



Home Affairs Committee

Oral evidence: Migration and Asylum, HC 408

Wednesday 13 December 2023

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Watch the meeting

Members present: Dame Diana Johnson (Chair); Diane Abbott; Lee Anderson; James Daly; Simon Fell; Kim Johnson; Marco Longhi; Tim Loughton; Alison Thewliss.

Questions 1 - 162

Witnesses

I: Tom Pursglove, Minister for Legal Migration and Delivery, Home Office; Michael Tomlinson, Minister for Illegal Migration, Home Office; Dan Hobbs, Director General, Migration and Borders, Home Office.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Dan Hobbs, Tom Pursglove and Michael Tomlinson.

Q1 **Chair:** Good afternoon and welcome to the Home Affairs Select Committee. This inquiry today is on the work of the Minister for Illegal Migration and the Minister for Legal Migration.

The aims for this session today are to hear about the latest Channel crossing developments, more than one year on from the publication of the Home Affairs Select Committee report into Channel crossings, including the Department's approach to reducing Channel crossings; to examine developments in the Government's Rwanda policy, including the recently agreed Rwanda-UK treaty and the Safety of Rwanda (Asylum and Immigration) Bill; and to understand what the Home Office's migration strategy is, including its approach to illegal migration, the impact of the Illegal Migration Act on support to victims of human trafficking and how it intends to address legal migration.

We have a lot to get through today. Can I first of all welcome our witnesses? Ministers, I wonder whether you would like to introduce yourselves to the Committee.

Michael Tomlinson: Dame Diana, thank you so much for extending the invitation to us. I was in the Chamber this time last week when you were grilling the Home Secretary, saying, "Is the Minister going to turn up to our Committee next week?" I was sitting next to him. Little did I think that I would be the Minister sitting in front of you, but here I am. My name is Michael Tomlinson, and it is my privilege to be a Minister in the Home Office.

Tom Pursglove: I cannot really add an awful lot more to what my fellow ministerial colleague has said. I am Tom Pursglove, the Minister for Legal Migration and the Border.

Chair: We are very pleased to see you again, because you have been in front of this Committee before. It is very nice to have you back.

Tom Pursglove: I have indeed. I have been away for a while, but I am back.

Dan Hobbs: Good afternoon. My name is Dan Hobbs. I am the director general for migration and borders in the Home Office.

Q2 **Chair:** Before we start, I just want to extend my personal condolences and those of the whole Committee, given the news yesterday around the asylum seeker who was on the Bibby Stockholm who sadly died. Clearly, we do not have very much more information about that, but all our thoughts and prayers are with the friends and family of that individual. I think I speak for the whole Committee in saying that.

We would like to start today by reflecting on the session that we had with the Permanent Secretary of the Home Office and the interim Second



Permanent Secretary on 29 November. In that session, the Committee found it quite difficult to get information out of the officials about the questions we were legitimately asking. Since then, we have had a letter from the Permanent Secretary, which came yesterday. We would quite like to start by having a look at that letter and dealing with some of the points that are contained in that letter.

I want to start with the legacy asylum backlog. We know this is the anniversary of the Prime Minister, on 13 December last year, saying that he was going to pledge that the legacy backlog would be cleared by the end of this year. It is very good to see that progress has been made on that. In the letter from the Permanent Secretary, he says that on 30 November there were 18,366 cases remaining for decision. That was out of the 92,000 that the legacy backlog started with. That is huge progress. That is very important and good to see. I do not know whether you have this letter in front of you.

Michael Tomlinson: I do. Which page are you referring to?

Chair: We are on the third page of the letter. It says "legacy asylum backlog" halfway down the page.

Michael Tomlinson: This is paragraphs 6 and 7.

Q3 **Chair:** Yes. I just want to ask you this question. Looking at that table, we have grants of protection, grants of other leave, refused applications and withdrawals. I want to take you to 2023 quarter 3, where it has grants of protection at 18,432, grants of other leave at 170, refused at 4,743 and withdrawn at 4,268. Tim Loughton is going to ask some questions about the withdrawals. I just want to concentrate for the moment on the acceptances.

If you add up that whole column, you get to 27,613 cases that were being dealt with in that quarter, which is an impressive number. Some 18,000 were granted. On my calculation, that is a 67% acceptance rate.

I want to take you then to quarter 2. If you look at the figures, they are much smaller. If you extrapolate from those figures, the acceptance rate there is only 38%. I just wondered whether you might want to comment about how that rate has gone from 38% to 67%.

The Committee was told by David Neal, who is the Independent Chief Inspector of Borders and Immigration, that the cases that were left in the legacy backlog would be the most complicated and complex to deal with. He was very sceptical about whether the pledge that the Prime Minister had made would be reached. What is going on?

Michael Tomlinson: May I start in this way? You will have seen the portfolio breakdown between the two of us. I am going to turn to Tom in a second to look at the detail of this. Whether it is in my portfolio and Tom wants to add something or vice versa, then so be it.



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All I would like to say is that I hope that you have received a breakdown—I know the Committee requested it—as to which Minister was going to look at which area. I see you nodding. Thank you so much. That means you have received that. I am going to invite Tom to answer that directly, but if there is anything in particular that I want to come in on as well, perhaps we can deal with it in that way.

Q4 Chair: We are very relaxed on this Committee. What we really want to do is to get information and data. Whichever one of you is able to answer the questions we are happy with.

Tom Pursglove: The Prime Minister was very clear that it was a priority to deal with the legacy asylum backlog. I am very pleased with the progress that has been made, and I am hugely appreciative to the team, expertly led by Abi Tierney, who has just left the Home Office but has done a fantastic job on the transformation side in this area. There is a lot of learning that has gone on that will stand us in good stead as we move to deal with the asylum backlog more generally.

In the last 12 months, we have seen a fall of 80% in that legacy asylum backlog. I am confident that all claims that can be decided will be decided within the timeframes that the Prime Minister said would happen in that legacy asylum backlog.

Q5 Chair: You are using very careful language there. You said “all claims that can be decided”. You are not saying that we will see the pledge to clear the backlog actually happening.

Tom Pursglove: , I am confident we will fulfil the pledge to deal with all the cases that we are able to deal with within that legacy asylum backlog.

You touched on the grant rate. We have seen that rate change over the years. In 2019, the grant rate was 52%; in 2020, it was 46%; in 2021, it was 72%; in 2022, it was 76%. I do expect that the refusal rate will drop in the last quarter of this year and as we move into the flow in the new year.

Q6 Chair: Can you answer my specific question, though, Minister?

Tom Pursglove: I am. As Mr Neal said, it is fair to say that a lot of the legacy backlog has been quite complex, challenging and difficult cases. You will appreciate the fact that, with the length of time that passes, often those cases get more complex by the nature of people laying down roots and all their circumstances developing.

In terms of the commitment that we made, I believe that we will fulfil it and that we will also see these grant rates coming down.

Q7 Chair: Why is it 67% for quarter 3 when it was 38% in quarter 2?

Tom Pursglove: What is crucial is that we make the right decisions on cases. There is a case-by-case consideration of all the different circumstances at play. Those are factors that are relevant.



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Q8 Chair: You do not know. You do not really know why it has gone from 38% to 67%.

Tom Pursglove: You will appreciate that I am familiarising myself with this aspect of the portfolio. These are priority areas. As I say, I genuinely believe that the grant rate will continue to fall as we move forward with this work. We take appropriate decisions on a case-by-case basis. I am not sure whether, operationally, Mr Hobbs might be able to add a little bit more.

Dan Hobbs: Thank you, Minister. Statistically, there is a big difference in the output in that quarter. It will also be due to the fact that, as you will be aware, we introduced streamlined asylum processing, particularly for high-grant nationalities, where we are using a different and more efficient process.

Q9 Chair: Was that in quarter 3? I thought you had done that before.

Dan Hobbs: We had started that earlier, but it came together with the productivity uptake and the increase in staffing. That meant the numbers came through later than here.

As the Minister said, the grant rate in quarter 3 is not substantially outwith the annual rate. In fact, it is below the last two years of annual grant rate. It is the culmination of a range of activities that have happened in the operation around streamlined processing and how we deal with those high-grant nationalities. Some of those nationalities will have extremely high grant rates, such as Afghanistan.

Q10 Chair: Would they have been spread throughout the legacy backlog that you were dealing with in each of these quarters? I understand that you are saying you have more caseworkers dealing with the cases, but Afghans and other people from high acceptance groups must have been spread evenly. You cannot say they are all—

Dan Hobbs: The streamlined processing, which was deliberately targeted on that, will have been borne out in quarter 2 and quarter 3. I cannot remember the exact date when we introduced it, but it was earlier this year. That will have flowed through into those quarterly statistics.

Q11 Chair: You are saying that in quarter 4 we are going to see a reduction in the acceptance rate. Is that what you are saying?

Tom Pursglove: I believe you should expect to see a drop in the grant rate in that final quarter, yes.

Chair: That is the explanation.

Q12 Tim Loughton: Welcome, Ministers. Congratulations, Mr Tomlinson, on your promotion. Commiserations, Mr Pursglove, at finding yourself back in the Home Office.

Two weeks ago we had what might be described as not exactly a data-rich session with the Permanent Secretary and Simon Ridley. It turns out



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that those Home Office statistics, which we challenged them on, in many cases have turned out to be rather full of errors.

Specifically on the question of withdrawals, we want to understand how the figures from the outstanding backlog have been reducing at a faster rate. On the face of it, that is encouraging. The figure we challenged Sir Matthew on was the 17,316 claims designated by the Home Office in the year ending September 2023 as having been withdrawn. After some unsatisfactory exchanges, Simon Ridley eventually said, "No, we do not know where those 17,316 are", which was rather worrying.

The letter that the Permanent Secretary has just written says, "A proportion of withdrawals have been miscategorised as 'other withdrawals'". In that final quarter, I pointed out that 95% of those withdrawals were categorised as "other". "Other withdrawals" are asylum claims withdrawn explicitly, for example if the applicant signs a form to withdraw his or her application or because the applicant leaves the country prior to a decision.

How have those figures been miscategorised? In most cases, "other withdrawals" require a physical act of filling in a form to say they no longer wish to have their application considered. Mr Tomlinson, as you are in charge of illegal migration, can you perhaps explain how there was such an error in the categorisation?

Tom Pursglove: I am going to hand straight over to the Minister who is actually dealing with withdrawals.

Tim Loughton: The Permanent Secretary did a lot of that as well.

Michael Tomlinson: Let us hope we do not see too much of that. I am sure you will keep us rigorously to the point.

Tom Pursglove: To set this in some context, in the year ending September 2023 there was 17,316 withdrawn asylum applications, which was more than four times the number in the previous year, when there were 4,260.

Albanian nationals accounted for 54% of withdrawals in the year ending September 2023. Relative to other nationalities applying for asylum, Albanians had a high rate of withdrawing their asylum applications. This is not surprising. We consistently tend to see Albanians using the asylum route, having arrived via small boat. That is convenient in the circumstances, but they do not particularly want to be within the asylum system. That accounts for a very significant chunk of the figure.

Invariably, those cases flow into the immigration enforcement space, which Minister Tomlinson leads on, and things like mandatory reporting to try to monitor that situation, with detention as a possibility in the circumstances to facilitate removal.

There are other reasons that account for why claims are withdrawn, such as somebody no longer being in this country and so withdrawing their



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claim or somebody qualifying under another route, which resolves their circumstances and therefore means they no longer want to proceed with an asylum application.

- Q13 **Tim Loughton:** I understand that, all of which should be known to the Home Office. Presumably, therefore, the Home Office will have a record of the status of that person and where they are, in particular whether they remain in the United Kingdom without permission to do so.

By my calculations, you have just said that 54% of that 17,316 figure was down to Albanians. The Government have had some success with returning Albanians. Presumably, you have kept a record of which Albanians have been returned and obliged to leave the UK. Why did Mr Ridley say he does not know where those 17,316 people are?

Tom Pursglove: That would be one for Mr Tomlinson.

Michael Tomlinson: Mr Loughton, they are not detained. You either detain people and say, "They are therefore in place A", or they are not detained. As Tom quite rightly said, some are detained to facilitate removal, but that is for a very specific period of time. For those who are not detained, you know their address, but you do not know precisely where they are, in as much as they are free to move around.

- Q14 **Tim Loughton:** Except they are not, are they? What you do know is that they no longer have a live application for the right to remain in the United Kingdom and therefore, under our migration laws, will be obliged to leave the country. Whether they are detained because they may be seen as a greater risk or not detained, the Government surely will want to keep a record of where that person may be and particularly whether that person is still in the UK or not. When that person leaves the UK, hopefully Border Force, doing its job, will be able to effectively tick them off the list.

What the Committee wanted to know, which Mr Ridley was not able to answer, is this. There are those who have not been ticked off the list because they are accounted for because they have left. The others are therefore in the UK illegally. Why do we not know roughly where they are? What enforcement action is being taken to make sure, after a certain space of time, they have left as they should have done?

Michael Tomlinson: All of those are fair questions and you are absolutely right, but, if you are not detained, it would be wrong of me to say that I can pinpoint to a precise square metre where each individual is.

Tim Loughton: That is not what I am asking.

Michael Tomlinson: I do not think that is what you are asking. I am grateful for that clarification. You are right: there are processes that are gone through and there are records that are kept. I cannot give you a precise answer now.



Q15 **Tim Loughton:** What does the form look like? On the basis that a large number of those people have physically signed a form that has physically come into the receipt of somebody in the Home Office, does that form say on it, "You have to leave the country within X weeks or else", or that they have to report in every so often until they have left the country? Surely you are not just allowing somebody to sign a form saying, "I no longer wish to continue with my application", and then there is no oversight of them at all. All of them would do that because they are then completely off the radar. How are you checking that they have withdrawn their application and left the country because that is what they need to do?

Michael Tomlinson: From an operational point of view, Mr Hobbs can address that point, but I understand why you are asking the question.

Dan Hobbs: Thank you, Minister. Mr Loughton, there are two things here. The Permanent Secretary's letter addresses the point that some of them were miscategorised. Some of those withdrawals will be because people have not complied with our processes and therefore have not substantiated their claims.

You will be aware that when people arrive we screen them and accommodate them. It is not uncommon that certain nationalities are then not compliant with the asylum process. There are two categories within "withdrawn", which is drawn out in the letter.

Q16 **Tim Loughton:** We know all of that. All of that came out in our session with the Permanent Secretary. What I have just said is that, by the Home Office's own figures, in the last quarter as many as 95% came under that "other" category. Roughly what amount of that 95% has been miscategorised, do you estimate?

Dan Hobbs: I do not have an estimate for those that are miscategorised, but there will be a proportion, as we have gone through the legacy flow, that will have not complied and not responded, when we have invited them to interview, reached out to them via the streamlined asylum process or contacted their last known legal representative. Many of the people will have legal representatives.

Q17 **Tim Loughton:** That classifies them as a non-substantiated claim.

Dan Hobbs: That is correct.

Q18 **Tim Loughton:** That means they have absented themselves from the system. They are more difficult to keep tracks on. Those who are not more difficult to keep tracks on are the "other" category. As I have said, the two main reasons for that are that they have signed a form and physically given it in, so they have had to appear out of the ether, or they have left the country and that box is ticked. How many, roughly, of that 95% have been miscategorised? You should know.



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Dan Hobbs: I do not have that figure in front of me, but there is a commitment to write to the Committee setting out the classifications in that category. It covers those who we know have left the country, those who we know have other forms of leave and those who may no longer be in touch with us because, very sadly, they may have passed away. That can happen while people are in the process. There is a commitment to write to the Committee with a breakdown of that number.

Q19 **Tim Loughton:** Mr Hobbs, I know that somebody who has died is not going to sign a form and submit it to the Home Office.

Dan Hobbs: No, sorry. They may have done but subsequently are no longer with us. That is why we are going through the process of data cleansing so we can give accurate answers in your breakdown.

Q20 **Tim Loughton:** Those people will be easier to trace because presumably there will be a death certificate.

Dan Hobbs: We are going through the process of clarifying that data to give those answers to that breakdown.

Q21 **Tim Loughton:** All the people you have defined within that "other" category are the easiest people to locate. Two weeks ago, we asked, "What is on the form? What do they sign up to?" It would be quite nice for us to see the form. We asked for that and we have not been sent one of those forms.

I want to know what the follow-up procedure is once they have signed the form to make sure they have left the country in a reasonable amount of time.

Dan Hobbs: Where individuals do not have leave, if the individual does not have any other form of leave or right to be in the UK, they will be informed of that at the point at which they withdraw their claim, which is the same as if someone has their claim refused, although obviously there is an appeal right with a refusal.

If they withdraw their claim and do not have any other basis to remain in the UK, they will be informed that they have no basis and should leave. They may also be subject to immigration, bail and reporting requirements, which they do through our immigration enforcement centres. They are required to regularly report. All those individuals will also flow into immigration enforcement, which will action those cases.

That action will be dependent on the risk matrix. They work on various different criteria, such as the harm that an individual may cause, particularly if they are a former foreign national offender, or any vulnerabilities with that individual. It is also dependent on their nationality, the ability to return those individuals to that country and the documentation process. There will be a whole range of criteria about how those are then actioned.

Q22 **Tim Loughton:** I have one final question. Mr Ridley did not know where



any of those 17,316 people were. For how many, roughly, do you think you know where they are?

Dan Hobbs: I do not have that data. As I said, we are in the process of clarifying that data and writing to the Committee to set out what we do know about that 17,000 number that you have asked about.

Marco Longhi: I do not understand how you can come to this Committee for a second time, having been asked the question two weeks ago, and still not have the information. I am sorry.

Q23 **Chair:** Yes, I agree with you on that. I am going to go back to another issue on this letter. Let us hope we can get a bit more information. It is paragraph 2, which is about the number of people who have been refused asylum and sent back to their country. Specifically, we were interested in the small boats issue and the number of people who had been returned.

On the second page of the letter is a table going back to 2020. It gives us the total figures of the people who have been returned who have come across in small boats since 2020. I have calculated that the number of people who have arrived in the United Kingdom by small boats is 109,917. What this is telling us is that the total number of people who have been removed since 2020 is 408.

On my calculation—I hope this is correct—0.004% of the people who arrived in small boats have been returned. Would either of the Ministers like to comment on that?

Michael Tomlinson: No, that is not a number I recognise. I can see the table and the chart that you have on page 2, just above paragraph 3.

Q24 **Chair:** Yes, it is at the top of the chart. It says that since 2020 there have been 408 returns of non-Albanian and non-foreign national offender small boat arrivals. That is from the Permanent Secretary of the Home Office. I appreciate that you have only been in post for a very short period of time, Minister, but this is the most senior official in the Home Office telling the Committee that 408 people have been returned.

Michael Tomlinson: Dame Diana, may I tackle it this way? I do not have a substantive answer on that specific point. I recognise that this Committee has asked some very serious and detailed questions of the data. I take on board entirely Mr Longhi's very reasonable point that these questions were asked two weeks ago. The letter that contains this detail is dated yesterday's date, 12 December.

Respectfully, I have always dealt constructively with colleagues, I hope, and with the previous Select Committees that I have been grilled by, notably the Justice Select Committee, the House of Lords Constitution Committee, etc. I want to continue that constructive relationship.

Chair: We do as well.



Michael Tomlinson: Just let me finish. Thank you. That is very encouraging. If there are specific questions on the data that you want to put to witnesses in the detail that you are perfectly reasonably asking for, it might be helpful to set those questions out in slightly more detail and I will endeavour to get you those answers.

Can I commit to one point? Mr Loughton raised a very important point about a form that was requested by the Committee and a commitment that was given to the Committee to provide that form. I will undertake to ensure that the Committee has that.

Q25 **Chair:** There are a couple of points that I want to make at this stage. First of all, we had the Permanent Secretary and the interim Second Permanent Secretary in front of us. It was a disaster. I would have expected that the Permanent Secretary and the interim Second Permanent Secretary would have written to me straight away with all the information that I and colleagues had requested at that meeting. There was silence.

Therefore, on 7 December I wrote requesting all the information that had been put to the Permanent Secretary and his colleague at the meeting. We finally got something last night, this letter in front of us, with this information on it.

It is a concern that I have to write to get information out of the Permanent Secretary, first of all. Secondly, this Committee always wants to have a constructive relationship with Ministers, but we expect Ministers to come before this Committee properly briefed. You have a whole array of civil servants sitting behind you. They all have the ability to pass you a note, as happens in the Commons and as I saw happen yesterday.

I appreciate that you are very new in post. Equally, it is getting to the point where the Home Office is being incredibly disrespectful in the way it is treating Members of Parliament and not providing information in a timely way.

Michael Tomlinson: Dame Diana, on that very point, I accept your point that you want to be constructive with the ministerial team and the Home Office, and may I reciprocate? That is how I conduct myself, and that is how I intend to conduct myself in the future in this post. I hope you saw a little bit of that on display yesterday as well.

Respectfully, you are asking detailed and specific points. I understand your point about the letter of 7 December. I saw that. I understand and share your frustration in terms of the response to that. Please do forgive me for dwelling on the point. I want to be constructive and I want to engage with this Committee constructively.

Chair: You have said that.

Michael Tomlinson: I want to be as helpful as I can to you and your colleagues.



Chair: I am very glad to hear that, Minister, but asking questions about how many people have been returned who have arrived in small boats is not the kind of thing that I would expect to have to give notice of to the Home Office. If you come before a Committee, we are going to ask you those questions. We all know this is a really topical issue. We are all concerned about it. We all want to know.

My Clerks give a full explanation of what the Committee is likely to want to discuss when we have Ministers in front of us. You do not need to have the exact specific questions that we are going to ask because you are grown-ups, you are politicians, you have been around and you know what the issues are.

Q26 **Lee Anderson:** I would like to welcome the Ministers to their new roles. I am not going to hold back, Ministers. Welcome, Mr Hobbs. We sat here a couple of weeks back with the Permanent Secretary and his assistant. The Chair is quite right. They were evasive and almost slippery in their replies to this Committee. They were disrespectful to this Committee, in that they came with no figures.

It is a little bit disrespectful, Mr Hobbs, because you must have watched that meeting or looked at some of it. You saw the questions that were asked. You are being asked the same questions now, and you still do not have the answers. I think that is disrespectful.

I will go to the Ministers first. Mr Rycroft and Mr Ridley, to my knowledge, did not answer one simple question throughout the whole session. Ministers, have they been spoken to by the ministerial team? If they have, what conversations have you had? Would it be a good idea to put this pair into special measures?

Michael Tomlinson: Mr Anderson, may I address that? I know you are not going to hold back. You do not, and nor should you because you are entitled to ask your questions in your own way, and it is a unique and very effective style, if I may say so.

In response to the questions that you asked, there was a follow-up letter and there was a response that was received last night. Yes, I saw there was further a joint Committee, which Dame Diana referred to, in the Chamber of the House of Commons yesterday as well. There was a further follow-up to that. Yes, I have seen that, and I have seen the response.

You heard my response to Dame Diana. The way I have always conducted myself is to be professional, to be prepared for meetings and colleagues and to be respectful to colleagues, but I do caveat that. From time to time, there will be very specific questions that are asked, whether of officials or Ministers, and I am not going to sit here and say I have an answer when I do not, respectfully, Mr Anderson, whether to you or anyone else.



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I agree with you. If you asked questions two weeks ago to which you have not had a satisfactory answer, I will make sure that does not happen again.

Q27 Lee Anderson: If I were in the Home Office—thank goodness I am not—working on this, there would be a weekly or monthly total of returns so that the whole Department knew exactly what was going on. Would that be a good idea?

Michael Tomlinson: My instinctive reaction is yes.

Q28 Lee Anderson: I want to talk now about the huge progress that has been made with the legacy backlog. We have seen the huge progress and that is great news, but what does it achieve? We see high numbers, 60% or 70%, of claims being accepted. They are being moved out of hotels, which is great. They are moved out into the community to settle in social housing or whatever. It does not seem to achieve anything other than speed up the migrants' applications for asylum.

Tom Pursglove: The Prime Minister has been very clear about the commitments we have made and the need for us to deliver on them. One of them was to deal with the legacy backlog. It is fair to say that from across Parliament there have been very strong views expressed about the need to do that, including from members of this Committee.

We are making the progress that we want to make in relation to it. Ending our reliance on the accommodation estate, for example, is the right thing to do. I recall from my previous time in the Department just how strongly colleagues felt about the need to vacate hotels within their communities. We are getting on with this, and we will deliver the departure from the first 50 hotels by the end of January. I want to then get on and make additional announcements about further progress in relation to that in the months ahead.

That is something people will welcome. The fact is that we are spending £8 million a day in the asylum system presently. That is not a sustainable situation. Where we can provide clarity to people about their specific cases, that is what we should do. That is what the getting down of the legacy backlog seeks to do. All of that has to be seen in the wider context of what is being achieved by Government.

The fact that we have seen a 30% reduction in those arriving by small boats is significant and important. It is what you want to see. The fact that we have seen a 90% reduction in arrivals from Albania in this year, again, is testament to the efforts that have been made by successive Ministers in these roles. They have made some important changes.

You cannot take the areas of the business that you have touched on in isolation. You have to look at this issue in the round. We are trying to move this forward in a pragmatic way that addresses these issues and fundamentally gets the costs down because they are not sustainable.



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Q29 **Lee Anderson:** It was me who asked the question when Mr Rycroft and Mr Ridley were here about how many small boat arrivals whose claims had been refused had been returned.

Bearing in mind what the Chair has just said previously about 100,000 people having arrived here in the last two or three years, if we look at the chart that Mr Ridley has supplied, we see that non-Albanian returns are at 420 since 2020. That is out of an arrival figure of over 100,000. Is that an acceptable figure? Like the Chair says, that is probably nought-point-nought-something percent of arrivals.

Michael Tomlinson: I want to see those figures as high as possible. I am reading the same chart. As far as I am concerned, the numbers need to be significantly higher than they are.

Q30 **Lee Anderson:** I have one final question, please. If we had ID cards in this country, would it help to tackle illegal migration?

Michael Tomlinson: As a principle, I am anxious about that. My instinctive reaction is one of caution. We have had these debates in Parliament over many decades. There are many strongly held views on both sides of the argument. We are not traditionally a “papers, please” type of society. You will understand my instinctive caution in response to that specific suggestion.

Tom Pursglove: It is also just worth adding that, in terms of the facilitation of people into this country, we are dealing with complex criminality. Small boat arrivals, by the very nature of things, would not have an ID card amongst their possessions. In fact, what we often see is quite the opposite, with documents being dumped over the side of vessels in order to make life more difficult for the authorities on this side in terms of being able to manage that issue.

Q31 **Chair:** In terms of the constructive relationship between this Committee and the Home Office, Minister Pursglove, we have just been sent, at 14.36, a letter from you, Minister, about the annual review of the financial allowances sent to asylum seekers and failed asylum seekers supported under sections 95 and 4 of the Immigration and Asylum Act 1999. It would have been much more helpful to have had that in advance of the session. Sending it when we have already started is really not helping build that constructive relationship.

Tom Pursglove: Dame Diana, colleagues generally would accept that I am always constructive and I always seek to do my very best to aid the House. I would like to consider myself to be a parliamentarian. You will appreciate that this has been a very busy week for Ministers. We are grappling with various challenges. We are trying to be as available to the House as possible. We are speaking to a lot of colleagues.

I take your feedback on board. I will always try to provide timely correspondence to the Committee to try to aid your deliberations. Most



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members of this Committee would vouch for the fact that is the way I go about my business.

Chair: Thank you for that undertaking. Thus far, we have found it very difficult to have information sent to us in a timely fashion. If that is the way we are going to go forward, that is very helpful and useful to know.

Q32 **Marco Longhi:** Knowing the two Ministers as I do, particularly Mr Tomlinson, who used to be my whip, I know they are people with whom I will certainly want to work with in a very constructive way because I know their personalities and their own personal integrity.

Nonetheless, they fill the roles they fill. In doing the job they do, they have to be supported by civil servants and officers, for want of a better word, who support them in the job they do, as does the Prime Minister.

On 7 December, the Prime Minister made it known that this year we have returned 5,000 people who are Albanians and cut those arrivals by 90%. I would like to know where he gets that information from and how confident he can be in this information. The Permanent Secretary has put forward a document to this Committee that says, if you look at column 3, total Albanian returns since 2020 are 762. Unless I am reading this data incorrectly, something is wrong somewhere, is it not?

Michael Tomlinson: Mr Longhi, may I just pick up the first point you make? I agree with you. I am bound to say that in my first three full parliamentary days in this role I have been briefed exceptionally well and I have been supported by the officials, not just those who sit behind me but a wider team.

I agree with you. I agree with the thrust of your point. I can see the column you are looking to. The number I have in front of me is 5,100 since 13 December 2022. That is the number that I have in front of me.

Q33 **Marco Longhi:** Were you briefed on this paper, then?

Dan Hobbs: If I may, I can explain the difference. This relates to just those Albanians who will have come in in small boats. We will have returned Albanians who will have either come through other routes into the UK irregularly or clandestinely, Albanians who are here who came lawfully but then overstayed or Albanians who are foreign national offenders.

When the Prime Minister is talking about the increase of removals to Albania, he is talking about the total number of people that we have returned to Albania under our agreement, which is 5,100.

Q34 **Marco Longhi:** I am going to stop you there. I am sorry. I have to disagree because on the Government website in front of me there is a quote from the Prime Minister that says, "Last year, a third of all those arriving in small boats were Albanian. This year, we have returned 5,000 people and cut those arrivals by 90%. Albanian arrivals have far more recourse to the courts than anyone under this new legislation. That is



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why I am so confident that this Bill will work". I do not understand your explanation.

Dan Hobbs: They are different things. The Prime Minister's statement is correct. We have returned more than 5,000 people to Albania. The stats on those arriving in small boats have also been cut by 90%, but they are different subsets of data.

Q35 **Marco Longhi:** Of the 5,000 people, what proportion arrived in small boats?

Dan Hobbs: It will be 762, but that is since 2020. Some of the Albanian small boat arrivals may have arrived in a different period because, if people have asylum claims or other claims, their removal and their arrival may not be in the same reporting period. From January to June 2023, there were 531 Albanian small boat returns.

Q36 **Marco Longhi:** The Prime Minister says that this year we have returned 5,000 people.

Dan Hobbs: Yes, we have returned 5,000 people. The chart in the Permanent Secretary's letter only relates to those who have arrived on small boats. The Prime Minister's is all Albanian removals who have no lawful right to be in the United Kingdom.

Q37 **Marco Longhi:** The Prime Minister is mixing information.

Dan Hobbs: The Prime Minister was setting out the data, which is correct. We have done more than 5,000 removals to Albania this year. The numbers of small boat crossings from Albanians have been cut by 90%.

Michael Tomlinson: Mr Longhi, let me just say that I agree and understand the thrust of your question, but the overall number I have is 5,100. That is as of 30 November this year. Between 13 December 2022 and 30 November 2023, it is 5,100.

Q38 **Lee Anderson:** I just have one more question. I want to emphasise what Marco said, Ministers. That 5,100, therefore, is not just made up of small boat arrivals. That could be Albanians who have been in this country for donkey's years.

Michael Tomlinson: Yes, or who have arrived by different means.

Q39 **Chair:** They may have been in prison. There is a large number who have been—

Michael Tomlinson: Foreign national offenders, yes.

Q40 **Chair:** We would know where they are. We can transport them easily.

Michael Tomlinson: Yes.

Q41 **Chair:** Just to go back to what the Permanent Secretary says, excluding the Albanians, there have only been 408 returns since 2020 of small boat



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arrivals.

Michael Tomlinson: Of the small boat arrivals, yes.

Chair: That was the focus of Lee Anderson's question.

Michael Tomlinson: Yes, I agree. That is exactly what the chart says.

Q42 **Chair:** I am going to come to James Daly in one moment, but I just wanted to refer to question 4 in the letter, which is at the bottom of the second page. This is about Bibby Stockholm. We ask for the costings around Bibby Stockholm, the per-person cost. In this, it says that the value of the vessel accommodation services portion is £22,450,772. That is the first time we have heard a figure for, I am assuming, the cost of the Bibby Stockholm and any other barges that the Government are contracting with.

Tom Pursglove: To be clear, that is the only barge with which there is a contractual arrangement.

Q43 **Chair:** We are spending £22 million on the Bibby Stockholm. How long is that for? What is the period of that contract?

Tom Pursglove: I do not have the length of contract to hand, but we have committed to providing details in the new year around those cost estimates, which we will work up. We will provide that information through the prism and with the context that you are seeking.

Q44 **Chair:** The thing that strikes me as very strange is that in the letter it says, "The value for money assessment is currently being updated to give the latest per-person per-night cost and we will provide details in the new year". I am just flabbergasted that a value for money assessment was not carried out at the time the contract was let. Do you not understand why the Committee is concerned about that?

Tom Pursglove: The word "updated" is in that statement. You will appreciate why it is important that we revise those value for money estimates as time passes: for the simple reason that we want to be responsive to needs.

If we need, for example, to put additional provision in place, if the number of people on board changes or if various other variables come into play, we need to be able to adapt those figures to make sure that what we are dealing with and when we are engaging with committees like yours, Parliament and society more generally, we are talking in an accurate sense. You will understand why that is quite important.

Q45 **Chair:** No, absolutely. It says here, "This contract was varied in April 2023 to incorporate vessel accommodation services on the Bibby Stockholm barge at Portland Port". I would have thought that the value for money assessment would have been done at the point when you were varying the original contract. Are you saying it was not?



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Tom Pursglove: I would assume—again, I have only been in this role since Thursday last week—that work such as that was carried out at the time. Again, I would make the point that this letter from the Permanent Secretary is talking about updating those costing figures and forecasts.

Q46 **Chair:** He could not tell us what the value for money was at the time. They must have done an assessment about the cost of a hotel compared to putting someone on to the Bibby Stockholm. There must have been some assessment. Mr Hobbs, perhaps you might be able to help us.

Tom Pursglove: This is undoubtedly a more cost-effective way of providing accommodation, than would be the case in the large accommodation sites at Wethersfield and, as we propose, Scampton.

Q47 **Chair:** How do we know?

Tom Pursglove: You are asking for figures. We have committed to do this work to come back to the Committee with those revised costings, taking full account of the most up-to-date circumstances.

Chair: I understand, Minister.

Tom Pursglove: It is important that we engage with you in an accurate sense, and this will allow us to do that.

Q48 **Chair:** What I am saying to you is that I am surprised you did not do the value for money assessment at the time the Bibby Stockholm came online. That is what I am saying to you. You may well be updating it now, if you are increasing the number of people who will be on the Bibby Stockholm. I understand that.

At the time of the contract being amended, I would have thought you would be able to give me the figure to say, "The value for money was X". You do not have it. I do not know whether Mr Hobbs can help us.

Dan Hobbs: I do not have that figure.

Chair: No, Mr Hobbs does not have it either.

Q49 **James Daly:** Mr Tomlinson, can I just ask you to confirm for the record what rule 39 interim measures are?

Michael Tomlinson: Yes. Rule 39 interim measures are rulings from a Strasbourg court where, pending a final hearing in Strasbourg, a judgment is made by a court as to whether an action should or should not happen there. It is an interim measure before you get to a final hearing.

Q50 **James Daly:** It is essentially injuncting a course of action while the legal proceedings are going on.

Michael Tomlinson: That is correct, before you get to the final hearing. That is exactly right.

Q51 **James Daly:** Does the legislation that was voted on and before



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Parliament yesterday incorporate section 55 of the Illegal Migration Act 2023? That section is not yet in force, but the Act effectively provides that a Minister can choose whether or not to comply with interim measures in respect to the removal of an individual under that Act.

Michael Tomlinson: Yes, it does. It refers specifically to section 55 of that Act in clause 5(4)(a) of the Bill.

Q52 **James Daly:** In straightforward terms, does that mean that, even if an individual takes a legal course of action, Ministers, if they so choose, can simply ignore the injunction, if it is felt appropriate and the right thing to do, and send that person to Rwanda or whatever the course of action is?

Michael Tomlinson: Both the Illegal Migration Act and in the Safety of Rwanda (Asylum and Immigration) Bill, exactly as you say, make it abundantly clear that it is for a Minister of the Crown and only for a Minister of the Crown to make a decision as to whether the United Kingdom is going to comply with an interim measure. Yes, you are absolutely right.

Q53 **James Daly:** Would you agree that that position, which is a clear statutory position that you have set out, is necessary because at this moment in time the Government's internal legal advice and the general legal position is that interim measures are binding on state parties and that failing to comply with them amounts to a violation of the Convention?

Michael Tomlinson: You are referring to the Government's legal position statement, not legal advice. From my role as a former law officer, you will know I do not discuss official legal advice. I do discuss and will discuss the Government's legal position statement, which was published the day before yesterday, to which you are referring.

Yes, as a country, we abide by our international obligations. That is absolutely right. The "serious and irreversible harm" test, which is set out in clause 4 of the legislation, is language that mirrors the Strasbourg court test in terms of whether an interim order is going to be made or not. My personal view is that this test is a very high one and it is going to have to be pretty rigorously gone through. We will comply with our international obligations. Of course we will.

Another way of saying it is that it sets out the orthodox constitutional position. It is Governments that make treaties. It is Parliament that makes laws for our country.

James Daly: I do not want to turn this into two lawyers talking to each other about legal concepts.

Michael Tomlinson: I love lawyers talking to each other.

Tim Loughton: That can be expensive.

Q54 **James Daly:** I just want to be 100% clear in respect of this. If the



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current Rwanda legislation were to pass through Parliament, forgetting the legal test, the higher court, tribunal or anything else like that, is it the Government's position that a Government Minister can ignore rule 39 interim measures, if such an order is made by a European Court?

Michael Tomlinson: The Prime Minister has been very clear, crystal clear, that he will do whatever it takes to ensure that the flights take off. That is the first thing. The second thing is that the legislation, as you say, makes it abundantly clear that it will not be for a domestic court; it will be for a Minister of the Crown to decide what happens in those eventualities.

In my role as a law officer, I have been dealing with cases on a daily and sometimes hourly basis. As you know from your legal training and your legal background, they are dealt with on the evidence; they are dealt with on the facts; and they are dealt with with rigorous scrutiny. You would expect nothing less from Government Ministers.

Q55 **James Daly:** Can I just press you, in my final few questions, on the concern that was raised in the House yesterday about what I will call vexatious litigation? This is about the fact there are spurious claims that are made to justify appeals, judicial reviews and all these types of things. In terms of answering that point, will the Rwanda legislation that is going through Parliament be held up for months, if not years, by these types of claims? What is your answer to that?

Michael Tomlinson: It is an incredibly important question. We will go through the legislation line by line when we get to Committee stage. You will have seen clause 4; you will have seen the way it has been drafted. One would have to produce compelling evidence. It is not just on a mere assertion. It is not just on a spurious claim. There will have to be compelling evidence relating to a person's individual circumstances.

I cannot make a bold assertion. I cannot just say that something is the case. I will have to produce evidence. Not only will I have to produce evidence, but it will have to be compelling evidence. If that is to be a suspensive claim, i.e. it is to stop me getting on the plane to Rwanda, I will then have to fulfil the test that I face a real, imminent and foreseeable risk of serious and irreversible harm. Those are very high tests indeed.

Q56 **James Daly:** I just have a few final points. Would you be able to confirm to us—I do not know whether you can confirm now or later—the timeframe for applications to the Upper Tribunal, the immigration judge who is the first judicial point of contact? How long would an applicant have to make their application?

Michael Tomlinson: Under the Illegal Migration Act, the aim is that within 28 days the vast majority of cases will have been gone through.

Q57 **James Daly:** In terms of the 28 days, there are two options. You might be successful. If what you have said happens, what is the next legal step



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for those people? Is it the case that within 28 days, their asylum status will be granted?

Michael Tomlinson: It depends on what happens. If it is described as manifestly unfounded or completely unfounded, if that is the decision that is made, that is the decision that is made. Are you asking about what the next process is?

Q58 **James Daly:** This is an important point that has been raised numerous times.

Michael Tomlinson: Yes, it is.

Q59 **James Daly:** Is it the case that, in terms of litigation, you foresee that within 28 days most cases will be dealt with by the Upper Tribunal one way or the other?

Michael Tomlinson: That is right, correct. That will be absolutely concluded. Mr Daly, what I am not telling you is that there will not be claims. Of course, we anticipate that there will be claims.

Q60 **James Daly:** I understand that. I am just talking about the timeframe for the claims.

Michael Tomlinson: It will be 28 days under the Illegal Migration Act.

Q61 **James Daly:** I was reading a case called Oceana, which is a High Court case.

Michael Tomlinson: I know the case.

Q62 **James Daly:** The great delay in these proceedings is often judicial review proceedings. Oceana seems to be suggesting that it is very difficult for judicial review proceeding to proceed for cases that have been turned down. Am I right in respect of that?

Michael Tomlinson: You are absolutely right. Oceana is a very important case. It is a case where, the Committee will be very interested to know, the court agreed and followed the very clear wording of the statute and said that, where the statute is set out clearly, even if it is an ouster clause, a notwithstanding clause, the court will and must follow it. That is the constitutional position. That is the parliamentary position. That is why the Prime Minister has been so clear that this is the toughest piece of legislation that has ever been brought before Parliament.

Q63 **James Daly:** We talked about the 28-day period for legal proceedings to be brought. If somebody has come off a small boat across the Channel, where would they be held or where would they be living during that 28-day period?

Michael Tomlinson: That depends. It depends on the circumstances. When the scheme is up and running, the aim and the intention is for the detention and removal to be as swift as possible.

Q64 **James Daly:** It is the aim of the legislation for detention—that is the



word you have used—to run over that 28-day period. They will be in some form of Home Office accommodation during the period of those 28 days.

Michael Tomlinson: At the moment, the Illegal Migration Act is not in force. When the scheme is up and running, when the Act is in force, the aim is for there to be swift detention and swift removal.

Q65 **Marco Longhi:** On the point of allowing individual claims and compelling evidence being provided, I understand why the point is being made that people need to be allowed to make a claim. I get that. The point that I struggle with is, once there is a successful claim, having gone through all of the difficult hoops you have described, what is to stop some of these clever lawyers from finding a way of replicating this many thousands of times and thus clogging up the system, the courts and the whole removal process?

Michael Tomlinson: Mr Longhi, I understand your question and I share your concern. The legislation does two things to stop that. First, it makes sure there is a systemic statement that Rwanda is safe. To Mr Daly's point, the courts will have to follow the judgment of Parliament, if indeed it is the judgment of Parliament, that Rwanda will not refole, which is the technical term, and people will not be removed to an unsafe third country. Rwanda is deemed to be a safe country. No claim can be brought under that ground whatsoever. Only under your individual personal circumstances will you then be able to bring your claims.

To your point, it would be a spurious claim if someone were to assert that they had exactly the same individual characteristics and exactly the same features as another claimant. To try to copy it, which is the thrust of your question, there would need to be compelling evidence. You cannot just assert that something is the case. Compelling evidence will need to be brought.

Q66 **Marco Longhi:** I want to try to come back on this because I am trying to understand it. In a sense, this is what a lot of asylum seekers do right now. They have charities over in Calais that brief them on exactly what to say and what documents to fill in. Why is there not a judgment now that a lot of these are in fact spurious claims? Why are we not doing what other countries that do seem to think that it is spurious are doing? Countries such as Germany and others have zero acceptance of Albanians into their country, or as near 0% as it can be, but we have seen 67% in quarter 3. That is the bit I do not understand.

Michael Tomlinson: When an application is made, there is a process and a determination. As part of that determination, if the evidence simply is not there, that is when the case, for example, could be deemed to be manifestly unfounded. That is part of the process. You cannot just assert it, Mr Longhi. There will have to be evidence that will be brought as well, and not just any old evidence. It will have to be compelling evidence.



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Dan Hobbs: To your point about Germany, our Albanian grant rate for men is something like 2% under asylum for Albanians.

Q67 **Chair:** What is it for women?

Dan Hobbs: I cannot recall that, off the top of my head. It is higher, but there are far fewer women. I think the grant rate for men from Albania was published in our most recent statistics.

Q68 **Alison Thewliss:** I will start by asking how many of the children that went missing from Home Office's hotel accommodation are still missing?

Tom Pursglove: There are no children in hotel accommodation now. There are no UASCs in hotels. Six of the seven hotels that we had for these purposes have been closed. We have one that is available on standby in order to ensure that there is provision available in the eventuality of exceptional circumstances. What I can say in terms of the figures is that there are 132 children still missing at this stage.

Q69 **Alison Thewliss:** So 132 out of the 154 that went missing are still missing.

Dan Hobbs: Just to clarify that figure, 103 of those are now adults against their claimed age.

Q70 **Alison Thewliss:** You do not know where they are.

Dan Hobbs: So 103 of the 132 that are now adults are still missing and 29 of the under-18s are still missing.

Q71 **Alison Thewliss:** What are you doing to find them?

Dan Hobbs: We are working intensively with the local authority. We of course comply with the statutory framework that kicks in when issues like this arise. Of course, we engage with the police, under the protocol, to make sure that we try to identify and find any missing young person as quickly as possible, as you would expect.

Q72 **Alison Thewliss:** You are not doing a very good job of it if 132 out of 154 are still missing. That has been since June.

Tom Pursglove: There is that missing persons protocol.

Q73 **Alison Thewliss:** You do not care, do you?

Tom Pursglove: That is a pretty outrageous suggestion. To suggest that Members of this House and that Government Ministers do not care about that issue is a pretty shocking claim.

Q74 **Alison Thewliss:** If it was one of my children who had gone missing, I would want to know where they are more than six months down the line. You still do not know where 132 of them are. On a visit recently, we heard from an official in Belgium that, when a child goes missing from their accommodation, they put in a huge amount of effort to find those children. Why are you not doing the same?



Tom Pursglove: I really do resent any suggestion that any Minister or any official does not care about any child—

Q75 **Chair:** Minister, could I just stop you there? When we raised this with the Permanent Secretary two weeks ago, he did not even have the figures. We are grateful you have the figures today, but it did not inspire confidence in us two weeks ago that he could not even tell us how many children were missing.

Tom Pursglove: You will appreciate there was a very clear claim there that I do not care about this. I just want the record to be very clear that I do care enormously about this.

Chair: We are very pleased to hear that.

Tom Pursglove: Any responsible Minister or official in Government would, as would any Member of Parliament equally. As I say, we continue to work very closely with the local authority and the police to try to identify children where they are missing, invoking those protocols. There is strenuous work going on as well, particularly working with the National Police Chiefs' Council and the NCA to set out national guidance to try to aid that process as well, because we obviously want there to be best practice available to try to assist in that endeavour.

We will continue to do everything within our power to aid that work, as a Home Office, to identify and find children who go missing. I have provided the figures to the Committee, and you can be absolutely assured that this will continue to be a big priority for me in this role.

Q76 **Alison Thewliss:** When will you have found all 132 of them?

Tom Pursglove: I think you will appreciate why I cannot give you a definitive answer to that question, because there are variables involved. Those will depend very much on the circumstances of the individuals in question. What I can absolutely say to you again—I repeat this point—is that, as a Department, we will do everything that we can, working with those agencies to identify and find those missing children.

Q77 **Alison Thewliss:** The Children's Commissioner, Rachel de Souza, has expressed concerns about how much the Home Office actually cares about these children that are in accommodation. I am going to read out her quote, Mr Tomlinson, if you would like to listen. She said, "Of the 5,298 children in the data return, the Home Office only provided vulnerability notes for 38% of the children". Do you believe that only 38% of children who have fled war zones and have come to these shores alone are actually vulnerable?

Tom Pursglove: In previous roles, I have always had a very good and constructive working relationship with the Children's Commissioner, and I intend for that to be the case in this role. I will want to see the Children's Commissioner. I will want to talk about this issue. I will want to hear her knowledge, expertise and feedback about what more she thinks that we



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can do to try to better the protections and the safeguards that we have in place to address this issue. It is worth reflecting on the fact that 88.6% of those children who are still missing are Albanian.

Q78 Alison Thewliss: Does that mean they matter less? Why is that relevant?

Tom Pursglove: I am trying to unpack this issue. I am really trying to explain the context to it as well and the work that we are doing to try to address this. You will appreciate that that very often links into serious criminality, and that is often the explanation for why these circumstances arise. Evil criminal gangs who are responsible for the trade across the Channel often have a footprint in this way, trying to take advantage of vulnerable children. That is why I want to work, with the Children's Commissioner and others, to try to further the work that we do and to try to improve performance in this regard.

Candidly, I will very happily work constructively with any Member of this House in that endeavour. That includes you, and it includes any member of this Committee who has an interest in that issue. I do not think there can be anything more serious than trying to make sure that children are properly safeguarded and kept safe. It is so serious.

Q79 Alison Thewliss: There is a risk of those children, as you say, being trafficked into circumstances that make them even more vulnerable than they already are. The evidence received in the recent report that this Committee produced suggested very strongly that the Home Office was no longer treating trafficking as a priority. The policy was there, but in implementation, it was not there. Why is that?

Tom Pursglove: My understanding is that this is a priority for officials as it is for Government Ministers. I consider this issue to be of utmost seriousness.

Q80 Alison Thewliss: People arriving under the Illegal Migration Act will no longer be assessed for trafficking. How will you find the vulnerability if you are not going to assess their claims?

Tom Pursglove: I will perhaps bring Mr Hobbs in for an operational view on this. We will always screen individuals properly, identify vulnerabilities, and ensure that those issues are properly addressed and catered for.

Dan Hobbs: The Minister is right. Just to clarify, under the Illegal Migration Act, what it did provide for is that, if someone was found to have reasonable grounds, under the public order exemption they could be precluded from the 30-day rest and recovery period; it did not prevent the assessment of people for trafficking and that their ongoing needs could be met in Rwanda. The process under the Illegal Migration Act is the public order exemption.

Q81 Alison Thewliss: People working in this sector have told us—they have



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told me, because some of them are based in my constituency—that, due to the provisions in the Illegal Migration Act and also legislation this week on Rwanda, people are going to be far less likely to engage with anybody in officialdom because they believe they will be sent to Rwanda. Do you accept that that is the risk of your policy?

Michael Tomlinson: In terms of minors, no, because unaccompanied children are not part of the Rwanda scheme, full stop.

Q82 **Alison Thewliss:** They are part of the treaty, because there are provisions in there that say that, if children end up in Rwanda in some way or another, they will be dealt with in X, Y or Z way.

Michael Tomlinson: No. With respect, that is not the case for unaccompanied children.

Q83 **Alison Thewliss:** That is not what the treaty says.

Michael Tomlinson: It is expressly what the treaty says. Just give me one moment.

Q84 **Alison Thewliss:** The treaty says that they will not be sent, and then it has a whole load of provisions for what happens if they are found there. That suggests there will be some age-disputed cases there.

Tom Pursglove: Just drawing on a previous time in a Home Office role, I had always been very clear that unaccompanied asylum-seeking children would not be included in the partnership with Rwanda.

Michael Tomlinson: It is article 3, clause 4.

Q85 **Alison Thewliss:** Why is there a provision? We can go into this another time. I do not want to fall down a particular rabbit hole with this, but there are provisions in there for what happens if children end up in Rwanda by accident.

Can I say that I have a huge amount of Home Office case work in my constituency? I have currently 130 unresolved cases, which I might want to take up with either or both of you at some point.

Tom Pursglove: You are very welcome to work through those issues with me and the team.

Q86 **Alison Thewliss:** A lot of the case work that I see is low-level incompetence in the Home Office as a Department, such as biometric residence permits with the wrong name, the wrong date of birth or the wrong place of birth, rendering those documents invalid. What pressure are you putting on the service to ensure that things are issued correctly?

Tom Pursglove: Accuracy is always something that I feel very strongly about. That has been an area of focus for me in a number of ministerial roles. I could not be clearer that we need to get more decisions right first time. The work that has gone on over the course of the last 12 months in relation to trying to clear the legacy backlog has been very helpful in this



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regard. Teams have identified a lot of new ways of working that have been successful in achieving that objective. The fact that we have seen that three-fold increase in asylum decision productivity is something that I am sure you would welcome, and colleagues on the Committee would welcome too.

I am really confident that we can deal with the backlog effectively in the future, informed by that learning that has gone on. I am absolutely very willing to engage with colleagues about individual cases that are of concern to them. Where there is particular learning that officials can take away and that we can reflect in our processes, I would want us to do that, but there is absolutely no advantage to anybody, candidly, of not getting decisions right at the first available opportunity.

Q87 **Alison Thewliss:** I have a further example of the low-level incompetence. I had a constituent who was granted her decision in March and only just received her paperwork this week. How is that acceptable in any way?

Tom Pursglove: You will appreciate that I am not going to casework an individual case in a Select Committee, but I would always want paperwork to be issued in an expeditious way, following on from a decision being made. If you provide me with the specifics of that case, I will very gladly dig into that and provide you with an answer as to what those specific circumstances might be.

Q88 **Alison Thewliss:** In your new role, that is going to be a critical thing, because my experience, through the cases that I deal with, is this low-level incompetence is absolutely rife in your Department.

In terms of the other schemes, I can see from the list that you are responsible for the Afghan citizens resettlement scheme as well. Is the statistic that, for every 17 Afghans coming in on a small boat, only one of them came in on a Government scheme?

Tom Pursglove: Minister Mercer's statement this afternoon is welcome, and we remain committed to fulfilling our commitments under the ACRS. When it comes to small boat arrivals, I could not be clearer that nobody needs to get in a small boat and pay a criminal gang to put their life at risk in order to be in safety. All of those individuals are coming from what is a fundamentally safe country and have often travelled through several safe countries in order to embark on those journeys.

What we cannot do, of course, is host 40 million Afghans in this country, which is the total population, but we will continue to work constructively to provide as much sanctuary as we possibly can. We have continued to work in a cross-Government way on this issue with the Ministry of Defence and with other Departments in Government, including the Department for Levelling Up, Housing and Communities. We want to play our part in responding to that situation in Afghanistan, particularly prioritising those who have worked with the UK Government. You will appreciate why that is important, and I hope you will recognise the steps



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forwards that we have taken today to facilitate the next steps in undertaking that work.

Q89 Alison Thewliss: I was in for the statement today, and it did not give me or my constituents any particular reassurance at all. To give an example from yesterday, I have a constituent whose family fled Afghanistan; they are in Pakistan. They have no paperwork because they had to run for their lives. What is their safe and legal route to the UK?

Tom Pursglove: Nobody should be coming via a small boat to the United Kingdom.

Q90 Alison Thewliss: What is their safe and legal route to the UK?

Tom Pursglove: That is most certainly not a safe and legal route. In no sense is it a safe way to get to the United Kingdom.

Q91 Alison Thewliss: What is the route?

Tom Pursglove: My point would be that people should look to avail themselves, where they qualify, through the routes that we have, including the Afghan citizens resettlement scheme.

Q92 Alison Thewliss: They cannot ask the Taliban for a passport. What is their safe and legal route to reunite with family in Glasgow?

Tom Pursglove: We continue to work in partnership with the UNHCR around the UK resettlement scheme, and we will continue to support around this important endeavour, however we can, as a UK Government, building on the steps that we have already taken to try to facilitate getting Afghans to this country and helping them to safety. That speaks to the important work that has been carried out by this Government, which has seen over 500,000 people from around the world, coming from conflict areas, here in the United Kingdom and provided sanctuary in recent years, which is a significant number. That is something that all of us are immensely proud of.

Q93 Alison Thewliss: There is no safe and legal route for this family, is there? That is what you are telling me.

Tom Pursglove: One of the things that we are currently exploring is what more we can do around the UK resettlement scheme to try to support greater opportunities. That needs to be done in a joined-up way. We want to ensure that people who come to the UK seeking sanctuary are properly supported, properly integrated, have proper opportunity and have proper accommodation. Candidly, that work is made more difficult by the nature of the small boat crossings that we have seen and the enormous resource that goes into dealing with that issue.

I can absolutely give the undertaking that in this role I will look at what more we can do through the UK resettlement scheme. Of course, we also have the consultation ongoing around the cap that was legislated for through the recent Act, which again is about trying to consider what we



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can do to provide properly supported opportunities to people coming from conflict zones in various parts of the world.

Q94 **Alison Thewliss:** Finally, on a different matter, when can Kate Eves expect a response to the Brook House inquiry?

Tom Pursglove: I will take that request away and provide an update to the Committee.

Alison Thewliss: We have been waiting since September.

Q95 **Tim Loughton:** Ministers, on “Any Questions?” on Radio 4 last week, the Minister for common sense, Esther McVey, said that the Government is not increasing safe routes. She was wrong, was she not?

Tom Pursglove: I well recall us engaging on these matters when I held a previous role and was taking through the Nationality and Borders Act, and you have regularly pressed us to do more around safe and legal routes. As you will recognise, we have the consultation ongoing around the cap. We have extended that consultation until 9 January. That will include the UK resettlement scheme. It will include community sponsorship, where there are people willing and keen to come forward and provide placements, and we would be very willing to match people to those, as well as the latest stages of the Afghan citizens resettlement scheme, pathways 2 and 3.

That cap is amendable. It will come into force, I suspect, in 2025, and I would make the point that, within the parameters of all the challenges that we are grappling with, we have a proud record as a country of providing sanctuary to people. We want to build on that. We want to continue to see those opportunities provided. We want to see people come here through safe and legal routes. We do not want people putting their lives in the hands of—

Q96 **Tim Loughton:** We know that. In the interests of the time, was she wrong or was she right?

Tom Pursglove: It is fair to say that, as a Government, we are very willing to facilitate greater opportunity through safe and legal routes in a way that I have described, about looking at what more we can do to increase the amount of—

Q97 **Tim Loughton:** We are increasing safe and legal routes.

Tom Pursglove: I am not going to pre-empt what the outcome of that consultation might be, because we want to do this in partnership.

Q98 **Tim Loughton:** You do not have to pre-empt the outcome of the consultation, which has not finished yet. You just have to confirm what was in the legislation, in the Illegal Migration Bill, which committed the Government to producing additional safe and legal routes, to launch a consultation and to lay a report to Parliament by 20 January. You have now extended the consultation with local authorities, which I gather has



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only been with local authorities.

Tom Pursglove: That consultation has been extended with local authorities.

Q99 **Tim Loughton:** You are not consulting with anybody else at the moment, are you?

Tom Pursglove: We want to ascertain what capacity is available out there and what needs could be met in individual communities.

Tim Loughton: I understand that.

Dan Hobbs: The consultation is with local authorities only. They can work with various suppliers within their local authority to manage their response.

Tim Loughton: I understand that.

Tom Pursglove: In letter and in spirit, that agenda is being taken forward. That is what I would say to you.

Q100 **Tim Loughton:** In which case, your colleague was wrong, because she has caused some confusion.

Tom Pursglove: You are asking me to comment on an interview that I admittedly have not heard.

Q101 **Tim Loughton:** I will quote you chapter and verse. You only have to say whether she was right or not, on the basis you are now the Minister responsible for what is in the Bill, which obliges the Government to produce a report by 20 January on how you are extending safe and legal routes by the end of this year.

Tom Pursglove: It is fair to say that we are taking forward that work in the way that I believe you would like.

Q102 **Tim Loughton:** I am glad you are because you are obliged to under the legislation that was passed by Parliament in July of this year, and specifically the amendment that I led on, which the Government accepted.

Tom Pursglove: As I said, in letter and in spirit.

Q103 **Tim Loughton:** That is good. From that, I will extrapolate that Esther McVey was wrong. The consultation is an important one; it is to do with capacity, which is why local authorities are key to that, but it is also a consultation about the make-up, formula and character of those safe and legal routes for physically getting someone from danger zone 1 to the UK. It is not just about the capacity to house them here.

The consultation has not involved refugee and other NGO organisations that are dealing with the potential beneficiaries of those safe and legal routes in other parts of the country. The understanding, certainly in my extensive conversations with the Minister, as well as what was said in the



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debate, was that this consultation would take in a wide range of organisations, so that there would be a much better-informed report on how those safe and legal routes would actually take place. Why has that not happened?

Tom Pursglove: I was not privy to those conversations that you had had.

Tim Loughton: They were on the Floor of the House in some cases.

Tom Pursglove: We will want to consider carefully what capacity local areas can offer, how they believe that they can meet the needs that exist, and how they would like to go about providing support. I am sure that, as part of that, we will want to layer on all of that expertise and all of that insight to make sure that, in delivering on those commitments, we can do that in the most joined-up and effective way to overcome the sorts of issues that I know will be of concern to you.

Q104 **Tim Loughton:** Are you still committed to 20 January for laying your report, because you now have 11 days from the extended consultation date until your obligation under that legislation to lay a report before Parliament on the safe and legal routes. You are not going to miss that deadline, are you?

Tom Pursglove: My understanding is that that is on the cap.

Tim Loughton: No, it is a consultation—

Tom Pursglove: Of course, in responding to the wider opportunity around establishing safe and legal routes, we will need to ponder what is possible and make announcements appropriately.

Q105 **Tim Loughton:** The consultation is to inform the report, which you are obliged to lay before Parliament by 20 January, on any existing and new safe routes that you are planning. That is what the report needs to say by 20 January. It will be produced by 20 January, will it not?

Tom Pursglove: It is statutory.

Q106 **Tim Loughton:** That is right. You are on course to fulfil your statutory obligations to turn that report into actual safe and legal routes, which have to be in force in 2024, as promised on numerous occasions by your predecessors.

Tom Pursglove: That advice has not come across my desk as yet, but I am sure that it will.

Q107 **Tim Loughton:** Since the Royal Assent for the Illegal Migration Act, 13,599 people have arrived who will be covered, therefore, by this legislation. You have another potential backlog stacking up on the original backlog, which you are still working through. Is it likely that you will again change the retrospective cut-off date in order not to have an additional backlog, which you then have to sort out? Mr Hobbs can help here, perhaps.



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Dan Hobbs: Mr Loughton, I think you are referring to the retrospective nature of the Illegal Migration Act, which goes back to the rules applying to the date of Royal Assent.

Tim Loughton: That is correct.

Dan Hobbs: To support the Minister, it is not something that we have discussed with them yet in terms of the approach as to when the full Act is operationalised. That will be a decision for Ministers. The current rules, as set out in the legislation, are that the duty is retrospective to the date of Royal Assent.

Q108 **Tim Loughton:** Those 13,599 people are subject to the terms of the Illegal Migration Act, as it stands. When the Illegal Migration Act came in, the Government abandoned the previous retrospective applications from last year, did they not?

Dan Hobbs: Yes. They changed the date from the date of introduction to the date of Royal Assent.

Q109 **Tim Loughton:** That is correct. Is it likely to do that again so as to avoid having a further backlog, starting with the 13,599 so far, do you think?

Dan Hobbs: That is a decision that Ministers will take.

Chair: We have to suspend the session at this point.

Sitting suspended for a Division in the House.

On resuming—

Q110 **Tim Loughton:** I wanted to finish off what I had started before the Division. Those 13,599—it may be slightly more now—who have arrived since Royal Assent should therefore be subject to the terms of the Illegal Migration Act. They have committed an offence and should be therefore subject to some form of detention, restriction or deportation. What has happened to them? They are rather in limbo, are they not?

Michael Tomlinson: That is right. The Act has not yet come into force, as we have discussed.

Tim Loughton: It has.

Michael Tomlinson: In relation to the duty, it has not. We are talking about the IMA.

Q111 **Tim Loughton:** In the Illegal Migration Act, the date set was Royal Assent, at which point those people would be committing an offence. We have had four or five months, which has resulted in 13,599 people who are in limbo, because they have not been detained, deported or restricted in some other way, presumably.

Michael Tomlinson: That is right. It is also right to say, as I stated, that not all of that Act is yet in force. That is right to say.



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Q112 **Tim Loughton:** For those people it is, because they have committed an offence by coming here.

Michael Tomlinson: No, in terms of the duty under the Act, that has not yet come into force. Mr Hobbs may be able to help me out in terms of other provisions that are enforced, but I am thinking first and foremost in relation to the duty to remove.

Dan Hobbs: Mr Loughton, are you referring to the illegal arrival offence that was in the Nationality and Borders Act, not the Illegal Migration Act?

Michael Tomlinson: That Act came into force on 28 June 2022.

Dan Hobbs: The criminal penalties related to illegal arrival were in the Nationality and Borders Act, if I remember correctly, and changing the people smuggling. In terms of the duty to remove, that is not yet in force.

Michael Tomlinson: It is in relation to your point as to the retrospective effect, if you like, of the legislation.

Q113 **Tim Loughton:** You are going to have a group of people in limbo when it does, therefore, come into force, if you are saying it did not, going back to July of this year. What is going to happen to that group of people who will form, as I referred to earlier, a further backlog, effectively.

Michael Tomlinson: Mr Loughton, as you have seen in relation to the backlog, that is something that the Government have taken very seriously. My colleague, Minister Pursglove, has set out some of the progress that has been made, and I have been grateful to the Committee for acknowledging that progress. You are right that we will then need to continue and clear the other cases that are in the system. That is absolutely right.

Q114 **Tim Loughton:** They are a different status of cases, are they not?

Michael Tomlinson: That is absolutely correct.

Q115 **Tim Loughton:** Can I just come back to one other point, which is in your remit, Minister Pursglove? I gather that the Home Secretary earlier today did an interview to try to clarify the lack of clarity over the new visa regulations and the salary thresholds. I am certainly getting a number of worried constituents who are in the UK already and are asking me if they will therefore have to leave if they do not have the new £38,000 threshold or whatever it is. Am I right—and is the Home Secretary right—that he has said that people already in the UK who are applying for visas will not have to meet the higher salary thresholds going forward?

Tom Pursglove: As the Home Secretary has said, we are approaching this issue through the prism of these measures not being applied retrospectively, but we will come forward with further detail around those announcements as soon as we are able.



Q116 **Tim Loughton:** He seems to have stated quite clearly in an interview earlier today that they will not apply for people already here. It is not, "We are looking at it", or "through various prisms", but "They will not apply". Clearly, people are worried that they may have to up sticks and move quite quickly, potentially, because it takes some time. Is the Home Secretary right or not?

Tom Pursglove: These are important measures that we are taking forward to try to reduce net migration. We believe that, taken with the students package earlier in the year, this will reduce net migration by around 300,000.

Q117 **Tim Loughton:** I do not want the theory behind it; I just want the detail of when it applies.

Tom Pursglove: I know, but it is important to set it in some context.

Q118 **Tim Loughton:** We know the context. I just want the detail of whether the Home Secretary has made it clear—you should know, I presume, if it is a ministerial policy decision—that it will not be retrospectively applied. Therefore, for my constituent who has a husband from Japan whose visa needs to be renewed within a month or so, but their household income does not meet those thresholds, the new household income targets or thresholds will not apply to them.

Tom Pursglove: Critically important here is that applications that are already lodged are treated under the rules as they are now, but the fact is that we are not intending to apply these measures retrospectively. That gives you exactly the precise certainty you are looking for in relation to that case, and I am giving you a very clear steer about where we are going with this in terms of retrospectivity.

Q119 **Tim Loughton:** Let us go for super, super clarity here on your clear steer, which is helpful. My constituent, who has to apply in the next month for that renewal, will not be penalised because their income does not meet the new thresholds. When they have to reapply in however many years' time, that will still be the case, so this is on an ongoing basis, effectively.

Tom Pursglove: No changes have been made as yet to the application. In answer to the first part of your question, you are saying that that individual will lodge this application in the next month, so in the next month it will be treated as it is now. In terms of the future bit, what I will say to you is, as the Home Secretary has said and I am saying again now, that we are not going about this in a retrospective way.

Q120 **Tim Loughton:** I think you are agreeing with me. If you are in the country now, you have your visa and you are legal, then you will be able to renew multiple times without being subject to the increased thresholds.



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Tom Pursglove: You will need to let me and the Home Secretary come forward with the detail in the normal way of making an announcement, but we do not want to go about this in a retrospective way.

Tim Loughton: Okay, so it is not super, super clear, but hopefully it will be super, super clear before very long. That is a yes, then.

Q121 **Kim Johnson:** I just wanted to pick up on that point about the increase in the threshold. Can you tell the Committee how you arrived at that calculation and how you decided that £38,700 was enough to support dependants?

Tom Pursglove: There are a few important points to make in relation to this. The threshold had not been reviewed since 2012, and we think that it is right that that happens periodically. You will notice that this very much brings it in line with the skilled worker route.

It is also important to set this in context in the sense that, for individuals to meet that threshold, if the dependant is in country with the individual, they are able to meet that threshold through their collective income. Savings and investments can also be taken into consideration when meeting it too. We think that there is a strong rationale for having consistency across these various routes. It may also be that individuals can qualify to come to the United Kingdom under other routes beyond the family visa route that you are asking me about.

Q122 **Kim Johnson:** It would be great if you could share with the Committee how you reached the sum of £38,700 as the appropriate level to support families, if that is possible.

Tom Pursglove: We have brought this into line with the skilled worker route. You will recognise that I have just spent the last 12 and a bit months in the Department for Work and Pensions. One of the other motivations behind this package—this is just one element of the package of measures that we set out through that five-point plan—is that we think that we can do more domestically to try to meet our labour needs. That is exactly the right thing to do. There is a moral case for that. There is an economic case for that.

When you look at the back to work plan, we are putting enormous sums of money behind meaningful employment support, helping people to take on that work and to have the skills that they need in order to do that, with a much greater focus on identifying what people's skills and capabilities are, matching them to the right jobs and really aiding on the retention piece.

When you look at it in that context, across the five measures that have been announced in the last 10 days, this is the right package that moves forward in that holistic sense, in terms of trying to meet various policy objectives. As I say, we think that there is a strong rationale for bringing that minimum income level in line with the skilled worker route, but there



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are those other aspects that come into play that mean that people are aided in meeting that threshold.

Q123 **Kim Johnson:** Can you say a little about what assessments you have carried out in terms of the impact this rise in the threshold will have on those sectors where we have and are seeing a significant underrepresentation of workers, particularly in the care sector?

Tom Pursglove: The care sector has its own separate routing, and that is important. The health and care visa speaks for itself in terms of meeting some of those needs.

Again, I go back to the same point. I feel so passionately and strongly about this. We have people here domestically in the UK who, with the right support, could take on those roles. We should not be complacent about that. We should be unlocking all that potential that there is.

We have managed to get a million more disabled people in work. We met that target five years early, but that needs to be the catalyst for greater change. There are people who would benefit, in many senses, from those work opportunities in terms of their health, wellbeing and financial security, and we ought to be doing everything possible to help make that happen. I would hope that you would be on that journey with the Government.

Q124 **Kim Johnson:** Yes, but only when employers are offering well paid and secure jobs, because at the moment, jobs in that sector are not well paid or secure. That is why so many people do not want them. We are straying into different territory at the moment, and I will not go on.

Tom Pursglove: Can I just pick up on it? You raise a very valid and legitimate point in relation to the health and care visa. Again, through this package of measures, one of the things we are taking forward is greater oversight and greater accreditation, working very closely with the DHSC and the Care Quality Commission to make sure that there is proper oversight of this, to make sure that these are meaningful and substantive roles, and that people are not being brought to this country on a false prospectus, so to speak.

These jobs should be available within fully-fledged care outfits with proper CQC oversight, because I want to achieve exactly what you want to achieve: that we have high-quality roles for people to go into, where people are paid properly. That concept and that important principle of people being paid properly also speaks to the package that we are taking forward, when you look at it in the round.

Q125 **Kim Johnson:** I want to alert you to the letter that the Chair referred to at the beginning of the session, particularly the last page of that letter under corrections. I asked the Permanent Secretary about the massive amounts of profits that are made by companies who are responsible for asylum accommodation. Particularly, I cited Serco. During that meeting, the Minister said that they could only claim back money where the



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contract failed, but it clearly says in this letter that if those companies make massive profits, then it can be drawn back.

I just wanted to know whether the Home Office is doing that, given that there are massive profits being made by these companies at this moment in time?

Tom Pursglove: I note from the letter from the Permanent Secretary that the final line of it says that the approach that we are taking that is described in the letter ensures that suppliers will only earn the agreed profit margin. You will not hear any complaint from me about value for money for the taxpayer. That is absolutely critical in everything that we do. It is one of the reasons why I consider this to be an important job in Government that I have been asked to take on.

My mission is very clear from the Prime Minister and the Home Secretary that we need to continue to exit hotels. We have that credible plan in place to exit from 50 hotels by the end of January. We need to go further. Hotel usage has dropped in recent weeks and months.

That is a positive step forward because I do not want us to be spending money needlessly on this accommodation. That is precisely why the Government are advancing all the measures that we are taking forward, why it is crucial that we have seen those falls in small boat arrivals, why we need to tackle people coming here illegally, and why it is right to have accommodation sites provided at greater scale.

The ultimate ambition and goal—I am determined that we have to get there—is to see there not being a need for precisely these contracts because we have these issues under control. Then we do not have the need for the hotels; we do not have the need for the accommodation sites; we do not have the need for that £8 million a day spend in the asylum system. That is precisely what this Government are working towards.

Q126 **Kim Johnson:** At the end of the day, Minister, those public and private companies are still making massive amounts of profit from public sector money. I believe that something needs to be done in terms of challenging that and claiming back the profits that those companies are making.

Tom Pursglove: I can only, again, refer you back to that little bit of detail that was in the Permanent Secretary's letter. The best way of addressing this issue is to put these criminal gangs that facilitate the crossings of the Channel out of business, try to clamp down on the illegal migration that we see, and make sure that we get through the backlog in the asylum system as quickly as possible and that we are not accommodating people for any longer than is necessary. I look forward to your support in the lobbies for all that work as we take it forward as a Government.

Q127 **Kim Johnson:** In terms of dealing with the backlog, staff are going to be required to meet the massive demand, and I know there are issues in



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terms of recruitment and retention of staff. We have seen highly experienced and qualified staff leaving the sector, and I wanted to know whether you thought that those that have been recruited have the necessary skills to deal with these complex cases.

Tom Pursglove: There has been a real focus on making sure that staff have the skills that they need in order to be able to deal with the cases that come before them. As I mentioned earlier, there has been a lot of work going on in clearing the legacy backlog that has led to a lot of ways of working that are conducive to achieving that outcome.

When it comes to the retention of staff, several steps have been taken, including the introduction of a recruitment and retention allowance. I know that that is tenure-related and that we are trying to support that retention of decision-makers. Pay has increased for decision-makers as well because we recognise that that is critically important too in terms of trying to retain members of staff.

Also, we want to see that productivity. We have seen greater productivity come about, and I know that the productivity has improved to such an extent that, on average, 7.89 initial decisions have been completed per case worker per month. Abi Tierney and her leadership team have done an awful lot of good work, I would argue, over the course of the last 12 months to try to build that capacity with around 2,500 caseworkers.

I am confident that, with all of that having been and gone in terms of all that learning and additional capacity, as we pivot into that flow case working in the new year, we will make some progress in getting this head of work down, which is good for your constituents and my constituents and those of colleagues across the Committee, because, as I said earlier, we want to see certainty for people as soon as possible around decision-making.

Q128 **Kim Johnson:** Going back to asylum accommodation, we all know that it has had a significant impact on local authorities. For my local authority, a city of sanctuary, we will have 1,000 asylum seekers set to receive a decision before Christmas, but sadly without accommodation to meet their needs. There is a fear that those people will end up on the streets and possibly dead if the weather continues as it is. I just wanted to know how you intend to support local authorities, particularly those like mine that have lost significant amounts of funding in the past 13 years, and how you intend to support these asylum seekers.

Tom Pursglove: To deal with Christmas specifically, there is a moratorium on moving people on over that Christmas period, in the way that we have seen in previous years. I hope that gives you a little bit of assurance about the Christmas period specifically, because you mentioned that.

Also, I have already said to the local government Minister that I recognise that relationships are very important as we take forward this work. I



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recognise that this is challenging, and I will work very closely with him to pick up with local authorities around the relationships piece, to understand what the challenges and needs are as we seek to take forward this agenda.

Undoubtedly, getting through the backlog does inevitably have challenges associated with it when it comes to accommodation, but there are improvements that are in train to ensure that local authorities, for example, receive early notification of those being granted and leaving accommodation.

Again, advanced notice is helpful. The more notice that we can give, the better that is. We also have local authority liaison offices who are a specific point of contact where there are particular challenges or difficulties that need to be worked through in order to make sure that someone has the right support, but you can be absolutely assured that I want to have constructive relationships with DLUHC colleagues around this and with the local government sector. One of the challenges is making sure that we have proper data-driven approaches to this. Some of the heat maps that we have developed, for example, have been helpful to us in doing that.

Q129 Chair: Could you let us know what the retention rate is for the 2,500 caseworkers?

Tom Pursglove: I understand that the attrition is 30% at the moment.

Q130 Ms Abbott: I just wanted to ask Mr Pursglove about some of the issues in relation to legal migration. You may have seen the coverage earlier this week about Afghans. Apparently, there are 200 members of Afghan special forces who were trained and funded by the UK. They fled to Pakistan, and Pakistan is going to deport them back to Afghanistan, where they obviously feel that their lives will be in danger. Are you familiar with that story? Are we going to reconsider that?

Tom Pursglove: I will be having conversations with colleagues in other parts of Government about these very sorts of issues tomorrow. Of course, we treat this with the utmost seriousness. What you have seen in responding to the crisis in Afghanistan has been a co-ordinated, cross-Government effort involving both the Home Office and the Ministry of Defence, as well as colleagues in the Department for Levelling Up, Housing and Communities, and we will continue to do everything that we can to support Afghans who have been affected by this exceptionally difficult set of circumstances that has arisen.

You can again be assured that this is very high on my list of priorities to pick up with ministerial colleagues, and the Home Office will play its part in responding to that challenge.

Q131 Ms Abbott: Of course, not everybody thinks you are doing all that you can. Quoted this week was General Sir Richard Barrons, who was in the British Army for many years. He said that the failure to relocate these



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soldiers back to the UK “is a disgrace, because it reflects that either we’re duplicitous as a nation or incompetent. Neither are acceptable. It is a betrayal”.

Tom Pursglove: Of course, we have played a very significant part in the ACRS scheme. The ARAP scheme has been led by the Ministry of Defence. Again, let me absolutely assure you that we will continue to play our part as a Home Office to make sure that we can deliver on the ambitions that you and those respective Departments have to provide that sanctuary for people who need it. I am having those conversations in a live manner at the moment.

Q132 **Ms Abbott:** The coverage of this issue has caused a lot of alarm. These are people who worked with us and were side by side with us, and now we do not want to offer them sanctuary of any kind. If they go back to Afghanistan, their lives are in danger.

Tom Pursglove: I have heard your strong arguments there directly. I am sure that other colleagues elsewhere in Government will have heard that too and will want to reflect on what you have said.

Q133 **Ms Abbott:** The other thing I wanted to ask you was about Windrush. You will be aware that this is a longstanding issue in terms of compensation, and there is a concern about it because, in the nature of things, the victims of Windrush are getting increasingly elderly, because, by and large, these people came in the 1960s and 1970s. Are you able to tell me how many people you have given compensation to, how much compensation it has amounted to, and also how many people are on your waiting list to get compensation?

Tom Pursglove: By way of an update, the total paid or offered to individuals through the scheme has increased to over £79 million. £67.59 million has been paid across 1,820 claims, and a further £11.71 million has been offered awaiting acceptance or pending review. The statistics also show that over 72% of claims have had a final decision, but, again, I want us to be as expeditious as possible in dealing with those issues, because I recognise the importance of getting this right for those individuals, making sure that they receive the compensation they deserve.

Q134 **Ms Abbott:** How many people are on the waiting list? You have told me who you have dealt with and are dealing with, but how many people are on the waiting list?

Tom Pursglove: I would need to go away and check that figure definitively, unless Mr Hobbs has it.

Dan Hobbs: The latest figures are that there are 1,684 decisions pending, of which 105 are over 18 months and 92 are over 12 months.

Q135 **Ms Abbott:** How long do you think it is going to take to resolve this? The worry is that some of these people will reach a stage in their life before



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they get the compensation. How long do you think it is going to take to resolve it?

Dan Hobbs: The applications remain open, so it is open for people to continue to apply. A number of those cases will still be under the three to six-month phase because there is no closure in terms of applications. As I said, I gave the figures for over 18 months. It is not directly managed by the immigration functions in the Home Office but, as the Minister said, our commitment is to deal with those cases as expeditiously as possible.

Q136 **Ms Abbott:** Is it possible for you to do a note on where you are? People raise it with me.

Dan Hobbs: We published full stats on it last week.

Tom Pursglove: I am always keen to be helpful to the Committee and to colleagues, so let me take away your questions and, if there is any additional information that we can provide, we will do that gladly.

Ms Abbott: Yes. I want to be in a position to tell people where we all stand.

Chair: Of course, we produced a report on Windrush and made certain recommendations to Government, some of which the Government chose not to take up. We are certainly wanting to keep an eye on the progress, and in particular about not just the Caribbean, but other parts of the world where there could be claims under Windrush. We were concerned that not enough activity had been undertaken to identify people, so we would welcome any information about that.

Q137 **Simon Fell:** Welcome, Ministers, and I apologise for not rushing back as quickly as I could have done. I was trying to save a library by delivering a petition in the Chamber.

Michael Tomlinson: That is important constituency work.

Q138 **Simon Fell:** Yes, indeed. I have a few questions around legal migration, Minister Pursglove. We had the statement from the Home Secretary last week. He said that migration to this country is far too high and needs to come down. What does success look like for you?

Tom Pursglove: It is fair to say that the package that was set out just prior to my arrival in the Department last week is a good package that moves forward in responding to the challenge that people are rightly laying down to us of reducing migration, and doing that in a sustainable manner while still ensuring that businesses and employers have the skills that they need.

The overall package of measures, when you take into account also the announcement that was made in May and the delivery of that announcement around students, is around a 300,000 reduction in net migration. That is something that I am determined, as the Minister for Legal Migration, to see through in conjunction with the Home Secretary,



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and that is a pressing priority for the Department. As I touched on a little earlier, it should also be seen in the context of the work that is going on in Government elsewhere, particularly around the back to work plan and all the employment support that is being provided.

We should not be complacent as Government. Businesses and employers should continue to engage and work constructively with us to see what more they can do to meet their skill needs through the domestic population here in the UK and, as Government, we are really backing that work.

For me, getting on and delivering that 300,000 reduction is going to be mission critical, but I also want it to be seen in the context of that other work that is going on, making sure that we are working in a joined-up way with other Government Departments.

Q139 **Simon Fell:** I will come back to you on the skills piece, because that is a crucial part of the package. It is almost as important as the numbers themselves.

The Home Secretary talked about spring as being the date that this would come in. Obviously, it is a key thing for the businesses you referred to, such as care home providers, or indeed people who are looking forward to getting married in the future. They need to know when that date is in spring so they can plan. Can you give us an indication of what that looks like?

Tom Pursglove: I am endeavouring, along with the Home Secretary, to come forward as quickly as possible in providing that information that you are seeking to give that certainty.

Q140 **Simon Fell:** How quickly do you think that endeavour will deliver results for us?

Tom Pursglove: I cannot get drawn any further than that, but you can be assured that I will come forward at the first possible moment to provide that clarity for you.

Simon Fell: We very much look forward to it. Thank you. The impact assessment for the new points-based system for skills workers was published in November 2020. When are we expecting an economic impact assessment of the proposed changes?

Tom Pursglove: My understanding of that is that, again, when we are in a position to announce the latest set of immigration rules, we will provide that economic impact assessment alongside it.

Q141 **Simon Fell:** Okay, so we are looking at that same date.

Dan Hobbs: Also, a number of the measures are subject to the review by the independent Migration Advisory Committee, both in terms of the future of the shortage occupation list and the review of the graduate



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route. The Government asked the Migration Advisory Committee to review those, so it will be subject to them also completing their review.

Q142 **Simon Fell:** With regard to care workers and the announcement from spring around their ability to bring dependants into the UK, can you talk a bit about the evidential base for that decision?

Tom Pursglove: In relation to around 100,000 care workers, what we saw was 120,000 dependants coming with them. Most people would think, rightly, that that is not a sustainable situation and that that is a very considerable number of dependants who were coming with those care workers.

Again, I make no apology for making the point that we can do more domestically to try to help support more people into those careers with all the right skills to take on those really important caring roles. We should not be complacent about that. We should work on a cross-Government basis to try to achieve it. I know that colleagues in the Department of Health and Social Care subscribe to that view as well, and I also want to see people paid properly for that work. Also, it is right that we tighten that route to guard against some of the perceived exploitation of it, and to have this in a better balance or better proportion.

Q143 **Simon Fell:** You are cueing me up very nicely for my next question, which I appreciate. The Migration Advisory Committee released its annual report today. It had a helpful reminder in it. We had them in front of this Committee about 18 months ago. It had a helpful reminder in it that in its 2021 annual report, it suggested that health and care workers should be added to the shortage occupation list, but that was as part of a suite of 19 recommendations.

I am going to quote directly from their annual report: "We were clear that immigration could not solve the workforce issues alone. Our main recommendation was to introduce a minimum rate of pay, initially at £1 an hour above national minimum wage for care workers in England, to help tackle the workforce issues faced by the sector in the medium to long term. To date, the Government have not responded to or implemented any of those recommendations as part of the social care package". Why not?

Tom Pursglove: We have said that the introduction of care workers through the route was intended to be a short-term measure. I have seen the introductory letter that has gone to the Home Secretary from the Migration Advisory Committee with this report today. You will appreciate that I have not yet had the opportunity to fully digest the 60 pages that have come in alongside that, not least because I wanted to be at the Committee on time this afternoon to engage with all of you, but what I most certainly will be doing is engaging with the Migration Advisory Committee in the weeks and months ahead.

I consider that to be an important part of this role, and I am very willing to consider what further steps we can take to build on the work that is



already ongoing and already in flight to try to shift the dynamic when it comes to net migration, again thinking hard about how we can work in a joined-up way across Government, informed by some of that expertise and insight from the MAC about what more we can do to try to support people domestically to take on these roles and to ensure that we are paying people properly.

Q144 Simon Fell: I appreciate that, and I am sure that is with good intention. I am not going to directly quote you, but your words from only a few minutes ago were that we need to get the balance in the system right, and part of this system is about paying people more so more people in the UK want to do these jobs. We are not fulfilling that part of the bargain, yet it looks like we are turning the tap off at the other side of the equation. I just want to check what the reasoning is for why we are making this structural change to such a crucial part of our infrastructure without laying the groundwork beforehand.

Tom Pursglove: We believe that we can do this in a managed and proportionate way. Mr Hobbs, I do not know if you have any insights around this in terms of the policy formulation that went before.

Dan Hobbs: Only to repeat, as you said, that when Ministers took the decision, they were supporting the sector, and it was a relatively new introduction. The health and social care visa, as the Minister said, is to deal with short-term challenges. The numbers were significant in terms of the intake for those jobs. Also, the associated dependants and the proportion of dependants to applicants was distinctly different in terms of other skilled routes and if you look at the salary level.

Ministers examined a package and sought to balance the desire to bring down net migration, ensuring that communities and infrastructure were there to support those individuals, but also supporting the sector and the needs of both the health and the social care sector.

Q145 Simon Fell: I will move on to skilled workers elsewhere, because I know we are pushing right up against time. I am very grateful for your tolerance. I will use a constituency example. I know you said earlier you do not want to do constituency casework. I am not going to give you any casework here.

Tom Pursglove: I am always happy to help colleagues. I would not want people to think that I am not willing to help colleagues with constituency case work. It is just that it is always difficult to debate specific circumstances in public without having all the background to it.

Simon Fell: There is a letter in the post to you already.

Tom Pursglove: I will keep an eye out for that.

Q146 Simon Fell: In my constituency, I have the last producer of lead crystal in the UK. They are a very specialist business. The skills of the employees there are listed as an endangered craft. It takes 15 years to train a



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production glass blower and five to seven years to train a glass cutter. We simply do not have these skills in the UK anymore.

There are no businesses in the UK to train them other than the one that is in operation and, because there are no qualified assessors, they cannot get apprenticeships up and running, so they are in a bind. They have to import people from overseas, from places such as Prague where they have a skills base like that. The threshold that is being set is simply not going to work for them. It would mean increasing wages across the business by 30%. This will push them out of business. What would you suggest businesses like that do?

Tom Pursglove: We will need to take forward these measures carefully and take on board those sorts of observations. There are opportunities around skills, automation and productivity that we ought to be fully exploring and trying to take forward in a co-ordinated way.

I hear quite a lot of cases for specific professions and for particular types of work. It is worth just remembering that this is not the only route. Consider that there are Ukrainians, dependants, people on the EUSS scheme, youth mobility schemes, individuals who have general work rights and students who can work too, all of whom could take on some of the roles in some of the professions or particular types of work that we often hear about. Around that very specific example that you have mentioned, I would be really happy to engage with you on it and to understand, from your constituency perspective, your views on that and what those challenges might be.

Simon Fell: Thank you. I very much appreciate that, and I am aware that we are running up to time, so I will leave it there.

Q147 **Chair:** Just before we conclude, I wanted to ask Minister Tomlinson about the information that became available at the end of last week in terms of the MEDP with Rwanda. We knew about the £120 million that was paid up front and the £20 million that was then paid in addition. We have learned about the £100 million that was sent to Rwanda in April and a further £50 million to be sent next April. Could you just confirm if there is any other payment that will be due in the financial year 2024-25?

Michael Tomlinson: For 2024-25, you have all the information that is there and up to date.

Q148 **Chair:** The £50 million is the totality of the money that will be spent.

Michael Tomlinson: That is up to the end of that financial year. Yes, that is my understanding.

Q149 **Chair:** In the following financial year, what payment will go then?

Michael Tomlinson: Those details will be released in due course in the ordinary way.

Q150 **Chair:** You will know that there has been a lot of disquiet about the fact



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that there has not been the information made available.

Michael Tomlinson: You are absolutely right, and there was a letter subsequently written to you following those concerns. That is absolutely right.

Q151 **Chair:** You are saying to me today that there is £50 million that will be spent next April, but you cannot say whether any further payments will be made.

Michael Tomlinson: That is correct.

Q152 **Chair:** In the following year, there will be a payment. You are willing to admit that there is going to be a payment in the final year.

Michael Tomlinson: I am willing to say that the figures will be released in the usual way or in the ordinary manner.

Chair: That is very unsatisfactory.

Michael Tomlinson: I do not see why that is. This is the ordinary accounting procedure.

Q153 **Chair:** We will take issue with that, because that is not the approach that the Public Accounts Committee took on Monday when they were questioning the Permanent Secretary on that. Were there conditions attached to these sums of money?

Michael Tomlinson: In relation to what?

Q154 **Chair:** Were there conditions attached as to what they could be spent on?

Michael Tomlinson: That is something that I would have to go and find out and reflect upon.

Q155 **Chair:** Will you write to the Committee and let us know whether there were conditions?

Michael Tomlinson: I will write to the Committee.

Q156 **Chair:** We would like to know about any conditions that were attached to the money that was sent under the MEDP. The Permanent Secretary was able to give us a breakdown of how the money was spent in terms of education, accommodation and agriculture. There were percentages he was able to give to the Public Accounts Committee on Monday. I would appreciate knowing if there were conditions about what could be spent, whether in terms of total amounts or percentages. It would be helpful to know if there was conditionality attached.

Michael Tomlinson: I will follow up, as I said I would.

Q157 **Chair:** If there is any other information about what happens with the break clause and what proportion of any payments made could be returned, that would be helpful to know as well.



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Michael Tomlinson: That is received and understood.

Q158 **Chair:** On the Bibby Stockholm, I mentioned earlier on about the £22,450,772. Does that include any port fees, mooring fees and anything else that needs to be paid? Do you know?

Tom Pursglove: If I may, we will just check definitively on that point. Again, as we had a bit of a debate about earlier, we are reviewing that value-for-money evaluation, so let me just check that everything is included, because I want to make sure we give you a full and thorough answer to those questions.

Q159 **Chair:** You have mentioned the backlog. That is not the legacy backlog, which you say will be cleared by the end of the year, but the flow backlog. Could you write to the Committee with your expectation about how quickly that will be cleared and what the expectation would be for how long a claim would take to be processed?

Tom Pursglove: In terms of the overall asylum backlog, what I can say very quickly for the Committee's benefit is that that is down 16% in the last 12 months. It stood at 109,442 at the year ending 30 November 2023. I am looking at what more we can do to provide greater insight and expectations for people who are in the asylum system about when they would expect their claim to be dealt with.

Having demonstrated what we have through the legacy backlog performance, to me it seems that there is a lot of learning there that we can apply as we seek to deal with that overall asylum backlog that all of us want to see dealt with. With that, I hope that we will be able to provide greater assurance to people around the expectations that they can reasonably have around timings.

Q160 **Chair:** Those figures include the 13,000 that Mr Loughton was talking about.

Tom Pursglove: Can I just check on this operationally?

Dan Hobbs: My understanding is that that is not, because the flow is cut off from the point of the Illegal Migration Act, so it is from the Nationality and Borders Act to the Illegal Migration Act.

Q161 **Chair:** There is the 109,000, and then this 13,000 is building up in a separate backlog. Is that right? There are two backlogs.

Dan Hobbs: There are arrivals since the Illegal Migration Act for which new rules will apply.

Q162 **Chair:** In fact, there are three backlogs. There is the legacy backlog, the flow backlog and then the third backlog is post the Illegal Migration Act. Is that right? You have three separate backlogs.

Tom Pursglove: There are three cohorts of cases there.

Chair: Can I thank you very much indeed for appearing this afternoon?



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We look forward to a very constructive relationship with you in your new roles, and may I wish you all the very best, because you certainly have some challenges to deal with? Thank you very much indeed.