiaries to the citizens' rights part of the agreement who have not yet secured leave to enter or remain in the UK under the EU settlement scheme would no longer have a lawful basis to reside in the UK. What is the Government's assessment of the number of people who will be affected and how many EU residents have currently registered?

Priti Patel: With regards to the EU settlement scheme, which came into force at the end of March this year, there have been a significant number of applications to that scheme.

Toby Perkins: How many?

Priti Patel: 2.2 million. That has come together in a rapid period of time. So far my latest figures show that 1.8 million have been granted status. We are dealing with processing approximately around 20,000 applications a day. These are very significant numbers. I think the Committee will be familiar with the process itself. It is a three-step process. Certainly since the scheme has been established there have been a number of mechanisms that have been put in place in terms of engagement with EU citizens, EU nationals in the UK, right down to a dedicated helpline with something like 300 assisted digital centres.

We are working with 57 voluntary organisations, in particular organisations that have focused on reaching hard-to-reach communities, perhaps those who do not necessarily have access to digital technology and communications. That is nationwide.

Q288 Toby Perkins: Can you tell us what is in place in terms of people who are non-English speakers?

Priti Patel: We are working with voluntary organisations. These are community-based organisations and this is across the country nationwide. There are 57 of them and they are commissioned. We have allocated £9 million to work with these organisations. They are based in communities to go out to the particular diaspora communities of EU citizens across the UK. We are in touch with those organisations to look at how many numbers of people they are reaching and information is coming—

Q289 Toby Perkins: Could I stop you there? I appreciate what you have said there. How many people do you think are entitled to stay but are not currently registered?

Priti Patel: In terms of registration, as I have said, we have had 2.2 million applications. To be quite frank, we do not have that holistic



number from across the country but we are at the stage where we are making huge progress. Those are big numbers in a short period of time.

Q290 **Toby Perkins:** What is your estimate as to how many EU residents are entitled to be on the EU settlement scheme?

Priti Patel: Glyn, do we have a number?

Glyn Williams: Generally it is held to be around 3.4 million. We are not sure of that figure, that is an estimate, because we have not registered people coming to this country under the free movement directive.

Q291 **Toby Perkins:** So we are estimating roughly 1.2 million have not started to apply and 1.6 million are not currently covered. You were talking about vulnerable groups there, including, I believe, about 720,000 children to EU parents in the UK—am I right in saying they would not be registered under the scheme—and approximately 290,000 EU citizens with limited literacy or fluency in English, particularly in terms of those who are not part of a community group, who are not going to be reached by one of these community groups, maybe more isolated people and some of the communities that are not where there are large numbers of others. What are the plans to ensure that vulnerable people are not left behind?

Priti Patel: It is an important point. There is a lot of work taking place in terms of outreach, including actual outreach sessions. I know that some of my Ministers have been out across the country, where we have hosted sessions with our teams who are able, within communities, to engage with people and even take their applications and process them. That is just one example. We have helplines, we have assisted digital schemes in place. I have mentioned the voluntary organisations. This is completely ongoing and obviously there is a lot of advertising work that is taking place too.

The crucial point is getting into the communities. There is a lot of work taking place with diaspora media, community publications and newspapers to raise awareness of the scheme to put the content directly in, contact details, how can they register for the scheme and working at a grassroots level.

Q292 **Toby Perkins:** Thank you for that. In terms of some of the communities who arrived 20, 30 or 40 years ago, there was much more of a sense of a large community in one space. My sense in terms of particularly those more recent arrivees from the European Union is they are much more spread out around the country. They are much less in large groups. I am concerned that the process that you described there will leave many of them out. You said there are steps you have taken but I think there is a lot more to say on that particular part of it.

Can I turn to those who have not registered by 30 June 2021 in the event that we have a deal or 31 December 2020 if we do not? They will no longer have a lawful basis to reside in the UK. Would those citizens be automatically deported? What are the plans for those people who have



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not registered, those 1.6 million who currently are not approved status?

Priti Patel: It is important to say that we will be working flat out, in the way in which the Department already has, to bring as many people in who need to register.

Toby Perkins: I have that, but what happens to those who have not?

Priti Patel: We will look at everyone on a case-by-case basis. It is important to emphasise that.

Q293 **Toby Perkins:** We will individually, for each person who has not registered, do a case-by-case basis as to whether they were deported or whether they were able to stay on?

Priti Patel: No, I have not said that at all. We would encourage applications; we will be flexible with the scheme. We will make sure the scheme is open to those who should have registered and have not had the chance to register. It is wrong to even speak about deportation. There is no policy at all on that basis.

Toby Perkins: So we would look at it on a case-by-case basis?

Priti Patel: We will continue to work and encourage applicants to come forward. If we are getting near to the date in December or June, we would absolutely be flexible with the scheme.

Q294 **Toby Perkins:** In the event that someone employed somebody who was legally working here for the five years prior to that but had not completed this settlement scheme status, would an employer be employing someone illegally on 1 July 2021 if that person has not registered?

Priti Patel: I have already said we would look at everything on a case-by-case basis and be flexible. I should also say that we are working with businesses and employers around the country right now to ensure—

Q295 **Toby Perkins:** With respect, whether they are legally employed is a matter of fact. On 1 July 2021, if they have not fulfilled the settlement status, would their employer be employing somebody illegally?

Priti Patel: Glyn.

Glyn Williams: We have said that we are not asking employers to recheck staff who are already working for them on their right to work and their status, so employers will not be liable in that sense.

Q296 **Toby Perkins:** The employer would not be liable. They would have no legal basis to be here though, so the employer would not be liable but they would be employing someone who was not legally allowed to be here.

Glyn Williams: The employer would not be liable because we are not asking them to do a right-to-work check in that circumstance.



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Priti Patel: We are working with employers on this as well. We have a whole programme of work taking place with employers where they can raise awareness of the scheme directly with people who they employ.

Q297 **Stuart C. McDonald:** Thank you, Home Secretary, and your team. We obviously have slightly different views on Brexit, but during the Brexit referendum you did make a very welcome pledge, as did the Prime Minister, as did the Chancellor of the Duchy of Lancaster, and that was that the rights of EU nationals would continue automatically in the event of Brexit happening. The withdrawal agreement that the Prime Minister has struck allows the Government to take that option to have a scheme that allows these rights to continue. Why have you not decided to pursue that? Why have you not decided to implement the pledge that you made during the referendum?

Priti Patel: It is important to come to the fact that particularly with this settlement scheme, this is a scheme that came into place in March this year. I think it is the right scheme. It is a scheme that gives people—

Stuart C. McDonald: Why have you changed your mind though? What is wrong with the automatic scheme?

Priti Patel: Citizens' rights have been guaranteed, that is the point.

Stuart C. McDonald: They have not been guaranteed.

Priti Patel: They are being guaranteed through this scheme and they are getting their digital status recognised.

Q298 **Stuart C. McDonald:** It is not automatic though and you could make it automatic. I do not understand why you have just decided to go with what your predecessors did, when you and the Prime Minister and Mr Gove were all absolutely clear that this would be automatic.

Priti Patel: Because the scheme is working.

Q299 **Stuart C. McDonald:** What do you mean by "working"? We heard the 3.4 million figure from Mr Williams. Is that EU nationals? Does that include the families, for example?

Glyn Williams: It includes all Europeans, including the main migrant's family members.

Q300 **Stuart C. McDonald:** So it could be higher if you are including non-EU. That is beside the point. The point is the Home Office must somewhere have estimated the number of people who will not apply by the deadline. Is there a figure somewhere? The Home Office must make contingency plans on that basis.

Priti Patel: You have already heard from Glyn in terms of the figure within the Home Office. But there is a point to make about this scheme, that it is successful in terms of registration and people coming forward. Applications are being processed. There is something else. They will have



their identity. That digital status is important in terms of keeping a record.

Q301 Stuart C. McDonald: Having an automatic scheme does not stop you providing a status document, digital or otherwise, anyway. The point is you talk about a successful scheme. Let's say the Home Office pulls out all the stops—and I do not have any quibble with what has gone in to trying to make it work—and let's say you get to 90%. That would be successful by international standards but that still, by necessity, leaves 340,000 people without any lawful right to be in this country. You have said you will look at it on a case-by-case basis. There is no way that the Home Office is going to be going through 340,000 applications and trying to work out whether they had a decent excuse or not.

Priti Patel: There are a couple of points here. We are processing 20,000 applications a day, which alone is not a small number. This scheme is working, the infrastructure is working and on the numbers I have already discussed and the Committee has heard, that is proof that this scheme is obviously doing what it should be doing and has set out to establish that. The point here is that we want this scheme and we are working across the country to raise awareness. There have been certain peaks. Glyn will know where we have had big peaks where people are registering in big numbers.

Stuart C. McDonald: We all want it to work.

Priti Patel: Giving people that assurance of their status, giving them a digital identity, is really important.

Q302 Stuart C. McDonald: You could give them assurance by enshrining their rights in that Withdrawal Agreement Bill. You could just say, "You are all here and you have a right to be here".

Priti Patel: It is important as well that there is evidence of that status. Glyn was involved in the discussions and the negotiations, which predate me, with the European Commission on this. We are bound by the same rules as EU member states. We have effectively transposed much of that into this scheme.

Q303 Stuart C. McDonald: The withdrawal agreement allows you to do the automatic scheme that you have pledged to deliver. It gives you a choice: automatic scheme or apply-to-stay scheme and you have made a choice to break the pledge that you made during the referendum.

Priti Patel: As I have already said and touched upon, Glyn did the negotiations on this with the Commission. It would be worthwhile for the Committee to hear that. The other point to make is my understanding is this type of approach is now being used by other EU member states.

Stuart C. McDonald: Not all of them.



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Glyn Williams: Can I say there was a long discussion with the EU about whether to put in place a so-called declaratory scheme, which I think is what you mean by automatic or—

Q304 **Stuart C. McDonald:** An agreement allows you to do that.

Glyn Williams: It does.

Q305 **Stuart C. McDonald:** That is all I need to know. I need to move on though. Another quibble that the 3 million have is with this digital only. Will you listen to their concerns that they want a physical document to be able to prove their status? There are times when the Home Office system crashes. It does not happen very often but that could be absolutely pivotal in them being able to secure accommodation or a job or whatever else. Why not give them a physical document as, for example, I understand Swiss nationals are going to be able to get?

Priti Patel: It is important to reflect that as a country we are moving beyond that. The point about this digital status is it not just a Home Office digital status, it is integrated across Government, with HMRC, DWP and other Government Departments, in a way that may not have existed previously. As we move now into the era of biometrics and digital status and digital borders as well, that is absolutely the right approach.

Q306 **Stuart C. McDonald:** I do not have a problem with offering a digital status and there may be some advantages in having that available, but why not give them, if they want, the option of a physical document? After all, all the Swiss applicants to the scheme, as I understand it, are going to be able to have a physical document. I do not understand that.

Another point that the 3 million want to raise is about the Independent Monitoring Authority. Looking at the Bill, it is going to be pretty much stuffed with Home Office appointees and the Home Office is also keeping to itself huge powers to get rid of the monitoring board in certain situations or to strip it of powers. Will you at least engage in discussions with them about the composition of the monitoring board and the powers that the Home Secretary is keeping over that board? Because this is supposed to be the independent arbiter of what is going on.

Priti Patel: Philip.

Sir Philip Rutnam: Glyn could probably speak better than me to the detail, but first of all I want to reassure you that we are completely confident that the Independent Monitoring Authority will be able to act independently.

Q307 **Stuart C. McDonald:** I do not mind the Home Office, I mind if the 3 million think it can act independently and they have grave concerns, having seen the Bill, that it will not.

Sir Philip Rutnam: The 3 million group, of course we have been seeking to work with them very closely through this whole process. On a number of points we have ended up unfortunately having respectfully to disagree.



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On the substance of the Independent Monitoring Authority I want to reassure you that, as in a number of other cases across Government, I could point to, yes, it is necessary for the Home Office to exercise a role in making the appointments but thereafter it will be the job of the Independent Monitoring Authority to discharge its statutory functions and we will expect it and want it to do so independently. It will have a statutory basis for doing that.

Glyn Williams: I think it will come under the aegis of the Ministry of Justice because a citizen's rights and provisions are not just about immigration, they are about social security co-ordination, recognition and professional qualifications. It is not just a Home Office matter so it will probably come under the Ministry of Justice in terms of its umbrella, if you like, within Government, and then be independent beyond that.

Q308 **Kate Green:** May I start by asking about the Dublin arrangements and what is going to happen, either in the event of no deal or indeed if there is a deal? It has been reported that the UK Government has briefed the UNHCR and other NGOs that we will not take any more new applications from asylum-seeking children seeking to be reunited with family in the UK in the event of no deal and no guarantee about what will happen if there is a deal. Safe Passage, you may be aware, Home Secretary, has been with Lord Dubs just today to Downing Street to present a petition expressing their concerns about this situation.

In the Chamber on Monday I asked the Chancellor for the Duchy of Lancaster very specifically about Dublin III and unaccompanied asylum-seeking children and I quote what he said to me. He said, "I am absolutely convinced we will maintain those arrangements". Given the discrepancy between what was said to me in the Chamber on Monday and what NGOs appear to be hearing, could you put on the record exactly what the position will be, both in the event of no deal and if there is a deal?

Priti Patel: It is important to say that on leaving the EU we will continue obviously in terms of providing everything that we do in terms of asylum and the provisions that we have and much of the co-operation that we have in place right now. I should also say that I have written to the Commissioner for Migration very much looking for how we are going to pursue this post-EU exit in terms of family reunification of unaccompanied asylum-seeking children in EU member states with family members or relatives in the UK. That is something that is a priority for me and for the Department. We will continue to pursue that through a newly negotiated deal.

In light of the UK's history in terms of providing protection for those who need it, in terms of meeting our international obligations, clearly that is something that we want to continue to deliver.

Q309 **Kate Green:** Would I be right in saying that your intention is exactly to replicate the way in which the Dublin III arrangements exist and operate



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after we leave the European Union and in negotiating new arrangements?

Priti Patel: First of all, I think it is important that we look to minimise any disruption at all once we leave the EU, but I do think it is important to have the right kind of scheme that deals with many of the complex cases and complex issues that emerge through unaccompanied asylum-seeking children. I have already mentioned for a previous example looking at things in a case-by-case basis. These are very complicated, as we all know. Resettlement is very difficult as well across the UK and having the right kind of support structures.

Q310 **Kate Green:** We understand all that. I am trying to work out exactly what is happening to children who are arriving in this country unaccompanied and making applications. Will their applications be accepted?

Priti Patel: Existing ones, yes, absolutely.

Q311 **Kate Green:** After potentially 31 October or very soon if there is no deal, will any new applications be accepted?

Priti Patel: The point is—and let me emphasise this—for existing applications, they will continue.

Kate Green: Existing I understand. What about new applications?

Priti Patel: Specifically now when it comes to new applications, we will ensure that if there is a deal we will be bound by the Dublin III regulations throughout the implementation period. This will allow for the return of the country nationals to EU member states. In a no-deal situation obviously we will continue to run our system effectively, but importantly ensure that we have the right kind of protection mechanisms in place to meet our international obligations.

Q312 **Kate Green:** I do not understand what that means. Does that mean they will have exactly the same protection as they have currently under Dublin III in the event of no deal?

Priti Patel: Let's be clear the Government want a deal and that is effectively what we are working for.

Kate Green: Yes, I understand that.

Priti Patel: In an ideal scenario we will continue to abide by Dublin III.

Q313 **Kate Green:** In a no-deal scenario, will either an application that is in course or any new application be processed? Will it be possible for those applications to be made and continued?

Priti Patel: An existing application will be continued and that will be met.

Kate Green: New applications?

Glyn Williams: It depends where they are. Sorry to state the obvious. If they are in the UK and they make an application for asylum, yes, then we



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will process it in the normal way. If they are in the EU, which I think is the situation you had in mind, just to be clear that in a no deal, then presumably we are not in the Dublin regulation so there will not be that framework in place. That is true.

Q314 **Kate Green:** Absolutely, but will you replicate something that will exactly treat those children in the same way as if we were still part of Dublin?

Glyn Williams: Dublin is a framework for co-operation between member states within the EU, it is not a unilateral mechanism.

Q315 **Kate Green:** No, I understand that but the Chancellor of the Duchy of Lancaster told me, "We will maintain those arrangements". I appreciate we will not be in Dublin but how will we maintain those arrangements?

Glyn Williams: Because there is an obligation under section 17 of the Withdrawal Act to seek to negotiate an agreement, an arrangement, with the EU or with member states to make provision for the transfer of unaccompanied asylum-seeking children, whether it is from the UK to the EU—which could be a situation—or from the EU to the UK to be united with their asylum-seeking parents here or there.

Q316 **Kate Green:** My colleagues may want to pursue this a little further, but can I ask about another matter, Home Secretary, which is the Advice, Issue Reporting and Eligibility, the AIRE contract? I am receiving reports from asylum-seeking and refugee organisations of long delays in people getting through on the phone and having their applications processed and decisions being taking at UKVI. Are you aware of problems? Are you able to give us any data on the level of service that people using the AIRE service are receiving?

Priti Patel: My understanding with the Advice, Issue Reporting and Eligibility contract and service is that this has been in place for seven weeks. It is fair to say it has been drawn to my attention that there are issues and problems with this contract. The Committee will know that this contract is there to provide support to those seeking eligibility and access to a range of services via Migrant Help. I am very happy to come back to the Committee and put in writing what we know and what we have discovered.

Kate Green: That would be appreciated.

Priti Patel: Obviously we need to look at the contract and look at what can be done with regards to the contract to drive the right kind of outcomes and service delivery and provision.

Q317 **Kate Green:** Could I ask very specifically if you intend to publish data on performance under the contract in the future?

Shona Dunn: As the Home Secretary has said, we are in the first seven weeks of the contract, so right at the moment we are working with Migrant Help to improve its service performance dramatically.



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Q318 **Kate Green:** Do you accept there are problems?

Shona Dunn: It is clear that the contract has not gone as it ought to have done in the first seven weeks. It is particularly on the issue-reporting element of the contract, where there has been a much, much larger demand than the contractors or indeed anyone anticipated. That is being dug into in great depth at the moment. We will absolutely hold the contractors to account. We have a grace period of about three months before we can start applying the service process. We will certainly write to the Committee with all of the details we have about that problem.

Q319 **Douglas Ross:** Home Secretary, something non-Brexit for a while. Since you were appointed, what has been your assessment on the Emergency Services Network?

Priti Patel: Obviously it is a work in progress in terms of the network itself and everything that is developing around it. We need to make progress on that and we need to ensure that we are able to deliver something that has been eagerly anticipated and long awaited.

Q320 **Douglas Ross:** Are you happy with progress to date?

Priti Patel: It is fair to say it has had a challenging time in terms of the fact that it has taken a great deal of time to get it to where it is today. Philip can speak about this in more detail. It is pretty clear as well it has had implications in terms of cost, delivery and preparedness for our Emergency Services Network.

Q321 **Douglas Ross:** Sir Philip, how urgently do you treat this issue?

Sir Philip Rutnam: Of all our major programmes, and we have a large number of them, this is the most important for me as Permanent Secretary because this is the largest in value. It is also a fundamental part of our national infrastructure. Since I came into this role two and a half years ago I have been putting a particularly personal focus on it. We have, as the Home Secretary has said, made significant progress. It remains a very challenging and complex programme. I do not want to underestimate the challenges that there are.

If I can add one other thing, the strategic case—which we have discussed before for this programme—remains very strong and if anything has continued to grow. We see other countries around the world, such as France, Finland and other territories, deciding to do very much the same thing as us to develop an emergency services network based on 4G technology.

Q322 **Douglas Ross:** It is a matter you treat urgently, yet it took you from July to earlier this month to respond to one question from this Committee about it.

Sir Philip Rutnam: I am sorry that that took longer than it should have done.



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Q323 **Douglas Ross:** It does not appear to the Committee that you are treating it with the urgency you say you are.

Sir Philip Rutnam: I think that reply was at the same time as a reply from the Home Secretary to a range of other matters, so perhaps regard it in that context.

Douglas Ross: So that is fine, it took so long because the Home Secretary—

Sir Philip Rutnam: Not at all, it is just that it was a letter that we were sending at the same time.

Q324 **Douglas Ross:** In the same period it took you to reply to one question about the Emergency Services Network, which you say is your top priority and is a key issue, the Prime Minister was able to reopen the withdrawal agreement, get rid of the backstop and renegotiate our withdrawal from the European Union, yet you took the same time to write one letter answering one question to this Committee.

Sir Philip Rutnam: That is an enormous achievement for the Prime Minister.

Douglas Ross: For you?

Sir Philip Rutnam: An enormous achievement for the Prime Minister, Mr Ross.

Douglas Ross: Perhaps one day you can aspire to that type of achievement.

Sir Philip Rutnam: The letter I hope addresses the question that you raised in July.

Q325 **Douglas Ross:** I will come on to that in a minute. How many people employed in the programme do you need to deliver the ESN?

Sir Philip Rutnam: From memory, the latest figure I have is about 150.

Q326 **Douglas Ross:** What has been changed since it started?

Sir Philip Rutnam: We had had a larger number of people directly working on the programme.

Q327 **Douglas Ross:** A larger number is one more, but I am looking for specifics. Does this question sound familiar at all?

Sir Philip Rutnam: From memory it was around 300. We went through a restructuring of the programme.

Q328 **Douglas Ross:** Sorry, Sir Philip, we only have a short amount of time. The Committee advised you that you and the Home Secretary and others were going to be questioned on this. Why do you not have this figure, particularly since I lodged a written parliamentary question about this and was told it could not be answered because Parliament was



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prorogued? It turned out Parliament was not prorogued, so your Department has had plenty of time to answer my question and answer the Committee's queries. We told you we were going to raise this, yet you come here again unable to answer what I think is quite a simple question.

Sir Philip Rutnam: I was aware, Mr Ross, that you were going to raise the question of progress on the ESN network and there are a number of things I can say about progress on the ESN network. I was not aware that you were going to raise precisely how many people are working on the programme at the moment, although I have sought to give you an answer.

Q329 **Douglas Ross:** Do you know what might have given you an indication? It was to think, "Mr Ross has asked about this before, the Committee has told me he is going to question me on this. I am Permanent Secretary of the Home Office. I might just check if he has lodged any written parliamentary questions on this". Then you would have found the identical question that I am asking you now. But your Department was unable to answer it as a written parliamentary question and you are unable to answer it when we are scrutinising you here on a key sector for your Department. I think that is unacceptable.

Sir Philip Rutnam: I have given you an answer, Mr Ross.

Douglas Ross: No, you have not. You have said one figure was bigger than the other one and it might be 300 compared to 100.

Sir Philip Rutnam: No, I said that as I recall the number of people working on this programme when I arrived in this role was about 300. We have been through a significant restructuring and from memory the figure now is about 150. We have changed the management leading the programme in ways that we have also discussed before.

Q330 **Douglas Ross:** In the written parliamentary question I submitted before the summer recess, can you go back to your Department and get that answer and deliver it to this Committee in quicker than 74 days? Can you give that assurance?

Sir Philip Rutnam: In quicker than how many days?

Douglas Ross: Quicker than 74 days, which is your previous best record.

Sir Philip Rutnam: Mr Ross, I have answered many questions from the Committee in much fewer than 74 days. Of course we will attend to your written parliamentary question and we will provide an answer to that as quickly as possible.

Q331 **Douglas Ross:** Thank you. How much does each year of a delay cost the taxpayer?

Sir Philip Rutnam: As we have discussed before, the programme comprises two elements. There is—



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Douglas Ross: How much does each year of delay cost the taxpayer?

Sir Philip Rutnam: The system that is run at the moment, Airwave, is the system that we are seeking to replace.

Douglas Ross: Sorry, Sir Philip, we only have a short amount of time. I am asking a very specific question.

Sir Philip Rutnam: I will come to a figure, Mr Ross.

Douglas Ross: Good.

Sir Philip Rutnam: It is helpful, I think, for anybody listening to this to—

Douglas Ross: I have one minute.

Sir Philip Rutnam: The answer is each day that—

Douglas Ross: Each year.

Sir Philip Rutnam: Each year that Airwave is run costs approximately £365 million, roughly £1 million a day. That is a major reason why we are seeking to switch off Airwave, because it is a very costly solution. The key to switching off Airwave is to deliver ESN.

Q332 **Douglas Ross:** Do you know the cost of each year of the delay of the ESN? Are you saying it is £365 million?

Sir Philip Rutnam: The cost of the programme has gone up and the principal reason for that is because it is taking longer to switch off Airwave.

Douglas Ross: You told us £365 million, but what is the actual answer to my question?

Sir Philip Rutnam: The principal reason is the—

Douglas Ross: Do you know the answer?

Sir Philip Rutnam: The principal reason why the programme is costing more—

Douglas Ross: You do not know the answer.

Sir Philip Rutnam: —is because it is taking longer to switch off Airwave. The costs of the ESN replacement programme have also increased, but by a much smaller margin and the core costs of delivering ESN have been stable since we have reset the programme.

Q333 **Douglas Ross:** If you can answer my final question then. Is the target for transitioning from Airwave to ESN realistic?

Sir Philip Rutnam: It continues to be our plan.

Douglas Ross: Is it realistic?

Sir Philip Rutnam: It continues to be our plan.



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Q334 **Douglas Ross:** Your plan is 27 months, the emergency services have said 48 months. Who is right, you or the emergency services?

Sir Philip Rutnam: That is one of the issues that we are working through with the emergency services.

Douglas Ross: It is not realistic.

Sir Philip Rutnam: No, I am not saying it is not realistic, because it depends critically on not just the—

Douglas Ross: The emergency services are telling you it is not.

Sir Philip Rutnam: It depends critically not just on the technical readiness but the operational programme of transformation within the emergency services. That is something we have to work through.

Q335 **Douglas Ross:** Is 27 months or 48 months more realistic? That is a very specific question.

Sir Philip Rutnam: We said 27 months was the minimum, so the earliest date at which we would switch off Airwave would be the end of 2022. That is a not-before date, it is not a target date. It is a not-before date. In our programme we have allowed 12 months of contingency, which takes you from 27 months to 39 months.

Douglas Ross: That is still less than the emergency services say.

Sir Philip Rutnam: It is still less than the emergency services are saying and we are discussing that with them. There are a range of things that could be done to bring their initial plan for operationalisation back within the timeframe we have described.

Q336 **Chair:** Given that Mr Ross has obviously asked this specific question about the staffing already, I assume there will have been work done in the Home Office in order to answer that parliamentary question. Given that I know you will have other officials here with you today, if one of them—while other members of the Committee are asking questions—was able to contact the Home Office and find out whether there is a ready written parliamentary answer to go with that information, we would be hugely grateful to have that information before the end of the Committee, if that is possible.

Sir Philip Rutnam: We will look into that during the hearing, Chair.

Q337 **Sir Christopher Chope:** Can I thank, first of all, the Home Secretary for having a grip on this Department in fewer than 100 days? I think it is really good and it is a bit churlish of the Committee today to have been so negative in the commentary so far. Can I congratulate the Home Secretary and say I think it is commendable that she is keeping so calm amid the provocation of questions from people who are contemplating what might happen if there is no deal, while at the same time doing everything within their power to prevent the deal that has been agreed from being implemented?



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Leaving that to one side, can I ask the Home Secretary some issues that are not directly related to the EU? The first is the issue of aerial surveillance of our coastal waters and the western approaches. This was an issue that I raised with your predecessor but one. I was very concerned, and I know that members of the security services were also concerned, about the Home Office decision to discontinue an aerial surveillance contract. When that was discontinued we were promised that equivalent security arrangements would be put in place.

This may be something you have not had a chance to look at in the 96 days, but would you have a look at this issue of whether we need to have more aerial surveillance of our coastal waters and our western approaches? There have been some very good success stories of the co-operation between aerial surveillance and Border Force—big drug successes—but we do know that a large amount of drug trafficking, people trafficking and so on is going on. Could you comment on that?

Priti Patel: Thank you for your comments and questions. I was not aware of the previous contract being cancelled. However, there is a lot of working taking place right now investing in border security. That covers a number of areas, including new multi-agency intelligence hubs that we are setting up and which will look at threats and obviously criminality in particular, targeting particular aspects of goods that come through. Much of that work goes through our intelligence networks. Investment also includes new enhanced detection equipment—X-ray machines, thermal torches, all sorts of technology—which is absolutely vital.

You have asked specifically about aerial surveillance. The Government have just launched their drone strategy and aerial surveillance is a part of that strategy. From a Home Office perspective—and Paul and others have been discussing this at some length with regard to not just what more we can do, but how we can use some of the best technology to do much more criminality prevention as well as criminality detection—there is a lot of work taking place. Paul Lincoln may want to elaborate.

Paul Lincoln: Aerial surveillance is not just an issue for the Home Office. We have in the past used call-up contracts for aerial surveillance to support the work we have done in the Channel. The Maritime and Coastguard agency and the Department for Transport are the lead on putting in place a cross-Government aerial surveillance contract that all Government departments can call upon.

Q338 **Sir Christopher Chope:** One other thing that is of concern, not just to my constituents but to people right across the country, is the issue of identity fraud, which seems to be proliferating and is causing immense distress. I have constituents who have lost hundreds of thousands of pounds and often they are left with the feeling that enforcement and prosecuting authorities are totally indifferent to this issue. I am sure it is not your intention as Home Secretary that people who are victims of such crime should be feeling left out, impotent and helpless. Can you tell us what you are doing to address this issue?



Priti Patel: This is a ballooning area of crime. We can all speak with experience as constituency MPs about fraud, the financial fraud as well as identity fraud, and the theft that is taking place. It is fair to say that a lot more work is needed in this area. I am involved in many groups within the Home Office that are looking not only to improve and enhance our capabilities, but also to do something else, which is to invest in the training from a law enforcement perspective. Police officers, our police forces, need to be much more in tune with the types of fraud that are taking place in our communities and how we can do much more in terms of awareness, information sharing and protecting vulnerable people.

We have plenty of examples from our own constituencies. We know of constituents who have been targeted, who may be vulnerable or elderly. We see financial fraud, identity fraud and theft. How do we ensure that our police forces are responding appropriately in dealing with those cases from a reporting perspective, with the necessary investigatory skills to move those cases forward and of course having the right kind of evidence gathering so that we can find and prosecute the perpetrators?

There is still a lot of work required in this space and we are looking to enhance our capabilities. We do have a review taking place in Departments concerning serious organised crime and fraud will be part of that. There is a lot more that we can do. There is also more that we can learn about how we can upskill our capabilities through technology and from other organisations.

Q339 **Sir Christopher Chope:** Do you think there is more that individual constabularies can do? They seem to be in a mindset that they can send cases off to the City of London Police and thus fulfil their obligations to the victims, which is often not the case, indeed is very rarely the case.

Priti Patel: Absolutely. Through our police funding, the police uplift programme with 20,000 more police officers, our recruitment programme and also the work we are doing with the National College of Policing, we are doing a lot to put these areas forward as part of police training, so that it is not a top-down approach, it is not for a third party—another police force—to look at and that we have the skills within our communities. If you are reporting a crime, you are going to report to your local police force, your local police officers, to push that forward, so we do need to have that capability so it is not pushed forward to a third party organisation. That also means the evidence gathering and collection, all the core components, will be part of the investigation and need to take place locally.

Q340 **Sir Christopher Chope:** Are you working with the Police and Crime Commissioners?

Priti Patel: It needs to become part of the policing priorities. PCCs, along with chief constables, have a lot more work to do in this area, but that is absolutely our focus—and is effectively where we are putting more resources right now, as well as at the grass roots, at the National Police



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College—to do much more about getting that skillset locally, but also making this a core priority for our police forces.

Q341 Chris Green: Leading on from Police and Crime Commissioners is the perfect place to start. If there was a major operational policing concern within a particular force—I am going to come on to talk about iOps in a moment—would this be a concern with iOps but also police performance that you would address or the Police Minister or the local Police and Crime Commissioner would address?

Priti Patel: Ministers are independent from the operational work of police forces. Police and Crime Commissioners are elected. They are accountable to their localities, for the areas and the people they represent for what is going on with policing and police performance. Police and Crime Commissioners have a very important role to play. They are the accountable persons. They are the ones who work with our chief constables and police forces to set our policing priorities.

Q342 Chris Green: Do you share a concern that I have? In London you have the London Assembly, which can challenge the Mayor, who has the policing responsibilities as part of his or her portfolio, but it is not the Mayor's focus in other areas—Lancashire, Cheshire, for example—where the Police and Crime Commissioner has a specific problem and is specifically elected to discharge that responsibility. Within Greater Manchester, there is no equivalent of the London Assembly and the Mayor of Greater Manchester does not directly get held to account for decisions. Is there a challenge therefore for the ordinary electorate thinking, "You are the individual that I hold to account"? It is a bit obscure, isn't it?

Priti Patel: Police and Crime Commissioners are elected so they are accountable to the people in their locality. You have made a very valid point with the London comparison where the London Assembly scrutinises the Mayor of London, who is also the Police and Crime Commissioner for London. However, the Greater Manchester Combined Authority also has key functions through the PCC remit and is at the same time scrutinised by local police and crime panels, so there are accountability mechanisms in place. Also of course all police forces are independently assessed through the inspectorate. It is important, however, to recognise that those same levels of accountability that you see in areas such as London can and do exist through the police and crime panels.

Q343 Chris Green: I am not sure that that is entirely right. There is a wide concern with the integrated police operating system in Greater Manchester, iOps, which is often now referred to as the "iFLOps system". Jennifer Williams from *The Manchester Evening News* has gathered a substantial amount of evidence of widespread concern from line police officers across Greater Manchester about the performance of the system.

A Trafford councillor. Mike Freeman, a former chief inspector of police who has served on the police forces' Professional Standards division and



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now sits on Greater Manchester's police and crime panel, has said that under the mayoral system, compared with previously, it is far harder to track down what was going on. This is a quote from him, "I think there's a democratic deficit and I'm very concerned about ongoing scrutiny of Greater Manchester Police. On the police and crime panel we can only ask questions about what Bev Hughes is doing, not the police—we scrutinise how the deputy mayor is holding GMP to account".

In these positions now and as a former inspector of police what he is highlighting is that it does not work, it is not functional. The person who leads in Greater Manchester is Baroness Hughes. She is not democratically elected. She is not democratically accountable.

Priti Patel: You have just raised some very serious points, very serious indeed. There is something to be said here, because this is devolution, effectively. It is power devolved to communities. It is right that there is greater scrutiny and accountability. If I may, Mr Green, in light of what you have told me, I will take this away and look into it.

Q344 **Chris Green:** Thank you. A closing point. Ann Coffey is doing a great deal of work on safeguarding. She has highlighted that if police do not have the information they need when they visit a particular address and if children who require safeguarding are at the address, the police do not know. There was an instance where the police were going to visit a particular address and if a PCSO had not heard where they were going, would not have been able to inform the visiting police that a man, who often opens the door while holding an axe, would have been on the other side.

What is going on at the moment is really serious. This is putting the police and others at risk. Locally, in terms of scrutiny and challenge, there is almost no response at all. There is an ongoing inquiry. A child has suffered a serious head injury and there is a suspicion that a failure of iOps system may have led in some way to that incident.

Priti Patel: That is horrendous, absolutely appalling. Safeguarding of children is absolutely vital. I will take this away. I will have a look at it. It seems to me that there is also a role here for HMIC to be involved and look into this. I will pick this up. Perhaps we can speak about it after the Committee session.

Q345 **Rehman Chishti:** On 15 October the Home Office published its latest statistics on hate crime. They were quite startling. They showed an 11% increase in race hate crime, a 3% increase in religious hate crime, a 25% increase in sexual orientation hate crime, a 14% increase in disability hate crime and a 37% increase in transgender hate crime, and the recorded hate crime has increased by 144% since 2012-13. What is being done to address those challenges and support those diverse communities in our great country?

Priti Patel: First and foremost, there is no place—and there should be no place at all—in our society for hate crime, and many of the categories of



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hate crime that you have just referred to. Just to speak specifically about the numbers, it is clear that there is more police recording of hate crime taking place and I suspect that is a good thing and that is why the numbers are high.

It is also important to say that there are many schemes and initiatives at a community level—you will be familiar with a range of them, voluntary groups, third-party groups—and also at Government level as well to do much to stamp out hate crime. That is not just from a Home Office perspective. It is across Government, whether it be MoJ in terms of taking action against individual perpetrators of hate crime, and also within local communities, the Community Relations Service working with MHCLG and other Government Departments.

It is worth mentioning and reflecting on the fact that we all need to do much more to support individual victims of hate crime and, secondly, supporting those organisations that do a great deal to prevent and stamp these abhorrent crimes.

We heard about this issue today in the House of Commons, racism in football, key examples that we hear about day in, day out and they are unacceptable.

Q346 Rehman Chishti: Can I clarify two things? First, you said that more people are now reporting and that is why the statistics may go up. But the concern I also had was that the latest statistics from the Home Office did not record data on online offences. I see the Permanent Secretary nodding with approval. If one had included the data on online offences, the numbers would have been even higher. Why were they not included? Also with regard to this significant issue—since our great country is a tolerant country in the values we stand for—what extra resources would you put into addressing hate crime?

Priti Patel: Sir Philip, would you speak about that?

Sir Philip Rutnam: You are right about online crime statistics, Mr Chishti, and they do need to keep improving. It is always a challenge for us to keep up with the latest technology and how we measure online crime. But of course if crime occurs online and it is reported, it will be recorded. It is probably a question of under-reporting and under-recording rather than the statistical definition as such. We can come back to you with more detail.

Q347 Rehman Chishti: Will you come back to me? Thank you.

I am running out of time. Giving credit where it is due, because you have to do that—I have raised concerns, but I can give you credit as well—I am reading the headlines in *The Sunday Telegraph*, “Police to ‘predict’ hate crimes through Twitter for the first time. Police will use artificial intelligence to predict real-life hate crimes based on Twitter”. I think the pilot programme that starts on 31 October is a good idea. It means that when tensions arise you have the technology and the artificial intelligence



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to predict those tensions early on. I welcome that initiative by the police.

Priti Patel: There are two things there. You have mentioned that one police initiative. I come back to the point that we have to constantly invest in this area and technology has a role to play, but at the same time we are speaking about people and their experiences, which is why working with third-party groups and organisations is important too. Organisations like TellMAMA do a lot of good work, as do other community groups. We do a lot of work with MHCLG on community outreach, as the Committee will be aware. Every part of the country is different. It is also important when we come to religious tolerance that we provide the Places of Worship scheme with the right kind of support. There are many areas of work taking place here.

Q348 **Rehman Chishti:** As the Government's Envoy for Freedom of Religion and Belief I fully respect and appreciate what you do. The work that Government are doing on that is outstanding.

Can I touch on two things before I move on? One touches on hate crime, but also extremism. You say the first duty of the country is to protect its citizens. You have far right extremism and Daesh-inspired extremism. The Channel programme was initially designed to address a large number of individuals, Daesh-inspired extremists. Now I understand from speaking to experts such as Peter Neumann from King's College London, that it is around 50:50, that you have 50% far right extremism and 50% from Daesh-inspired extremism. Is the programme now designed to address the challenges of far right extremism, which is rising, according to evidence we have heard? Is the programme adequate and sufficient to do what it is supposed to be doing?

Priti Patel: We keep all programmes constantly under review because they have to be driving the right kind of outcomes. You are right about far right extremism but there are also lone-actor perpetrators, very much as a result of internet-inspired activity and other information sources. We have to be responsive to that, not just from a Home Office perspective, but across other Government Departments too. That is important. There must be that balance. It is really important.

Q349 **Rehman Chishti:** I have just been told I have one minute. I am sorry, Home Secretary. The other thing I want to raise with you is with regard to illegal border crossing in the Channel. I am a Kent Member of Parliament. This is something we raised with the previous Home Secretary in November last year. You had a new co-ordination centre and naval vessels, but over the summer the incidence did not decrease. Now it is the winter period and of course the incidence will go down because of the winter conditions. When you first became Home Secretary, your statement was pretty clear, that you would do everything you could to address the challenge of illegal entry, which is of course a risk to the lives of the individuals themselves. Innocent lives should not be put at risk. At the same time, the issue of illegal entry into any country cannot be right. What are we doing about that?



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Priti Patel: A lot has happened over the summer on this issue. I have spoken previously about the criminality associated with illegal entry. I have been pretty public about that. I have spent some time with the French Interior Minister on this very issue of small boats and migrant crossings. Under the existing joint action plan, which was set up by my predecessor before my time, we have a package of measures where our French counterparts, the Gendarmerie, work in with Border Force to deploy technology to prevent people from getting in the water, more preventative measures along the coastline of France, which is vast, as we know.

This is no longer as binary as people crossing from Calais to Dover. People are trying to come across from different points on the French coast. We are now investing in in-country resources in France, which come at a cost, but it is important to do it. It is important for a number of reasons, to prevent people from being exploited. Stopping people from getting in the water is the key thing. Also we are using those resources to crack down on people smugglers. A number of arrests have taken place over the summer. We are working with the French authorities and our counterparts and with the National Crime Agency. We also have had our own people work in camps to deter and raise awareness about the risk, to break up some of the criminal gangs and to make arrests.

There are a range of actions taking place as part of the joint action plan. The plan is ongoing. It is not a one-off. It is going to be difficult because these issues do continue but we do have to ensure that we stop vulnerable people being preyed upon; we have to stop people getting in the water and then we have to do much more to stop the associated criminality.

Q350 **Janet Daby:** Good afternoon, Home Secretary, and thank you for attending this Committee. This Committee reported on serious youth violence in July this year and still awaits a response. Could you commit to providing a response and also say when we can expect one?

Priti Patel: I will be very happy to provide the Committee with a response on serious youth violence. In that response, I will be very happy to highlight some of the initiatives and activities that have been taking place to do much more to prevent serious youth violence, including violence reduction units, the work we are doing now in dealing with the county lines issues, all those key things that have been associated with serious youth violence. At the same time, I can speak much more about the Government strategy in this area: the work that is taking place; how we are investing in youth services; what preventative work we are doing; the recent announcement with the Youth Investment Fund, which is a £500 million investment over five years.

Janet Daby: Could you say when we can expect that response?

Priti Patel: I am sure we can get that to the Committee probably within the next week.



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Q351 **Janet Daby:** Within the next week? Thank you.

How will your Department ensure that the recent increase in police funding will reduce violent crime? Can you also say how you are monitoring to ensure that new funding is working?

Priti Patel: A few things in relation to the police officer uplift, which is the recruitment of 20,000 new police officers and the funding, which is central Government funding of £750 million. You have asked how we can guarantee that the funding will be used to reduce crime and go to the front-line. We have a new National Policing Board, which has been established for this very purpose. It involves a range of our police leaders and police partners, our National College of Policing, all the key people associated with policing.

The board will be very much focused on making sure that the recruitment takes place across the country through the 6,000 new allocation of police officers—that is 1,300 more police officers in London—and how they will be deployed in terms of territorial policing, but trained, equipped and invested in so that they can do much more on crime prevention and deal with much of the serious crime that we see and hear about far too often.

Q352 **Tim Loughton:** Can I throw in a few random issues? First, I want to come back to Kate Green's question about the Dublin arrangements. We entirely understand that during the transition period, on the basis we get a deal, we are bound by Dublin III. I have had meetings together with Nicky Morgan before she came back into Government, with your predecessors and with previous Immigration Ministers about how a British version of Dublin III—given that we would not formally be part of the Dublin arrangements—would work and particularly make sure that it is not only just as inclusive as at the moment but that we extend existing UK regulations so that wider family members for family links resettlement schemes can also be honoured.

We have always had a favourable response to that in principle on the back of which some of us have withdrawn amendments to some of the legislation we have had, so as not to take it further. Can you elaborate on whether—on the basis we come out with a deal—commitments to asylum-seeking children and family links will be no less generous than they are as part of Dublin now?

Priti Patel: I think you heard from Glyn earlier on that we are very clear that the UK is committed under section 17 of the European Withdrawal Act, when we do leave with a deal, to seek to negotiate an agreement with the EU that allows for unaccompanied asylum-seeking children in the EU to join family members lawfully present in the UK. That sets up that absolute direction, that intention. It will of course be based on mutual recognition with the EU or individual member states and we will need to agree the processes.

The core components of the principles around Dublin Island, what we are trying to seek to assure, is absolutely there. From our perspective, the



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commitment is clear right now but obviously we need to go through the negotiation process.

Q353 **Tim Loughton:** So that is a commitment to make sure that the range of family members who would qualify a child coming here is no less than what is available under Dublin III and equivalent schemes. Under our own domestic scheme it is a smaller range of family members who qualify.

Glyn Williams: Under domestic rules, a refugee in the UK who is on their own can bring over immediate pre-flight family. There is a difference, I think, between Dublin and UK domestic rules—

Tim Loughton: Correct.

Glyn Williams: —in that Dublin provides for the reunion of asylum-seeking adults where one of the partners is post-flight. In other words, I think what that means is that let's say an Afghan has left Afghanistan, has come to the UK, is seeking asylum in the UK, and en route to the UK had formed a relationship with someone in say France—maybe another Afghan and that Afghan in France is seeking asylum in France—that is called a post-flight relationship because that relationship did not exist in Afghanistan from where the refugee sought refuge.

Q354 **Tim Loughton:** I am not so concerned with that. What I am concerned about is the relatives. Kate Green may remember this better than I can, but there are, for example, Syrian refugees who have lost parents, so they cannot be repatriated with their mother or father, but they may have an uncle or an aunt or distant brothers, sisters, cousins, whatever, who have been placed here legally but under our domestic rules would not necessarily qualify, though they would qualify under Dublin III. That is purely the point I am making. I ask the Home Secretary to go away and check because we have had some reassurance about this before and it needs to be made clear.

Priti Patel: Understood, yes.

Q355 **Tim Loughton:** Linked to that, I raised the issue yesterday of the Syrian children in refugee camps or being held in Turkey, Iraq or wherever and I think Andrew Murrison misinterpreted what he was asked. There was a distinction between orphan children and children with parents. I want your view, Home Secretary, and this is not a view on what the status of the parents should be, parents who clearly are at fault and there may be a good case for not allowing them back to the UK or denying them their existing British citizenship, but the children are the innocent victims.

Priti Patel: That is right.

Q356 **Tim Loughton:** For those who will be counted as British citizens if they have British parentage, even if they may have been born out of Britain, in Syria or Iraq or wherever, if their parents were in the UK and they were up to extremist activities, after the change in regulations of 2013, those



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children would have been liable to have been taken into care. So far over 150 children have been taken into care on grounds of the risk of radicalisation by their parents. If they were in the UK, those kids would be taken into care.

Would it be your understanding and your wish that for those children, even if they are with parents, there would be a case for repatriation to the UK and within the care system, placing them perhaps with safe extended family members or foster carers or ultimately into adoption? I do not think the Foreign Minister—it is not his domain—understood the difference yesterday.

Priti Patel: You are right in the example about the UK situation where children are removed if parents are engaged in radical activity. What I think we need to reflect upon right now is that with the conflict going on in Syria, we are hearing a lot about the nationality of children and orphans in Syria and trying to get clarification is pretty difficult. We have been asking plenty of questions about this and rightly so. We have been working with the Foreign Office on this too. That is important and it is the first point to make.

If we were able to identify the nationalities—and there is a process to go through with the Foreign Office and consular assistance—then clearly those children would be looked at case-by-case, as would children in the UK, which would be the right thing to do, and then appropriate measures would be taken. My understanding is that we are hearing reports about the identification of children who may be British. That has not been confirmed but it is my understanding. Then of course there is the issue of how we get to the children.

Q357 **Tim Loughton:** I entirely understand. I know there is a lot of confusion and a lot of work to be done, let alone if one can safely access those children to get them out, which is a consideration. But there is a principle at stake here because some of the children, I am sure, will be identified as British citizens entitled to a duty of care by a British Government, even if they are not in British territory at the moment. Although there is a case-by-case basis, there is also a principle of whether those children would be repatriated to the UK regardless of whether they are with their parents, on the basis that the welfare of those children is at risk—

Priti Patel: I would not dispute that.

Tim Loughton: —and therefore they should be subject to the same considerations as if they were in your constituency or mine.

Priti Patel: I would not dispute that at all.

Q358 **Tim Loughton:** Final point, if I may, a more general point. What Windrush, the Brexit process and how we deal with Syrian refugees and others coming to our borders has thrown up is that our immigration system is hugely complicated. Looking through the Windrush reports, there were so many different headings under which those people might



have qualified in certain areas. Added to the complication, it is also a very expensive process, not least for child asylum seekers to be able to raise that sort of money. When we are past all the distractions of Brexit, will you commit that we need an holistic overhaul of the immigration process to make it much simpler, both for people to understand if they are entitled to be in the UK and for the UK to be able to process those applications speedily, fairly and in a reasonably affordable manner?

Priti Patel: You have aptly described the complexities of the immigration system, which is primarily because, as we have known over the years, lots of legislation has added change and complexity to the system. We also have to reflect upon the fact that there are public concerns about having confidence in the immigration system, in how it functions. There is an opportunity now clearly, but post-Brexit, to look at a new system without all the additional issues, some of which you have touched upon, to streamline the system, make it much more accountable and bring in more technology.

I have already referred to digital borders and biometrics. I have also spoken previously about the points-based system, looking at the Australian-style system. We are already in discussions with my counterparts in Australia and we can look at some of the learnings and get an understanding of how other systems could work. I have previously spoken about attracting the brightest and the best through a points-based system, focusing on skills, not discriminating against where in the world people come from. These are life considerations and we should all be looking to the future with regard to how we can have a much more efficient, effective and transparent system that serves our country in a better way.

Glyn Williams: Can I add to that? We have asked the Law Commission to look at the simplification of immigration rules and they will produce a report next month, I think.

Q359 **Chair:** Can I finally seek some factual clarification on a couple of the points that have been made? Sir Philip, do you have an answer to Douglas Ross's parliamentary question?

Sir Philip Rutnam: I do not, I am afraid. I think the best thing would be for me to write to you as soon as possible after this hearing, which I will.

Q360 **Chair:** Can I strongly urge you to do that as fast as possible? Because it does feel a little bit like Groundhog Day, going around the same questions about the ESN, and I am sure that Douglas Ross will raise exactly the same questions with you again if we do not get a clear answer.

Sir Philip Rutnam: I am sure he will.

Q361 **Chair:** To Paul Lincoln, can you clarify the issue about what the checks will be under the Northern Ireland protocol? As I understand it, you said that between Great Britain and Northern Ireland there will be declarations



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made and there will be targeted checks on those declarations, but that you have not yet decided where those checks will take place or who will make them, but they will probably be on the Northern Ireland side of the Irish Sea. Is that correct?

Paul Lincoln: It is a matter for HMRC to take the lead on; it is their policy area. As I understand it at the moment, we have not decided who will undertake those checks, if they are required. Bearing in mind, as it says in the explanatory note to the protocol, that you will need to have declarations—and this is about protecting the single island of Ireland zone—you do not need to do anything to do that. You do not need to make interventions. There is no need in general to make interventions.

Q362 **Chair:** We need to understand this. Will there be checks—yes or no—even if you have not decided where they will be?

Paul Lincoln: On something like phytosanitary—

Q363 **Chair:** I am interested in the customs checks, the checks at that the Border Force currently do.

Paul Lincoln: It has not been decided whether or not we, as an organisation, will do checks. If goods are moving from GB to Northern Ireland, they will have to make declarations and depending on whether or not there are things that need to be checked as a result of that—and bearing in mind that this is about whether or not there is a tariff payable in a single zone within Ireland—and whether that is a requirement because these are done on a targeted basis, an enforcement basis, rather than being done as a routine.

Q364 **Chair:** If you envisage future tariff divergence, that being the Government's intention, do you expect that checks will be made in those circumstances?

Paul Lincoln: The Government's intention, as set out in the political declaration, is to have free trade agreement with zero tariffs between the UK and the EU, so on that basis there would be no need to have a tariff differential, either between north or south or east or west.

Q365 **Chair:** What about goods that were coming from outside?

Paul Lincoln: Goods coming from outside will pay the EU tariff.

Q366 **Stephen Doughty:** I need to make further clarification. I listened very carefully to what you just said, Mr Lincoln, and also to what you said earlier on. The Brexit Department has confirmed to Lewis Goodall of Sky News today, "Any processes normally required on goods entering the EU will be implemented at the Northern Ireland-Rest of World border or on trade moving East-West between Great Britain and Northern Ireland".

But the Brexit Secretary—and I would be interested in the Home Secretary's view's on this—said in the House to the Lords EU Select Committee, to the Chair of the Brexit Committee and to me: "Exit summary declarations will be required in terms of Northern Ireland to



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Great Britain". He told Hilary Benn that would be west to east. You and the Brexit Department have confirmed that there will be checks from east to west, the Brexit Secretary has confirmed there will be checks from west to east, so that means that there will be checks both directions. Is that correct?

Paul Lincoln: The appropriate position that has been taken by HMRC in its evidence to the Treasury Select Committee yesterday is that a minimal electronic position will be provided—

Q367 **Stephen Doughty:** I am asking whether there will be checks in both directions. It is very clear from what you have said and what the Brexit Secretary has said that there will be checks in both directions. Is that correct?

Paul Lincoln: That is not what I said. To be clear, what I said was that there may be checks going from Great Britain to Northern Ireland because it is a full declaration required to maintain that trade—

Stephen Doughty: But the Brexit Secretary has said there will be checks from Northern Ireland to Great Britain.

Paul Lincoln: From Northern Ireland to Great Britain, the protocol sets out that there will be unfettered access for goods from Northern Ireland to Great Britain.

Stephen Doughty: But that is not what the—

Paul Lincoln: HMRC, which has the lead responsibility for this, has said that there will be a minimal set of electronic submissions that will need to be provided.

Q368 **Stephen Doughty:** Mr Lincoln, that is the point. The Brexit Secretary said, and I am quoting his exact words, "Exit summary declarations will be required in terms of Northern Ireland to Great Britain" and he clarified that further to say, "West to east". Not only that, but HMRC has confirmed that those declarations can cost up to £56, so we are not talking about unfettered access. We are talking about checks that not only exist, but cost money. Could the Home Secretary perhaps confirm this?

Priti Patel: I am not going to confirm that. I think we will go away and get clarification on this. Paul Lincoln has already said that HMRC takes the lead on this and we all work with HMRC obviously, and within the wider border area as well, which is exactly—

Q369 **Stephen Doughty:** But the Brexit Secretary is correct in what he said, as far as you know? Home Secretary, the Brexit Secretary is correct in terms of what he said, isn't he?

Priti Patel: I will get clarification on that.

Stephen Doughty: So he might not be correct.



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Priti Patel: I will get clarification. I have already said that I will come back to the Committee and clarify.

Q370 **Stephen Doughty:** The Prime Minister said there would be no checks at all.

Priti Patel: You have already heard. This is also with HMRC. This is literally—

Q371 **Stephen Doughty:** So you do not know what you are doing.

Priti Patel: We will come back with clarification.

Rehman Chishti: This is intolerable, so rude to the Home Secretary.

Priti Patel: We will come back to you with HMRC's position.

Q372 **Chair:** When do you think we will be able to get that clarification?

Priti Patel: We will talk to HMRC this afternoon.

Q373 **Chair:** That would be immensely helpful. Thank you very much. In terms of what is in the withdrawal agreement, in the Northern Ireland protocol under article 12 it does say, "EU representatives shall have the right to be present during any of the enforcement activities of the authorities in the United Kingdom related to the implementation and application of provisions of Union law and that where the Union representative requests the authorities of the United Kingdom to carry out control measures in individual cases for duly stated reasons, the authorities of the United Kingdom shall carry out those control measures". Does that mean in those circumstances that where there are those customs checks, where the customs declarations are taking place that the EU could require checks to be made on those declarations?

Paul Lincoln: My understanding of this particular point is that this is a continuation of what the EU can currently do now, where they say in implementing the Union customs code, "Can we" in some cases documentary, "see what you do in terms of the implementation of the things you are doing?" Bearing in mind that Northern Ireland will continue to operate the same regulations in this space, this is a continuation effectively of what they do now.

Q374 **Chair:** Under article 12(2) of the protocol, the EU would be able to require checks to be done.

Paul Lincoln: Effectively they will ask, as they currently do—and I should say again that this is an HMRC lead—"Can we see what it is you are doing to make sure that you are applying what we expect to be applied under the current regulations?" Bearing in mind that Northern Ireland will be applying the existing regulations, then they can continue to say that that is the case. They are looking to make sure that the single island of Ireland zone is maintained, from their perspective.

Q375 **Chair:** Thank you very much. Home Secretary, if you are able to provide



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us with clarification this afternoon, that would be immensely helpful, because I do not want there to be any inaccuracies or misunderstandings.

Priti Patel: I will do that.

Chair: We are hugely grateful for your time. We look forward to your letter as well, Sir Philip, about the ESN. Thank you very much.