



Select Committee on the European Union

Justice Sub-Committee

Corrected oral evidence: Citizens' rights post-Brexit

Thursday 21 June 2018

11 am

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Members present: Baroness Kennedy of The Shaws (Chairman); Lord Anderson of Swansea; Lord Cashman; Lord Cromwell; Lord Gold; Lord Judd; Earl of Kinnoull; Lord Lester of Herne Hill; Baroness Ludford; Baroness Neuberger; Lord Polak; Baroness Shackleton of Belgravia.

Evidence Session No. 3

Heard in Public

Questions 18 - 27

Witnesses

I: Rt Hon Sajid Javid MP, Home Secretary, Home Office; Glyn Williams, Glyn Williams, Director-General, Border Immigration and Citizenship System, Home Office.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of Witness

Sajid Javid MP and Glyn Williams.

Q18 The Chairman: Secretary of State and Mr Williams, welcome to you both and, Secretary of State, welcome to your new role. We congratulate you on your arrival at the Home Office. We want to be as helpful as possible as you go forward in developing a rather different culture inside the department.

I remind everyone that this session is open to the public and that a webcast goes out live. A verbatim transcript will be made of the evidence, which also goes on the website, and you will be sent a copy of it in advance. If you want to amend anything, please do so. If you feel on reflection that you would like to add anything to the evidence, please take the opportunity to send through any supplementary answers or anything of that sort.

We were very interested to hear this morning that you are going to make an announcement in the House of Commons about your policy in relation to the matter that we are raising with you today, which is of course citizens' rights.

Perhaps I should explain, Mr Williams, that we asked that a senior responsible person in the department be here today, and we are very grateful to you for joining the Secretary of State as the senior responsible owner of these issues. Thank you for coming.

Secretary of State, I think you want to take the opportunity to give a general overview before we start.

Sajid Javid MP: Thank you very much and thank you for your kind words at the start. I very much value the role that this Committee plays in providing scrutiny, as you already have and will continue to do. It is a very important part of our democratic process and it can help us to improve the good delivery of public services in all the things that people are counting on us for. Thank you very much for the work that you have done and continue to do. I look forward to having a good, productive relationship with all the members of this Committee, so thanks for inviting me today as well.

Given what you just said, Lord Chairman, about the announcement later today, the Immigration Minister will be standing before the House quite shortly. It has been delayed a bit because of an Urgent Question, but in the next hour and a half or so she will set out in a lot of detail our new EU settlement scheme. She will publish a very detailed statement of intent, which should help to answer a lot of the questions that naturally exist, and will publish the draft rules for the scheme. We intend to have those draft rules in place very quickly—by next month—but after we have been able to engage with a number of stakeholders, including parliamentarians, and take their views on them.

If it is helpful I will give a quick overview, as it might help to feed into the discussion and questions that you might have for us later. It is also good to have Mr Williams

with us here today. Mr Williams is director-general of immigration in the Home Office.

With this scheme, as you would expect, we are meeting the commitment that we wanted to make to secure the rights of EU citizens who are already in this country and contributing in so many ways, whether by working, studying or for other reasons. It applies to them and their families. We want them to stay and to make that process of them staying as easy as possible. Today will be an important step and many people will naturally look to see how the process works.

You will see later, perhaps from this discussion but also from what the Immigration Minister will say in the Commons, that we have set out to put a scheme in place that I think will be as simple as people could reasonably expect. It will have three key steps to it for the individual and it will be very much an online scheme. Whether it is through their own PC, phone or personal mobile device, the individual will be able to access the website or download an app immediately, and it will ask them for three key bits of information.

The key three steps will be: first, the need to prove your identity; secondly, the need to prove that you actually live in the UK—you have to prove that; and, thirdly, the need to prove that you have no serious criminal convictions. Those are the three key steps that it will cover.

Our default position will be to grant status. We will be looking to grant status as quickly as we can. We will not be looking at all for reasons or excuses not to grant status—of course not. It will be driven by the default view that, if you provide this information, if you are not going to be granted status there has to be a very good reason why you would not get it. It could be, let us say, that you have a serious criminal conviction or have given some kind of false information on your identity—something of that type.

In many cases, once they have provided that information we will be able to check it electronically and automatically. As the Committee knows, for example, most EU citizens in the UK are working. If they are working, they will have a relationship with HMRC and a national insurance number. Others might have a relationship with the DWP, so there is government information held on them.

We have set up the scheme so that it is linked directly to all the other government departments. It will be able to check the information that you have given and do that very quickly, so there will be no need for you to provide any further information in tax statements or anything like that. There will be none of that sort of bureaucracy or paperwork, so that it can be checked automatically and we can get back to that individual very quickly.

My final key point—obviously, there is a lot more to this—is that there will be two types of status. There will be a settled status, if you have already lived in the UK for five years or more. For everyone else, so those with less than five years, there will be what is called a pre-settled status. I hope that is helpful.

The Chairman: That is really helpful, Secretary of State. I am really grateful to you. Are you content with the draft text of the withdrawal agreement? Do you feel that there were outstanding issues relating to citizens' rights that should be agreed before it is finalised?

Sajid Javid MP: We are content, in the sense that it was a reciprocal agreement reached between us and the EU. We feel that there are good safeguards in there, both for EU citizens in the UK and UK citizens in other EU countries.

As you know, it was translated into a draft legal text, which we have used as the basis for our scheme. When our scheme is published in detail today, I think it will be perfectly consistent with all the agreements that we reached, first in December and then in March with the agreement on the implementation period and how that affects citizens' rights.

We are happy with that. Separately, and not related to the British scheme, I have also expressed to some of my EU counterparts a bit of frustration about British citizens in EU countries. I would like to see those countries, especially the ones with a higher proportion of British citizens, such as Spain or France, do more or say more. I have every belief that they will honour and accept, but we would like to see more movement, because we are trying to bring more confidence to EU citizens in the UK with the measures today, and they deserve to have that confidence. I want them to know that they are very welcome in the UK—but, equally, I would like to see that process in EU countries, too.

Q19 The Chairman: Secretary of State, you came into your role at a time of great scandal and concern about a philosophy, or an underlying policy, of creating a “hostile environment”. You very clearly said that you were going to change that hostile environment and that that was not going to be the underlying philosophy on your watch. I wanted to ask you about that. EU nationals who we have been in touch with us have expressed real concern, because they are worried that, in fact, they will be met with levels of scepticism and disbelief.

For a long time, even before the issue of the hostile environment, the story was often brought to the attention of lawyers or parliamentarians that there was a culture of disbelief in the Home Office—that the starting point was to think that people were trying to get one over on you and trying to get into this country without having proper entitlements. That is what people fear, even with all the good words—and you have been very express in your intent to change that culture, and we welcome that and want to give you all the support so that you can create that change.

Changing cultures is always hard, and people are worried that there will still be a remnant of that business of being sceptical about people who are coming forward and perhaps do not have all the documentation. They want reassurances that this is going to be straightforward.

Sajid Javid MP: I understand much of what you have said. Under successive Governments, there has been a need to make sure with immigration in our country

that you have a proper, robust process of identifying those who may be here illegally. Of course, that distinction needs to remain, and we need to be robust about it—but significant improvements can be made that would make it a fairer and more compassionate system. We have learned a lot of lessons and continue to learn them through the treatment of some members of the so-called Windrush generation.

As I have said in Parliament and in Select Committees, a number of mistakes were made. Clearly, there were people from the Windrush generation who were badly treated, and we want to make sure that we have learned all the right lessons on that—and, for those particular individuals, we are going to put in separately a compensation scheme.

However, in terms of lessons from that and how they might apply here, there is one very big difference. So far it seems, from the lessons that we are learning from the Windrush generation, through no intent early on—going back many years to the Immigration Act 1971—what happened then is at the heart of many of those problems and issues that later came up. Those people from the Commonwealth were already in the UK at that point, by the start of 1973, and they were given the status that they could all stay, which was all well and good.

That was done in a declaratory way, so it was in the Act itself, without any documentation or scheme of that nature—with nothing. For many years, that seemed to work and was not an issue. As successive Governments put in place checks on work, starting from 1997, checks on benefits in 1999 and checks on social care, as well as employer checks in 2008, and so forth, some people were being asked to prove their status. Because of that Act, and because there was no documentation issued at the time, it became incredibly difficult. It was perfectly reasonable that no one kept any records of their time, because they never thought that they would be asked. That is what caused that problem, or was part of the cause.

In this situation, we are starting the right way, so it is not a declaratory system whereby we just declare it in law that you can stay. It is right and proper that it is properly documented and put on a full legal basis from day one, where people have the proof. I do not see some of the causes of the problems for the Windrush generation being particularly an issue here. That said, because this scheme was being developed before some of the problems of the Windrush generation were that well understood and well known, we have been at pains to make sure, especially in the last few weeks, before announcing this scheme, that we have really learned the lessons of that and do not expect any of those problems to manifest themselves in this scheme.

The Chairman: But you can understand people's residual fears, particularly for children. They think, "I might be able to get this sorted for me, but how do I know that in time to come my children might not suffer some of the backwash from this?"

Sajid Javid MP: Mr Williams might want to add something about that.

Glyn Williams: I think we also learned lessons after the referendum in 2016, when we suddenly got a lot of EU citizens in the UK who were applying to us for registration certificates to demonstrate that they were exercising treaty rights in the UK. At the time, we had the thing about the application form being 85 pages long and UKVI applied the rules very strictly, asking people to prove very precisely that they were exercising treaty rights—as a worker, for example—and that they had comprehensive sickness insurance if they were not an economic migrant. It became very quickly clear to us, in the situation we found ourselves, when we would have to process maybe 3 million such applications, that those rules and processes were inadequate.

We are announcing today, we hope, a start of a new chapter, which we hope and intend will be a much smoother and clearer application process in terms of its mechanics, but also in the type of evidence that we are requesting, and our automatic links into HMRC to minimise paperwork, along with our culture of applying evidential flexibility as far as we can and not having a culture of disbelief, if that ever existed, but a wholly new approach. As the Home Secretary said, the Windrush example is relevant, as is our own experience after the referendum with EU citizens already here.

The Chairman: Thank you for that, Mr Williams.

Baroness Shackleton of Belgravia: Thank you very much for coming today. In our research, which has been both on and off the record, we have been informed quite reliably that people who make a massive contribution to this country and who are from European nations feel that they are on the back foot and not welcome. I am distinguishing between legitimate and illegitimate people; legal and illegal immigrants are totally different. But people who are legally entitled to be here should be embraced and welcomed and be told that we are very lucky to have them here, and we are not doing them a favour by letting them stay here. We want them to be able to continue to contribute to our lives as they have hitherto. It is a massive improvement to have an 85-page document reduced to a three-question one, but if there was any opportunity to put across that we embrace those people, it would be a message that would be very well received.

Sajid Javid MP: I agree 100% with what you have said, not least because, from my former business career, there were many Europeans in all fields, especially the financial area, and I saw what a great contribution they made to the team. From my time as Business Secretary and, more recently, as Housing and Communities Secretary, I know that in our construction industry, for example, we still very much need it, as well as in social care and health. You are absolutely right. You put it very well: it is not a favour; we are not doing a favour in saying that they can stay here. We want these people to stay because we need them, because they make such a big contribution. I am talking not only about an economic contribution but a cultural one, for example. In so many other ways, it is an important contribution for us.

Certainly you will hear that tone later today from government, whether from me or my fellow Ministers—perhaps the Immigration Minister, when she makes her Statement. When people see the scheme, I hope they will agree that we have reflected that by making it as simple and straightforward as possible, as Mr Williams said a moment ago. We are making sure that we use government information and government records proactively in a way that, sadly, we did not do with the Windrush generation and other cases. I hope that that message comes through.

Lord Lester of Herne Hill: Home Secretary, I congratulate you on having to lie upon the bed of nails.

Sajid Javid MP: You are very welcome.

Lord Lester of Herne Hill: I was a special adviser to Roy Jenkins in the Home Office for two years, and the hostile environment within the Home Office was among not only junior Ministers but officials. You have the very difficult task of doing what Baroness Shackleton was recommending—that is, changing the culture. I wonder whether you will be able to do so with your junior Ministers and senior officials and so on. I had to be sent home by the Home Secretary because of the hostility of the officials to getting a race and sex equality law through. Having listened to you, I am extremely impressed by your personal commitment, but I am pessimistic about your ability to change the culture within the Home Office. Can you comment on that?

Sajid Javid MP: Thank you. It is of course challenging. However, from what I have seen of the Home Office so far, I think it would be wrong for me or other Ministers to blame the culture or practices on officials. At the end of the day, we are lucky to have a very high quality of civil servants in all our departments, and they take direction from Ministers. I am not just talking about today's Ministers; this has happened in the past. So the change must start at the top, and that means with me in the Home Office. I have to lead that change and I do not underestimate the challenge.

As we make changes in the department—as I have done already in some cases—those changes feed through the system very quickly and are well understood. For example, some 150 officials are now dedicated to the Windrush task force that we set up, and it is made clear to them that they can show much more flexibility in making decisions. If someone says they have been here for 40 years, they do not need to provide a piece of information for every single year. We give the officials more discretion in using the information sensibly. So the change starts at the top.

Lastly, I am a second-generation immigrant. My parents came from the Commonwealth; they were not from the Caribbean. They settled in this country. We have just heard Baroness Shackleton talking about people coming here to work. My parents came here to work and they made a contribution, so I understand that and can relate to it. I hope that that also helps to reassure people that, when I meet EU and non-EU migrants and they talk about the contributions they are making, I can relate to that directly.

Baroness Neuberger: I want to follow on from what Baroness Shackleton said. It is wonderful to hear you say what you have just said about making people feel welcome. I just wonder whether, within an application system, something could be written for genuine EU citizens working here that says, "You are very welcome, but we have to ask a certain number of questions". I wonder whether it would be a good idea to state that in terms, as it would make the point very clearly. I too am a second-generation immigrant.

Sajid Javid MP: What you have just said is very valid. I think that that is already reflected in the introduction to the document, but I will see whether we can put that across even more. It is not just what people see in the application process or a document.

Baroness Neuberger: Of course not.

Sajid Javid MP: It is also what they keep hearing from Ministers and Members of both Houses of Parliament. I think that people want to hear the same message.

Baroness Neuberger: Absolutely. If you have been through a process with an 85-page form and so on, I think that changing the tone in whatever the form of application happens to be would make a huge difference.

Sajid Javid MP: I agree.

Lord Cromwell: Before I come to my question, I will go back to the issue of the culture. I hope that I do not cause any ructions here but you appeared to acknowledge that there has been a cultural difficulty. I notice that Mr Williams, perhaps in an off-the-cuff remark, said, "Such a culture, if that actually does exist". Do you acknowledge that it exists?

Glyn Williams: I think I picked up the phrase "culture of disbelief", which was used. I know that other people have used that. I think there has been a culture among Home Office officials of wanting to apply the Immigration Rules, which Parliament has approved. There are quite long and detailed rules, and over the years they have become ever longer and ever more detailed. I think Home Office officials feel that they are duty-bound to apply those rules as the Home Secretary, successive Ministers and Parliament have wanted them to do.

I think that there is a culture of wanting to apply the Immigration Rules, but the Windrush episode has shown that in some cases we have been too quick to apply the balance of probabilities test. We have set that bar a bit too high by requiring unrealistic standards of evidence over a very long period of time. Without changing any of the underlying rules, we have very quickly changed that approach in the task force. We have been talking to applicants more in that task force context and have not just relied on written evidence, because we are responding to the signal given to us by the previous Home Secretary and this Home Secretary, as you have just heard first hand. I do think that officials act diligently.

There is a lot of concern in this country about security and immigration. We have rules and procedures to respect, and that is what we try to do. However, as the Home Secretary has just said, we also respond with alacrity to the political directions that we get. Clearly, we still have to apply the policies and the rules, but we will respond to the cultural direction, if you like, that we are being given.

Lord Cromwell: Thank you for clarifying that.

The Chairman: I just want to put a thread into that. I think you are absolutely right that this is about responding to signals. Signals are very important and that is why, if I may say so, the signals being given by our new Home Secretary are so positive. They are ones that we want to endorse and encourage.

One thing that I know Lord Judd would want me to say is that we have had evidence of the high level of successful appeals against judgments that have been made in relation to these matters. That suggests poor original decision-making. That is one thing that I would have thought was reflective of a steer which does not give enough discretion and where, as you have suggested, the bar has been set at a level that is almost prohibitive. Far too many cases are successful on appeal, and that must send a message back to you. Messages come in different directions from politicians, but then the courts say that the decisions are not being made well enough. Do you agree?

Glyn Williams: Partly. Let me explain that.

The Chairman: It is good enough for me to get even a partial agreement.

Glyn Williams: The appeal success rate for us—that is, the cases we win—is around 50% or 60% in general. We would like that to be higher. We constantly ask ourselves: does this mean that we are contesting cases that we should not contest in the first place, or does it mean that our original decision-making is effective? It can mean that in some cases, but there are other factors. Very often, the appeal takes place 12 months after the original decision was made. New evidence comes to light only because it was held back in the hearing itself. Had that evidence been available to us at an earlier stage, we could either have withdrawn the case or taken a different decision in the first place. There are these wider factors at play that we just need to be aware of as well.

I do not want to sound too defensive about this, because I accept your point in part, but in some of the decisions we take—for example, in asylum cases, which are a lot of the appeals you are talking about—there is no documentary evidence as to what has gone on in a foreign country, whether someone has been persecuted or so on. The interpretation of the facts that have been presented to you is a matter of opinion. The fact that a judge may have reached a different decision from that of the Home Office does not necessarily mean that the original decision was wholly wrong. There is a legitimate difference of opinion as to how you interpret facts. I just put that out there as well.

The Chairman: You and I could have a very long discussion about this, Mr Williams, and others around the table, but that is not what we are discussing here today. We are talking about European Union citizens, Lord Cromwell.

Lord Cromwell: I took us off track there.

The Chairman: You did slightly.

Q20 **Lord Cromwell:** Sorry for that. I am grateful for your clarification, Mr Williams.

Let us move from culture and principles to the practicalities. Cutting to the chase, as I have used up a lot of time already, my question is this. Secretary of State—and I echo the congratulations of my colleagues; we are certainly looking forward to your tenure and hope you are too—how confident are you that the Home Office is able to deliver the technical, physical infrastructure that will be needed to register 3 million EU nationals in this country? That is a massive task. How confident are you that it can be done?

Sajid Javid MP: I do not underestimate the scale of the challenge. I recognise that the Home Office has done nothing like this before. That said, I think it is fair to say that ever since the vote to leave, and certainly the triggering of Article 50, the Home Office has been preparing for this. It has always been understood that some kind of scheme will be put in place, even before reaching the agreement with the EU, so there has been a lot of work going on for a long time. We are making use of new technology and the right processes, which I have already alluded to, and keeping it as simple as possible, which helps.

That also means working with other departments and making sure that we are talking to their computer networks properly and that it is all connected. We want to minimise the casework, which is one reason why we are keeping it simple. I guess there will be some more complicated cases that come up, but even for those we recognised early on that we needed to hire more people and train them up. In our European casework team, we are increasing staffing levels by more than double, from about 700 to 1,500, and most of those people should be in post by the end of the year. That recruitment has all ratcheted up quite considerably, which will also help.

So while I do not underestimate the scale of the challenge, I think we have done a lot, so I am confident.

Lord Cromwell: That is good to know. May I press you a little more on the detail? We had Brandon Lewis before us in December and I believe he told us that applications for settled status were going to be made from the second half of 2018. It is the longest day today, so we are just getting into that period. When are the trials of this app going to be, and when will it go live for general use?

Sajid Javid MP: Good, I am glad you raised that. It is an important point. Part of getting it right will be to phase it, not so that we can control when people do it but

so that people are comfortable, first, that the period during which they can use the scheme is long enough, and, secondly, about when we can start it.

You asked when. We intend to do it this year, starting in the autumn. We have to get the scheme rules in place, which we hope will be in July, and then we want some time to advertise it and how it is going to work—get all that information out there. It is about how we communicate; the languages that we use and things like that will all be part of the package.

Then we want to start trialling it. We want to start using it in July but maybe on a more limited basis, just to test it a little and allow people to start registering from autumn this year. By the beginning of next year, we want to open it up more broadly, and certainly have everything up and running before exit day. Obviously, the scheme will run throughout the implementation period, but we want to go beyond that period, because there may well be people who, for good reason, were here before it but who have not had time to register, who have missed it out or whatever, so we will certainly take it up to June 2021.

Even after that, let us say that we close the scheme and someone perfectly reasonably says, “Look, I could not have done it because of X or Y”, we want to be very sensible and open-minded about that and look at those on a case-by-case basis. Certainly, if someone had a good, legitimate reason for missing the so-called buffer period of six months after the implementation period, we would still look at that reasonably.

Lord Cromwell: Thank you. It is great to have a timetable that is not just based on the word “soon”.

The Chairman: I want to be clear about the timetable. Secretary of State, you said by the autumn. Even that has a vagueness about it. Are we talking about the end of September? Is that when the autumn starts, in your calendar?

Glyn Williams: Yes. We will publish draft Immigration Rules today, with our statement of intent, and we will then have a period during which people can look at those rules and comment, and we can take feedback. We want to try to lay those Immigration Rules before Parliament by the Summer Recess, so that in early autumn, let us say—I do not think we can be absolutely precise about this—we can begin a phased implementation, as the Home Secretary said.

At the outset, it will not be open to everybody; it will be more us going to selected cohorts and inviting them to apply so that we can test out the systems and policies, check that the caseworkers are trained as we want them to be trained, and so on. We will build it up to a full, open application system from the date of exit, as the Home Secretary said.

Lord Cromwell: Did I understand rightly that the main surge, the main general availability, will be early in the new year? Did I get that correct, from what the Secretary of State said?

Sajid Javid MP: We will start phasing it in from this autumn, but certainly by the start of next year more people will start using it. I hope there will not be a surge as such; we want to try to avoid that. My concern is that people may feel, “Oh, I can put this off. I’ll do it later, not to worry about it. There is an implementation period”, and then everyone perhaps starts to do it towards the end of 2020. We do not really want 3 million people doing that in one month. I think we can avoid that, because how we do it will very much be linked into our comms campaign.

I talked earlier about how people can do it online, but we are also planning to use local libraries, invite people locally to come and register there, meet people and ask questions. That will make it even easier, but we can perhaps also use that as a way of getting people to do it a bit earlier, so there is no big surge towards the end.

Lord Cromwell: Given the concern, I think the surge may come at the beginning rather than at the end, but let us see.

The Chairman: We might have two surges, at the beginning and at the end. I think we have a general direction of travel, and I am grateful for that description.

Baroness Shackleton of Belgravia: Secretary of State, this question is about both ends of the spectrum. There have been rumours, which are probably misplaced, that these apps will not be compatible with iPhones and people’s normal phones. Is there any truth in that?

The second question is about the other end of the spectrum. A lot of people, me included, are quite technophobic and find it very difficult to fill in a form online. Will there be agents at libraries providing help, particularly for old people and people who speak a foreign language, steering them through this and doing it with them? Perfectly innocent people may not be able to jump through the hoops, because they simply cannot do it. I do not mean people who are blind or certified as incapable of using a computer, just people who find it very difficult to fill in any form.

Sajid Javid MP: On your first question, about iPhones and mobile devices, it is not just a rumour. There is an issue at the moment. I say “at the moment”, because we are discussing it with Apple. I was in Silicon Valley recently and raised this issue, and they are looking at it actively.

I will explain a little about the issue, which is generated only by the fact that we want to make the process as simple as possible. For part of the process you will still be able to use an Apple iPhone. There is a process that will not require you to send in any documentation at all to prove your identity, but as it stands that will not work on an iPhone because of the iPhone software.

As I said earlier, we want to make the process as simple as possible. That might affect someone who needs to prove their identity. As you know, all European passports can be used at ePassport gates. Essentially, the passports have a chip in them that holds ID information, including photographs, and other information. With a non-Apple phone, in most cases you will be able to download an app so that you

will be able to put your passport next to your phone and it will be able to upload that information and send it to us straight away through the app. You then take a picture of yourself—a selfie—which I am sure you have done many times, even though you are technophobic, and you will upload that too, and the app will match that with the information that has been uploaded from the chip, put it together, and confirm your ID electronically. In that case, you do not have to send anything in to confirm your ID. If you say that you have been working in the UK for 10 years and you have given your national insurance number, we will check that against, say, HMRC records, so you do not have to send in anything, and it is all done electronically.

Obviously, we would like that to work for everyone, whatever smartphone device they have, but we do not control the phones' software and hardware. We are trying to work with them, but at the moment there is an issue. Did you want to add something on the Apple point?

Glyn Williams: Just to be clear, the application process is not dependent on this point about Apple. The standard process is that you will complete the form online and then send in your passport, and if there is a requirement for any supporting documentation such as your child's birth certificate, you will send that to us in the post. The app that you can download—the so-called chip checker—I see as the icing on the cake, because it would enable you not to have to send your passport to us at all because of the process the Home Secretary explained.

Sajid Javid MP: That is an important point. Let me be clear, because this will probably come up later today in Parliament. Whatever smartphone you have, everyone can apply online, but this chip checker app only works on certain phones. That has nothing to do with government, but if you have it, that is the icing on the cake which makes the process even smoother. But everyone will be able to use the online process.

On the second part of your question, of course there will be people out there who, for whatever reason, are not comfortable with using smartphone devices, which is exactly why we want to make sure that, whether it is through libraries, local council buildings or other places, we can work—

Baroness Shackleton of Belgravia: The passport office?

Sajid Javid MP: Potentially passport offices as well. Obviously it depends on which area it is and what is available, but people can go and either follow some simple instructions and use the PC there or have someone talk them through it and work through it. I have also been very keen to make sure that for very vulnerable people, such as someone who is disabled or who has some other reason why they cannot go anywhere even if they wanted to, or it is hard for them, in those cases we can make arrangements or can visit them and can take them through it in their own house.

Baroness Shackleton of Belgravia: Good. Thank you.

Q21 Baroness Neuberger: I am interested in people who have been granted indefinite leave to remain, who will obviously have been here for five years. Will they be obliged to reapply for settled status, and if so, will the costs be waived?

Sajid Javid MP: Are you talking about people who are already here?

Baroness Neuberger: They are already here and have been here for five years under indefinite leave to remain. What is the situation?

Sajid Javid MP: When you say they have indefinite leave to remain, do you mean that they already have it?

Baroness Neuberger: Yes, they already have it.

Sajid Javid MP: I do not think they would need to. If they already have it—

Glyn Williams: Do you mean EU citizens who have been here for five years, exercising treaty rights? If they have already applied to the Home Office for a certificate of permanent residence, essentially we are saying that we will swap that for a settled status token from us for free.

The Chairman: Terrific. That is a nice, simple answer.

Lord Lester of Herne Hill: I very much hope that when you consult on the draft Immigration Rules, you will consult the judiciary. As I have been married to an asylum and immigration judge, I know that they might be a bit surprised by some of the evidence. But that is not for this Committee right now.

When will this Committee be in a position to know about what is required for settled status? Will we know after the Statement this afternoon what documents are required to register for settled status, the list of questions that will be put to applicants, and, above all, the precise costs? Will those questions have been answered this afternoon, or will this Committee be informed in some other way soon?

The Chairman: Mr Williams, you seem to be indicating that you know the answer to that.

Sajid Javid MP: The information will be published shortly, in the next hour or so, as soon as the Immigration Minister stands up. We will publish our statement of intent, which is very detailed, and the draft rules will be published at the same time.

Lord Lester of Herne Hill: Will it cover what I asked about, and the question of costs, for example?

Sajid Javid MP: Yes, it will.

Baroness Ludford: Quickly on that ILR point, I think what we mean—there was a recent publicised case—is someone who perhaps predates the 2004 free movement directive, who has indefinite leave to remain. There is a case of a person—she happened to be a Liberal Democrat councillor—a Danish woman, married to a Brit,

who had had ILR since 1979. I suspect that she is applying for citizenship, and I do not know quite what the whole story was, but we are talking about people who have not just been here five years but, in her case, 19 years, which predates the 2004 directive. If they have indefinite leave to remain because they have been here long enough for that to be in the system, will they have to apply for settled status?

Glyn Williams: Settled status is another term for indefinite leave to remain. Legally, we are talking about—

Baroness Ludford: That was what we wondered.

Glyn Williams: In the Immigration Rules it is called indefinite leave to remain. If this Danish person had indefinite leave to remain under the British rules, and has a certificate from the Home Office saying so, she has already got what is on offer, so she would not need to reapply. It is slightly different if, under the free movement directive, EU citizens who stay here for five years acquire permanent residence. They do not necessarily get in touch with the Home Office, but they can, and we can give them a certificate evidencing that. That was the case I referred to just now.

Q22 Lord Cashman: My first question has just been answered by Mr Williams. First, I associate myself with the comments of Baroness Shackleton. We are deeply concerned about individuals who are looking ahead and seeing no certainty whatever about their right to remain in the United Kingdom. They have settled here, their children are in schools here, and there is deep and wide concern. Secretary of State, I welcome the new attitude you have taken. There are good and decent people working in the Home Office, but part of the problem is that no one notices when you get it right, and when you get it wrong, one therefore has to respond to the front pages of the tabloids. I worry that it is the front pages of the tabloids that are setting the agenda in relation to EU citizens and immigration.

My question is the following. The application can be done online for those who can do it online, and the app is brilliant for those who can do it online. You have talked about vulnerable individuals, but what practical steps has the Home Office taken to engage with these vulnerable individuals, who will not use an app, or indeed are determined not to? Have you employed people to do outreach work, and will there be translation? I am keen to know what practical steps have been taken.

The Chairman: Before you answer, I think Lord Anderson had a similar sort of question you wanted to press.

Lord Anderson of Swansea: From experience of the Bar, one of the problems with asylum seekers is the veracity of the documentation and the high degree of fraud. It strikes me that the burden on caseworkers will be very much reduced because the documents which are needed will be from the UK and therefore less open to fraud. Is that a fair comment?

Sajid Javid MP: Yes, it is. This type of application process is unprecedented in its simplicity—how it will work and the information that needs to be provided—partly because we will use our systems of government information to the full to help in

the process. Until now, on many applications, if someone says that they worked here for X years or paid Y amount of tax, they have to provide that proof themselves. In this case, our default position is that your settlement status will be granted, or what is called the pre-settled status of less than five years will be granted, unless we have a cast-iron reason not to. That is the attitude that will be applied.

The Chairman: Lord Cashman was asking about vulnerable people and practical steps.

Sajid Javid MP: Do you want to detail what those are? I have mentioned some of them already.

Glyn Williams: First, we have set up three stakeholder groups, which we meet with regularly—one for employers, one for the embassies and consuls general of EU citizens in the UK and one for those who are more on the vulnerable side. Secondly, UKVI is already working with a company that is offering a digital assisted service to people applying under UKVI existing schemes. They offer guidance on the telephone and can arrange appointments at libraries or, in the case where people cannot access libraries, send a so-called tutor to do a home visit. We have been trialling that for the last six months and intend to build on it for that scheme. We have set up an email registration service for EU citizens who want to be kept informed of developments—and I think that we have more than 200,000 who are registered for that now. We have been doing a communications campaign through social media on Facebook, and so on.

Lord Cashman: Will there be an advertising or information campaign aside from online, because a lot of people do not go online and do not get their information through social media?

Glyn Williams: There could be. We have not decided that. Every time I talk to communications people these days—and I am of an age and have that thought about an old-fashioned advertising campaign—I am usually told by the experts that I should get back in my box and that it is done differently these days. But that is something that we will want to discuss with the Home Secretary.

Sajid Javid MP: With an information campaign, we will want to satisfy ourselves that we are getting through to everyone and that everyone who needs to know will know and that they know not just how to do it but the help that they can get through the process. If that means that we have to do a more traditional advertising campaign, maybe in some parts of the country where we already know that there are a higher proportion of EU citizens, that is certainly something that we would consider.

The Chairman: I heard you mention that you are having conversations with potential agency support and that there could be people who could provide help to those who are befuddled by technology. Will that be costly to individuals or will it be a service provided by government? What is the nature of that? I would hate to

imagine that out of the woodwork came lots of people who suddenly saw this as being a great way of earning lots of money at the expense of desperate people trying to sort out their status. That would be pretty wretched.

Glyn Williams: No, UKVI has been using this company for the last six months and is now evaluating how that has worked. We will want to take stock of that. I do not want to say right now, because we have not discussed with the Home Secretary exactly what the arrangements would be, but it is our intention at this stage to build on that. We are also setting up internally and recruiting 300 people to staff up a contact centre just to service this scheme and to give advice within the Home Office.

Sajid Javid MP: It might be helpful to be a bit clearer on that. For the help that I talked about, whether it is in libraries or for vulnerable people coming to their home, there will be no charge.

The Chairman: That will be important for quite a lot of people, because a lot of the complaints around this sort of thing are that it becomes very costly for a whole family to apply and that it is beyond the financial circumstances of some families.

Baroness Shackleton of Belgravia: I want to make a short point in support of Lord Cashman's observations. I am with you, Mr Williams—I am a dinosaur as well. If you are trying to catch the people who cannot do technology, there is little point putting it online, because they will not have the line anyway.

Baroness Neuberger: The experts are wrong, is basically what the dinosaurs are saying.

Baroness Shackleton of Belgravia: If you are told to get back in your box, that is not particularly helpful for the poor person who cannot connect with a line, because they are the very people who need it.

The Chairman: I want to tell my Committee that time is of the essence and that we should move on.

Lord Anderson of Swansea: We recently met the 3million group, which represents EU citizens in the UK. It sent a long list of questions to the Home Office, some of which will no doubt be answered today. Will you undertake for those questions that have not been answered today to give a proper reply—say, before the September recess?

Sajid Javid MP: I will make sure that they get a reply. That is one of the groups that we want to proactively talk to and see whether we can get their comments, having published the draft rules.

The Chairman: So they will be one of your interlocutors.

Q23 **Lord Judd:** Perhaps I may introduce my question by saying that I have been greatly heartened by what you have been saying today, Home Secretary, and by your

emphasis on culture and compassion. I just hope that what you are endeavouring to do will reach the people who have to be rejected. In any system, some people have to be rejected and it is at that point that the compassion and care for people in crisis becomes terribly important. The Government have yet to legislate for settled status in domestic law. What legal guarantees will those people who registered for this status before the agreement of the withdrawal agreement be given under UK law?

Sajid Javid MP: Everyone who goes through this scheme and gets settled status will, as we referred to briefly a moment ago, get indefinite leave to remain, under the Immigration Act 1971. That is the status that they will have and the legal guarantees and protections that they will have.

Lord Judd: Can you guarantee to us that the agreement on EU citizens' rights that has been reached with the EU will be honoured, even if the UK is unable to reach an acceptable deal with the EU 27 under Article 50?

Sajid Javid MP: The Prime Minister has been clear on this issue from day one, and I shall repeat her words. She said that EU citizens living lawfully in the UK will be able to stay. No matter what happens, if you are living lawfully in the UK you will be able to stay. Our focus has been, understandably, that we will get a deal—I am confident about that—and we are working on that basis. We have already reached agreement with the EU on citizens' rights, in both the December and March agreements. That is what we are working on in honouring through this scheme and that is where our focus has been.

Lord Judd: But do you agree that all the good, positive and encouraging thoughts that you put forward on future direction must face up to the fact that, right now at this moment, there are people in acute anxiety, and what they need are guarantees about their future.

The Chairman: I think the Secretary of State is saying that, come what may, deal or no deal, European Union citizens in this country will be provided with this opportunity and system for getting settled status.

Sajid Javid MP: In fact, the Prime Minister has been asked about this a number of times, as you would expect. In October she said, "I could not be clearer: EU citizens living lawfully in the UK today will be able to stay". So she has been very clear on this. I hope that what we are setting out today gives people a huge amount of confidence about how that process will work and how committed we are. I know that it is a different issue, but that confidence is lacking today for British citizens living abroad. Many of them do not know what is going to happen or how it is going to happen. The respective leaders or Prime Ministers of those countries have not made similar statements to those that our Prime Minister has. It is related, but it is not dependent on what we are doing today, in any way. We are going to keep our commitment to EU citizens.

Baroness Ludford: Home Secretary, can I ask for some precise clarity about

comprehensive sickness insurance, which is in effect private health insurance? There is obviously a long-standing disagreement between the European Commission and the UK Government about this, but for reasons of their own they have never pursued infringement proceedings. Can you explain whether the Government will make it clear, either by seeking to amend the withdrawal agreement or by implementing domestic legislation, that CSI will not be required for the grant of settled status?

I say immediately that I think there is some confusion among people, because it is still required for people who apply for permanent residence under the 85-page document. Why is that so if you are immediately going to switch to saying, “No, you don’t need to show CSI”? If that is true in applying for settled status, does it mean that people will not have to show they had it in the past when it was required? Why is it still being asked for when people apply for permanent residence?

Sajid Javid MP: I think Mr Williams can better answer that question.

Baroness Ludford: I may have made it sound a bit unclear, but the situation is confusing.

Glyn Williams: The short answer is that the Statement later today will cover this point. Do you want me to carry on?

Sajid Javid MP: Yes.

Glyn Williams: It will say that for the purposes of this scheme you will not be required to show comprehensive sickness insurance cover to qualify for it. Article 7 of the free movement directive, which I have in front of me, says that you have a right to residence if you are a worker or, if you are not a worker—there is a series of conditions—you “have comprehensive sickness insurance cover in the host Member State”. We transposed that into the regulations that implement the directive in the UK.

Going back to my first intervention, after the referendum, when a number of EU citizens applied to us for registration certificates, people who had not been working were not submitting evidence of sickness cover despite having been here a long time, probably because they were getting treatment on the NHS anyway. We have decided that we do not need to apply that rule in this settlement scheme. That should make life easier for those people.

The Chairman: I suspect it might be Mr Williams who can answer this question. One example is that of a letter I received from a family where a British person is married to an Italian. His mother-in-law is now a widow, and the plan had been that she would come and join them here in Britain to spend her final days with the family, including her grandchildren. Now the great anxiety is whether that person would be able to come, have National Health Service treatment and, as a family member, live here with them with all the normal entitlements.

What is the situation there? Is she required to get herself private insurance, which

this family would not be able to do? This is one of the natural things that a family would think of doing—that your elderly widowed mother might come and join you—but with old age comes ill health. What would the situation be for her?

Glyn Williams: The withdrawal agreement that we have agreed in principle with the EU includes parents within its scope, so under the terms of that agreement they will be able to join EU citizens in this country, and vice versa. So in your example I think the lady would be able to take up residence in the UK within the terms of that agreement. That is just with regard to her residence status.

The Chairman: And access to the National Health Service?

Glyn Williams: That is a different matter. Obviously, the NHS currently has rules about ordinary residents and so on. Those rules will continue to apply. We are not saying anything today about those sorts of things, because they go beyond our immediate remit.

Sajid Javid MP: In circumstances of that type, I think we have rightly been compassionate and generous. We have established that if you have these types of relationships with parents or partners that are established before the end of the implementation period, if they exist those types of rights will be protected. If you have dependents such as your parents—clearly, in the case of a parent it was there all along—and it is before the end of the implementation period, we will honour that.

The Chairman: I should have made it clear that I have also received a letter from somebody who retired to Spain and whose wife has become disabled with Alzheimer's. She is in a local state-run Spanish facility for the elderly who have that kind of illness. He visits her every day and spends time with her. She is familiar with the staff there and he does not want to see her moved in any way, so he is in a state of great anxiety about whether that will be honoured in the reciprocation. In the negotiations, are those considerations having any play?

Sajid Javid MP: I think that it will become very clear in what we publish today how far we intend to go.

The Chairman: Thank you very much. Perhaps I may take us on to the next question.

Q24 **Baroness Neuberger:** We have been told that that there are cases that are not covered by the withdrawal agreement. They include cases where residence rights have been guaranteed under EU case law—in the Surinder Singh and Zambrano cases, for example. The particular cases that have been brought to our attention are of individuals who have been working for EU institutions outside the EU and who might lose their jobs after Brexit.

Will specific provision be made for them in the withdrawal agreement or in domestic law? They are really going to be in a mess. They are not necessarily going to have a job to come back to. Will they be classed as having settled status or be granted it? What is going to happen, particularly to their family members?

Sajid Javid MP: Can you be a bit clearer on that? Are these British citizens working abroad?

Baroness Neuberger: They are British citizens working abroad for the EU who might lose their jobs after Brexit. They have family members who would not necessarily be classed automatically as having a right to come here, if the person who is a British citizen does not have a job to come back to.

The Chairman: It is people who may not have been living here.

Baroness Neuberger: They may have been living in Rwanda, or wherever.

The Chairman: But they are doing an EU job, perhaps as a lawyer or a development worker, having gone as a British national. They are employed by the EU and doing work overseas.

Sajid Javid MP: Presumably, if they are British citizens there are a lot of rights that come with that. If they have family members such as children, in most cases there would be rights attached to the fact that their parents were British. Obviously, none of this affects that, so in most cases I do not think there would be an issue with their own rights or the rights of their family.

If you are talking more broadly about employment and whether they continue to be employed or not, unfortunately that lies outside the Home Office. Ultimately, that will be a question for the EU itself.

The Chairman: In relation to that, the particular case that covers a number of people is where, as a British person, you might be married to someone and apply for that person to be given protected status here. But there are income levels that you have to be able to fulfil, and if you have just lost your European Union job where you were working abroad, it is about those income hurdles.

Glyn Williams: I have not looked at this specifically. This is the very kind of example that we want to look at over the next few weeks and so on.

The Chairman: So it is the granular stuff.

Glyn Williams: If you are talking, for example, about a UK national who is working for the EU, is married to an EU citizen and wants to come back to the UK, if they come back before the end of the implementation period—by the end of 2020—they will be within the scope of the withdrawal agreement. The EU citizen will have a right of residence in the UK as a dependent.

Baroness Neuberger: And if they are not an EU citizen?

Glyn Williams: If a British person is married to a non-EU citizen, they are not within the scope of the withdrawal agreement. They then fall to the British Immigration Rules.

The Chairman: Yes. Those were the circumstances that were raised with us: that

they fall foul of that and are not in a position to fulfil the income levels that we require of people who come here. They might have just lost their European Union job which they had imagined they would be fulfilling well into the future.

Baroness Neuberger: There are several of them.

The Chairman: There are a number of them in a state of high anxiety because their jobs will probably no longer be available to them. Those are the sorts of difficult issues that will be presented to you as this goes forward. I want us to press on. There was a question which I thought Lord Gold might want to raise now.

Q25 **Lord Gold:** Secretary of State, thank you very much for coming along. Echoing what Lord Judd said, your remarks today are very heartening. Before I ask my question, I just want to comment on the culture. It seems to me that one of the most important things you have said today is that the default position is to grant settled status, which is very much a can-do attitude, and not to raise hurdles. If that permeates the way in which you look at all of this, that will be very important.

That leads into my question, which relates to British citizenship. We had some evidence—last week, I think—telling us that it is a very expensive process, particularly if you have a family, because everyone has to apply and everyone has to pay. Are you considering whether there might be a streamlined, low-cost process, beyond settled status, by which people might apply for UK citizenship?

Sajid Javid MP: First, on the culture, I reiterate that we want these people to stay. They are our friends and they contribute. We need them. That is why I have talked about the default position.

Citizenship is not cheap. It costs £1,330 if you include the citizenship ceremony fee, so I do not pretend that it is cheap. Our plans are based on the reciprocal agreement that has been reached with the EU, which does not include citizenship in any country. I am not looking at any plans regarding citizenship per se. Separately, I want to look at some of the fees that we charge for citizenship and some other things, but there is no particular process with regard to the settlement scheme.

Lord Gold: You might think about a family discount.

The Chairman: We have a bid for a discount for EU nationals.

Lord Cromwell: A loyalty card could take on a whole new meaning in that context. One of the frustrations for EU citizens here and British citizens in the EU has been that victory has been declared on citizenship matters a number of times, but quite a few things are still unresolved—onward free movement and family reunification being a couple of them. I wonder whether you can help us by saying who is taking the lead on resolving these matters. Is it the UK Government, or is it the European Commission or the European Parliament? Who is driving it forward so that victory can genuinely be declared?

Sajid Javid MP: It depends on the issue. In terms of who is taking the lead on onward free movement, I would say that it is the European Parliament. The leader

of the Parliament, Guy Verhofstadt, was here just this week and gave evidence to the Home Affairs Select Committee. I met him a couple of days ago. He is very passionate about this and we welcome that. According to what he said publicly on this yesterday, it is a bit of a challenge because it was not part of the agreement. It was something that we wanted to discuss in the first phase of the negotiations. It was not agreed, so it is not part of the agreement, but, as I said, the Parliament is taking the lead on that. As you know, the Parliament has to approve any final agreement too.

A lot of the issues relating to family reunification were covered in the agreement. As I mentioned earlier, we are taking a very generous and compassionate attitude towards that. One thing to be clear about is that during the implementation period your treaty rights are all protected—you can bring in your family members and so on—but I am sure that some people will be looking at that. As we will set out today, we want a system that recognises and honours any relationships that are in existence before the end of the implementation period. If you have dependent family members outside the UK and they remain outside the UK even after the implementation period, as long as that relationship existed before the end of the implementation period, you will have the right for them to come to the UK to join you through the scheme.

Lord Cromwell: Thank you, that is very helpful.

Lord Polak: Home Secretary, I for one am not surprised by the cultural change. To support what Lord Cashman said, it should always be remembered that any simplified immigration system that you have been talking about—and that is very welcome—does not take away the responsibility of the Home Office to keep out those people who should not be here. Those are the ones who people refer to in the *Daily Mail* and elsewhere. Of course, they will be a drop in the ocean compared with the things you are doing, but one needs some sort of strategy to deal with that. Political and other types of people will come on board on that when 98% of what you have done has been positive. We need to be clear about that.

The Chairman: You can rely on our support if in general the thing has gone well.

Q26 **Lord Polak:** One of the things the Government previously suggested is that EU nationals living here in the UK would retain their voting rights in local elections. Will this commitment be enshrined in the domestic legislation implementing the withdrawal agreement, and do you expect that such rights will be extended to UK nationals in the EU?

Sajid Javid MP: Thank you, Lord Polak. Let me take your first point there about simplicity, but also making sure that that it is not abused. You are quite right to point that out. The system we are setting out, which people will see today, is simple but very robust. It is simple because, for example, it will use technology, such as apps and things, for people who are comfortable with that sort of technology—many are, but we have heard today from some who are less comfortable—and that certainly simplifies the bureaucracy and paperwork.

Lord Polak: I am not sure whether this Committee represents the whole of society.

Sajid Javid MP: I will not comment on that.

It is also simple in that it makes use of data that the Government already hold, and shares that sensibly. If you have that relationship with HMRC, which the vast majority of EU citizens here will because they have national insurance numbers, for example, or with the DWP—they may have children and be using some benefits—we will use that. That is how you make it simple but keep it robust. You are still checking but putting some of that burden of checking on to yourself, which we should do because we want these people to stay and to make it as simple as possible.

Voting rights were something we strongly pushed for in the negotiations. It was not agreed and did not make progress, because the idea was to get reciprocal agreement on that, but it did not happen. We still need to look at that further. That will not be led by my department but by DExEU and the Cabinet Office, the latter because it looks at election and voting issues.

As the law currently stands, it is worth pointing out that the right of EU citizens who are in the UK to vote in certain elections, such as local elections, is enshrined in domestic law. For that right not to be there in the future, domestic law would have to be changed. It would require some kind of primary legislation—some kind of conscious change. Again, whether that happens is a decision that I know DExEU and the Cabinet Office are looking at.

The Chairman: We have covered the ground and made a number of suggestions, and we have heard a great deal of detail from you, for which we are grateful, so thank you.

We want to raise a final matter with you, about the handling of scrutiny and our relationship with the Home Office with regard to this. Perhaps the Earl of Kinnoull might take this up.

Q27 The Earl of Kinnoull: Thank you, Home Secretary, for a positive tone in the set of your shoulders today, so I am sorry to finish on a note about something that has been concerning us.

Sajid Javid MP: You do not have to. It is up to you.

The Chairman: I am afraid that we have to, and we have delegated the most sensitive of our members to deal with this.

The Earl of Kinnoull: I suppose that our Committee is unusual in that most of what we deal with is not just the 12 of us but matters to do with people. You will have heard today some of the very large numbers of people, and we all get a tremendous number of emails and things. It is also matters to do with small businesses, which is something that will resonate with you. It is especially important that we have a close and positive relationship with the Home Office, with whom we do most of our

scrutiny, in fact. We have experienced, over the last 18 months or so, a number of frustrations.

I ought to bring one example to the table, which is to do with the proposed regulation on freezing and confiscation orders. This is extremely important and very complicated and the procedure began in January 2017. On 4 December last year, we got a letter from your colleague saying that he was going to turn up to a Council meeting on 7 December last year—so not a huge amount of notice—and intended to vote in favour of a proposition. He noted that there were actually two pretty large changes to everything, both of which, in this very important area, we felt needed scrutiny. We were pretty unhappy about that. He then wrote to us after the meeting and said: “We, however, supported the presidency’s general approach, achieving a qualified majority in favour of the text.”

My first question is, do you accept that that was a scrutiny override? If it was, we have not yet had what we are entitled to, which is an explanation as to why it was necessary.

Sajid Javid MP: The first thing I would say—I said it at the start and it is worth repeating—is that I very much value the scrutiny that you bring, whether through the kind of debate we have had today or through looking at these types of legislative proposals. As you say, the example you have used, of the freezing and confiscation orders, is a really important issue. The whole purpose of having scrutiny, whether it is from this Committee or in the Commons, is to make sure that Parliament has properly tested it, looked at it and commented on it before the Government make a decision. It might even help improve the situation, so I very much value it.

I looked into this issue, because I thought the Committee might raise it. What I found is that, first of all, we abstained, we did not vote in favour of the text. I understand that there was a letter of 21 December in which we said that, while we had no concerns with the text of the general approach, the Government abstained because we had not got approval in terms of scrutiny. So in that narrow sense, I do not think that we overrode scrutiny, because we abstained. If you are abstaining, you are not overriding scrutiny. That said, I think we should have handled it much better. As a department, it was handled poorly. Partly, it was because events were moving very fast, especially with the particular presidency at that time trying to get lots of things agreed at quite a late stage, but I think we could have done a better job, certainly in communicating our approach to Members of this Committee and other parliamentarians. If it was moving fast—which could be out of our control, because the agenda is set by the Council—I think we could have done much better in communicating that and making it clearer, especially about the fact that we abstained and did not actually override scrutiny.

The Earl of Kinnoull: That is very gracious, thank you very much. I am sorry to press on a bit with this particular story, but I am afraid that we did, partly because of the drafting of that letter and for other reasons, ask one of your colleagues to come and talk to us about it. What then happened is that twice we managed to get into what I

am sure was a very busy colleague's diary and twice we had a short-notice cancellation, which meant that in fact we have not been able to discuss this matter—I am very grateful for your gracious and comprehensive words of a moment ago—for more than six months. I wonder what you feel that the Home Office and this Committee, jointly and together, could do to prevent a repetition of that and, essentially, to resume the normal, constructive interaction that we both need in order to support that process?

Sajid Javid MP: Thank you. It is regrettable. A Minister should have been able to appear in front of the Committee and be questioned about all related matters. Clearly, that has still not happened. I think that that is partly because, by then, you knew that I was coming and you could raise this issue with me—of course, I am happy to represent any aspect of my department. As I understand it, dates were set but had to be changed, cancelled and rescheduled. The Minister you are referring to is the Security Minister and it does happen, from what I have seen already. In one of the cases, he had to change something quite late because of an overseas visit related to a national security matter, which was unavoidable. That does happen. That said, I think we can manage the relationship in a more proactive way. I think he has written since to the Committee and committed to write more regularly. Going forward, I will look to try to manage those situations in such a way as we can manage our difficult diaries and give the Committee the respect it deserves.

The Chairman: Secretary of State, thank you very much. Those last questions from Earl Kinnoull are really about wanting to see Parliament working better. The Committee does feel that we work very hard on these scrutiny matters, they are very complex and for the general public they would seem obscure, but they actually impact on important matters in the conduct of the affairs of our nation. So we do feel, as a Committee, that we deserve the respect of your department, that we should be properly consulted with and that people should come. Again, I repeat that your gracious response has heartened us, and I hope that it can mean a change in the future.

I also want to thank you and Mr Williams for coming today. It was really enlightening and helpful and I hope that people who are very anxious about all this have listened with care. What is clear, and I hope it will be the case as we go forward, is the willingness of the Home Office to try to get this right, to deal with individual cases that will all be different and will present problems, and to be really fair and just. That will require a certain flexibility from the department and I hope the department can do that as we go forward. Again, we wish you well in your very important role. It is vital to this country and we know you have great intent, so we wish you well.

Sajid Javid MP: Thank you very much.