

Home Affairs Committee

Oral evidence: The work of the Home Secretary, HC 201

Wednesday 23 November 2022

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Members present: Dame Diana Johnson (Chair); Ms Diane Abbott; Lee Anderson; Paula Barker; James Daly; Simon Fell; Carolyn Harris; Tim Loughton; Stuart C. McDonald.

Questions 384-535

Witnesses

I: Rt Hon Suella Braverman KC MP, Home Secretary, Matthew Rycroft CBE, Permanent Secretary, Home Office, Dan O'Mahoney, Clandestine Channel Threat Commander, Home Office.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Suella Braverman KC MP, Matthew Rycroft and Dan O'Mahoney. Company].

Q384 **Chair:** Good morning, everybody, and welcome to this session of the Home Affairs Committee. The session is part of our routine scrutiny of the work of the Home Secretary and the Home Office.

May I welcome the Home Secretary to the meeting this morning? We are very pleased to see you. I also welcome the permanent secretary, and we are very pleased to see Dan O'Mahoney again. We saw you very recently. You have the role of Clandestine Channel Threat Commander, so we are pleased that you are with us today.

I want to make a few brief remarks. It is nine months since we were able to question a Home Secretary, and obviously a lot has happened since February with the Rwanda announcement, the crisis at Manston and our report in the summer on the small boat crossings, so we have many questions that we want to ask today.

We will start with the issue around asylum seekers, the Channel boat crossings and Manston, but it is also right that we remember today that we are coming up to the one-year anniversary of the 27 who lost their lives crossing the Channel, and also that we recognise the sad news in the past few days of the death of a man who had been detained at Manston.

We also note the welcome news that Manston was cleared just before the Home Secretary's appearance at the Select Committee. It does beg the question why the crisis at Manston was allowed to grow over such an extended period if it has now been cleared.

Finally, I want to say that I am particularly disappointed that a letter dated 2 November from the Chairs of four Select Committees—Justice, the Joint Committee on Human Rights, and Women and Equalities, plus myself—has not been responded to by the Home Office. We asked for a response by 16 November, and that letter arose out of the very disturbing evidence that we heard at our session on Manston. It is very disappointing that we haven't had the answers to the specific questions that we raised in that letter.

That leads me to my specific questions, which are mainly factual questions on which I want to get some clarity. First, how many judicial reviews have been launched against the Home Office for illegal detention at Manston, as of today? Who can tell me that?

Suella Braverman: Well, if I may, Madam Chair, thank you very much for the invitation to come and speak to the Committee. I really value the opportunity for accountability and transparency. I should say at the outset that I also want to offer my condolences and my thoughts in memory of



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the 27 who perished almost a year ago in the Channel, making a lethal, dangerous journey. It is a tragedy on a scale that is unacceptable, and I am very, very sorry and saddened that it happened. Any loss of life in this instance is a great sadness.

I also want to put on record my heartfelt condolences to all those affected by the death of the person who arrived recently at Manston. There is very little I can say about that because an inquest and a coroner's inquiry into it are going on, but I want to put on record, on behalf of the Home Office and everyone who works on the frontline in these very challenging circumstances, our thoughts for those who are directly affected.

You also mentioned the letter of 16 November. I must say I apologise for not getting a reply back to you—

Q385 **Chair:** It was on 2 November that we wrote.

Suella Braverman: Sorry, 2 November with a deadline of 16 November. There has been a processing issue in the Home Office, and we will endeavour to respond very quickly, but I am happy to take any of the questions raised in that letter today.

The question you asked me about now is how many judicial reviews we are facing. I speak as someone who was a lawyer employed to defend the Home Office on judicial reviews before I was an MP, so—

Q386 **Chair:** I just want the number, that's all.

Suella Braverman: The number will be very high.

Q387 **Chair:** On the issue of Manston and illegal detention?

Matthew Rycroft: I do not have the number, Chair, but we will write to you with it.

Q388 **Chair:** I am told it is four. You don't know? You don't know how many judicial reviews on Manston have been launched?

Matthew Rycroft: We know that there are judicial reviews on Manston, and we are dealing with them, as you would expect, in a holistic way. I personally didn't know that there were four, but we will write with a confirmation.

Q389 **Chair:** I am rather surprised, if you don't mind my saying so, that you didn't think I might ask that question—but anyway.

I just want to be clear now on the legal status of Manston. Could you confirm—I don't know whether it is the permanent secretary who can confirm this—whether Manston is a holding room, and therefore that detention there is allowed only up to 24 hours? Is that correct?

Suella Braverman: The Manston processing centre is there, fundamentally, as a centre—a short-term facility—for processing. People arrive, and I will ask Dan to come in—

Q390 **Chair:** We know what happens there; I just want to know what its legal



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status is. Is it a holding room, in law?

Dan O'Mahoney: It is a short-term holding facility under the—

Q391 **Chair:** Yes, but is it a holding room as set out in the rules?

Dan O'Mahoney: It is equivalent to a holding room, which means that under the rules we can keep people there for 24 hours, apart from in exceptional circumstances.

Q392 **Chair:** That is helpful: it is a holding room, but in exceptional circumstances you can hold people for a further period of detention.

Under the rules it is very clear that, if you want to use that provision and extend detention, an authorisation has to be made before the 24 hours runs out. Perhaps you are best placed to tell me: did that happen for everybody who was held at Manston beyond 24 hours?

Dan O'Mahoney: Yes; there is a process at director level for signing off the exceptional circumstances in which we can hold people beyond 24 hours. It is probably also worth saying that there is another legal obligation on the Department, which is to provide accommodation to stop people from being destitute. Clearly, there were people staying at Manston in excess of 24 hours, but it is also really important that we find alternative accommodation when the alternative is destitution.

Q393 **Chair:** Was that the exceptional circumstance put on for each individual for whom you were extending the period of detention—lack of accommodation?

Dan O'Mahoney: Those were the exceptional circumstances that led to our keeping people there for more than 24 hours.

Q394 **Chair:** I think we will come on to this, but why was that an exceptional circumstance? We all know that the numbers projected for this year were going to exceed the 28,500 who came across on small boats last year. Sorry—I am not quite clear about why this was exceptional. Why did the Home Office not have plans in place to deal with the numbers?

Dan O'Mahoney: As we discussed on your visit, currently the primary accommodation that we offer asylum seekers is hotels. The provision of hotels—the commercial process that we had to go through, the engagement with local MPs and local authorities—became increasingly difficult.

Q395 **Chair:** Why did it become very difficult?

Dan O'Mahoney: There is a range of reasons. One is that market supply has become much more difficult, compared with last year when hotels did not have people staying in them as they do now.

Q396 **Chair:** You have been able to clear it. We started off by saying that you had cleared Manston, so I am a bit confused as to why you are saying that hotels were not available. You have clearly found hotels to put people in now.



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Dan O'Mahoney: The other factor that has worked in our favour over the past few weeks is that the weather has deteriorated significantly so the number of crossings has dropped. The number of crossings this November is significantly lower than it was last November, for instance.

Q397 **Chair:** The crisis was developing, wasn't it? I am looking at the numbers: in August you had nearly 8,500 and then in September 7,900 and in October 6,900. So you knew that these numbers were coming because you were working on the basis of 60,000 people crossing the Channel, weren't you?

Dan O'Mahoney: We certainly anticipated that the numbers would be worse than last year, yes.

Suella Braverman: Let me provide some context. Dan is absolutely correct in everything he said. I think that what has happened is that during the month of September it was obvious that there was already an unprecedented, or at least very high, number of people arriving illegally at Dover. We were trying to procure extra accommodation urgently and at pace. It has become incredibly difficult to find accommodation. That is because of a combination of several factors. We have an unprecedented number of people arriving here illegally.

Q398 **Chair:** I do not think that is the case, Home Secretary.

Suella Braverman: Well, it is.

Q399 **Chair:** If I could just interrupt you there because actually the numbers are not unprecedented. If you look back to 2002, the number of people claiming asylum was almost twice the claims that you had last year, so I do not think that is actually correct. That is in our report, which we produced in the summer.

Suella Braverman: I am sorry, but the facts are that this is the first time we have had, before the end of the year—by the autumn—40,000 people arriving illegally in the UK through a dangerous route where they are vulnerable.

Chair: I am not disputing the issue of the numbers.

Suella Braverman: Can I just finish explaining some of the context that I have been dealing with?

Q400 **Chair:** Absolutely, but the key is that we have not got much time and there are lots of questions we want to ask. I have lots of Members who want to come in on this. Perhaps I could just move you on to what you actually decided to do as Home Secretary. There has been lots of media coverage of what happened during September and October. When did you first become aware that there was this crisis developing at Manston? When were you told that you were potentially in breach of the law by holding people?

Suella Braverman: I arrived at the Home Office at the beginning of September in full awareness that there was a crisis with illegal migration



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because of the very high—I just have to finish the point I am making. There is an unprecedented level of pressure on our asylum accommodation system at the moment. We have never seen 40,000 people arrive in the UK through dangerous and illegal means. We have never had 140,000 people welcomed in good faith—and rightly so—from Ukraine. They are, to some degree, taking up some of our accommodation.

In addition to that, we have never seen another 80,000 people who we are accommodating and who are waiting for their asylum claims to be processed. That all takes up beds and accommodation and estate. It is becoming incredibly difficult to source accommodation—suitable shelter—for the unprecedented levels of people coming into this country. We are competing with prisons, who want to release people to go into accommodation. We are competing with constituents who want local authority housing.

Q401 **Chair:** With the greatest respect, the Committee is very well aware of the context.

Suella Braverman: But that is important context to explain why it has been very difficult to source the accommodation.

Q402 **Chair:** Could you explain to us, though, what you did when you came in as Home Secretary? You are saying you knew there was a crisis, so when were you told of the developing problem at Manston—that people could only be held for 24 hours? There were exceptional circumstances to extend that, we understand, by a maximum of five days. When were you told that the Home Office was breaching the law?

Suella Braverman: As I have said, when I first arrived at the Home Office, at the beginning of September, I was incredibly aware of the pressure at Manston—

Q403 **Chair:** But when were you told that you were breaching the law?

Suella Braverman: —and I was putting into place. I will invite the permanent secretary to confirm exactly what happened. If I can—

Q404 **Chair:** My question is quite specific: when were you told that the Home Office was breaching the law around detaining people for more than 24 hours?

Suella Braverman: I will get to that point, but I need to tell you what I did in September and what I knew. That is what I am trying to do.

Q405 **Chair:** We just need the date. When were you told? You started as Home Secretary; how many days later were you told about the problem? Was it day one?

Suella Braverman: I would really like to finish my answer.

Q406 **Ms Abbott:** Tell us when you were told.



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Suella Braverman: I am trying to tell you what I knew and what I did when I was first appointed as Home Secretary.

Q407 **Chair:** Please tell us then.

Suella Braverman: When I arrived at the beginning of September at the Home Office, I was very much aware that there were very high numbers of people coming into Dover. I was very aware that there was an acute need to source accommodation urgently and quickly. That is why, during the month of September, we brought on many hotels and many beds.

Q408 **Chair:** With the greatest respect, my specific question to you is: when did your officials tell you that there was a developing problem at Manston and that you were breaching the law?

Suella Braverman: I will answer that in a straightforward way and I will have to repeat myself. I was aware from the beginning of my tenure that there was a problem at Manston.

When it comes to legal advice, which you are asking specifically about, it is a Government convention that we do not talk about the issuance or the content of legal advice. What I will say is that in every decision that I have made, both as Home Secretary and generally as a Minister—and I say this as a former Attorney General—whenever I have been provided with legal advice by officials, I have always taken it into account, read it, or listened to it when it has been delivered to me orally, and borne it in mind when decisions have to be made.

If you are suggesting that I either was not told about legal advice, or that I deliberately ignored it, that is simply not true.

Chair: I am not suggesting anything.

Suella Braverman: But I cannot, for convention reasons and because we are facing a legal challenge, get into the specifics about what was the legal advice and when it was given. Can I just invite the permanent secretary to add anything that he might want to add about what happened?

Matthew Rycroft: I can confirm, Chair, that what the Home Secretary said is accurate. The Home Office officials made the Home Secretary aware of the legal position, as well as policy options, from the beginning of her tenure.

Q409 **Chair:** Thank you. I want to put this to you, then: it is reported that on 15 September, you were informed about the deepening problem at Manston, and that you were likely to be in breach of the law. That was 15 September, so you had been in post, I think, nine days when you were given a submission to say that there was a problem.

Then, I understand, you were given a second submission on 22 September, saying that there was a very high risk that you were in breach of the law—50% to 70%. Then, on 1 October, you were again told that there was a very high risk that you were in breach of the law, and then on 4 October, again, 50% to 70% that you were in breach of the



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law. The advice was that the Home Office does not have power to detain while waiting for onward accommodation or welfare reasons. Is that correct? That has been in the press—leaked documents from the Home Office.

Suella Braverman: I am afraid that—

Chair: You are not willing to comment.

Suella Braverman: I am not going to comment on leaks, and I am not going to comment on the specifics of legal advice, whether the fact or the content of it. That is not how Government works.

Q410 **Chair:** Judicial reviews have already been launched. I am assuming that these papers will all have to be made available for the judicial reviews, so we will know whether what I have just read out to you is correct.

Matthew Rycroft: We will fulfil our duty of candour, and we will make sure that the courts receive the relevant papers.

Q411 **Chair:** In the letter you wrote to me, Home Secretary, about the reason that you resigned in October—

Suella Braverman: Madam Chair, can I just finish off one point? I think it is important that I explain, because I have not really had the chance to fully explain my response; I will be very brief, if I may.

Of course, I am very aware of legal duties to accommodate incoming migrants, their welfare and their safety. That is an important duty, and there are restrictions on the power of the Government to detain people or carry out checks.

I also have competing duties. I have duties to ensure that people do not become destitute, so releasing people to no fixed abode or to no address is not something that I am willing to do. I have duties to the local community where Manston is: I am not willing to put in jeopardy people living in the local community with migrants with no accommodation or no place to stay. That would not be a prudent use of powers or duties for the local community. There are lots of competing and challenging interests in that decision; it is not straightforward.

Q412 **Chair:** But on 4 October, the Home Office lawyers told you that the Home Office does not have power to detain while waiting for onward accommodation and welfare reasons. That is the specific advice that we understand you were given on 4 October.

Suella Braverman: I cannot comment on leaked documents.

Q413 **Chair:** Can I just ask you about this meeting on 19 October? This was the date you resigned. In the letter to me, you say that as part of your meetings that morning, you had a critical operational meeting about the developing situation at Manston. Can you explain what that meeting was about?



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Suella Braverman: Again, I do not want to go into too much detail about private Government matters, but that does reflect the fact that I was very aware of the developing situation at Manston. We were having almost daily meetings with Dan and General Stuart Skeates, who I had put in place earlier in the month to deal with the crisis—as I defined it—at Manston, to put up emergency accommodation and provide shelter for people coming in.

Q414 **Chair:** Were you told again at that meeting that you were in breach of the law?

Suella Braverman: As I said, I am not going to comment on the content of legal advice that I may or may not have been given.

Q415 **Chair:** Thank you. Permanent secretary, when did your officials notify the Home Secretary that there was no respectable legal argument to justify the situation at Manston?

Matthew Rycroft: Without commenting on leaked documents, I can confirm that Home Office legal advice has been flowing freely to the Home Secretary throughout this time, and indeed to her predecessor and predecessors. That, of course, will continue.

Q416 **Chair:** Obviously, next day, we have a new Home Secretary, and that Home Secretary says that the Home Office was in danger of breaching the law. He took immediate action to rectify the situation, and he talked about the “no respectable legal argument”. That is the Home Secretary who said that.

Suella Braverman: What is your question?

Chair: This is to the permanent secretary. By the 20th, the legal advice had changed?

Matthew Rycroft: No, the legal advice has been consistent. I can confirm that this Home Secretary and other Home Secretaries have been aware of that advice and have taken it into account in their decisions.

Q417 **Chair:** To be clear, you are saying it was the same legal advice to this Home Secretary in her first tenure, and then to Grant Shapps when he took tenure as Home Secretary.

Matthew Rycroft: The law did not change. Some circumstances changed, which would have meant that updated legal advice was needed, but the essence of the legal advice would not have changed, because it is based on founding principles.

Q418 **Chair:** Okay. Finally, Home Secretary, I know you have explained that you came into post and were faced with the issue of Manston and the numbers coming across on small boats. Could you tell the Committee how the Home Office got itself into this mess, with up to 4,000 people being detained at Manston? As Home Secretary, obviously you carry the can for this. Is it your responsibility? Is it a previous Home Secretary? Is it Grant Shapps, for his short tenure as Home Secretary? Whose fault is it



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that we have this crisis?

Suella Braverman: I think that is a fair question. I am not going to point the finger of blame at any one person—it is not as simple as that. As I have made clear, I arrived in full awareness that there was a growing problem at Manston with the numbers arriving. That is combined with very limited available housing stock to transfer people on from Manston. We worked incredibly quickly and intensively during the months of September and October, and ever since, to procure extra accommodation. Since 6 September, over 100 new hotels, providing 9,000 additional bed spaces, have been brought into use. We had high levels coming in. We have been aided, as Dan says, by very low levels of people arriving.

Q419 **Chair:** So it is not your fault.

Suella Braverman: Listen, I do not think it is helpful to point the finger of fault at anyone.

Q420 **Chair:** We are just trying to understand—

Suella Braverman: I will tell you who is at fault. It is very clear who is at fault: it is the people who are breaking our rules, coming here illegally, exploiting vulnerable people and trying to abuse the generosity of the British people. That is who is at fault.

Q421 **Chair:** But you were Home Secretary and, in terms of making the system work and the processing centre at Manston, there was clearly a big problem. I am just trying to work out who was responsible for not foreseeing that problem and not dealing with it. Who was it? Were you responsible?

Suella Braverman: As the Home Secretary, I do take responsibility, ultimately, for the performance of the Home Office. That is my job, and that is my responsibility. I am very clear about who is at fault: it is the people coming here illegally, people smugglers and people who are choosing to take an illegal and dangerous journey in order to come here for economic reasons. They should not be doing that, and that is who is at fault here. We are responding to a problem caused by other people. We are procuring as fast as possible within our resources and our capacity, to identify that accommodation.

Q422 **Chair:** I hear what you are saying, but I am interested in the process. The Home Office process did not work; it failed. I am just trying to work out why that was and who was responsible, because these numbers were foreseeable. Hotels were available. Why did you end up with the position of 4,000 people at Manston?

Suella Braverman: I think I have said everything I need to say. We had a confluence of unprecedented numbers here. We have worked intensively to procure extra accommodation. I put in place General Stuart Skeates in October to help us grip the situation and operationalise it. He has worked very closely with Dan and other colleagues at Border Force to improve the capacity at Manston. Thankfully, largely because of the very intensive



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effort that I oversaw, but also because of zero inflow, we have been able to get the numbers down to zero.

Chair: Okay, but there was still a major crisis at the site.

Q423 **Tim Loughton:** Home Secretary, welcome to the Committee; we are a very friendly Committee really. Can I ask you one general question? Then I want to go into the recent increase in numbers coming across the Channel.

Let's do a bit of roleplay. I am a 16-year-old orphan from an east African country escaping a warzone and religious persecution, and I have a sibling who is legally in the United Kingdom at the moment. What is a safe and legal route for me to come to the United Kingdom?

Suella Braverman: You are fleeing which country?

Q424 **Tim Loughton:** Any African country. It could be any continent, but let's say Africa. I do not want to name one, because their Prime Minister might have a go at me for demonising their population, so let's theoretically talk about an African country that is going through a period of turbulence and persecuting its citizens, including an innocent 16-year-old like me.

Suella Braverman: We have an asylum system, and people can put in applications for asylum.

Q425 **Tim Loughton:** How would I do that?

Suella Braverman: You can do it through the safe and legal routes we have. We have offered 390,000 places to people seeking safety from various countries around the world.

Q426 **Tim Loughton:** But I am not Syrian, Afghan or Ukrainian, and I cannot apply to any of those specific schemes. The Dubs scheme is historic. What scheme is open to me?

Suella Braverman: If you are able to get to the UK, you are able to put in an application for asylum.

Q427 **Tim Loughton:** But I would only enter the UK illegally then, wouldn't I?

Suella Braverman: If you put in your application for asylum upon arrival, that would be the process that you enter.

Q428 **Tim Loughton:** How could I arrive in the UK if I didn't have permission to legally get on an aircraft going to the UK?

Suella Braverman: Let me invite colleagues to speak on that.

Matthew Rycroft: Depending which country you are from, you could engage with UNHCR. That would be a way of getting leave to enter the UK in order to put in an asylum claim, but I accept that there are some countries where that would not be possible.

Q429 **Tim Loughton:** The point is that there is a shortage of safe and legal routes, other than for specific groups of people who we have generously offered safe haven to. Let me come on to the recent increased numbers



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coming across the Channel. You have said that an unprecedented 40,000 people have come across the Channel trying to enter the UK clandestinely. Almost a third have come from Albania. That figure of over 12,000 is up from just 50 two years ago. Why do you think they are trying to come to the United Kingdom?

Suella Braverman: I should say at the outset that we do value our relationship with Albania and the Albanian community in the United Kingdom. We continue to welcome the Albanians who travel to the UK legally and who contribute significantly to British society. We are seeing, as you say, large numbers of Albanians—largely men—risking their lives and making the dangerous journey to come here through illegal means. Your question is why. I might ask Dan, because he is literally on the frontline and he is dealing with many people coming through. We have seen a variety of claims made by Albanians. We see a lot of them making modern slavery claims, claiming to be victims of trafficking. We see a lot of Albanian people making asylum claims, despite the fact that Albania is not a country in conflict or at war. I have seen some journalism recently that has identified Albanian people who have come and by their own admission said that they came for economic reasons, so I think there is a mixture of reasons why.

Q430 **Tim Loughton:** But none of those are reasons why they need to come to the UK rather than another safe country if Albania is not a safe country, which we think it is and EU countries think it is. How come we have over 12,000 Albanian citizens applying for asylum in most cases or as victims of so-called modern slavery in others, while Germany and Sweden for instance will not recognise any asylum claims from Albania? Why are we not following suit?

Suella Braverman: Albanian nationals have been one of the nationalities most frequently referred to the national referral mechanism.

Q431 **Tim Loughton:** The most frequently, in fact.

Suella Braverman: Yes, absolutely—since it was established in 2014. They are the most common nationality referred. You have asked why we are not dealing with Albanians in the same way as other European counterparts. I think there is a mixture of reasons if we are making international comparisons. It is not as straightforward as saying, “Germany does not accept asylum claims from Albania”. They might have a higher threshold.

Q432 **Tim Loughton:** It doesn't. It does not recognise asylum claims from Albania, nor does Sweden, so why are we so different from those two countries that we are entertaining more than 12,000 people, most of whom have got asylum claims, from a stable country?

Dan O'Mahoney: If I may, one of the really important things to say about Germany, and other countries like that, is that, of course, they are in the Schengen area, and there are land borders between Albania and those countries, so it certainly would not be true to say that there are not a lot



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of Albanian people working illegally in those countries, albeit that the asylum grant rate is very low.

I think that the difference between that and the small boats phenomenon is that we have a very large number of people turning up at one location—in Dover—who are then, because of the level of control that we have over those arrivals, forced to make a decision about whether they claim asylum or not. The grant rate for asylum for Albanian males is actually very low in the UK; it is about 12%. Certainly, if you look at it in the round, including families and that sort of thing, it is higher, but it is certainly not true to say that there is not a similar problem. The Home Secretary is absolutely right; because of the issue with the national referral mechanism scheme, and the way that it is being exploited, that is an incentive for Albanians to come to the UK.

Q433 Tim Loughton: Okay, I understand. We treat Albanians coming here differently to other countries. The overwhelming of the migration system recently, and particularly the impact on Manston, I think we are all agreed, is largely due to the very large increase, in a short space of time, of a group of Albanians. So, if the acceptance rate is so low, and we do accept asylum claims, how many Albanians have been removed to Albania out of those 12,000 plus who have come this year, 800 last year and 50 the year before? How many applications for victims of modern slavery have been accepted, and of those that are being accepted, how many have been removed back to Albania, having recognised their claims of being victims of modern slavery—which does not require us to act then as host, in the United Kingdom, to those people?

Dan O'Mahoney: I can give you some of those numbers. There have been 1,000 Albanians returned to Albania who are foreign national offenders and the like since the agreement that we signed with Albania last year.

Q434 Tim Loughton: Hold on: “national offenders, and the like”? How many of those are not national offenders? I am only concerned about the people coming over here without a criminal record.

Dan O'Mahoney: Of the cohort of Albanians that have come through Manston, in the last few weeks, we have removed 36 of those directly back to Albania. You may have read the interview with one of them in the BBC this week, which I thought was very compelling. There have been 2,916 Albanian referrals to the NRM to August 2022 this year, which will include all of those arriving by small boats.

Q435 Tim Loughton: Coming back to you, Home Secretary, of a very large portion of Albanians, who have a very low success rate on asylum claims, and who may have a higher success rate under modern slavery claims, which do not require them to be kept in the United Kingdom—indeed a case could be made that they are safer back among friends and family and being protected by their own Government, rather than subject to people traffickers and to the slavers in the United Kingdom who are controlling them—a very small portion have actually been removed.



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We have a special arrangement with Albania set up by the previous Home Secretary last year. What has that actually achieved? How many Albanian officials, from the police or their equivalent of the Border Force, are currently stationed in the United Kingdom and aiding in the speedy removal of Albanians? And what measures are you taking to fast track Albanians, on the basis that, I think we all recognise, they are not, in most cases, genuine asylum seekers who need to be kept in the United Kingdom? There is a multitude of questions there, but I am sure you will pick the ones you want.

Suella Braverman: Yes, a lot of questions there. I think that this is part of the problem that we are trying to fix. There is a high number of people coming from Albania making asylum claims and making modern slavery claims. The reality is that our legal framework is allowing those claims to be made and then processed. You can really see that when it comes to modern slavery. A few years ago, it would take, on average, approximately 40 days before a decision would be made on modern slavery grounds. Now, because the system has been overwhelmed, largely by people coming here illegally on small boats, it is now taking more than 400 days. And the law, in our Modern Slavery Act, obliges the state to carry out an assessment of someone's modern slavery claim. So, that is one of the challenges that we are facing, legally; a very high number of people coming here from Albania are claiming rights that are provided for in our legislation, and we have—talking about legal duties—

Q436 **Tim Loughton:** What have you done about it? This was a problem a year ago. It was identified as a problem by your predecessor, and special arrangements were made with Albania, since when the number of Albanians coming here has gone up by a multiple of 15. What have you done, and what did your predecessor do, to make the situation any better? Because it has got 15 times worse.

Suella Braverman: In terms of what I am doing, perhaps Matthew or Dan wants to talk about the returns agreement struck with Albania, and how that has played out.

Matthew Rycroft: Let me add a couple of things to what the Home Secretary said. First, we have enforced the return of more than 2,300 people to Albania since 2019. Just last week, we returned another 26, including some straight from Manston, as Dan described. We are working closely with our colleagues from Albania. As the Home Secretary said, we have a shared interest in preventing this sort of irregular migration into the UK.

Q437 **Tim Loughton:** What does that mean? "We have a shared interest" and "We are working closely." What does that mean? How many Albanians are here? How many Albanian officials are in this country at the moment, working with the Home Office or Border Force?

Dan O'Mahoney: We work closely, both in the UK and Albania, with officials, right from the front line to ministerial level. We have an Albanian police officer deployed on the ground at Manston. My teams work very



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closely with the embassy in the UK. At one level the co-operation is very high.

Q438 **Tim Loughton:** So, there is one Albanian police officer at Manston, who presumably does not have much to do at the moment, as it is empty. How many other Albanian police officers and officials are in the UK at the moment?

Dan O'Mahoney: I do not have the exact number, but what I can say is—

Q439 **Tim Loughton:** One, 10, 101, 1,000?

Dan O'Mahoney: We will get an answer to you, Mr Loughton. What I can speak to is the extremely high level of very constructive operational co-operation with Albania in the UK, and in Albania.

Q440 **Tim Loughton:** Okay. A key feature announced by the previous Home Secretary was that we would work very closely with the Albanian authorities. There was a streamlined agreement to return those who had not got legitimate claims, and that officials would be boots on the ground, working alongside UK officials, co-located in order to help that process.

So far, we have identified one who is here. I don't believe there are any others here. Commander O'Mahoney, you know probably how many there are here, because you are working with all these people. There aren't any more here, are there? There is one at Manston and that is it.

Dan O'Mahoney: Sorry, I do not agree with that, Mr Loughton. I do not know the exact number, but I know that my team are meeting with officials from the embassy and the Albanian police.

Q441 **Tim Loughton:** I am not talking about diplomats. I am talking about border officials and police officials, specifically posted over here, as announced by our previous Home Secretary last year, as a beefed-up measure to deal with the immediate and growing problem of Albanians coming here without due process.

Dan O'Mahoney: The important thing, from my point of view, is the operational impact of what we are doing. There is live data exchange going on between the UK and teams in Tirana on Albanians who arrive in the UK, both on their documents and progressing to taking their biometric details, to see if they have criminal records in Albania. That is a very impactful move.

We have a police officer deployed at Manston who is helping us with the cultural awareness and understanding of exactly who these people are and what their likely intentions are. The operational impact of that is really significant. Giving you a number underplays that significantly, particularly when we look at the co-operation at the heart of it.

Q442 **Tim Loughton:** Okay. This is my last point because others want to come in. Can you answer the specific question of how many Albanians who have had a claim processed—I realise there are many still in the system—for modern day slavery have had that claim upheld, but they have been located back to Albania because it has been deemed safe to do that?



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Have any actually been relocated back to Albania after that claim has been determined in that way?

Suella Braverman: I have looked into the number of Albanian returns. The total number of people we have returned to Albania since November 2021 is 1,435. That is the number that I have been given here. What I would say in answer to your question of why, notwithstanding our agreement with Albania, we are still finding it difficult, is that number is very small compared with the number of people arriving here. Why is that? Why are we not able to return more, pursuant to our agreement? The reason is that if someone from Albania has a legal claim pending, whether that be modern slavery or asylum, that trumps any agreement we may have with Albania, and that puts a pause—

Q443 **Tim Loughton:** I understand that. It was a specific question: has anybody with a modern slavery claim been returned to Albania? I believe the number is zero. If that is wrong, will you write to us and tell us? Your officials confirmed, when Commander O'Mahoney was here in a recent session, that determination of a modern day slavery claim is not then leading to a mandatory grant of leave to remain in the United Kingdom. There are reasons why they could be more safely protected by being returned to Albania, and I hope that part of the agreement would facilitate that. Can we be told if that is happening? I suspect that it is not.

Suella Braverman indicated assent.

Q444 **Ms Abbott:** I wanted to ask the Home Secretary about the migration and economic development programme agreement with Rwanda, which was announced earlier this year. We know that you have been quoted as saying, "I would love to have the front page of *The Telegraph* with a plane taking off to Rwanda, that's my dream, that's my obsession." Do you know what happened when Israel tried this?

Suella Braverman: We can always look to international comparisons, and I think it is a very mixed picture when you look at how different countries have tried to deal with the complex challenge of illegal migration. If you are asking about what my view is about our agreement with Rwanda—I am very committed to it.

Q445 **Ms Abbott:** No, I am asking you: do you know what happened when Israel did this? As this is your dream and obsession, I would have thought that you would have looked into what happened when other countries tried to do it.

Suella Braverman: I do not know the details, but I do know that Israel had some kind of arrangement with Rwanda. It was tentative, but it did not ultimately work. I also know that other countries have had more successful analogous experiences. If you look at Australia, for example, they had a very multifaceted approach to the challenge of illegal migration. When they were able to start removing people to a different part of the territory, that was a partial factor in their ability to combat the problem.



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I think there is a very mixed picture if you look at international examples. I am focused on our UK experience. I think that the agreement that the UK struck with Rwanda is groundbreaking; it is in both our countries' interests and will take us forward. We are currently engaged in litigation on the issue. But I am very confident that we will be able to operationalise it as soon as possible.

Q446 **Ms Abbott:** You said that Israel only sent a few people—

Suella Braverman: No, I did not say that.

Q447 **Ms Abbott:** How many people do you think Israel sent?

Suella Braverman: I don't know the exact figures.

Q448 **Ms Abbott:** The Israeli scheme was between 2014 and 2017, and they sent thousands of people over there. But when Israeli researchers went to Rwanda in 2018, what they found was, of those thousands of people, only seven remained. It was not very successful, was it?

Suella Braverman: Well, I have been up front. I note the Israeli example. I don't think that necessarily has to dictate what the UK experience will be. This is a different agreement, in a different set of circumstances, and we have been very clear that we are confident about the terms of our agreement with Rwanda. I am very confident about the effect it will have.

Q449 **Ms Abbott:** Are you also confident that Rwanda is a safe country to send people to?

Suella Braverman: I have actually visited Rwanda twice, quite a while ago—around 2010 or 2009. I have always found Rwanda to be a very inspiring country. We would only ever work with countries that we assess to be safe and that will treat asylum seekers within the relevant human rights law. Our own safety assessment of Rwanda and its asylum process has found that it is fundamentally a safe and secure country with a track record of supporting asylum seekers. That is reflected in our country policy and information note, which is published on our Government website.

Q450 **Ms Abbott:** But are you aware, Home Secretary, that Human Rights Watch and the US State Department, which is scarcely somebody whom you can ignore, have said that the things that single Rwanda out are arbitrary detention, ill treatment, torture in official and unofficial detention, which is commonplace, and fair trial standards are routinely flouted. Are you saying the US State Department is wrong?

Suella Braverman: The facts are that Rwanda already hosts hundreds of thousands of refugees from the region—

Ms Abbott: But are you saying that the US State Department is wrong?

Suella Braverman: Our evidence, our view and our assessment of the safety and security of Rwanda are different. We say, looking at Rwanda's track record and our assessments, that actually, as I say, Rwanda already hosts—it is a safe and secure country with a track record of supporting



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over 130,000 refugees, including through the UN Refugee Agency, who themselves said the country has a safe and protective environment for refugees. We would only work with countries who have a safe and secure basis for accommodating asylum seekers, and there is nothing in the UN refugee convention which prevents removal to a safe country.

Q451 **Ms Abbott:** So you are dismissing Human Rights Watch and the US State Department. I am just trying to get it clear. You are dismissing what they have to say.

Suella Braverman: I haven't seen their documents and their views, so I don't really want to comment specifically on the content—

Q452 **Ms Abbott:** Well, I think you should have, before you became Home Secretary and were saying that you 100% supported the scheme.

Suella Braverman: I do support the scheme. There has been rigorous investigation into the arrangements and the conditions in Rwanda. Rwanda will process claims in accordance with its international obligations under the UN refugee convention. It will ensure protection from inhumane and degrading treatment. As I say, it is already a safe and secure country for refugees from the region, and it hosts the EU-funded UNHCR emergency transit mechanism. I don't think those are institutions that would use Rwanda for those purposes if there were serious doubts about its viability.

Q453 **Ms Abbott:** Are you confident that you can send migrants there who are unwilling to go?

Suella Braverman: The policy that we have put in place when it comes to Rwanda is that they will be moved there, and their asylum claim will be determined in Rwanda—

Q454 **Ms Abbott:** I understand the policy you have put in place. I am asking you something quite specific: are you confident that you can send migrants there if they are unwilling to go?

Suella Braverman: Yes.

Q455 **Ms Abbott:** You are aware that when the Israelis tried this, in 2017 the Israeli supreme court struck it all down, saying you simply could not send people unwillingly. I accept that is the Israeli supreme court, but it is not irrelevant to what you are trying to do. You are telling this Committee that you are completely confident that you can send migrants to Rwanda unwillingly—I just want it on the record.

Suella Braverman: It is not for me to comment on the rights or wrongs of another sovereign nation's laws and arrangements, and I respect the Israeli court decision and their arrangements.

Q456 **Ms Abbott:** I am not asking you to do that, Home Secretary. In a sense, you are diverting from my question: are you able to go on the record, in front of this Committee, and say that you can send migrants to Rwanda if they are not willing to go?



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Suella Braverman: The whole purpose of the scheme that we have set up with Rwanda is to send people there who have arrived here illegally, for their asylum claims to be processed. Whether they are willing or unwilling—they will either put in a legal claim and that will be upheld, or it will be dismissed. That is the basis upon which, if we have the legal basis to do so, we will deliver the Rwanda scheme as fully as possible.

Q457 **Ms Abbott:** Many other Members want to put questions, but I am just going to ask you for the last time: are you confident that you can legally send to Rwanda migrants who are unwilling to go?

Suella Braverman: What I would say is this. We are in the process of litigation at the moment. There are live legal questions that are going to be resolved by a court. Let us wait to see what the court says and what the outcome of litigation is. We have made our position very clear in court. We have confidence in the Rwanda scheme, and if we are successful in litigation, we will be delivering the Rwanda scheme at pace.

Q458 **Chair:** Before I come to Stuart McDonald, perhaps the Permanent Secretary could tell us whether he is now satisfied of the value for money of the Rwanda scheme. He got a ministerial direction on the point of value for money. We understand that another £20 million has been spent. Could you confirm whether you have now reached a conclusion on that?

Matthew Rycroft: I keep that judgment under constant review, as you would expect, and the circumstances have not changed sufficiently for me to change my judgment from April, which, as you will recall, was that we did not have evidence that it would be value for money. That is not the same thing as saying it will not be value for money; it was just that we were waiting to see what the evidence would be. As you said, the UK has paid £120 million plus an additional £20 million for set-up costs to the Government of Rwanda, and it remains the case that it could be value for money, and it could not be. I repeat my commitment to this Committee and to your sister Committee, the Public Accounts Committee, to update you when the circumstances change to require me to change that assessment.

Chair: We will look forward to that.

Matthew Rycroft: I think it is worth underlining that the purpose of the scheme is deterrence; it is prevention. The success of the scheme will not be measured in how many thousands of people are relocated to Rwanda but more in how many thousands of people do not make the dangerous crossing of the Channel, putting their own and other people's lives at risk. That is the key metric on value for money to determine whether this scheme is successful or not.

Chair: We understand that, and clearly the numbers have been going up this year since the announcement.

Q459 **Stuart C. McDonald:** I want to talk about children in the asylum system, but first I have a couple of quick factual follow-ups from earlier



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discussions. When we visited Manston on 8 November, my notes tell me that there were at that stage 1,292 people there. Does that sound about right?

Dan O'Mahoney: Yes.

Q460 **Stuart C. McDonald:** Would it be possible for you to write to the Committee with details of how many people were in Manston each day from about the middle of August?

Dan O'Mahoney: Yes.

Q461 **Stuart C. McDonald:** That would be very helpful. It has been a frustration that parliamentary questions from me and my colleagues have not been answered, so if you could do that, that would be very helpful indeed.

Secondly, Mr O'Mahoney, you spoke earlier about the exceptional circumstances that justified extended detention. My recollection from our visit was that we were essentially told that that process had been abandoned for a certain period. Were you saying that these were the exceptional circumstances that justified abandoning that policy, or are you saying that a decision was made on every individual case to extend their detention, and reasons were noted down and authority sought from the appropriate level of officer?

Dan O'Mahoney: I am not commenting on the legal advice or the legal status, for the reasons that the Home Secretary has already outlined. What I was illustrating were the choices that we were having to make—the choice about people staying there for longer than 24 hours versus essentially making them destitute.

Q462 **Stuart C. McDonald:** I appreciate that there was a call to be made, though I might dispute the extent to which there is a tension between those two duties. I am just asking, as a matter of fact, whether the Home Office was in a position whereby it essentially had to stop going through that process and say, "People are going to have to stay here for 20 days, 30 days or however long it takes us to find accommodation." Is there a paper trail? Would I be able to see papers saying, in each of these cases, "I have sought authority from the appropriate level of officer to extend detention?" My understanding from our visit was that that was just abandoned because it was impractical.

Dan O'Mahoney: I will have to go away and look at that. I was not aware that you were told that during the visit, so I will have to check the audit trail, and I can write to you on that.

Q463 **Stuart C. McDonald:** I might have picked it up wrong, but it would be useful to have clarity on that.

Thirdly, in relation to Albanians, obviously there is an issue, but in terms of context, I think I am right in saying that the latest figures are that 55% of Albanian asylum claims are accepted. Obviously there is a huge disparity between men and women.



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Suella Braverman indicated assent.

Matthew Rycroft indicated assent.

Q464 **Stuart C. McDonald:** We have spoken about the modern slavery system. The Home Office itself refers people into the national referral mechanism, so it is not as if people can make spurious claims and somehow enter that system. Some 97% of those claims are accepted. What does Home Office guidance say about conditions for victims of trafficking in Albania and how Albania lives up to its obligations under international conventions?

Matthew Rycroft: I think it is fair to say that we have evidence that the system is subject to abuse, because you can see the time in an individual's process when they make the claim to be a victim of modern slavery. Very regularly, it is only at the point when their asylum claim would otherwise be refused.

Q465 **Stuart C. McDonald:** Yes, but there could be a whole host of reasons for that. It is well established that victims of modern slavery take a long time to disclose these things, and who on earth is aware of the modern slavery legislation when they first arrive in the country? It is not as simple as saying, "They made that claim at the end of their time here." You are still accepting that 97% of them are actually victims of modern slavery.

Matthew Rycroft: As the Home Secretary was discussing with Mr Loughton earlier, the big difference between the UK's system and, say, Germany's is the national referral mechanism. The Modern Slavery Act is very victim-focused and gives very significant rights to victims. That is good for genuine victims, but it means the system has been open for abuse.

Q466 **Stuart C. McDonald:** But 97% are accepted as genuine victims. Correct?

Matthew Rycroft: I do not recognise that figure.

Q467 **Stuart C. McDonald:** Come back with an alternative figure.

Matthew Rycroft: The system is definitely open to abuse, so the Government is looking at ways to address that.

Q468 **Stuart C. McDonald:** Provide the evidence, then, because that is what folk are asking for. The last trafficking commissioner who was in post—we are still waiting for a reappointment—said there is no evidence of this, so provide the evidence. You can come back to me if you think the 97% figure is wrong.

Suella Braverman: If I may add something about what we have learned from practical experience, the grant rate is high. We can get back to you on the specific number.

Q469 **Stuart C. McDonald:** It is not a grant rate; it is a recognition rate, as Mr Loughton said.



Suella Braverman: Well, the conclusive grounds rate—the final decision on claims of modern slavery—is high. But what I would also say is that there is evidence of abuse. It is not just in this cohort.

Q470 **Stuart C. McDonald:** I have heard that, but I want to see it.

Suella Braverman: I will give you some examples. We also see it when it comes to foreign national offenders. People have been incarcerated and served sentences for committing very serious crimes. After many years, on the point of removal, it is interesting that they suddenly remember that they are a victim of modern slavery. I perceive that, and you are a fellow immigration lawyer in your past life. I see that as an abuse, I am afraid.

Q471 **Stuart C. McDonald:** I will listen to you when you are able to show me that these people were aware of their right to claim to be victims of modern slavery earlier in their sentence, and then we may be able to agree.

I want to turn to children, because I am using up all my time on supplementary questions. I think we can all agree that deciding who is a child is very important. There is obviously a Refugee Council report that suggested that 94% of the cohort they worked with successfully challenged the Home Office's assertions that children were adults. Various other reports do not have as high a figure as that, but there is certainly a big suggestion that the Home Office gets this wrong far too often. The problem I have is that the Home Office does not seem to follow through and record what exactly happens with age assessments that are challenged. What is your view on that, Home Secretary? I think there is more we can do in terms of gathering data. Surely we can agree on that.

Suella Braverman: I have been interested in the age assessment processes when it comes to asylum-seeking children. Typically, the UK receives over 3,000 asylum claims from unaccompanied asylum-seeking children every year. Between 2016 and 2021, there were over 6,000 cases where age was disputed and subsequently resolved, with 58% found to be adults. I consider that to be quite a high proportion of people claiming to be children and subsequently being found to be adults.

Q472 **Stuart C. McDonald:** Of course it is, but my problem is that, as I understand it, the figure of 58% refers to those who the Home Office decides are adults, and then you go through the challenge. We do not know how many end up being found to be children, because you do not take a central note of that. From the cohort of the Refugee Council, 94% of those who you have deemed to be adults are actually children. Others obviously do not have as high a figure as that, but you do not have any record of that. You just assert that the Home Office has decided that 50-odd per cent. are adults, and that is all you know. Mr Rycroft, am I wrong?

Matthew Rycroft: We are changing that system. The Nationality and Borders Act brought in the new approach of having a National Age Assessment Board, which, after commencement of the provisions in that



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Act, will consist of expert social workers, whose task will be to conduct age assessments after a local authority refers.

Q473 **Stuart C. McDonald:** I get that, but it is vital to know whether or not the Home Office is getting this right. You say, "We think 58% of these folk are adults."

Matthew Rycroft: It is not the Home Office just plucking a judgment out of the air. There is a process that has been gone through with expertise embedded in it.

Q474 **Stuart C. McDonald:** Yes, there is, and I have concerns about that process, which we will come to in a second. But you don't record what actually happens. Some 94% in that particular cohort were eventually found to be children. Surely, we can at least agree that you should have a central database of that, so we can assess whether the Home Office is doing its job properly. I just ask you to look at that. Surely that is something that we agree would be useful to know. Are the Home Office assertions that people are adults actually standing up to scrutiny? That suggests absolutely not. Surely, if you want to combat my view you have to say, "No, that's not right, because we have followed this through and actually Home Office decisions have been upheld in, say, 80% of cases."

Suella Braverman: As the Permanent Secretary was saying, it comes down to the rules that are being applied at facilities like Manston. When people arrive and they claim to be a child, they go through some checks. Those checks are ultimately resulting in 58% of those claims not being held to be well-founded. The Nationality and Borders Act 2022 does bring in new guidance and a more rigorous approach to age assessment.

Q475 **Stuart C. McDonald:** That is according to two border guards who speak to them for 40 minutes. I have to say, I was not impressed by that aspect. I perfectly understand it at Manston, but I wasn't impressed by that. Have you investigated the claims that children arriving at Manston were pressured or encouraged to say that they were adults, so that they would go to a hotel? Again, that comes from the Refugee Council, with a recording of a conversation with an immigration officer.

Suella Braverman: No, I don't recognise that there was encouragement by officials to make particular claims. What I do know in terms of the data is the breakdown by age of unaccompanied asylum-seeking children. That shows the vast majority of them are 16 or 17 years old and 90% of them are male. I just offer that for factual context.

Q476 **Stuart C. McDonald:** Back to my questions, Mr Rycroft, has anything happened as a result of those allegations? Was there an investigation or any guidance issued?

Matthew Rycroft: I'll have to check that specific question, but what I can say is there are clearly some incentives for some people who are actually adults to claim to be children, and there are other incentives for other people who are actually children to claim to be adults. We want to reduce both of those.



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Q477 **Stuart C. McDonald:** Is it your policy at the moment to be placing age-disputed children in hotels?

Suella Braverman: Our policy is that we have a responsibility for people who claim to be children. Ideally, our aim is for unaccompanied asylum-seeking children to be placed through local authorities into foster care. Unfortunately, there is a national shortfall of available foster care placements, and therefore we do have to put unaccompanied asylum-seeking children into hotels as a default option. When they are in those hotels, they are supported by team leaders, support workers and social workers. We try to pack a lot of support for those children.

Q478 **Stuart C. McDonald:** People just seem to be struggling to understand what it is they are supposed to do. For example, if a security guard is spoken to by somebody at a hotel or Migrant Help gets a call from somebody at a hotel and they say, "I'm a child," NGOs and these people do not seem to be absolutely clear on what is supposed to happen at that stage.

Matthew Rycroft: As the Home Secretary said, if they are children, there is a very significant amount of wraparound support available, including education, health, safeguarding and other expertise from people whose full-time job it is to provide that support.

Q479 **Stuart C. McDonald:** And if somebody has not been able to access that, who do they contact?

Matthew Rycroft: They have a right to access that, and they should access that. I think their route to ensure that they are accessing that would be through Migrant Help, but it would depend on the precise circumstances—the particular local authority they were in and so on.

Q480 **Stuart C. McDonald:** Is there a specific safeguarding policy for children?

Matthew Rycroft: Yes.

Q481 **Stuart C. McDonald:** Okay, and what does it say in relation to the people children can share with in hotels? I think there are quite clear rules about who can share with whom in dispersal accommodation, but I can't find them in relation to hotels.

Matthew Rycroft: We can check that and write to you.

Q482 **Stuart C. McDonald:** Finally, I know you can't say very much about the death at Manston. I absolutely understand. First of all, what steps have been taken to support staff and other detainees there? It will have been a traumatic experience for them. I also seek assurances that those who may have information about what happened are being kept track of. There was an incident where the Home Office got in trouble for removing people who might have had information relevant to an inquest. I seek reassurances that that will not be happening in this case.

Matthew Rycroft: Sorry, I missed your second question.

Stuart C. McDonald: I asked first about support. Secondly, I seek



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assurances that anyone who might have information about what happened is not, frankly, being removed, or lost sight of, because there was an incident a couple of years ago where the Home Office was the subject of some criticism for that happening.

Dan O'Mahoney: There is a very high level of welfare support available to my officers and the contractors who work at Manston. That support is close to the site and includes counselling and a range of other offers. The welfare support is a strong offer.

In terms of other people involved, there is an ongoing coronial inquest into the circumstances, but what I can say is that the person involved had a significant level of medical support while he was staying at Manston, and the circumstances around what happened are not suspicious in any way. There is no police investigation ongoing. We are of course very mindful of the people that he was with, and as far as I understand it we have not managed to contact his next of kin yet. It is a very tragic set of circumstances that we are continuing to handle very carefully.

Q483 **Chair:** Just on that point, how long was the man who sadly died at Manston there for?

Dan O'Mahoney: He arrived in the UK on 12 November and died in the early hours of 19 November.

Q484 **Chair:** So he was at Manston for seven days?

Dan O'Mahoney: Yes.

Q485 **Stuart C. McDonald:** Was the person subject to an age dispute as well? Are you able to say?

Dan O'Mahoney: Not as far as I know, no.

Q486 **Simon Fell:** Thank you to the panel for joining us. I would like to ask a few questions about the asylum backlog. My understanding is that the backlog sits at around 122,000 people waiting for an initial decision. That breaks down to around 70,000 who have been waiting for a year or less, 40,000 who have been waiting for one to three years, and around 10,000 who have been sat in the system for three to five years. We heard from officials during our last session on this topic that only about 4% of applications submitted in 2021 had received a decision within six months. We have figures from the Immigration Minister on the number of people making those decisions—about 1,000 caseworkers are working through them at a pace of around two a week. My maths is pretty appalling, but even I can figure out that about a 250% increase is needed to maintain the backlog at its current levels. The first question is the obvious one; what is your plan to start to reduce that backlog?

Suella Braverman: I agree that the backlog is too high. We are developing comprehensive plans to tackle and reduce the asylum backlog. There are three primary mechanisms that we aim to use to do that. First, we will increase the productivity of caseworkers by streamlining, digitising and simplifying the process through the delivery of our transformation



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programme and the PACE pilot programme. Secondly, we will tackle the legacy case load in a balanced way. Thirdly, we will recruit new decision makers. That asylum transformation programme aims to bring the system back into balance and modernise it. A level of 4% of decisions being made is far too low. The rate of decision making is one decision a week per decision maker. We need to increase that. That is why we are increasing the number of asylum caseworkers. We have done that by 80%, moving from 597 staff in 2019-20 to more than 1,000 today. We are on course for a further 500 people by March next year, which would take our total to approximately 1,500.

Q487 Simon Fell: Thank you for that. Does that take into account your 46% attrition rate?

Suella Braverman: No. Attrition means that we are expecting to have approximately 1,300 caseworkers by March next year—after attrition.

Q488 Simon Fell: Based on that, when do you expect the backlog to start to be reduced?

Suella Braverman: We are working to get it reduced as quickly as possible. Unfortunately, I cannot put a precise date on when we want this to be regularised, but the roll-out of the PACE pilot to all Home Office sites is due to be completed by May next year. We want to roll out that approach to three further operational sites and to deliver sustainable changes, to reach a minimum of three decisions per decision maker per week by May next year. Our current level of ambition is to reach four decisions per decision maker per week.

Simon Fell: I appreciate that it is difficult, but there is still a huge delta between where you are and where you need to get to. We have seen in other, similar circumstances that the Home Office works quite flexibly in a situation like this. With Ukraine, when you had a backlog you stepped up a team from across the Home Office to process visas. We had the same with the EU settlement scheme. I am curious to understand whether you might think of doing something similar here—bringing people across from other parts of the Department to help work through this.

Suella Braverman: Yes, I am still very keen to explore all options. There has been mounting pressure on the asylum system for several years because of the number of people putting in claims. Some of those claims involve complex needs, safeguarding measures and issues to do with age assessment. Some people are very vulnerable. If there is a modern slavery claim, that requires more resource. Those claims, because of our legal duties, need to be considered fully and robustly, and that takes time and a certain level of expertise.

I agree that there is far too much delay in the system; it is too slow. There are different elements within our overall visa asylum decision-making system where decisions can be made in a much quicker fashion. I am keen to see what we can learn. I am looking at how we can streamline using technology and build on the results of the trial that we led in Leeds, which



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did increase the average rate of decision making. There are lots of things we are looking at, but I won't lie: it is not easy.

Matthew Rycroft: May I add two things to what the Home Secretary has said? First, on the productivity of each individual caseworker, all of the facts the Home Secretary said are accurate, but I would add that the training investment is significant. It is not as simple as moving people off one scheme and on to this. It is important that people have full training in order to get up to speed. That is why overall we have dealt with the bulk of this through new recruitment.

Secondly, retention is an issue. These are among the lowest paid civil servants in the civil service. We have found a way of paying a retention allowance, so that if people stay for a year, they get paid £1,500 more; if they stay for two years or more, they get £2,500. That is halving the leaving rate, doubling the retention rate.

Q489 **Simon Fell:** I appreciate that. Obviously, the end result of this backlog is £6.5 million spent every day on hotel accommodation, so it would seem prudent to spend money up front and get more of these cases processed as soon as you can. On your point, Home Secretary, about looking at what you can do to expedite decision making, there is a case for being bold here.

We have heard about the 4% who have been processed. If you look at the cohorts of people who are sat in the backlog, 35% of them—43,000 people—come from five countries: Iran, Afghanistan, Eritrea, Sudan and Syria. Iranians have got a grant rate of around 85% and the other countries I mentioned are close to 100%. Isn't there a case to start to triage and do security checks to ensure people are who they say they are and that we can trust them, and then allow them to get into the country, earn money and get out of the Home Office support system and hotels? I am curious about your thoughts on that.

Suella Braverman: The view is that we do not believe it is appropriate to prioritise claims from one nationality over another, as potentially many claimants are vulnerable, irrespective of nationality, and no one is expected to leave the UK while they have a claim outstanding. Claims are prioritised on the basis of current tasking within the Department.

The kinds of things we are looking at are initiatives to reduce the time it takes to interview and decide asylum cases. Is there something around that process, which can sometimes take a very long time, that we can streamline? We are looking at trying to improve the decision-making process so there is less bureaucracy involved in the case load of a decision maker. Those are the kinds of things that we are looking at. I take your point that there are definitely cohorts that demonstrate particular features, but I think identifying them by nationality would not be the right way to go.

Q490 **Simon Fell:** I completely understand the need for fairness, but we also need to look at pragmatism. If you can reduce those numbers by a third by following this path, and if you follow Mr Loughton's chain of logic you



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can reduce that number by almost half when you take Albanians out of the equation as well, that would severely reduce the strain on statutory services in our constituencies, on third sector organisations, and on the hotels that are used in the system. To me it would make sense to follow that path.

Chair: Carolyn Harris next—very quickly.

Q491 **Carolyn Harris:** I will be quick, Chair. Home Secretary, will you comment on reports that the people hired by the Home Office to clear the asylum processing backlog are getting just two days of training, and that many of them are getting their information about the countries from which people are fleeing from “Lonely Planet” and the “Rough Guide”?

Suella Braverman: That is a concerning report. I am not familiar with it. I am not sure if there is anything I can say about the training that people are getting, but ultimately these are really important decisions that people are making. It is important that they receive sufficient training and that they use the appropriate guidance issued by Government and verified by independent expertise when these decisions are being made. We want to ensure that our caseworkers are properly remunerated and that they have the proper resources to work productively.

Matthew Rycroft: There is country guidance on every country. That is the basis of the caseworkers’ decision making.

Q492 **Paula Barker:** Home Secretary, could you talk us through the process of securing accommodation and talk us through the criteria?

Suella Braverman: Do you mean for an individual person?

Paula Barker: No, I mean for the accommodation.

Suella Braverman: Do you mean for an individual person securing their accommodation? What is the process for securing a destination accommodation for someone who comes and presents?

Q493 **Paula Barker:** Yes. What criteria are used when the Home Office secures accommodation to move people from Manston to a hotel?

Suella Braverman: We look at availability. That has been a key factor for procuring accommodation. We want to ensure that people are able to be properly supported in that accommodation. Our main priority is to use dispersed accommodation through local authorities. We provide a lot of funding to make sure that eligible local authorities can provide the wraparound support locally. More than £21 million has been provided in non-ringfenced grant funding to those local authorities, and they also receive £3,500 for each new accommodation bed that they provide through dispersal accommodation in this financial year. That is our main priority. We want to, ideally, not use hotels but go through the local authorities to identify properties that way.

Q494 **Paula Barker:** On 20 November I received an email from asylum support



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bronze command to advise me that a hotel in my constituency was going to be stood up within 24 hours. The problem with that is that the site is not a hotel and has not been for over 17 years. It is derelict.

I went back and asked a series of questions that I believed to be relatively easy. These included: any planning or change of use applications that had been made to the local authority; the number of proposed asylum seekers for the property; the demographic details of the asylum seekers—women, men, children and families; any relevant risk assessment regarding the location; the profile of people being placed there; checks made for human habitation of the property; fire and gas safety; special requirements including overcrowding, bathroom facilities and sanitation; length of time they would be held there; and information on how they intended to support people in the accommodation with meals, healthcare, security, finances and so on.

When I asked those questions, I was told that that information was complex and not readily available. They could not meet the deadline of 24 hours that I had set and said it might take 72 hours. Do you think it is reasonable that that information was not readily available?

Suella Braverman: Well, I do not know the particular circumstances of what has happened in this case, but what I will say is that I am aware of real concerns about the procurement of hotels. As I have said, our main priority is to try to get asylum seekers accommodated through local authority housing. When we cannot do that, we are using hotels, and that is a short-term solution to meet our immediate and acute need. We also have providers tasked with identifying suitable options to ensure that these hotels are made available. You just asked me about the criteria, and I have the detailed criteria here.

Regarding the hotels, we source suitable accommodation within the broad principles of the standards, so they need to be of a suitable contractual requirement and availability. We generally are using them on an exclusive basis. They need to be suitable, and that includes the impacts on the local community, community cohesion and the availability of local services. Feedback from local partners, affordability and value for money are also criteria within this process.

Once a site has been identified as potentially viable, providers—the contractors with whom we work—are given approval to begin due diligence and engagement with the hotel, and the Home Office then begins its engagement activity with local partners, including giving notice to the local authority chief executive and the Member of Parliament. We are instituting this new process because I am aware this has not been sufficient.

Q495 **Paula Barker:** Given that this particular site has not been a hotel for over 17 years and is derelict, do you think your due diligence is working?

Suella Braverman: I don't know if there is anything you know about this particular matter, Matthew, but that does, on the face of what you are telling me, sound concerning. Again, without knowing all the facts, a derelict piece of accommodation would not be suitable for asylum



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seekers—or anybody, for that matter. I don't know what has happened there, if I am honest. Is there anything you can add?

Matthew Rycroft: I don't know about that specific case, but we will follow up with you to make sure the engagement the Home Secretary was talking about and the new system we have set up as of this week—I hope you have seen the letter from the Minister for Immigration to all MPs that sets out that process—includes answers to all your questions. Obviously, if there has been such an important misunderstanding as the one you described, clearly something has gone wrong in the process.

Q496 **Paula Barker:** I think “misunderstanding” is an understatement, Mr Rycroft, if you don't mind me saying. Interestingly, the local authority chief executive was advised that that particular accommodation will not be used now. I have not yet had the courtesy of that being officially sent to me.

I would like to concentrate on geographical spread. Information that I have, taken from the House of Commons Library in December 2021—this is specifically looking at section 95 on asylum support, so it is only a proportion of immigration as a whole—says that the total number in the north-west was 11,544, which is about 20% of all placed asylum seekers. That gives a ratio of 15 asylum seekers per 10,000 of population.

In comparison, the south-east and south-west had a combined amount of 5,696 asylum seekers, which accounts for about 6% of all those placed in the country and a ratio of two per 10,000 of population in both regions. Is there any reason why local authorities in areas that have been hit harder by austerity and could be described as areas of deprivation are being used predominantly over the more leafy shires?

Suella Braverman: I think you raise a very important point; I have been concerned for some time about the disparity in the distribution of hotels. Let us focus on hotels for now, but you could say the same for general asylum accommodation. The point that you make about your local area could be made about different areas around the country. Some local authorities have a very high concentration of hotels or asylum seekers in their vicinity, and some local authorities are housing zero asylum seekers.

I have become aware of this. I don't understand the reason for that unequal distribution. Ultimately, we have contractors who identify the hotels and procure them. The Immigration Minister has recently been liaising very closely with the contracting companies to probe more closely why there is such an unequal distribution. I want to understand whether there is a rational decision behind that or whether it is an inadvertent consequence. That is something I am very much aware of.

Q497 **Paula Barker:** When you get that information, will you be able to share it with the Committee, please?

Suella Braverman: I want to be as transparent as possible, but I don't want to make a commitment where there might be some procedural or conventional bar to me sharing commercial or sensitive information.



Matthew Rycroft: We will find a way of sharing whatever we can once that work is complete. I should add that, in addition to the clear inequality in terms of where the hotels are located, there is also some inequality in terms of the subsequent accommodation, because not every local authority was taking part in the dispersal system. That is why in April the Government introduced a full mandated dispersal model requiring every local authority across the country to take part in order to get more of a fair share across the whole country.

Q498 **Paula Barker:** Finally from me, if I look at my local authority of Liverpool—I know it shares my view and my frustration on this—communications have been extremely poor. There has been a failure by the Home Office to utilise the relationships with the city council. Although Liverpool is a proud city of sanctuary, there should be serious consideration of the impact of unplanned placements on services and community cohesion. I don't think that is being done, if I am honest.

The resources are incredibly stretched in the city. The contingency hotel bed space is not included in the new asylum grant. I know you have talked about additional funding, Home Secretary, but the contingency hotel bed space is not included in the new asylum grant. My question is: will additional funds be given to local authorities such as mine in Liverpool to cover the cost of this? Quite frankly, the city cannot be expected to continue to do this without the appropriate funding and support.

Suella Braverman: Again, I sympathise with the point you are making about communication. I recognise that, to date, there has been poor communication between the Home Office and local authorities and Members of Parliament when a hotel is about to be used for asylum seekers. That is a big change to a local community, and I think it is only fair that people in the local area are put on notice, and that there is liaison and preparation time. That is why we have instituted a change in the process. The letter of 18 November from my ministerial colleague the Minister for Immigration, Robert Jenrick, makes clear that we are not happy with the level of engagement.

We have heard your frustration, and we do want to ensure that there is a better process in place. That is why we have committed to emailing MPs no less than 24 hours prior to individuals arriving and emailing notification to the local authorities prior to arrival. We want much better written notification of our intention to use a hotel, with a fulsome fact sheet and a briefing pack on asylum and asylum support and accommodation. We want more information to be provided to you on the proposed cohort and—within limits—the people who are coming, because we accept that this change can be very difficult for local communities.

Q499 **Chair:** I am going to have to ask you to conclude there, because we are running out of time, and I am very conscious that we still have Members who want to ask questions.

Can I just say, perhaps as a helpful comment, that you might want to look at some of your contractors regarding the hotel accommodation that



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they commission and use? It seems to me patently obvious that the areas that have the cheapest housing and hotel costs are the ones that have the most asylum seekers—areas like Liverpool, Bradford and Hull. That seems to me a patently obvious reason why those areas have that concentration.

Suella Braverman: Can I just say very briefly that I am also aware of that? I am frustrated by the issue with hotels. I have looked at what kinds of hotels are being used, and I do not find it acceptable that in some instances, we are housing asylum seekers in four-star hotels at some considerable cost.

Chair: That is certainly not the case in Liverpool, Hull and other areas.

Suella Braverman: That is one issue, so we need to fix that system.

Q500 **Carolyn Harris:** I am going to take you to a different subject, because I need to be in the Chamber for Welsh questions. Are you aware that this week, the CPS has dropped a case regarding several persons who allegedly drove down the Finchley Road earlier this year chanting very antisemitic chants at members of the Jewish community who were there? I understand that the CPS is not within your domain, but the police are, and I am asking if you will give consideration to a review into how the police and CPS look at these kinds of cases. Currently, we have communities that are very scared, very concerned, and very marginalised by the fact that this kind of behaviour has now gone completely unchallenged.

Suella Braverman: I was aware of that report, although I do not know the details of it. As you say, the CPS possesses an operational independence; it is also not under the Home Office's remit, so there is very little I can say about a CPS decision to pursue or drop charges on an individual case. What I do know is that they will be complying with the legal tests by which they are bound. Whether it is an evidential matter or a question of the law, I do not know; there may well be a variety of reasons.

The broader issue is very close to my heart. I have members of my own family who are Jewish, and I really sympathise with regard to the incidents of antisemitic hate crime. I share your concern that enforcing against it is, in some regards, not done sufficiently. That is why an organisation like CST has come into existence.

I have visited CST, and it does fantastic work, but the fact that the Jewish community have had to fund and resource their own security service because they have felt that they have not been able to rely on public policing and law enforcement is a very sorry state of affairs. Let me take that issue away, although I am not going to commit to a full review. There are many reviews going on at the Home Office, all for very important reasons, but I thank you for raising that issue with me.

Q501 **Carolyn Harris:** I have one other quick question, which is about the calamitous summer for His Majesty's Passport Office. What comments



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does the Home Secretary have on the abysmal performance of Teleperformance? At the end of July, there were 550,000 passports outstanding. I think people were being answered within five hours, at best, including MPs' caseworkers who were trying to help and support constituents.

Very many calls went unanswered. The information being handed out by telecommunications was of no use whatsoever. They were completely unable to answer questions such as how long a passport would take and where it was in the process. Yet Teleperformance went on to receive other Government Departments. A huge amount of money has gone into this company. Is the Home Secretary convinced that this was value for money? We are outsourcing this work at the time of a cost of living crisis, when that money could have been spent in this country to beef up our service and not outsource it.

Suella Braverman: I read with interest your report on visa processing over the summer and carefully noted your concerns about Teleperformance. I arrived at the Home Office raising these concerns because I wanted to get to the bottom of the problem—I did not want a repeat of the issue.

I am very glad to say that we have now fixed the problem, I would say. I am quite confident in saying that. We have now resumed the service level and performance, with something like 99% of our issuances up to our minimum service standard. We have actually emerged from that problem successfully through a concerted effort of resources and better streamlining.

On your question about the contract with Teleperformance, I will hand over to Matthew to set out his views on where we are going with that.

Matthew Rycroft: Just to say that we shared your concern about Teleperformance's performance and we used the contract that we had with them to improve it. As the Home Secretary said, that did improve over the summer and is now back within acceptable standards. We have put in place a series of measures, since the Home Secretary's first arrival in September, to ensure that in 2023 we learn the lessons from 2022—in relation to not just Teleperformance, which is the privatised part of the passport operation, but the whole of the passport operation.

Suella Braverman: One of the reasons why we had the problem with visas earlier is that there was a real surge of applications. I would encourage people to get their applications in early and not at the last minute, so that we don't have a repeat of this.

Q502 **Carolyn Harris:** Some of those applications had been in a long time, in all fairness.

Suella Braverman: That is true as well.

Q503 **Chair:** This was all entirely predictable. Is the standard processing time now down to three weeks?



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Matthew Rycroft: No.

Chair: No? It is still at 10 weeks, then.

Matthew Rycroft: It is still at 10 weeks.

Q504 **Chair:** So you haven't gone back to the standard processing.

Suella Braverman: We have worked really hard. We have successfully managed the delivery of our annual summer surge of students, and we are currently processing student visas within the three-week service standard. Priority visas and super-priority visa services are still available—

Q505 **Chair:** But for the general public, it is not a three-week standard. It's 10 weeks still. Correct?

Matthew Rycroft: That is the case for passports, yes.

Q506 **Chair:** Okay. Could you write to us and tell us how much Teleperformance actually paid in penalties for their poor performance?

Matthew Rycroft: Yes.

Q507 **Lee Anderson:** I am going back to small boats now, Home Secretary. This is now a massive industry. We have the gangs making millions of pounds. We have Serco making millions of pounds. Hotels are making millions of pounds. Some dodgy immigration lawyers are also making millions of pounds. It is a massive industry.

This is because of the pull factor. People are coming here through several countries because there is a massive pull. They are picked up in the sea, driven to Manston, processed, put in hotels and then dispersed. Until we remove the pull factor, it is never going to stop, and all these dodgy groups are going to keep making millions and millions of pounds at the expense of the taxpayer.

Just last week in the Midland Hotel in Mansfield, which looks after homeless people from Mansfield and Ashfield, my Ashfield residents were turfed out and illegal immigrants— asylum seekers—were placed in the hotel. What do I say to the people in Ashfield who say to me that this is absolutely ridiculous? We have hard-working, tax-paying people in Ashfield paying their rates, paying their taxes and helping to look after our own homeless people and put them in local hotels. Now those people have been turfed out to put in people who, quite frankly, have been trafficked. They have no right to be here, and some of them are criminals. Please tell me what I say to those people.

Suella Braverman: Well, I agree that we are in a crisis. I do not think that it is fair to try and minimise the challenge that we are facing, or to suggest that it is easy to fix. The reality is that this is a really complex challenge. You are absolutely right; you describe it in the right way. This is largely criminal gangs exploiting vulnerable people and selling a lie that they are going to get a better life in the UK. People are taking massive risks with their own money and livelihoods to get here. They are breaking our rules and they are abusing the generosity of the British people, and it



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needs to stop. We need to fix this problem; the Prime Minister is absolutely determined to fix it. We need to take a multi-pronged approach.

One of the issues, which we have touched on today, is trying to fix our asylum backlog system, because when we get people processed quickly, we can get them out of hotels. We have talked a bit about that. We also need to change some of our legal frameworks, frankly, because people are coming here and making spurious claims of modern slavery or asylum, and they are gaining and buying time in the UK at the cost of the British taxpayer. We need to change some of our legal frameworks.

Q508 Lee Anderson: Can I come back on those spurious claims? You and I know that they are making spurious claims, and most people in the real world know that they are making spurious claims. What can we do? An immigration lawyer will never admit it, and a claimant will never admit it, so how do we solve that problem?

Suella Braverman: We did announce earlier that we are going to introduce legislative measures. I cannot go into the detail of what that legislation is going to include, because discussions are still live within Government, but there is a need to make the rules more robust and the regime tighter.

Effectively, we want to send the message that if you are coming here illegally you will not be able to stay here indefinitely, in some cases, or for a very long period of time while your asylum claim is being processed. You are not allowed to jump the queue; you are not allowed to play the rules. That is the regime that we need to set up. The Nationality and Borders Act has made some progress in getting to that point, and some of it is due to be operationalised—the age assessments are one part of that puzzle. The legal changes will be part of our solution.

We also need to work with the prevention and the detection further upstream, and Dan's work with the National Crime Agency. You talked a lot about the criminal element of it. There has been some success, between the French authorities and the UK authorities, in actually intercepting some of these gangs and arresting hundreds of the individuals who are facilitating the criminal activity, and actually resulting in the disbanding of some of these gangs. That is part of the problem; that will not fix it completely, but it is part of the solution.

Q509 Lee Anderson: I have one more question, Home Secretary, now that we are short on time. I am being told that hotels all over the country are being offered twice as much money to accept asylum seekers—illegal immigrants—as they are to house homeless people or just normal tourists. Is that true?

Suella Braverman: I do not know the specific terms contained in the contracts relating to particular hotels. What I do know, however, is that there has been a paucity of supply of hotels that have been available for this particular use.

Q510 Lee Anderson: We were told during covid that the reason that



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immigrants were in hotels was to stem the flow of the virus and control it. The virus has gone now, but we are putting more in hotels. Why?

Suella Braverman: We are putting more in hotels because we cannot procure enough private rented accommodation via local authorities.

Q511 **Lee Anderson:** Home Secretary, we are putting more in hotels because the Home Office has failed to control our borders, and it is not fit for purpose at the moment.

Suella Braverman: We have failed to control our borders, yes. That is why the Prime Minister and myself are absolutely determined to fix this problem.

Q512 **Chair:** You said on the floor of the House that legislation would be introduced later this year. We are conscious that there are only a few days left until the end of this year. Is that still going to happen? Are we going to see some legislation introduced?

Suella Braverman: I cannot commit to a timeline today, I have to say, but the legislation will be introduced.

Q513 **Chair:** You did say later this year, so that is not going to happen.

Suella Braverman: I cannot go into too much detail, but there have been lots of changes in Government. We are working at pace to introduce the legislation. Ideally, it would be by the end of this year. That may slip, I have to say.

Q514 **James Daly:** Why can decisions makers not decide 15 cases a week?

Suella Braverman: That is a very good question and one that I myself have posed. What we have found is that, often, the applications are incredibly voluminous, with their paperwork and the substance that is put into those claims. Sometimes they involve very complex issues, quite personal matters and issues relating to vulnerable people. What I have been told is that it is very difficult to make decisions at that kind of level.

Q515 **James Daly:** Mr Rycroft can tell me if I am wrong, but I think the fact that we have got to a situation where only one decision per week was being made is the height of rank incompetence or bad management. It goes to Mr Anderson's point that the most basic tasks are not being carried out in anywhere near an efficient manner. This lack of productivity and the grand gesture that we need to get to three decisions a week is a scandal. In any other industry, that would be laughable. Could you give me some reassurance that we are going to get to more than that?

Matthew Rycroft: What I can do, Mr Daly, is set out the differences between a decision in relation to someone's asylum claim and other decisions that other Home Office teams are making day in, day out that are much more at the volume you are talking about—in fact, much higher than that.



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To take another example, the EU settlement scheme very successfully provided decisions on status for over 6 million EU nationals. Decision makers in that team were taking more than 15 decisions per day, not even per week. That is because it was, compared to this, a very simple yes-or-no decision, whereas someone's asylum claim, as the Home Secretary said, often comes with a very significant set of paperwork that depends, crucially, on not just the circumstances in the country that they come from but also their very particular claims for persecution or whatever it is.

I am not denying that one decision per caseworker per week is too low—it is much too low—but it would be unreasonable to think that you could get to 15 a day in that world.

Q516 **James Daly:** I do not know if these are paper files or electronic files, but if you were to show me a file that a caseworker has made a decision on, whether it is to grant or not, what would I see within it? How many pieces of paper would I see?

Matthew Rycroft: There would be a lot. When we talk about the decision, we are also talking about the things that go into the decision, including the interview, which takes up many hours—

Q517 **James Daly:** Let us go through this. We have the interview. What else have we got that is part of the process?

Matthew Rycroft: You have all of the background about the country and the person's claim for asylum, all of their particular family and identity documentation and so on. It is a very significant pack of paperwork. I am totally agreeing with you that the productivity needs to be much higher than it is, which is why we have the scheme in place to get to three decisions per caseworker per week by May and then, beyond that, to four.

Q518 **James Daly:** That is not going to clear the backlog.

Matthew Rycroft: Yes, it will.

Q519 **James Daly:** We are going to be back here having exactly the same conversation because there is no desire, based on the evidence I see from the Home Office, to put in place a process that is rigorous and demanding and takes into account the circumstances. My understanding of what you are saying, Mr Rycroft, is that the person comes in and provides some documents, an interview takes place, and perhaps there is a phone call. That does not take hours and hours of work, does it?

Matthew Rycroft: I share your ambition to increase the productivity of this set of caseworkers. We have a very significant programme of work in place, starting off with the pilot in Leeds that the Home Secretary mentioned. We will be rolling that out to other decision-making hubs across the UK, so that eventually through next year we get to those sorts of levels, which will be high enough to clear the backlog and to deal with the incoming flow. We are absolutely determined to do that.

I just want to point out the difference in complexity of an individual's life. To pick another example, the Windrush compensation scheme, which we



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have not talked about today but often do, is also a scheme that requires essentially very slow decision making because it is about someone's whole life. The decisions per caseworker per week on that scheme are even lower than they would be on asylum, because the complexity is even greater.

Q520 **James Daly:** I would like to ask a lot more questions, but I cannot because of the time. We are here as elected representatives of the people; we are not here just to have an intellectual discussion between ourselves in this room. Many of my constituents, and many people I meet around the country, if they understand that people are coming here illegally, want to know why those people cannot be sent straight back to Albania immediately. Can you please give them an answer to that question?

Suella Braverman: Because they will put in a legal claim, whether that is for asylum or for modern slavery. Once they put in a claim, that triggers duties on that part of the UK state to consider those claims. They are allowed to stay in this country while those claims are being processed and considered.

Q521 **James Daly:** If that is the issue, then are we—the Home Secretary and I are members of the same party—looking at legislation to address that problem, to ensure that we have the legal power and right to deport illegal immigrants immediately?

Suella Braverman: I cannot go into the detail of the legislative measures that we are looking at, but we do want to make it easier to remove people from the UK. We want to try and avoid the problem we are facing right now, which is that people are able to stay here while their claim is pending. That is what is so important about the Rwanda scheme, because once Rwanda is operationalised it will mean that we will be able to remove people, and their claim for asylum will be considered abroad. That will enable a swifter turnaround.

Matthew Rycroft: The other thing you could say to your constituents, Mr Daly, is that this is not just a UK issue. We have been focusing here about the UK aspects of it, and our system and how to improve it, but other countries are going through similar things. Twice as many people claim asylum each year in France as in the UK; and three or four times as many as claim in the UK claim asylum in Germany. We are talking about a global challenge here, which requires global solutions.

Q522 **James Daly:** I appreciate that, but I am not interested in France. If we get to the situation where people are referred into the mechanism for modern slavery, it is taking about 450 days for those claims to be decided. Why can't those claims be decided within 28 days?

Suella Braverman: There is a legal requirement that it takes a minimum period of time, and 28 days is outside of our legal minimum.

Q523 **James Daly:** What is the legal minimum?

Suella Braverman: The legal minimum is now—



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Matthew Rycroft: 45 days, I think.

Q524 **James Daly:** Why can't we do it within 45 days? With proper management, proper people in place and a proper system, why can't we address these claims within 45 days? If their claims are successful then fine, but we should have a process where people who fail can be removed from this country.

Suella Braverman: It used to take around that amount of time because the numbers claiming were far lower than they are today. Frankly, the national referral mechanism, which is the process through which they go, has been overwhelmed. There were 2,500 NRM referrals for Albanian nationals in the whole of 2021. That is a far greater number than we have seen in years prior to that. That high number of cases in our NRM have made it a far slower process.

James Daly: Can I ask one question about—

Chair: Very quickly, and then I am going to bring in Tim.

Q525 **James Daly:** Another scandal in this country, in my view, is rape and serious sexual offending. Two years ago, one in 100 people who made a claim of rape would see that lead to a charge. We have a ridiculously low charging rate. The problem within the system—and we have spoken about this many times—is the lack of referrals from the police to the Crown Prosecution Service. Could I ask what you are doing to encourage—and tell—the police to refer more of those cases to the CPS, so that more women and girls can get justice? They are not getting justice at this moment in time.

Suella Braverman: You are absolutely right that the police are referring a very low number of complaints to the CPS. The last figure I saw was around 7%, but I think it has increased in recent months. That proportion and volume needs to increase. We have put a lot of effort into trying to fix this problem. Operation Soteria is something that I think is innovative. It is about the closer working between the CPS and the police. What we are finding is the police will—

Q526 **Chair:** Can I just stop you there? The question was: what are you going to do? The Committee is very familiar with this whole area. We produced a report, which I hope you might have had an opportunity to look at. We are very familiar with this. The specific question was what are you going to do?

Suella Braverman: The roll-out of Operation Soteria, which I have a lot of confidence in, is about the operational relationship between the police and the CPS, better scrutiny of the decisions that both our agencies are making, and ensuring there is more support for victims and a swifter and greater referral rate from the police to the CPS. Then, ideally, there would be an increased charge rate. We are working to support victims.

Ultimately, if the victim drops out of the process before charge or referral, then a police officer cannot refer the case. The level of ISVAs has been incredibly helpful for supporting victims through this process. The end-to-



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end rape review sets out what we are doing. There has been an update on progress there.

Chair: Okay. Thank you. I am sorry to have to cut you off, but there are some other issues we have not been able to address this morning and I want to give Tim and Simon the opportunity to raise them. It might be that you have to write with the responses. Over to you, Tim.

Q527 **Tim Loughton:** There are an awful lot of things we have not been able to cover today, so perhaps we could see you again before Christmas for round two, because I think there are a lot of questions we want to ask.

I want to ask about the very disruptive demonstrations, which is another issue that has been clogging up all our inboxes. Let's do another bit of role play. I have formed a new group called "Just Stop 'Just Stop Oil'", and I and other members of the Committee are gluing ourselves outside the driveway of the organiser of "Just Stop Oil". What will happen to me?

Suella Braverman: In an ideal world—

Tim Loughton: No, not in an ideal world. What will happen to me now? I am glued to the pavement.

Suella Braverman: The police will attend. They have been investing huge amounts of time, effort and resource into policing protests to the tune of tens of millions of pounds and thousands of police hours. They will attend, and they will attend as swiftly as possible. They will then look at you and assess what you are doing and whether they consider that there is a reasonable basis for an arrest. It might be for obstruction of the highway, criminal damage or any other legal offence they can identify. If they find an offence, they can arrest you.

Q528 **Tim Loughton:** How long should that take?

Suella Braverman: It depends on the circumstances. With the people hanging from the gantries, that took hours, because it is very hard to remove people from gantries.

Q529 **Tim Loughton:** Okay. I am glued to the pavement. How long should it take?

Suella Braverman: I am not a frontline professional. I don't want to put a time on it.

Q530 **Tim Loughton:** You understand the complete frustration of our constituents, who are unable to go about their daily business through no fault of their own. You understand why the public are taking the law into their own hands and removing some of these people, with the police standing by telling them not to and in some cases arresting members of the public.

Under section 137 of the Highways Act, it is an offence if a person "without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway". Section 12 of the Public Order Act 1986 covers protests for "the intimidation of others with a view to compelling them



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not to do an act they have a right to do, or to do an act they have a right not to do". Those are two very clear existing parts of the law that should make it very easy for an attending police officer to very swiftly remove people who are obstructing the highway and intimidating people trying to go about their lawful business. Why are the police taking ages to intervene, meaning that people's lives are disrupted?

Suella Braverman: There is guidance that has been issued by the College of Policing. I have taken a real interest in the problem you are highlighting, and I do have some concerns. I think on the whole the police have been very robust and acted very admirably in the circumstances.

Q531 **Tim Loughton:** Why have they acted admirably?

Suella Braverman: Well, they have. When it comes to Just Stop Oil, since April 2022 they have arrested 1,700 people. At the M25 protests at the beginning of November they arrested 64 people.

Q532 **Tim Loughton:** How many of them are in jail?

Suella Braverman: In the month of October, the Met police alone arrested 677 people. There are many examples.

Q533 **Tim Loughton:** The point is how long it takes before their disruption is removed and how many of them are actually in jail receiving a meaningful and proportionate penalty for the very substantial disruption they have been committing.

Are you happy with the College of Policing's five step appeal guidance? It includes a simple appeal—asking the person to comply—a reasoned appeal, a personal appeal, a final appeal, and then eventually action. It is nonsense, isn't it? We know what they are doing. They are getting extended publicity for doing it and then little more than a slap on the wrist. As we have seen with the Van Gogh protesters, one of them got only a suspended sentence. It is making a mockery of the Government's claim to be the party and Government of law and order that all this is going on, isn't it?

Suella Braverman: I have looked at the College of Policing guidance on protests and I have some questions about it. I am going to be speaking to the College of Policing. I want to ensure that the police are following robust guidance. That is a live question for me in the Home Office. I will also say there was the recent case of Ziegler, and we saw some of the cases relating to protest like the Colston statue case, which I referred, as Attorney General, to the Court of Appeal, on this very issue. On the legal framework, there are human rights considerations and that is the legal framework within which we are working.

Chair: Perhaps you could write to us with anything else you want to tell us. Simon, we have very little time left. Do you want to just raise your issue? And then we'll get an answer in writing from the Home Secretary.

Q534 **Simon Fell:** If I may. Thank you. I beg your indulgence for just a couple of minutes. There will be no role play with me; I just want to talk about



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fraud.

It is the No. 1 crime in the UK: 41%, I think, of all crimes are fraud or fraud-related. I spent a decade working on fraud and financial crime with Government, law enforcement and industry, trying to get them to work better together. Much to my frustration, when a constituent comes to me and says they have been defrauded out of £20,000, I still don't know what to do to help them. The PM said that a fraud plan was forthcoming. My question to you is: when can we expect it, and can we expect it to meet the scale of the challenge that our constituents are facing at the moment?

Suella Braverman: You are right that we will be publishing a new fraud strategy to address exactly the issue that you have raised. I do think that this is a big priority for us, because of the relevance that it has in modern-day crime fighting. We need to think about all options. I think prevention, actually, is far better than cure. I am very keen to explore ways in which the telecoms companies, the software companies, the banks and law enforcement can all work better together and use technology to prevent hackers from getting to your constituent whereby she is handing over her life savings online. When we get to that point, we are actually too late. There is a massive prevention element that I want to lead and instigate, and that will be set out in the fraud strategy.

Secondly, I also think our policing—

Q535 **Chair:** Can we have this in writing, because we really are running very short of time? I just want to raise something with you, and would you write to me as well? I would like to know about Linton-on-Ouse and why the decision to cancel that happened at a time when you were very short of accommodation to move people out of Manston. Could I have an explanation for that?

Could you also set out—I think you have already agreed to do this—the information around the exceptional circumstances around detaining people beyond 24 hours? How many people were detained up to the five-day limit, and how many additional people were detained beyond five days? It would be very helpful to have that.

Could I also ask whether we could see the advice that was given to members of staff at Manston—so Border Force, immigration officers and contractors—about the legal basis of Manston and what powers members of staff, Border Force and immigration officers had and could use? I think that would be very helpful as well. Could I ask for that information to be sent to the Committee? I thank all three of you—

Suella Braverman: Can I just clarify this? You asked me about the judicial reviews issued around Manston. I have got a clarification for you. There are no actual judicial reviews which have been issued—that is to say, in claim forms—but we have received five pre-action protocol letters.

Chair: There are five. Okay. Thank you for that.

I thank all three of you for attending today. The concentration has



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obviously been on immigration, Manston and small boat crossings, but as Tim Loughton said, there are many other issues that we remain very concerned about and will be wanting to ask questions on. We are grateful to you for attending today, Home Secretary. We hope we can get a date in the diary—if not before Christmas, very early in 2023—to carry on asking you questions and scrutinising the work of this very important Department.

Suella Braverman: With pleasure.

Chair: Thank you for your time today.