HOUSE OF COMMONS

Home Affairs Committee

Oral evidence: Migration and asylum, HC 197

Wednesday 7 December 2022

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Watch the meeting

Members present: Dame Diana Johnson (Chair); Lee Anderson; James Daly; Simon Fell; Carolyn Harris; Adam Holloway; Tim Loughton; Stuart C. McDonald.

Questions 308-399

Witnesses

I: Qirjako Qirko, Ambassador of the Republic of Albania.

II: Dr Andi Hoxhaj, Lecturer in Law, Faculty of Laws, University College London; and Professor Dame Sara Thornton, Professor of Practice in Modern Slavery Policy, Rights Lab, University of Nottingham.

III: Esme Madill, Solicitor, Migrant and Refugee Children's Legal Unit, Islington Law Centre; and Dr Peter Walsh, Senior Researcher, Migration Observatory.

Examination of witness

Witness: His Excellency Qirjako Qirko.

Q308 **Chair:** Good morning and welcome to this session of the Home Affairs Committee. This morning we return to the issue of the channel boat crossings, which we previously spent two years looking at. We produced a report in the summer; however, we are well aware that there has been a change in the small boat crossings in the course of this year. We have seen a very large rise in the number of Albanian individuals who have been crossing. The Home Affairs Committee has decided to have a one-off session to look specifically at why that is happening and what the implications will be for policy.

We are very grateful to the witnesses for appearing before us this morning. We have four panels, one of which will meet in private at the end. To start off, we are very pleased that the Albanian ambassador has been able to join us. You are very welcome, Your Excellency. I understand that you would like to make a short presentation to the Committee, which we are very pleased to receive. After that, there will be questions from Committee members. Mr Ambassador, would you like to make your presentation?

Qirjako Qirko: Thank you. Honourable members of the Home Affairs Committee, first of all allow me to thank you all for the invitation to be with you today. I would like to use this opportunity to underline the special importance that my country and my Government give to the relationship with the United Kingdom. This year marks the centenary of establishing the diplomatic relationship between our two countries. Starting from the beginning of the Albanian new-born state, the Royal British Army have had an important role in the creation and consolidation of Albanian military forces. Later on, during the second world war, the Special Operations Executive offered great support to our national liberation army in the fight against Nazi fascists. Fifty-two brave British soldiers lost their lives for the liberation of my country. We Albanians will be forever grateful for their supreme sacrifice.

Albania and Albanians, regardless of where they live, will be forever grateful to the UK Government and the armed forces for the key role they played, along with the United States, in resolving the Kosovo crisis in 1999 and saving our Albanian brothers in Kosovo from Milošević's genocide. Today, Albania is a NATO member. Our military forces are engaged wherever the alliance seeks their contribution, shoulder to shoulder with the British and NATO friends and partners.

Precisely 100 years ago, the Anglo-Persian Oil Company was the very first company to search for oil on Albanian soil, and later extracted from the area of Patos. Today, Shell has discovered new oil and gas reserves and, without fear of saying a secret, this discovery in a very short time will

make my country one of the most important producers of oil and gas in the region.

Today, Albania is a non-permanent member of the United Nations Security Council and is working closely with the UK, the US and like-minded countries against the threat that the world is facing, most of all against Russia's unprovoked aggression against Ukraine. It is important to note that in my country, even during the dark years of dictatorship, for the Albanian youth the United Kingdom was not only the birthplace of the Beatles and the Rolling Stones but the country where modern democracy was born.

The re-establishment of diplomatic ties in May 1991 served as a pathway to multidimensional co-operation between our two countries. Great Britain was one of the first major contributors to the establishing of Albanian democratic institutions and was an example of what the market economy should be like. During this brief speech, I have tried to touch on not only the historical background of our bilateral relations, but also the essence of the multidimensional co-operation between our two countries. I can say that at a political level, our bilateral relations are considered excellent.

But there is more. Right now, 140,000 first-generation Albanian emigrants call the United Kingdom their home. Doctors, lawyers, engineers and labourers of all sorts pay taxes and contribute to British society. They now represent a well integrated community in the UK, and 58 distinguished Albanian academics give lectures in the prestigious universities of this country. Dozens of financiers are working in the City in the financial centre, and 1,200 businesses are run by Albanians in London alone. Any other portrayal of Albanians in the UK is a demonstration of a lack of knowledge of this reality. A reinforcement of negative stereotypes over a prolonged period of time fosters only discrimination and racism.

In addition, I am delighted to share with you two statistics. Four years ago, there was only one direct flight from London to Tirana. Today there are seven. This year more than 150,000 British tourists have visited Albania. They came in search of our rich history, our 164 archaeological sites, beautiful virgin coastline and exquisite Mediterranean food. What made many of these tourists come back again was the warm heart and hospitality we Albanians are so well known for. Thank you.

Q309 **Chair:** Thank you very much, Mr Ambassador. You have set out very clearly the historic relationship between the United Kingdom and the people of Albania. Thank you for setting the scene for us. I would like to start us off and get to the heart of the reason we are here this morning. Why do you think the number of Albanian individuals crossing the channel in small boats has increased so much this year?

Qirjako Qirko: Thank you for the question. Let me first start with the legal framework of our co-operation, because it is important to note. We have a full legal framework and co-operation to combat organised crime and illegal immigration specifically. In 2014, there was a memorandum of understanding for the exchange of data between our two countries,

focusing on illegal immigration. In 2021 we signed a readmission agreement, which means that every person who violates British law can be immediately thrown back to Albania. In 2022 we signed an agreement for the exchange of information. You mentioned that the number of Albanians is increasing, but officially my embassy, my Government and our home affairs department have no information regarding this number.

Q310 **Chair:** You have no information? The Home Office is publishing the breakdown.

Qirjako Qirko: Well, there is an obligation from the two memorandums of understanding for the Home Office to exchange information regarding the numbers of people and their identities. The focal point is the liaison officer or the police attaché to my right, but we do not have this information.

Q311 **Chair:** So the Home Office is not talking to you about the fact that there is a huge rise in the number of Albanian individuals coming across in small boats claiming asylum.

Qirjako Qirko: Yes, the answer is that we do not have this information and we do not know if they are Albanians from Albania. Let me explain. Albania maybe is the only country in the world that shares a common border with Albanians: the north-west Albanians of Montenegro who represent 8% of the population, the Albanians of Kosovo who are more than 95% in Kosovo and the Albanians of North Macedonia are more than 25% of the population. So when you are talking about Albanians, that is why the information is important to be exchanged. We do not know whether they are Albanians from Albania or other countries, or if they are Albanians living in other EU countries, or if they are Albanians who have been involved in other illegal activity somewhere. We do not have this information.

Q312 **Chair:** I understand what you are saying there: that you are querying whether all the people coming across claiming to be Albanians are actually Albanians from your country. I understand that. The statistics and data are available to say that, I think, 35% of individuals coming across the channel in small boats are identifying as Albanians. That is what they are telling the British authorities.

Qirjako Qirko: Until I have the official information that they are Albanians from Albania, I cannot comment.

Q313 **Chair:** Do you think there has been a rise in the number, though?

Qirjako Qirko: There is a rise in numbers.

Q314 **Chair:** Why is that?

Qirjako Qirko: Because of one reason. In the last month, we have issued as an embassy more than 300 laissez-passers, which is a kind of document. When someone loses their passport or things like that, they come to our embassy and we issue a document that is called a laissez-passer, which is valid just for coming back to Albania. The number of laissez-passers this month is 300.

I have been in contact with some people because sometimes I like to talk with people who are asking for our services in the consular section in my embassy. Some of them explained, "Yes, we are victims of TikToks and Facebook. We have come here because we thought it was easy to start a business." Yesterday, I was talking with a gentleman who is from the south of Albania. In Albania, he was running a small bar in a city, in Vlora, and he told me, "I saw on TikTok that there was some opportunity. I thought to open this kind of business in the UK, but after three weeks I saw that it is not possible to do this kind of business so I am coming back home."

Q315 **Chair:** That person would be described as an economic migrant. Is that where you think the increase is, that people are thinking there are employment business opportunities if they come to the UK?

Qirjako Qirko: Yes. People come here for the same reason that the Italians, the French and the Germans come to this country: just to see the better opportunity. For the same reason, I think the Albanians are coming also. If you would like to avoid, let us say, the involvement of criminal groups in this activity, I think there are two ways.

First, let me explain that Albania for all EU countries is a safe country, something that even the Home Secretary has repeated so often in the last period. Albania is a safe country and if you would like to avoid the involvement of criminal groups in this activity, Albania is a safe country and illegal immigration is something that, in six years of my service here in the UK, I am trying to explain always. This country needs workers. There are more than 1,300,000 vacancies in different areas, with 100,000 vacancies only in the NHS. So, we think that within the British legislation, we can have this opportunity so people who would like to come to the UK could use the UK's legal framework to come as a legal migrant.

Q316 **Chair:** I understand that. I am just going to come to Tim Loughton, but before I do, do you accept that there are people coming from Albania—I understand your reservations about whether they actually are travelling directly from your country—

Qirjako Qirko: Yes, as I mentioned.

Chair: But do you accept that there are people claiming asylum from Albania, and that those numbers have increased this year?

Qirjako Qirko: The question is why we are not receiving any information from the Home Office. The problem is that it seems that the people who are arriving here from my country—or from neighbours of Albania, or Albanians living in other European countries—pretend to be victims of modern slavery. That is the answer; that is why we do not have this information. There are 10 pages of agreement that are very detailed. But there is a specific article—article 3.8—that does not allow the British Home Office to exchange information on people who pretend to be victims of modern slavery. That is the reason we do not have information.

Q317 **Chair:** You take the view they are all pretending?

Qirjako Qirko: I don't know. Maybe you can ask another panellist later on.

Q318 **Tim Loughton:** Welcome, Mr Ambassador. The Committee is mostly concerned about people coming across in small boats; that has been the subject of an inquiry in the past. You have said that there are 140,000 Albanians living perfectly legally in the United Kingdom and recognised as such. You have just said that Albania is a safe country. First, do you recognise that there are routes through which Albanians can legitimately apply to come to the United Kingdom, for visas with their skills, and so on? Secondly, if Albania is a safe country, and there are ways that Albanians can come to the United Kingdom, do you agree that we should not have to recognise any asylum claims from Albanian nationals?

Qirjako Qirko: I can say that Albania is a safe country. But, to give a direct answer, it is up to the British authorities to decide it.

Q319 **Tim Loughton:** It is up to the UK Government to decide this. However, would you have any problem if the UK Government adopted a policy that, because Albania was a safe country—as you have just admitted—and there are other legitimate ways that Albanians have come to this country and are welcomed, working and paying tax, there is therefore no reason for us to recognise Albanian national asylum claims? That is the case with other countries in Europe, such as Germany and Sweden. Would you agree that is an acceptable policy that the Government could adopt if they chose to?

Qirjako Qirko: I cannot discuss this issue because it is not my problem.

Tim Loughton: It is your problem.

Qirjako Qirko: What I can say is that Albania is a safe country. Albania is a safe country, and it is considered so by all European Union countries.

Q320 **Tim Loughton:** The Home Secretary is currently considering whether Albania should be considered a safe country, and therefore asylum claims should not be entertained from that country. If that became the policy of the UK Government, would your Government have a problem with that?

Qirjako Qirko: I do not want to comment on what the Home Secretary has considered. As ambassador, I am not allowed to comment on this specific issue. I have said very clearly that Albania is a safe country. That is all.

Q321 **Tim Loughton:** You are here as a representative of the Albanian Government. I purely asked a reasonable question as to what the response of the Albanian Government would be, because that is key to whether the United Kingdom Government adopt that policy. On the basis that you have said that Albania is a safe country, asylum claims are usually entertained for people who are fleeing from danger or oppression in their country—if Albania is a safe country there is no reason for people to flee, is there?

Qirjako Qirko: If you offer asylum to citizens from EU countries, it should be the same for Albania. We have the same standards. Albania has the most modern legislation in all aspects—it has all been adopted from 1993 onwards.

Q322 **Tim Loughton:** I think I have an answer to my question, because we do not entertain asylum applications from the EU—

Qirjako Qirko: Well, the problem is that I do not know the criteria.

Q323 **Tim Loughton:** Excuse me. We do not entertain asylum applications from other EU countries and other EU countries do not entertain asylum applications from within the EU. You want to be treated in the same way as EU countries, therefore, I discern, you would not have a problem if we were to say that we would not accept asylum applications from Albania, other than in very exceptional circumstances. I think that is right, isn't it?

Qirjako Qirko: My answer is: if you accept asylum applications for the citizens of the European Union, the same is valid for Albania, because Albania has started accession negotiations with the EU. We are at the same standard regarding human rights and all aspects. Just to clarify—I do not know the legal framework in which your judicial system offers asylum to a normal person. I do not know that.

Q324 **Tim Loughton:** You just referenced the trend among Albanians coming here—they are now the largest nationality doing so—of claiming that they are the victims of modern-day slavery. A lot of those claims have been recognised, and many of them may well have been trafficked by criminal gangs. However, do you think that those victims of modern slavery could be better protected by Albanian authorities—be it the police, social services or others—in Albania, than in a foreign country such as the United Kingdom, where they are more likely to be at the mercy of people traffickers who do them ill?

Qirjako Qirko: Yes. My answer is yes.

Q325 **Tim Loughton:** Right. So there is absolutely no reason why, if we recognise these people's claims to be victims of modern slavery, the Albanian Government would not fast-track their return to Albania, where they could be looked after safely under whatever protection rules there are back in Albania. You would be very happy with that.

Qirjako Qirko: Yes.

Q326 **Tim Loughton:** That is very helpful. Thank you. Your Prime Minister, Mr Rama, seemed to take exception to some of the recent comments of the Home Secretary, who singled out Albanians coming across the channel simply because they were the largest nationality coming in that clandestine way over the summer. In response, Mr Rama said, "I think it is a period of time that the country suffers for human resources from this phenomenon, brain drain, but on the other hand, when you see the history, everyone, every country has gone through this kind of trance, and in the future, it will be beneficial. I don't really see it as a tragedy. I see it as a part of this period of history and also as part of life".

Does the Prime Minister really care, then, that lots of people—skilled people, people with qualifications, people who could pay tax in Albania, people who could help the economy in Albania—are leaving Albania, and many of them are choosing to come to the UK? He doesn't really see it as a problem. Do you agree with that?

Qirjako Qirko: Albania is a country that suffered for 45 years under dictatorship. In those 45 years, Albania was like North Korea now—totally isolated, with no relations with the east or the west. When we changed the system, one of our desires and hopes was to travel freely everywhere in Europe. Free movement of people is a characteristic of the democratic world. That is the reason why Italians and Germans come here, and why the British go to Australia. That is a normal trend, I think.

On whether Albania will face the problem of a lack of specialists in coming years, I don't think so. Albania has the second youngest population in Europe, so for the moment, we are not facing that problem.

Q327 **Simon Fell:** Thank you for joining us, Mr Ambassador. I have a couple of follow-up questions, and then I would like to touch on social media. We heard evidence that up to 2% of the adult male population of Albania has been making these journeys across the channel in small boats, but we know we are not the only country in Europe seeing these flows of people. You have explained that there are data-sharing issues between the UK and your Government, but do you have an estimate of the scale of population that you have lost over the last year or so?

Qirjako Qirko: The last year? No, we don't know, because Albanians are moving freely. They are going and coming back. There are people who work in Italy and then come back. There are people who work in Greece and come back after 10 or 20 years of experience, so it is not possible to have those figures.

Q328 **Simon Fell:** But to lose 2%, conservatively, of your male population—

Qirjako Qirko: I don't think that data is realistic.

Q329 **Simon Fell:** So you just don't recognise that figure.

Qirjako Qirko: I don't recognise that figure.

Q330 **Simon Fell:** In terms of data flows, we had evidence from Dan O'Mahoney back in October that the Home Office was setting up information exchanges with the police in Tirana on who is making this journey, so that you could better understand that. Your evidence would suggest that the data exchange has not yet been set up and regularised in any way. Do you have a similar data exchange with the EU, or any other countries?

Qirjako Qirko: With all countries of the EU. We have excellent co-operation in the field of fighting organised crime. We have in our embassy one of the most experienced members of the police. The gentleman on my right served for 27 years in the Albanian police. The former head of

Interpol for Albania is a very experienced guy, so we have all the capacity to co-operate in a proper way with the British authorities.

Q331 **Simon Fell:** So if an individual makes a journey from Tirana to Germany, you will get information on that individual from Germany.

Qirjako Qirko: Yes, because everything is registered in team systems. But some of them are tourists who go and come back. We had this problem of, let us say, illegal immigration with Germany some years ago, but now things have changed totally. First of all, Albania is a safe country for Germany. Secondly, we have very good co-operation in the field of legal immigration. Legal immigration is so important to avoid illegal gangs being involved in this activity.

Q332 **Simon Fell:** I take that point, but I am trying to get to the nub of this. If someone is making the journey from your nation to Germany legally, you would have that information flow. If they are making it illegally, are you getting data back from a third country such as Germany, France or Spain? Or is it only people making legal journeys whom you get information on?

Qirjako Qirko: We have information for every Albanian who is crossing the border legally. Illegally, I don't know. What do you mean by illegally crossing the Albanian border from Albania? I do not understand.

Q333 **Simon Fell:** I will move on to social media, if I may. You mentioned TikTok and Facebook. We have seen evidence of adverts that are being shown on there, promising all kinds of things if you make the journey to Britain. What is the response to that from your Government? What are you doing to try to curtail those messages, and to present the truth to people who might think about making that journey?

Qirjako Qirko: The best answer is that people are coming back to Albania—over 300 people. If you come with me today to my embassy, you will see at least 20 people who would like to come back, because this was not the paradise that they planned to see.

Q334 **Simon Fell:** I expect that is very powerful, but in terms of engagement with the social media companies, are you trying to shut down—

Qirjako Qirko: We cannot control them. Albania is a free country, and we cannot control TikTok or Facebook. Of course, the competent authority is investigating the specifics, but the Government cannot control the social media.

Q335 **Simon Fell:** I would not expect you to control social media, but these are criminal gangs who are—

Qirjako Qirko: Yes. The competent authority is investigating the persons involved in this kind of promotion of this opportunity—the competent authority, but not the Government.

Q336 **Simon Fell:** So law enforcement is in discussions with the social media companies.

Qirjako Qirko: Yes, a specific department is dealing with social media.

Q337 **Simon Fell:** Can you speak to any of that? Have there been successes, in terms of shutting down—

Qirjako Qirko: I do not have details of the investigation.

Q338 **Simon Fell:** Final question: you spoke about people being sold a lie. They are being told that they can come to the UK and set up a business; it is the land of milk and honey. There is a disconnect there, because they are not just hopping on a flight and ending up at Heathrow. They are making a difficult journey across Europe. They are getting on a boat to cross the channel, which is a journey no one would want to make. Surely at some point they must realise that this is not the route you take to set up a flourishing business, and that they are doing something very irregular and suspect. Do you really believe that people make the journey thinking that there will be economic prosperity for them at the end of it, or is there some other motivating factor there?

Qirjako Qirko: The media information—as I explained, we do not have the data—is that in general, they are youngsters. It is so easy to manipulate what youngsters see in the media. When they arrive, they see that the reality is different: you have to work hard; it is not how it is promoted in social media.

Q339 **Lee Anderson:** Your excellency, I have a few questions for you. You described Albania as a country with a warm heart—a very safe and welcoming country where people from the UK like to take their holidays. I take your word for it. You also suggested that the vast majority of those coming over are economic migrants trying to set up businesses, not genuine asylum seekers or people escaping slavery. I looked on the internet at flights from Albania. You can fly directly from Albania to this country for £28; I think it takes about 3 hours and 20 minutes. On a bus and then on a dinghy, it is a perilous 40, 50 or 60-hour journey, costing thousands of pounds, paid to people traffickers. Why do you think people pay up to £5,000 to get here illegally, rather than paying £28 for a Wizz Air flight from Albania?

Qirjako Qirko: It is exactly as I have answered from the beginning: because they do not have the possibility of applying for legal migration, and for a visa. That is the problem.

Q340 **Lee Anderson:** Let me come back to you on that: why can't they just visit the country for £28, and then claim asylum?

Qirjako Qirko: Why?

Lee Anderson: Why can't they travel on the plane for £28—that is, come for a holiday—and then claim asylum?

Qirjako Qirko: I don't have that information.

Q341 **Lee Anderson:** You do have that information. Why can't they do that?

Qirjako Qirko: I can't suppose why they do that.

Q342 **Lee Anderson:** Is it perhaps, do you think, because if they come legally, and produce a passport and documents, our border control will know exactly who they are, where they are from, and about any illegal activities that they were involved in in the past? Do you think that may be the reason?

Qirjako Qirko: I don't have any answer for the question.

Q343 **Lee Anderson:** Why not? Why don't you have an answer for that?

Qirjako Qirko: Because I don't know that people who come illegally apply for asylum.

Q344 **Lee Anderson:** I put it to you, Ambassador—this is my theory—that of those people paying thousands of pounds to make that perilous journey and getting here illegally, probably quite a high proportion will be involved in some sort of criminal activity when they get here. Do you think that is correct?

Qirjako Qirko: The answer is that no one came here to be involved in criminal activity.

Lee Anderson: Really?

Qirjako Qirko: Because in general they know what happens if you are involved in criminal activity. Normally, they are just economic migrants.

Q345 **Lee Anderson:** Do you not agree that they are already criminals by virtue of entering this country illegally and then making a bogus asylum claim?

Qirjako Qirko *indicated dissent.*

Q346 **Lee Anderson:** You don't know very much, do you, Ambassador? I will give you another question: is it fair for the British taxpayer to spend millions and millions of pounds putting up Albanians who have come from a safe country in hotels?

Qirjako Qirko: I do not know the legal framework. It is not my responsibility to answer that question.

Q347 **Lee Anderson:** I will put it another way: do you think the Albanian Government should make a financial contribution to this country for housing Albanian migrants?

Qirjako Qirko: Give a contribution?

Lee Anderson: Yes, a financial contribution. It's costing money.

Qirjako Qirko: No.

Lee Anderson: No?

Qirjako Qirko: Because it's not the responsibility of the Albanian Government.

Q348 **Lee Anderson:** Really? Its own people aren't the responsibility—

Qirjako Qirko: Yes, because these people come to France, Germany and elsewhere as normal tourists.

Q349 **Lee Anderson:** But Ambassador, this is not free movement. This is people entering our country illegally. You say that your country is a warm and welcoming country with a massive heart. I'll take your word for that. If you have a big heart and you want to look after Albanian people, do you think you have a responsibility to make a financial contribution to this country, to our Government, for looking after your Albanian people when they get here?

Qirjako Qirko: Well, there is no reason to give a contribution.

Q350 **Stuart C. McDonald:** Ambassador, I have a couple of questions. To follow up on Mr Anderson's questions, somebody wanting to travel for £28 to the United Kingdom from Albania would require a visa in advance, wouldn't they?

Qirjako Qirko: Yes.

Q351 **Stuart C. McDonald:** Indeed. So that would be one reason: if they can't qualify for that visa, they obviously would not be able to take that plane.

Qirjako Qirko: Well, I invite you to see the procedure for applying for a UK visa. It is really tough and really costly.

Q352 **Stuart C. McDonald:** The other issue I want to ask you about is people trafficking. I think it is fair to say that Albania still has some challenges in tackling trafficking of people. Can you say a little bit more about what your country is doing to stop people trafficking, and to stop people being re-trafficked? If we send them back to Albania, there is obviously a risk that they will be trafficked again. What more can be done to try to stop that?

Qirjako Qirko: The best solution is legal immigration—to stop this illegal activity. I have mentioned this several times in six years, and I am repeating it here: the solution is legal immigration, in the framework of British legislation.

Q353 **Stuart C. McDonald:** But specifically on people who are vulnerable, and who are perhaps taken to the United Kingdom either by deception or through force, are there ways to try to stop that happening as much?

Qirjako Qirko: We cannot stop people checking for opportunities in other countries. Of course, I do not want to justify the people who are illegally crossing the channel, but we cannot stop people travelling abroad or applying for a permit to work.

Q354 **Stuart C. McDonald:** Sure, but if you are talking about people being forced or deceived, you are obviously talking about a criminal act—trafficking. Is there more that we can help Albania with, to try to tackle this problem of criminal gangs forcing people or deceiving people?

Qirjako Qirko: We have excellent co-operation on fighting and tackling organised crime in general. That is my answer; and there are some concrete results in this fight.

Q355 **Chair:** Mr Ambassador, could I just ask you about this statistic? In the 12 months to September 2022, 51% of Albanians applying for asylum were granted asylum, and that was adult men at 13% and women and children at 88%. What do you say to that? You have described Albania to us as a safe country. You have talked about it having a warm heart, a big heart. Why do you think that is happening? Why are asylum claims being decided for those individuals?

Qirjako Qirko: In my position as a diplomat and ambassador, I cannot comment on the decisions of British courts.

Q356 **Chair:** But you accept that asylum claims are being made successfully by Albanians?

Qirjako Qirko: No comment.

Q357 **Chair:** Okay. Is there anything, in conclusion, that you would like to say to the Committee? Is there somewhere you think that more work could be done with the British Government?

Qirjako Qirko: First of all, I would like, again, to thank you for this opportunity to share with you some of our concerns, which are part also of your concerns, but I would like to take this opportunity to ask for this campaign of discrimination against Albanians living here in the UK to stop. I receive information on that every day, especially from the part of the media that is involved in this wave of activity against my people living here. I would like to do as much as possible to ensure that this kind of activity stops as soon as possible, because there are youngsters especially who are bullied at school just because they are Albanian. There was a very eloquent statement from the right honourable Daniel Kawczynski a few days ago regarding this issue, and I invite you all to listen, because he explains so eloquently what my people, the Albanians living here, are facing. Everyone who feels responsible for this activity should apologise to Albanians.

Chair: Thank you for appearing before us this morning. We very much appreciate your time.

Examination of witnesses

Witnesses: Dr Andi Hoxhaj and Professor Dame Sara Thornton.

Q358 **Chair:** I invite our witnesses to introduce themselves.

Professor Dame Sara Thornton: Good morning, Chair. My name is Sara Thornton. I used to be the UK's independent anti-slavery commissioner. I now hold two roles, one as a professor of practice in modern slavery policy at the Rights Lab at the University of Nottingham, and the other as a consultant on modern slavery to CCLA Investment Management.

Dr Hoxhaj: Good morning, Chair. Thank you for inviting me today. I am Andi Hoxhaj, a lecturer at University College London Faculty of Law. My expertise is broadly on the western Balkans. I have a specific interest in Albania, because my family comes from Albania, and I try to include it as much as possible in my research.

Chair: Thank you. We are very grateful to you for being with us this morning. As I outlined at the start, this meeting is to pick up on the issue that has developed this year around the rise in individuals from Albania coming across on small boats. We have been looking at this for a number of years. I am going straight to Stuart McDonald to ask some questions.

Q359 **Stuart C. McDonald:** Thank you to our witnesses for coming this morning. I will start with Dr Hoxhaj. We have heard evidence that Albania is a safe country. Even if it is a safe country for most, that does not mean it is safe for everybody. I want to delve a bit deeper into that picture. You have written about the rule of law and corruption in Albania. Could you say a little about that situation and whether that has an influence on the number of boat crossings we have seen?

Dr Hoxhaj: Thank you for your question. To clarify a couple of points: one third of Albanians live below the poverty line. Before covid and the earthquake, that was 21%. When we look at statistics on youth unemployment, between the ages of 18 and 34, it is about 60%. We can make some parallels with the number crossing the channel, in terms of their age group as well as why they might come.

In terms of your specific question on the rule of law, upholding human rights and so forth, last year we did a Freedom House report analysing Albania's democracy, and the different pillars that underpin that. We found that 31% or 32% of homicides were of women by their partners. In the majority of those cases, they had a warrant against their husbands. We could see that there was a systematic failure of the Albanian institutions to prevent the attack and killing of these women.

From that perspective, there is an argument to be made that the institutions have failed on that front. The judiciary is still undergoing a massive reform because of EU accession. What that has created is a blockage in access to justice. At the moment, we have more than 35,000 cases waiting to be adjudicated at the High Court. The waiting time is 3.7 years on average, but we have cases still waiting from 2015. The rule of law reform was supposed to finish this year, but it couldn't, because they have only vetted 60%, and now they are pushing for another two and a half years. Unfortunately, they are cutting corners, because they want to reduce the number of courts to meet the target. The impact is that by reducing the number of courts, you also reduce access to justice, and you will make that quite difficult. That is what the situation is. I hope I have set out some of the themes.

Q360 **Stuart C. McDonald:** You gave a specific example of the threat and risk to certain women, and the systematic failure to protect them. That would perhaps explain why, in terms of successful asylum applications, it is

something like 80%-plus women, with a much smaller percentage of men.

Can I ask you about issues relating to trafficking and blood feuds? Could you say a little about the situation there and whether that may be feeding into the numbers crossing the channel?

Dr Hoxhaj: Let me clarify on the blood feud, because I have seen quite a number of reports and there is some misrepresentation. The blood feud comes from part of the north. There is this custom law called Kanun, which was written 500 years ago. It provided a framework for society to live by some rules, because of the failure of the actual rule of law. It regulated the family, as well as any dispute. Part of it was that revenge could be taken through honour killing.

Since Albania hasn't really had independent rule of law, in part of that region, it has been the go-to framework for settling disputes. Unfortunately, since the collapse of communism, some parts of Albanian society still settle their disputes through that framework. When I wrote my book on corruption in Europe, I found that some judges in Albania were trying to settle issues outside courts through the Kanun framework, and then fix it into Albanian legislation.

In terms of the impact on people wanting to come here because of blood feuds, the situation is not what it used to be in the early '90s. On the high numbers we have seen—it is something like 10,000 men arriving; that is the figure that we get—I find it quite unlikely that they are all leaving because of blood feuds. It is quite impossible. The numbers would be below 100.

There has been some pressure in terms of reducing that, but unfortunately we also have political leaders in Albania who come from some of those parts, who enhance and promote some of what that law regulates, especially because the Kanun law has a very negative view of women and they still try to enforce that in some parts. It is a struggle in terms of making progress as a society.

Q361 **Stuart C. McDonald:** What about trafficking, then, in particular?

Dr Hoxhaj: In terms of using the blood feud?

Stuart C. McDonald: More generally—not just related to the blood feud. If, for example, the Home Office decides, "Yes, we recognise that this person is a victim of trafficking" and then decides to return them to Albania, what protections and support are there to try to ensure there is no re-trafficking?

Dr Hoxhaj: It is hard to tell. I know from my research that there are some safe houses in Albania, but being a small country, everyone can easily identify them. There has been promotion in terms of providing more support, especially by organisations such as NGOs and support groups, not by public institutions. That might be a danger, but if we are talking about preventing the problem, there needs to be better collaboration and understanding from the UK side with some of the Albanian institutions to

point out how they can improve and move forward where there is systematic failure. In some of these cases, it is also about changing the mindset in terms of what we view as right by the rule of law, in terms of what we see with western standards, and what is not.

Q362 **Stuart C. McDonald:** Thank you. Dame Sara, could I come to you? Obviously, the Home Secretary and various others have been talking about abuse of the modern slavery system. I think I have read in a couple of places that you have not seen the evidence for this, and you are not convinced. Do you want to elaborate a little bit more on your views on the suggestion that there is widespread abuse of the modern slavery system?

Professor Dame Sara Thornton: Yes, I can. The first thing I want to say is that we need to be very clear that a decision that somebody is a victim of modern slavery is not a route to settlement—I think there is often a lot of confusion about that. In some cases, an application for discretionary leave is made, but we know from a freedom of information request that in the first nine months of 2021, only 8% of those were successful. Of course some, but not all, will go on to make claims for asylum, but I think it is really important that we acknowledge that it is not a route to settlement.

In terms of the broader issue of alleged abuses of the modern slavery protections, this first began to appear back in March 2021, when the new plan for immigration policy statement was published. The policy statement itself was quite measured; it was the press release that came from the Home Office accompanying it that talked about child rapists, people who are a threat to national security, organised criminals and failed asylum seekers taking advantage of the Modern Slavery Act by posing as victims. That was where we began to get the rhetoric.

From that time onwards—of course, I was the commissioner then—I was always concerned that if there was abuse, we needed to be aware of the evidence. I wrote to the Home Secretary on several occasions raising my concern about "Where is the evidence?" In my concluding annual report, I raised the issue again, partly because I knew that in that period, the two decisions that are made in trafficking cases—the reasonable grounds decision and the conclusive grounds decision—had all been about 90% positive, so that did not seem to me to be evidence of abuse.

What is sometimes prayed in aid is the fact that there are more referrals to the national referral mechanism, therefore there is more abuse, but in fact, the policy and the strategy has been to encourage police officers, Border Force, immigration enforcement and local authorities to get better at identifying potential victims. That has been the strategy, and most of the time, we have said that it is good that more victims are being identified, because we knew that if you look at the global slavery estimates, we are in fact still not identifying all the potential victims in the UK. Also, more recent work by the Centre for Social Justice suggested again that there may be about 100,000 victims at any one time.

The other area that is raised is the point about late referrals: people are being referred at the point of their being exited from detention—being deported. Again, the data was produced by the Home Office, and the argument is that in 2018, 5% of those exiting were referred into the NRM, but by 2020, it was 27%. I have said in writing and in person that I do not think it is possible to conclude that that increase is due to abuse, not least because at the same time, there had been a review by Stephen Shaw about vulnerability in immigration detention that said, "We need to get much better at identifying vulnerabilities." In fact, detention engagement teams were established and trained to do exactly that. Having met some of the officers who work in those teams, I think their view is that they are better trained and understand better, and are therefore making more referrals.

Just to conclude on the late disclosures, if you remember, the Nationality and Borders Act has sought to deal with this through the provision of slavery or trafficking information notices, where people are given a set period in which they are asked to make any disclosures. Any failure to do so can be regarded as damaging their credibility. I don't think that has yet been introduced, but I am six months out of the job, so I don't know for sure. The concern about trafficking was always that if people had been severely exploited and traumatised, the accounts are going to appear piecemeal and over time as somebody trusts a person with the authority of the state and feels they can say something. The fact that disclosure is late does not in my view mean that it is unreliable.

Q363 **Stuart C. McDonald:** I suppose there is another thing we will have to be clear about. It is sometimes spoken about that people can just put their hand in the air and say they are a victim of modern slavery and therefore get to wait for a decision to be made, but it is not like that. You have to be referred into the mechanism by particular groups.

Professor Dame Sara Thornton: Absolutely, and that is why I have been very careful to say "referral". People talk about a modern slavery claim, but you cannot make a modern slavery claim. It is set out not in legislation but in statutory guidance under section 49 of the Modern Slavery Act, which basically has first responders—such as police officers, members of border force, immigration enforcement, some people in local authorities and some charities and NGOs. First responders have to have a concern that somebody might be a victim, and they then refer them to the Home Office.

Q364 **Stuart C. McDonald:** Generally speaking they get it right, because it is 91% or so who end up being recognised as victims.

Professor Dame Sara Thornton: That's right. The other thing that was proposed and agreed in the Nationality and Borders Act was to in theory slightly raise the bar for the reasonable grounds decision, so that there needs to be some sort of reasonable ground or objective fact. The conclusive grounds decision has remained the same as the balance of probabilities.

Q365 **Stuart C. McDonald:** To what extent is it the case that some of the Home Office's frustration should really be with itself, because it takes so long to ever come to a decision? In theory, you are supposed to get 30 days—perhaps it was 45 days—as a recovery period, but in actual fact people are having to wait 500 days or however long before they can even get that decision.

Professor Dame Sara Thornton: I think a significant part of the problem is caused by the astonishing backlogs for decisions under the national referral mechanism, set aside from the decisions for asylum. It has been suggested that this is a recent phenomenon, as we have been overwhelmed by people crossing the channel in small boats. That is not the case. I wrote to the Home Secretary in 2019 raising concerns about backlogs and delays. I did that because I was meeting survivors who had been waiting two years for a decision. Could you imagine the toll on their mental health from having been living in limbo for that period of time? It has been a huge issue. When I last reported earlier this year, the average mean, rather than median—which the Home Office prefers to use—was 568 days for a conclusive grounds decision. A lot of it is about our inability to make those decisions assuredly and with speed.

Q366 **Stuart C. McDonald:** In relation to Albanians in particular, I think the figures we have are that 5% of Albanian small boat arrivals from January 2022 to June 2022 were referred to NRM. What should we read into that 5%?

Professor Dame Sara Thornton: Can I just go back one step to talk about 2021 and all referrals? It is my view, having looked at the evidence, that the factor of modern slavery protections has been exaggerated in this whole issue about small boats crossings. I do not think the evidence, as I understand it, supports the rhetoric, and the concern is that the rhetoric is severely undermining the Modern Slavery Act protections. Let me explain why I say that.

Back in March 2021, when the link between NRM and small boats was talked about, I tried to obtain the information that said of all those boat crossings how many people were referred into the NRM. As a result of a freedom of information request, I eventually got that information earlier this year. In 2021, in the period from 1 January to 10 December, 1,099 people who crossed in small boats were referred into the NRM. That is out of 28,456 who made the crossing, so 4% of the total was the overlap. Last year, only 180 of those cases were Albanians, so it is a very different situation. For 2022, I have again asked for the same data, which I await.

Q367 **Stuart C. McDonald:** It is astonishing that that data is not much more readily available. Are you having to resort to FOIs to get this level of transparency?

Professor Dame Sara Thornton: I had to resort to an appeal on a review of the FOI, because at first it was refused.

Looking at the letter that Minister Jenrick wrote to you after officials had appeared, it suggests the 5% in the first six months of this year, as you

say, from 1 January to 30 June. On the basis that he says that that was over half of all modern slavery referrals, I have done a little maths, and I think that the proportion this year in those first six months would have been in the low single figures. That is my argument: I fear that the overlap has been exaggerated. We need a better exploration of the evidence.

The other interesting comment Minister Jenrick made was that most people who are being referred are not being referred initially; they are being referred when detained by immigration—at that point. The figure, I think, was 40% for all people and 52% for Albanians. I have two comments about that. First, I really get nervous about percentages where we do not know what the number is—it is 40% of what, 52% of what? I suspect it is of quite a low figure. A second thing is that there are very good reasons—I know from having spoken to people—why people serve prison sentences: because they might have wrongly been advised to plead guilty, or they are in such fear of their traffickers that they would rather do a short sentence. Then, when they are going to be deported, they seek advice and actually the evidence is there that they are victims of modern slavery.

The second point about the Jenrick comment is that it assumes that, just because the issue is raised late, it is therefore somehow unreliable. To my earlier point, I do not think that we can say that late disclosure necessarily undermines credibility.

Q368 **Stuart C. McDonald:** If you could share some of your maths with the Committee, that might be helpful to us in responding to Mr Jenrick.

Professor Dame Sara Thornton: I will.

Q369 **Stuart C. McDonald:** My final question is about your final annual report. It is outrageous that you still have not been replaced—is that correct?

Professor Dame Sara Thornton: No, I have not.

Q370 **Stuart C. McDonald:** Which is interesting in itself. In your final report, you expressed some concerns about discord between the NRM process and the asylum process. Will you say a little about that, and even whether there is an issue just with the Home Office dealing with modern slavery through a lens that is overly focused on immigration, rather than dealing with it as a standalone thing? It should be of its own interest.

Professor Dame Sara Thornton: When I was meeting victims and survivors, I was often struck that they were waiting for an NRM decision for a long time. Then, quite a lot would have an NRM decision, but they were waiting for an asylum decision. You can imagine how someone's life is on hold, and the stress that that puts them under.

Again, I sought information, which was given to me by the Home Office, to look at that integral connection between cases where there was both an NRM referral and a later asylum claim. We looked at all the cases resolved in 2018 and 2019. We found that asylum decisions with an associated NRM referral were seven times more likely to take more than 12 months

than those with no referral. That made me understand, or gave me an explanation of why I was seeing what I was seeing and for the fact that people were waiting, basically, in one backlog and then in another backlog.

On your general point, a concern that I and many others who care about modern slavery have is with the way in which it now appears to be viewed through an immigration lens. There are two issues: the in-principle issue, which is, "Actually, slavery and trafficking are crimes against vulnerable victims who are exploited to make money," and we are not recognising that; and there is, I guess, the practical consequence of that, which is that we let the offenders off the hook and fail to protect victims. That is why I am concerned about it.

Stuart C. McDonald: Thank you very much.

Q371 **James Daly:** I apologise for being late. Dame Sara, on 26 October, Dan O'Mahoney, the Border Force clandestine threat commander, told this Committee that a large number of Albanians crossing the Channel were deliberately gaming the system, knowing that an asylum or modern slavery claim would ensure that they were not immediately removed from the UK. Do you agree?

Professor Dame Sara Thornton: What he is talking about is the fact that when people come here and claim asylum—I am an expert on modern slavery, but not asylum—they go into the asylum system. I think the problem is that there might be people who are trying to do that. But the reason why they can do that is the system is so sclerotic and it takes so long to make the decision.

Q372 **James Daly:** I was only asking whether you agreed with what he said or not.

Professor Dame Sara Thornton: I don't agree entirely with what he is saying, but I think there is evidence, because the asylum system is so slow, that it gives people the opportunity to come here. The issue from my understanding—I have a previous background in law enforcement—is that we know that people have come to this country illegally for many years, particularly people from Albania. We know that people came in lorries, and they came concealed in fishing boats, but now this year people are coming on small boats and it is much more visible. It seems to me that they are presumably being told that they can make the asylum claim and then they can disappear.

Q373 **James Daly:** I understand that, but that was not the question that I asked you. You accept, maybe not to the extent that Commander O'Mahoney is saying, that a significant number of people are coming to this country, crossing the channel and deliberately gaming the system by making a modern slavery claim.

Professor Dame Sara Thornton: No. I said that I understand that some people might be encouraged to take advantage of the sclerotic asylum system to give them the opportunity to come here and then disappear and

work—whether that is committing criminal offences or working irregularly because they do not have the right to work.

Q374 **James Daly:** So the answer is yes?

Professor Dame Sara Thornton: No, it's not—I will say once more that I do not agree with the sweeping way in which he said that. But I do accept that there is an opportunity to take advantage of the very slow asylum system.

Q375 **James Daly:** You were talking about numbers in respect of referrals. You made reference to the percentage of referrals under modern slavery. I have got a number in front of me that in 2021 there were 12,727 referrals. Do you recognise that figure?

Professor Dame Sara Thornton: Yes, that is all referrals into the NRM.

Q376 **James Daly:** Okay. You are six months out of the job now, but, in 2021, from your experience are they in general coming from small boat crossings, or from a variety of different avenues into the country?

Professor Dame Sara Thornton: In 2021, the figure I gave was that 1,099 were from small boats crossing out of that 12,700.

Q377 **James Daly:** When you look at the grant rate for this country, in respect of asylum applications generally, and certain modern slavery claims, it is out of kilter with the rest of Europe—that would be correct, wouldn't it? We grant asylum to far more people than other similar jurisdictions on the continent.

Professor Dame Sara Thornton: As I have explained, I am an expert in modern slavery protections, but not in asylum, so I would not know the comparative–

Q378 **James Daly:** You know the numbers, though?

Professor Dame Sara Thornton: Not on asylum, because, as I said, there is no automatic route to settlement. What I do know is that our modern slavery claims are at 90%. We grant more people protection as potential victims of modern slavery, partly because in this country the whole process is separate from any condition that you have to be a prosecution witness. One of the issues in quite a lot of other countries, including European countries, is that people are only given protection as victims if they are participating in the criminal justice system. That is not the approach that is being taken in the UK.

Q379 **James Daly:** When Commander O'Mahoney gave evidence to the Committee, he made it very clear that from his perspective the spike in small boat crossings we are seeing specifically from Albania is due to the foothold of Albanian organised crime gangs in the north of France.

Professor Dame Sara Thornton: You really need to ask the National Crime Agency, but I do not think that is the case. I think that those organised crime gangs that dominate in northern France are still the Iraqi

Kurds that we have been talking about for quite a few years. That is my understanding, but I am not the expert on that.

Chair: We have the National Crime Agency giving us a briefing at the end, so we can pursue that.

Q380 **James Daly:** Okay. Essentially, what I gather from your evidence is that claims should be dealt with extremely quickly—I think we would agree on that—but from your viewpoint, Dame Sara, do I understand from the evidence that you have given so far that if somebody makes a claim on modern slavery, it is the case that you would let everybody stay here? Is it that, essentially, we don't have a test? If you make a modern slavery claim, with the evidential bar, no matter when that evidence is given, in what circumstances, you think that everybody should be granted asylum on that basis?

Professor Dame Sara Thornton: I have categorically not said that, and that has never been my position. As I said, the decision on whether somebody is a victim of modern slavery is not a route to settlement. In the face of quite a lot of views to the contrary in the sector, I have always thought that that was appropriate. The decision about asylum needs to be made separately. I can understand where there might well be people who are victims of modern slavery for whom asylum is not appropriate under the 1951 convention.

If asked about the Home Office, I would say that I have spent a lot of time saying, "You need to speed up your processes." The other thing that frustrated me was that their whole approach to returns and reintegration was really weak. I wrote to the Home Secretary about this 18 months ago, because I know that the number of people who had been voluntarily returned was really very low—I think it was like a dozen in three years, outside the EU. My view was that for those victims who want to go back, providing support for them to live sustainably, independently, in their own country is a good option, but of course you need to make sure there are charities and NGOs who are able to support people, because otherwise you risk them being subject to trafficking again.

James Daly: You—

Chair: We are going to have to draw this to a close, because we have two more panels.

James Daly: Mr McDonald spent quite a long time asking questions.

Q381 **Chair:** Yes, James, because we agreed that was the way we were going to do that.

Can I just ask Dr Hoxhaj, before we finish: would you say that Albania is a safe country?

Dr Hoxhaj: If we want to compare it with Ukraine, sure, it is a very safe country.

Chair: That's a country at war.

Dr Hoxhaj: It kind of meets most of the standards of being a safe country. But if we want to go a bit deeper, is it a country that respects the rule of law, human rights? Is it easy for someone to open a business and have access to many of the good things that you might have in a democracy? In our report that we wrote for Freedom House, we classified it as a hybrid democracy, because the rule of law is not upheld accordingly. There is a level of corruption. In terms of allowing people to have opportunities, there is high unemployment. That is why the majority of them—from the research I have done, 40% of cases—leave for economic opportunities; another 40% of cases are because of wellbeing and access to the judiciary and so forth; and the rest are about joining with other family.

If we look at some of the underlying issues, it is not a clearcut case where we can say, "Albania is a safe country, therefore let's not allow anyone to be referred under the Modern Slavery Act," because there might be vulnerable groups—women, LGBTQ and so forth—who might be a target and subject of it, or could be victims. From that perspective, if we are going to draw a line just because of nationality, that you are therefore not able to have due process in terms of having your case heard, I think that would set a dangerous precedent. We should look at it a little more closely, rather than coming to a blunt conclusion on whether it is safe or not and therefore whether we can allow them.

Chair: Thank you for that answer. I am going to take Adam Holloway, very briefly.

Q382 **Adam Holloway:** On the basis of what you have just said, what percentage of the population of Albania should come and live in Britain if they wish to?

Dr Hoxhaj: That is not for me to answer. I know that 43% of Albanians, or 1.4 million people, live in the diaspora. Here in this country, they estimate the number could be anything from 140,000. On that point—it has been blown out of proportion—even in Europe, Albanians can only travel for three months, and only in Schengen.

Adam Holloway: That wasn't quite my question, but thank you.

Chair: I thank you both very much indeed for your evidence to the Committee this morning. It has been very helpful to our deliberations.

Examination of witnesses

Witnesses: Esme Madill and Dr Peter Walsh.

Q383 **Chair:** We are now going to start the third panel of our very busy morning. I welcome our witnesses, and I will give them the opportunity to introduce themselves and say a bit about their specialism and expertise in this area. Esme, would you like to start?

Esme Madill: I am a solicitor, and I work at Islington Law Centre on a specialist project called Breaking the Chains. My case load is almost exclusively children and young people from Albania up to the age of 25 who arrived here as children. The majority are the victims of trafficking.

Dr Walsh: I am a researcher at the Migration Observatory, which is a research institute at the University of Oxford. My research focuses on asylum seeking in the UK and irregular migration to the UK.

Chair: Thank you; that is very helpful.

Q384 **Carolyn Harris:** Esme, can I come to you first? Welcome. You said you represent children and young people from Albania who have been trafficked or are at risk of trafficking. Can you share some of their stories with us so we can understand what they have experienced?

Esme Madill: Normally, the way I talk is to tell stories. That is the way I convey information. It is quite difficult in this setting because the community is quite small, and I don't want to use identifiable features. The vast majority of my case load is young men who have usually been trafficked for labour or criminal exploitation.

I thought it might be helpful to explain the asylum process and what I do with young people. We talk a lot about people scamming the system, and I am not sure if it is always clear how rigorous the system is. When I first meet a young person or a child, I have to assess whether they are eligible for legal aid, in line with my professional obligations. If there aren't merits in their claim, I can't find them eligible for legal aid and I can't represent them.

Assuming they are eligible, they will probably meet me 10 or maybe 20 times, during which time I will develop a relationship of trust with them to enable them to tell their stories. Some can never tell their stories. Some girls who have been in brothels will never be able to say what they went through. For some boys who have been kept for seven, eight or nine months locked in cannabis houses, I will get scarring reports to evidence the scars on their bodies, but they will never tell me all of what they have been through.

They will not just have to talk to me. They will have to go through a Home Office interview—initially, a short screening interview, but later a substantive interview that can last up to six hours but almost always is

three hours long. I looked at a recent sample from my case load, and the last five clients who went for interviews were asked an average of 126 detailed questions about their reasons for seeking asylum and their journeys here.

Because the system is quite rightly rigorous, I will not just rely on my account of what the young person has said; I use expert witnesses. Typically, I use psychiatrists and psychologists who have been at the top of their profession for decades. They see the young person for two to four hours. They will look at their witness statements, the transcripts of their Home Office interviews and their GP records. They are acutely aware of the benefits of scamming the system and being found to have a mental health problem if they don't have one. They are attuned to feigning and malingering. I only use reports that are Istanbul protocol-compliant. The Istanbul protocol requires that those experts look out for feigners and malingerers. Their reputation is on the line every time they produce a report. They sign a statement of truth saying that they have an obligation primarily to the tribunal or the court, not to my client.

For the purposes of coming here today, I was looking at a 15-year-old boy who came here and was given asylum by the Home Office. By the time he was granted asylum, he had spent 38.5 hours talking to people from the Home Office, to me, to a scarring expert and to a psychiatric expert. That was very difficult for him to do. When he first came to me, he said: "I can't tell you what I've been through. I'd rather go back. I'd rather die than tell you all that has happened to me."

In those circumstances, 56% last year were successful, but if they then go to onwards appeal, they have to appear in front of an independent judge who has seven years' experience as a senior lawyer. They will be questioned in an adversarial hearing by someone instructed by the Home Office, either a HOPO or a barrister, and again there is a 50% success rate on appeal.

I want to give an understanding that the asylum system is not an easy system to scam. It is difficult for children and young people to go through that system.

Q385 **Carolyn Harris:** You are explaining that the scrutiny that those young people have to go through can be as traumatic as the experience of the trafficking. Why are they so vulnerable to the traffickers? What are they escaping?

Esme Madill: A lot of my clients have pre-existing learning difficulties—quite a high level of learning difficulties in my caseload—and a number of them have come from domestic violence households, I think. Dr Hoxhaj spoke very powerfully about some of the failures in addressing domestic violence, although the Albanian system is trying to improve. A lot of my clients come from extremely poor families. Sometimes—in quite a number of instances, from looking and tracking in preparation for coming here today—families have borrowed money to pay for medical care. They might have borrowed money for an eye operation to save the sight of someone

in the family, or for a child with disabilities to have an operation. There are not the same kind of money-lending opportunities that we have here, so they will borrow that money from trafficking gangs—they will not always know that they are borrowing it from trafficking gangs. Then the traffickers will come to take a child to work in cannabis to pay back that loan.

There are therefore usually pre-existing vulnerabilities: poverty, domestic violence, learning difficulties, or physical or mental health problems. The Home Office guidance, the trafficking CPIN—which is helpful—acknowledges that those pre-existing vulnerability factors need to be taken into account, not just in the case of girls and women, but in boys, when considering the risks of returning the victims of trafficking.

Q386 **Carolyn Harris:** What about blood feuds? Is that playing a part?

Esme Madill: Yes. It is not a majority, but it is a part. I am not an expert on blood feuds, definitely, although I tried to mug up for today. I refer you to David Neale, a researcher at Garden Court Chambers. He has produced a very helpful paper on blood feuds. I think there is acknowledgement that the Albanian Government—I did not hear all that the ambassador said, but he helpfully acknowledged this—are seeking to make progress, but the progress is piecemeal and there are still huge problems.

I refer you to David Neale's paper, because he has looked at the recent CPIN, which says that there are strong grounds and cogent evidence to depart from EH—EH being the case that said that you do not always obtain a sufficiency of protection if there is an active blood feud. The latest CPIN, in September 2022, departed from that.

David Neale went back to the sources. I will not take you through this, because it is not my area, but in one of the sources relied on, it is quoted that the UN Human Rights Council says that the Albanian Government have a strategy and that blood feuds are in decline. In fact, if you go back to the source that says that, it was the Albanian delegation to the UN who said that—it is not a quote from the UN. There are similar problems with the sources throughout.

I want to mention that many of my clients who are in blood feuds will send me articles from the newspaper when there are blood-feud killings in Albania. In January this year, in Lezhë in the north of Albania, a 17-year-old boy killed someone in revenge for his father's murder, which took place 13 years previously, when he was four years old. What was really shocking about that was that it was widely reported in the media, and all the comments underneath the articles were people locally saying, "Well done!", "We support you", or, "You protected your father's honour", which I think gives the lie to the fact that blood feuds are no longer a phenomenon in Albania.

In a much more recent killing in October 2022, a father found some social media posts that indicated that a teenage boy was having a relationship with his daughter. He demanded that the boy married his daughter, and

when the boy didn't, he shot the teenage boy and his father dead. I believe he shot himself, but I am not sure about that. I can provide links to those articles, and they are just two that I am aware of, but as I said, I am not an expert on blood feuds at all.

Q387 **Carolyn Harris:** What is the percentage of male and female that you are dealing with, in terms of young people who are being trafficked?

Esme Madill: A far greater percentage are male. Our project works particularly with cases that are difficult—young people who are traumatised, unable to tell their stories or who have had previous negative decisions—so the vast majority of my caseload is boys and young men. Because of the way that legal aid works and because we have heard of the egregious delays in the system, which particularly affect Albanians—they are vastly, disproportionately affected by delays in the system, and I can provide figures—it is very hard for private firms, even if they are running legal aid cases, to carry that level of cost for the case and not bill it for three or four years. Because I work for a charity, we can take on those cases, but I would say that about 95% of my caseload is boys and young men.

Q388 **Carolyn Harris:** You paint a picture of a very—I am reluctant to use the word "sophisticated", but it is organised crime. Getting these young people—

Esme Madill: Without a doubt.

Carolyn Harris: Are there any kind of support agencies in Albania that are actually providing support for these young people, which the Home Office is able to use as referrals for recommendations to actually support what the young people are saying?

Esme Madill: There are some agencies; I am not an expert, but there are some agencies. This CPIN makes reference, I think, to the Mary Ward Loreto Foundation, but there are some agencies. There is recognition in the CPIN that there are some services for women but there is much more limited provision for young men; there are no hostels or accommodation for young men, other than a very small number of flats. There is an issue around stigma, which I think Dame Sara could have spoken to better, but it is acknowledged in the CPIN that the stigma marks people out and reintegration is a very difficult process.

Q389 **Carolyn Harris:** Thank you. Peter, is there anything that you want to add on any of those questions before I ask you specific questions?

Dr Walsh: No—fire away.

Q390 **Carolyn Harris:** There is a disparity between the number of men who actually get asylum and women who claim asylum—why is that?

Dr Walsh: It is very difficult to know exactly. There are not hard data that I could point to, because the Home Office does not publish information on whether it grants or refuses according to the reason that it does so. It does publish a little bit of information on the basis of claims where they

are on the basis of sexuality, so we can actually say that Albanians are not claiming on the basis of sexuality.

With regard to the gap, I base my remarks on conversations that I have had with practitioners—lawyers—and an article that I read online on the legal blog Free Movement. The article was by Irene Tsherit. The individuals in that article converge on one picture, which is that—in the case of women—it is because they have been trafficked; they have been granted asylum because, in the estimation of the UK Government, they would not be able to avail themselves of protection in Albania. That seems to be the main reason that is driving it. From the lawyers that I have spoken to and the author of this article, that is based on a legal experience, usually over several years, working with perhaps dozens of cases. That might not be good enough for a statistician, but I think that it is enough to build this preliminary picture. Unfortunately, I think that that is all we have at the moment.

Q391 **Carolyn Harris:** Cases are taking a long time. Do we know why they are taking a long time? We have heard very conflicting stories this morning about what Albania is like. We have heard that it is a place where people go on holidays and we are hearing that it is a place where there is a lot of organised crime, which is forcing people to flee. Why is the Home Office taking so long to decide? What is it looking at?

Dr Walsh: There is a number of plausible reasons. By the way, it is taking particularly long for Albanians. In 2021, the average time was 16.7 months to wait for an initial decision to be made—that is for all nationalities in the UK. That is considerably longer than comparable countries in the EU, such as France, Germany, Austria and Switzerland; they are all closer to six months.

The data do not point to a definitive answer, but I think that there are some plausible explanations as to why waiting times are so long. It is not that there is a substantially huge increase in asylum claims, although they have gone up over recent years. In terms of some of the plausible reasons, there are administrative issues in the Home Office, which have been highlighted by the immigration inspector. They include inadequate training; people coming into the decision-making role without any prior experience or knowledge of what is quite a complex asylum system; and fairly low morale, and therefore high staff turnover. High staff turnover is a real problem. It is thought that it takes anywhere between a year and a year and a half to gain the proficiency to make good, effective asylum decisions, but people are leaving before they accumulate that experience. There is also a reliance on antiquated IT systems. So there are administrative issues.

One thing I noticed is that in Germany, for example, even though the backlog was of comparable size a year ago, Germany employed five times the number of full-time asylum decision-making staff that we did then. At that time, it was 600. We have heard since that the Home Office has increased that by about 500. That is a factor.

At the start of 2019, there was also the abolition of an internal service standard: a target in the Home Office to process the vast majority of claims within six months. To my knowledge, that has not been replaced, so in effect the decision makers are not working to that kind of concrete internal guideline. That might explain some of the decline in the processing speed. There is one particular statistic—the share of applications processed within six months—that has declined substantially over the past eight years, from about 90% to low single-digit percentages.

A final point, which is perhaps responsible for some of the decline, is that the Home Office used to have a detained fast-track scheme. It would deploy that in cases where it thought it could make a quick decision—in weeks rather than months. Typically, what seems to have been meant by a "quick decision" is one that it could quickly refuse; the refusal rate was about 99% for individuals whose claims were considered under that fast-track scheme. Thousands of individuals per year were considered under it. That scheme was ruled unlawful in 2015, which would also have had the effect of increasing the average waiting time. Those are some of the plausible reasons.

Q392 **Carolyn Harris:** Thank you. We have talked about the fact that prolific organised crime gangs are bringing people over here. I speak here from personal experience: quite a few years ago, I visited a south Wales reception centre, where claimants were sent before they were moved on to another destination. One of the issues that they spoke about, and that I read up on for today's session, was the fear of the traffickers. The prolific activity of the traffickers stops a lot of people claiming anything, and they disappear. I was at a centre when traffickers knocked on the door and asked for an individual by name. How regularly are people disappearing out of the system because traffickers have picked them up and sent them on an illegal way?

Dr Walsh: Shall I discuss the statistics that underpin that? In the asylum statistics, there are numbers on withdrawn asylum applications. Claims are classified as withdrawn either if an individual says in writing, "I formally withdraw my application," or if they do not co-operate with the process. That would include, for example, if they do not attend the substantive asylum interview, if they leave the UK or if they otherwise disappear—abscond.

The statistics do not explain why people are disappearing. I have noticed that, with Albanian claims, the category of withdrawal that would include absconders is unusually high. For example, 7.5% of Albanians who applied in 2021 had withdrawn their claims by June 2022. You would also expect that percentage to go up over time. That is about twice the average. That is the statistical basis. It does not say why they are absconding, but trafficking is thought to be one reason.

Esme Madill: I have a small case load, but my clients have been trafficked across Europe—girls particularly in Greece and Italy, and boys in Belgium, Germany, France and the UK. Some of the gangs have extraordinary reach, and young people have been re-found here by the

same gangs that initially trafficked them. You cannot underestimate the terror that young people feel in relation to those gangs, and they wield incredible control over the young people. They know where their families live back home.

Some young people, who might have left for economic reasons, then end up in debt bondage, and that debt is sold on to criminal gangs. Then they are victims of trafficking. They often left because of poverty—this is what we are hearing from recent arrivals—or because of domestic violence. They may have not met the threshold for asylum, but then they come here and are in debt to traffickers. I am sure I have so much in common with everyone in this room in wanting to stop the trafficking gangs. I and my colleagues see daily the physical and emotional scars on young people that those gangs have exerted.

Q393 **Carolyn Harris:** One tiny final question. Are these traffickers Albanian, and are the gangs trafficking from Albania the worst?

Esme Madill: That is a really good question, because I was really happy to see the NCA saying yesterday that not all gangs on the streets of London are Albanian. There are Albanian gangs who exert very terrifying control over young people, but some of my young people are in fear of other gangs. I do not want to name nationalities, because I do not want what is happening to the Albanian community currently to happen to others, but not all of my clients who have been re-trafficked in the UK are fleeing Albanian gangs. But there is no doubt that the Albanian gangs have a very strong hold.

Chair: Thank you. I am going to take some short questions from Tim Loughton and then Adam Holloway, and then we are moving on to the final panel.

Q394 **Tim Loughton:** Dr Walsh, you said that it was taking a long time, particularly for Albanian claims. You then gave a whole host of reasons for the shambolic state of the Home Office, but that could apply to any nationality. Why specifically are Albanian claims taking such a long time, particularly given that we have a returns agreement? We have a co-operation agreement with intelligence and data, as the ambassador related to us earlier, so why are the Albanians particularly problematic in those claims?

Dr Walsh: It is a great question, and the data do not provide a clear answer, I'm afraid. Just to clarify, of the Albanians who received an initial Home Office decision on their asylum claim in 2021, two thirds had waited at least two years for that decision, and 35% had waited three years or longer. On average, 30% had waited for two years, so they are waiting longer. It is taking place alongside a more general increase in wait times.

One other thing we can observe is that grants tend to be made more quickly than refusals, and it may be that the Albanian claims are proving particularly challenging for the Home Office to evaluate. That would be especially the case for adult male applicants, who have quite a low success

rate—13% in the most recent period. The data do not really provide a clear indication, but that would be one plausible explanation.

Q395 **Tim Loughton:** But you would think it would be easier to make a determination on an Albanian citizen than on people from other parts of the world whose nationality is even in question because they do not have the documentation, and we do not have such a close relationship with their destination authorities in order to exchange information. It is a bit odd, isn't it?

Dr Walsh: It is. That is especially the case for the more recent cohort. You might think that it might be easier for them, but the decisions that I am talking about were made in respect of Albanians who came in earlier years, because it takes so long. Their characteristics could potentially be quite different from those of people who have arrived over the summer.

Q396 **Tim Loughton:** Could you talk about the wider context? How does the number of asylum claims, and successful asylum claims, made by Albanians in the UK compare with the number of both in other European countries? Are we an outlier here?

Dr Walsh: We are not quite an outlier, but we are in the minority. Looking at the grant rates in the first nine months of this year for all applicants of all ages, the United Kingdom had a 64% initial decision grant rate. We know it is very high for women and low for men. There are some other countries that have similar grant rates: Italy 67% and Ireland 56%. All other countries have very low grant rates, and a number of countries did not grant asylum to a single Albanian.

Q397 **Tim Loughton:** They are Germany, Sweden and who else?

Dr Walsh: Iceland, Norway, Finland, Austria, the Netherlands, Greece and Denmark. I have tried to find out why that is, because the thing to explain in the UK is why we are granting adult women asylum. Why aren't other countries granting asylum to Albanian women? It has proven very difficult to find out why. Other countries do not publish statistics on reason for refusal or grants, and I am not as familiar with their legal systems as I am with the UK's, so that, unfortunately, is a mystery for us at the Migration Observatory.

Q398 **Tim Loughton:** So we are almost the most generous granter of Albanian asylum applications in Europe.

Dr Walsh: In the first nine months of this year, yes. It goes back a little bit further than that as well.

Q399 **Adam Holloway:** Sixty-four per cent is staggering. Esme, I was slightly horrified at your expression "a scarring report". Can you tell us a bit about that? It sounds very grim.

Esme Madill: Often clients have scars and rope marks on their backs from beatings from trying to escape. They deliberately cut their sides as punishments for losing narcotics, and all the boys will have severe cuts that have got infected from cannabis. We send them to a scarring doctor

who has three decades of experience, and she writes an independent report saying whether they are likely to have been the cause that my client gives them, or some other cause.

Adam Holloway: Horrifying.

Chair: If you want to send us any further information, feel free to do so. I thank you both very much indeed for your expert evidence. It has been very helpful to the Committee, so thank you for your time.