



Justice and Home Affairs Committee

Uncorrected oral evidence: Electronic border management systems—follow-up

Thursday 5 December 2024

10.35 am

[Watch the meeting](#)

Members present: Lord Foster of Bath (The Chair); Baroness Buscombe; Lord Dubs; Lord Filkin; Lord Henley; Baroness Hughes of Stretford; Lord McInnes of Kilwinning; Baroness Meacher; Baroness Prashar; Lord Tope.

Evidence Session No. 2

Heard in Public

Questions 13 - 28

Witnesses

I: Seema Malhotra MP, Minister for Migration and Citizenship, Home Office; Dan Hobbs, Director General, Migration and Borders Group, Home Office.

USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.
2. Any public use of, or reference to, the contents should make clear that neither Members nor witnesses have had the opportunity to correct the record. If in doubt as to the propriety of using the transcript, please contact the Clerk of the Committee.
3. Members and witnesses are asked to send corrections to the Clerk of the Committee within 14 days of receipt.

Examination of witnesses

Seema Malhotra MP and Dan Hobbs.

Q13 **The Chair:** Welcome, everybody. This is a further meeting of the Justice and Home Affairs Committee, looking at an issue that we have looked at on a number of occasions: various changes to border arrangements in terms of things being introduced by both the EU and the UK. We are delighted to have with us the Minister and her official, who will introduce themselves in a second.

Before we go any further, I want to place on record that the committee was grateful to be hosted earlier this week by the Port of Dover, and at Eurotunnel by Getlink. We are grateful for the information they provided and for their hospitality. We learned a great deal, and some of the information that we picked up on that visit will no doubt be raised during the course of our discussions with the Minister. Minister, I would be grateful if you and your colleague could introduce yourselves for the record.

Seema Malhotra MP: I am the Minister for Migration and Citizenship.

Dan Hobbs: I am the Director General for migration and borders at the Home Office.

The Chair: Thank you. Minister, I understand that you want to make an opening statement. The floor is yours.

Seema Malhotra MP: Thank you, Chair. I too am grateful to Getlink and the Port of Dover because it is extremely helpful to make visits and to see what is happening on the ground in preparation for EES and other programmes.

I thank the committee for having this evidence session and being able to discuss the work that is being done on electronic border management. I am aware that your inquiry started under the previous Administration, so I hope it will be helpful during the course of today's session to talk about what we have been doing since the new Government came in in July.

It is true to say that a great deal of work continues to be done on what I believe is important for maintaining our position as world leaders in digitising our border and modernising our immigration system. We are currently rolling out eVisas, which will fully replace physical biometric residence permits and cards, and visa vignettes for those requiring a visa to visit the UK.

Our Electronic Travel Authorisation scheme was extended to more countries in November, just a week ago, and that transition has gone very smoothly for the rest of the world. The scheme will strengthen the security of our border by closing gaps in advance permissions for passengers visiting the UK who do not need a visa. It enhances our ability to screen travellers ahead of arriving at the UK border and to stop those who pose a threat from travelling to the UK.

Schemes like ETA are in line with the approach of many of our international partners, including the forthcoming ETIAS scheme in the EU, which we all know has

been postponed and will be reviewed in light of the rollout of EES. However, we have been working extremely hard to make sure that the UK is prepared as much as possible—at least on our side, with what we can control—to be ready for the implementation of the Entry/Exit System as well as for ETIAS when that comes forward.

I believe we have made significant steps with industry, some of which you will have seen this week. I have seen it on my previous visits to Dover, Eurotunnel and St Pancras, which I visited in August and September to see the work they are undertaking. I want to put on record that their work and efforts have been commendable because it has been an uncertain journey and continues to be so. They should be congratulated for being as ready as possible should the go-live have gone ahead in November, with the mitigations and contingencies that would have been in place.

It is worth making a comment about a change that we have brought in which I know will come up in discussion: the setting up and funding of the Border Security Command, an additional capability to what we already have with Border Force. The committee will know that its appointed commander, Martin Hewitt, has over 30 years' experience in policing and dealing with threats and strengthened international co-operation. The Home Secretary recently secured the action plan to prevent and counter the smuggling of migrants with G7 partners in Italy and funded an extra 100 specialist NCA intelligence and investigations officers, a key area that we need to focus on for continuing to secure our border and working with our international partners.

It is true to say that no one can expect change overnight but, while the new systems and border command take shape, they present more opportunities to continue to work closely with our domestic and international partners and other Governments, and to enhance our wider Border Force and border security capabilities in order to keep our citizens and visitors safe.

Q14 The Chair: Minister, thank you. Some of the issues you have raised—for instance, eVisaeVisas—we will pick up in questions later on. You rightly say that it has been and continues to be an uncertain journey, not least in relation to the introduction of EES and subsequently ETIAS, but you said that a great deal of work has been done and that we have prepared as much as possible. I would be grateful if you could give us a little more detail about the conversations that have taken place between the UK and the EU, and particularly with France, about the preparations. At what level have those discussions taken place? Could you give a clear indication of what you have been seeking to achieve from those discussions?

Seema Malhotra MP: It is worth setting this in the context of the announcement late yesterday from the Commission, which we welcome, that starts to set out a clearer road map to the implementation of the Entry/Exit System. It is a piece that has been missing in terms of how we can transition more effectively and in a more controlled way to the introduction of EES, the principle of which we supported when we were members of the European Union. That is an important point because

we share the goals of securing our borders, which is the same for ETIAS, eVisas, EES and ETAs. No date has been set and that continues to be a point of discussion. Reading between the lines, I suggest that there is probably an assumption that it could start in around six months' time, but we do not know that for sure. Still, it is important that that step has been taken and that a change of legislation has been announced—this was the missing piece last time—to allow a phasing in, rather than a big bang approach to implementation.

The Chair: I apologise for interrupting. I just want to be clear: is it our Government's desire that there be a phased approach, not a big bang, whenever it might happen? Just so that is on the record.

Seema Malhotra MP: We support those proposals from the European Union. It is important that that is in the context of discussions that we have had to date and continue to have. Those discussions are at all levels between officials who are talking week by week. It is also the case that we have been working across government. Since I became a Minister, we have had a small ministerial group, led by the Minister for the Cabinet Office, so that, almost since I came into the role, we have been meeting fortnightly to ensure our readiness across our departments and that we are co-ordinated in the issues we have been raising with the EU and indeed with France, recognising the unique position with our juxtaposed ports.

The small ministerial groups that continue—indeed, there is one next week—involve me, the Minister for the Cabinet Office, the Department for Transport and our Minister at the FCDO. That has been important because, among the issues that we raise are our concerns about the readiness of the technology, including the app, which we believe to be an extremely important part of the technology—you will have heard this on your visit as well, I think. It will allow the pre-registration of some data so that it streamlines the process at the border that needs to take place under the EES. We also focus on contingencies and precautionary measures—for example, where there may be a build-up of queues that might need to have some mitigations put in place.

I was pleased to see that the announcement yesterday made an explicit reference to having some flexibility to phase in EES and to look at those precautionary measures, including scaling back. The approach seems to suggest that implementation may perhaps be different among member states. Their rollout plans will allow us to continue the discussions we have been having with the FCDO, state by state, as well as with the EU Commission.

The Chair: Clearly, it will be very important that, before the end of this session—my colleagues will help pick this up—we are clear what, from the point of the view of the UK, we wish to do if we are given the sort of flexibility yesterday's announcement provides. For example, the flexibility for perhaps only a percentage of passengers being required to go through the booths and do the various things they have to do there. I hope there will be an opportunity for you to say that.

Before I invite my colleagues to join in, what was not clear from your answer, and

this is not a criticism, was at what level discussions have taken place between the UK and the EU, and the UK and France, so perhaps you could just tell us that. You have talked about the committees that have been established—the internal discussion—and about officials having discussions, but have you had direct discussions yourself? Has the Prime Minister had discussions? Can you fill us in as to what level some of these talks are taking place at?

Seema Malhotra MP: Yes, absolutely. That is helpful to explain. We have had discussions at all levels. I have had some discussions with counterparts, but the majority of discussions with member states have been through the Foreign Office, particularly through Minister Doughty. The Minister for the Cabinet Office continues to have direct conversations with the EU Commission. UKMis is very active and continues to have a dialogue fed in through officials. The Prime Minister met President Macron in August, where the issues of readiness and other concerns were raised directly, and the UK ambassador to the EU met DG Home last Thursday. These conversations are live and ongoing. There are also meetings with officials from all our departments, where issues are relevant to them, including with the FCDO on what EES will mean not just for our juxtaposed ports but for Brits travelling by air and arriving in airports. That is a different set of challenges that continues to be part of our ongoing discussions.

Q15 **Lord Henley:** Minister, you will have seen the scale of the work going on at both Folkestone and Dover, and you will know that they have had to spend an awful lot of money in dealing with the potential problems of these changes. I am interested to know whether the Government have made any assessment of the cost to the UK: to the public sector, which in that case is HMG; to the private sector, which is Eurotunnel; and then to something that I am not sure is public or private, which is a trust port such as Dover, which is in a slightly different position. All of them have had to expend very large amounts of money, and I am interested to know whether the Government have made any assessment as to how much that will come to.

Seema Malhotra MP: Thank you for the question. You may have heard in previous evidence and on your visits some frustration about the investments that have been made and the implications of some of the costs from delays in implementation and perhaps for cost recovery for some of those investments. Indeed, both Eurotunnel and the Port of Dover have recruited staff for EES that may not be needed in those roles at this time. I understand that a number of those decisions have resulted in those staff being redeployed in other areas—because changes to staffing are difficult to make in the short term—and then re-recruited, bearing in mind the uncertainty of the rollout date.

I do not know whether you have been to see some of the changes at St Pancras, but there is a commercial unit that was to be an additional area for some of the kiosks as well. That will mean a small commercial impact of no longer receiving rent for those premises. It is worth saying that some of those investments will still be needed, because EES continues to happen. On the costs to date to the UK Government, we have given £10.5 million to the ports to support their readiness,

whether in technology or infrastructure. That preparation is not wasted in that it will come; it is delayed. It was important to ensure the necessary capacity and technology, as far as we could, to make sure that it was ready and there on site in anticipation of any outcome. We do not expect there to be additional costs on our side.

I will make just one point about communications in relation to those that are under way and that we will continue to do in the future, which perhaps will be useful to talk about in more detail if it is of interest to the committee. That is one area that is under our control. We had a deliberate strategy, which was led by the Home Office but supported cross-government work, of having a lower-cost, more flexible and agile approach to communications using more online tools; digital methods using the canopies at the Port of Dover; and correspondence that could be easily transmitted from airlines or operators to their passengers, along with other pre-departure information. That was ready and was softly done so that we did not go too early, and with a view to ramping up. That continues; we have scaled it back, but we have done it in an appropriate way, to warn that it is coming and then to be ready to ramp up in the future. Those materials, including digital materials, have all been prepared.

The missing piece has been the EU's communications strategy, which we continue to await. We very much hope that there will be early sighting of and working on that so that we do not invest ahead of time and then have to rework any of that communication to be in line with the EU strategy.

The Chair: That is very helpful, and I know that my colleague Lord Filkin may want to go into a bit more detail on that later. Lord Tope.

Lord Tope: Minister, you have referred several times to the possibility of phasing, and discussions that are going on—I assume with the EU, or more generally. What sort of phasing are we looking at here? What is the Government's desire for the nature of that phasing?

Seema Malhotra MP: I shall answer that question based on what our experience was in terms of readiness and our concerns. The first area is how we can speed up pre-registration and make sure that we do not overload the ports by having queues for biometric information before, for example, the technology is ready and fully tested. That is important. Again, I was pleased to see in the note from the Commission that we may have a phasing in, where, for example, you have pre-registration data but you do not necessarily have biometrics to begin with. That may be the case for the first couple of months or so of a phased rollout. Then there seems to be permission for member states to look at phasing in biometrics, maybe for a percentage—perhaps 10% or so of passengers—which will mean that you can build that capability at the borders without having a backlog.

It is important that we consider the balance of border security alongside border fluidity and, for us, the key objective of minimising disruption to the travel of British travellers abroad. There will be an additional cost that comes with a backlog in

order for us to put in place any mitigating measures for traffic, particularly around Kent. We want to avoid that. Obviously we need to plan for those contingencies, but we want to make sure that we are planning in line with capability being developed to speed the pass-through of passengers.

That is relevant because you probably saw Eurotunnel's kiosks and the processes they have, in the hope that eagle-eye technology will be implemented. Those kiosks and processes can speed up the passengers passing through as well as improving security. Whether it is port-by-port implementation, which nations may determine, or process at the ports, those are two parts of the conversation to have.

A concern that I will share, about which we will need to have continued discussions with the Commission, is what happens if one country is implementing EES but other countries are not. A British traveller flying to one country that does not have EES implemented does not need to pre-register, but if they then travel internally to another country that does but they do not have an EES record when it comes to the exit, there are things to work through regarding what that means for the travelling public going to the Schengen Area. I am sure those will be part of our continuing conversations.

Lord Tope: So what you want to see, and are trying to get to, is a much more flexible approach by state or even point of departure?

Seema Malhotra MP: This is an issue where even the ports will have their own views. You saw that the Port of Dover would have been ready but had greater risk. It also is worth recognising that the Port of Dover has multiple carriers and operators, and from that point of view the businesses of Folkestone and St Pancras, St Pancras having two operators, are slightly less complicated. There are different circumstances at different ports.

In making sure that there is potentially readiness and looking at discussions about how we might implement at the different ports, we want to make sure that we are ready as far as we need to be at all ports for implementation.

The Chair: Minister, again I apologise for interrupting, but there is something I am not clear about from your answers. We are already aware that a phased approach could have many forms, and you have already discussed the possibility of it being port by port. We might, for example, recognise that there is a big difference between Folkestone and Dover, where delay would perhaps be in Dover's best interests but Folkestone would be keen to get on with it in order to start getting a return on its investment. I am not clear about the Government's thinking about what phasing you would like to see in the light of all the information you have been provided with from the various ports and other points of entry.

Seema Malhotra MP: It is worth recognising that the implementation is really the responsibility of the member states, so a lot of this depends on the discussions with France and the readiness on the French side. I believe we will continue to be ready for whatever scenario that sees. For example, when I met the Police Aux Frontières

when I was in Dover, it was important to recognise that we have so many dependencies. From our point of view, our goal is to be ready but to have conversations with the French.

The Chair: But the implication of what you are saying is that we are going to be a rule taker, not a rule maker. You do not seem to have a clear idea, when going into the negotiations about phasing, about putting forward the case for the UK. Am I getting the wrong impression?

Seema Malhotra MP: It is probably worth recognising that the announcement came last night and I am sure that this is a discussion we will have with the small ministerial group. The discussions do not just involve the Home Office; they will be with France directly and with the EU Commission. The principles that we start with—with us being ready, whatever the situation, in line with French readiness—are important, but the conversations we have had that have talked about flexibility, precautionary measures and what we need to be thinking about in terms of implementing, in terms of our relationship, particularly with the French, have been collaborative. We have shared France's concerns with the European Commission, and that dialogue and that discussion will continue. It will be worth coming back to the committee at a future stage when there has been the opportunity to discuss this.

The Chair: After that committee has had its meeting, it would be very helpful if you could report back and give an indication to this committee what type of phasing the Government have decided, after those discussions, would be in the best interests of the UK. Although I cannot speak for other members of the committee, I for one am not at all clear where the thinking is.

To move on to another issue, we have already introduced the ETA for the Gulf states very recently and for the rest of the world other than the EU. Given the uncertainty in relation to the introduction of the EES and, later, ETIAS, what thoughts do you have about the timing of the introduction of the ETA for EU countries?

Seema Malhotra MP: I will answer that in a couple of ways. First, we should recognise that we have an established ETA system. We do not see a major concern in terms of having both being implemented around the same time, but we do not want to have a pinch point. That issue has been raised with the European Commission. If there is a way of considering our rollout alongside the rollout of EES then that would be helpful. We are looking to start the rollout for the EU in March, and looking for that to be mandatory from early April. All the signs at this stage suggest that that is prior to EES implementation, but we are having those discussions with the Commission, and I am sure that will continue to be part of the ongoing dialogue.

The Chair: From your answer, just to be clear, at the moment you are pretty confident that you are going ahead with the rollout of ETA in March, with effectively a very brief grace period until some time in April.

Seema Malhotra MP: That is right. Based on last week's extension of the scheme, there seems to be no reason why we should change that. Communications are out there about the rollout to the EU. Broadly, it affects different cohorts: the ETA scheme is for those coming to the UK while EES is for those going into the Schengen Area. There could be some room for confusion—this point is worth making—where someone coming from the US via the UK and then going on to Europe could potentially need an ETA to come to the UK and then an EES registration to go into the Schengen Area. I recognise that there are points where there could be confusion, about which we might have to have a different communication strategy. That is an area that we are looking at and are in discussion with the Commission about.

The Chair: That is very helpful because it leads neatly into Lord Filkin's question.

Q16 **Lord Filkin:** Thank you, Chair, and thank you, Minister, for your time. This is a question about the eVisa, which has just been postponed. It was due to come into force in about four weeks' time. Because your time is precious, I would be grateful if you could give us just two numbers. First, what is your estimate of the number of legally resident UK residents who need to apply for an eVisa? Secondly, what is the factual number of those who have registered to date?

Seema Malhotra MP: Thank you very much for the question. I will answer your main question first. Over 3.1 million have registered since April.

Lord Filkin: Over 3.1 million UK residents.

Seema Malhotra MP: Yes: those who are biometric residence permit or card holders. EVisas have been in operation for around six years. It is mainly those who have been on the EUSS routes first, of which there are six million.

Lord Filkin: That is a good answer to the second question. How about the first one? How many need to register?

Seema Malhotra MP: We are looking at that, but we believe that we have the majority already. I am getting updated figures on those.

Lord Filkin: Could your officials give us their best guesstimate of the number?

Dan Hobbs: I do not know whether we have it.

Seema Malhotra MP: We have some numbers that are being developed, so if we can share them, I will certainly come back to the committee.

Lord Filkin: It sounds as though you do not really know. Is that correct?

Seema Malhotra MP: It is more a case of checking the numbers. What I do know is that the majority have applied for an eVisa. It is important to say that we are not postponing the eVisa. In fact, it was not really a cliff edge. I want to make the point about the mitigations that we have put in place and where we are extending part of the rollout of the data.

Lord Filkin: Has it not been postponed? I thought it was going in on 1 January and now it will go in on 1 April.

Seema Malhotra MP: It is important to recognise this distinction, which was part of the Written Ministerial Statement that I laid in the House this week. The key issue that we have been dealing with this year has been the transition to eVisas of those who have mainly biometric residence permits. It is, in effect, like having an electronic version of your BRP. Because the policy was in place under the previous Government and it is very hard to change something that is so well under way, biometric residence permits stopped; they were expiring at the end of December. It does not mean that somebody's underlying status changes, because that status could be ongoing. The issue has been the readiness of, for example, airlines and carriers, to make sure that they are using our technology and are able to plug into it so that if, for example, somebody is travelling back—

Lord Filkin: Can I just pause you? I understand all that. It does not change their legal status, but it might stop them travelling abroad or getting back into the UK, so it is quite a significant issue.

Seema Malhotra MP: If they do not have an eVisa, it is more of a challenge.

Lord Filkin: Yes, exactly. My question was about the people who have not yet registered for an eVisa. I am delighted to hear that 3.1 million people have registered.

Seema Malhotra MP: It is in fact more than that now.

Lord Filkin: Good. What we are really interested to know is how many should have registered. This is not exactly scientific. When I ask people who should have registered, they do not have a clue that they need to. That is terrifying and it is a potential disaster for the Government if that continues.

Seema Malhotra MP: That is why we have an increasing communications programme and have brought in some of these mitigating measures. One of them is the greater flexibility for carriers to use an expired BRP card as permission for travelling back to the UK. But we have also increased other areas of support. For example, carriers have a 24/7 helpline. If there are any issues from any airport in the world, the carrier can call the relevant team in the UK, who can check someone's immigration status.

Lord Filkin: But have you ever tried to ring a government helpline?

Seema Malhotra MP: I keep under close review any concerns about answering times and so on. So far, the waiting time with carriers seems to be less than a minute. It is a really important area that we are keeping under review, with a very close eye on the rollout of eVisas in the Home Office.

Lord Filkin: Thank you, Minister. I will not take any more of your time on this question, but could we have your officials' best estimate of the number that need to

register?

Seema Malhotra MP: Let us check that with those remaining, because the number is increasing day by day.

Lord Filkin: Yes, but I am asking for a figure that gives us an idea of the scale of the task, not a three-decimal place one.

Seema Malhotra MP: We are seeing over 20,000 every day, so let us get the figure to you—

Lord Filkin: That is not what I am asking.

Seema Malhotra MP: I know, but let us get that figure so that I give you the accurate figure, which is important.

Q17 **Baroness Prashar:** My question looks towards the future, as we look at technical issues. What is the Government's ambition for the future of EU-UK co-operation on border management? Do you see any circumstances in which greater data sharing on border management is possible?

Seema Malhotra MP: This is a really important area, particularly in light of our reset with the European Union, which was part of the discussions in Brussels with the Prime Minister and the president of the European Commission. It is critical that we look at how building—and rebuilding—stronger relationships with Europe is an opportunity for strengthening our working together on shared challenges such as irregular migration and securing our borders, through close co-operation with our international partners like France, which are critical for not just the UK's border security but supporting across Europe.

In light of this, the new investment that we announced in the Border Security Command is significant, because part of the work that Martin Hewitt is undertaking also supports the joining up of our work not just with intelligence agencies across the UK—which, frankly, under the previous Administration was nowhere near where it needed to be—but on the ground in France and across Europe, where, again, forces and intelligence are not joined up as much as we would like to see. We believe that is more important for the new challenges that we face.

In terms of data sharing, it is definitely the case that when we left the EU and its systems, we anticipated a reduction in the volume of EU-UK co-operation. We took steps to protect our systems and safeguard our border through a range of measures, including exchanges via, for example, tried and tested systems like Interpol. It is important to say that we are four years on from leaving the European Union, with much that has changed for both the UK and the European Union. That involves the growth of threats in the landscape.

I will make an important point about Schengen because I understand that it is a concern for the committee. As part of the resetting of the EU-UK relationship and looking at new security arrangements, it is important that we also focus on

outcomes, including targeting criminal gangs. That means discussing databases, how we share data and where we need to go for the future, and then a discussion on mechanisms that we can have as part of those discussions.

Although we lost access to Schengen when we left the EU, it is important to note that the UK participated only in the police co-operation arrangements of the Schengen Information System, not the migration elements. Developing internal alternatives and making sure that they support UK and EU border security aspirations, goals and priorities means that we need to have those conversations about systems, but they are part of the steps in the question of what we need in terms of those capabilities.

Finally, I know that the committee has been concerned about implications if we do not have access to data. It is relevant to say that we continue to have access to EU law—some in law enforcement data—which is enabled through part 3 of the trade and co-operation agreement, and that we work and co-operate with member states on databases and systems such as Europol, Prüm biometric exchange, the ECRIS criminal record data exchange mechanism and the other bilateral exchange mechanisms that we have. I believe that we have a strong base on which we are building, and those discussions, as part of developing our border security as well as making sure that we are supporting border fluidity, continue to be a priority for the UK Government.

Q18 **Baroness Prashar:** Given that the Government are committed to resetting the relationship with the EU, are you prepared to consider any changes to the operation of the ETA?

Seema Malhotra MP: Sorry, what would you include in the operation of the ETA? There is one part that I could draw on, French school travel, which perhaps is an important example.

Baroness Prashar: That is the next question.

The Chair: We will come on to that separately, if we may.

Baroness Prashar: Are there any others that you might consider?

Seema Malhotra MP: We have not talked about any others in relation to that. The two questions that perhaps the committee was interested in was transit visas and the points about young people in terms of transit.

I will make this point: we have heard representations from Heathrow—I know Heathrow has also given evidence to your committee—and we continue to have that dialogue because it is important for all of us that we get this right. We are looking at the balance between security and economy. Obviously I have a strong connection with Heathrow, with it being right next to my constituency. Heathrow was what we grew up with as a family; on Sunday afternoons, our afternoon out would be a family of eight—grandmother, parents and five kids—going to Terminal

2 to have a cup of tea and watch planes take off and land. I think we all recognise Heathrow's status as a hub airport and the importance of supporting that.

The challenge we face in terms of border security has been those who may or may not have been on ETAs, who may possibly have had false documentation, who have arrived with permission to travel to the border, even if they are inadequately documented, and then sought asylum. We know that that has been an issue, and we are looking at how to strengthen our approach to dealing with it. Those conversations continue, and it is important to say that.

The Chair: I am grateful. If Baroness Prashar and Baroness Hughes do not mind pausing for a second, I would like to pick up that point, since you have raised it. Our committee looked at this issue in great detail, because we were very concerned about the economic impact that requiring an ETA for transit passengers was going to have on Heathrow Airport. We raised that with you. We pointed out that we understood you may have security concerns, in the way you have described, and we said that if those were there, we need to have them clearly outlined to see whether other mitigations to them could be taken that did not require the use of an ETA.

In your response you said very clearly, "The Government's number one priority is keeping the UK safe. Requiring transit passengers stops people who may be using connecting flights to avoid gaining permission to travel to the UK". You then said, "We are keeping this under review as we continue to roll out the scheme". You have started the scheme in a small number of states—the Gulf states. As a result of that, the evidence from Heathrow shows that from those Gulf states alone it lost something like 122,000 passengers. That is a huge economic impact from a small number of countries.

You also said that the reason you were phasing in the introduction of ETA was to learn lessons before you introduced the next phase, but you have gone ahead and introduce the rest of the world minus Europe without reviewing this issue. We are at a loss to understand why we did not receive the information about security issues and how they might be addressed separately before you went ahead, and we would certainly like some assurance that this issue will be looked at before you go ahead with the rollout to the EU. What are your thoughts and comments?

Seema Malhotra MP: I am happy to come back to the committee ahead of the rollout to the EU with further considerations. It is complicated and, in a sense, there are two clear sides. We take the border security challenge seriously, and I think we all recognise that. I have seen some of these challenges at first hand when I have been out with Border Force at Gatwick and so on. I am happy to come back to the committee and pick up on the response that I gave in my correspondence to you.

The Chair: That would be enormously helpful, not just to the committee but, more importantly, to Heathrow Airport, which is facing a serious economic problem as a result of this, something that you personally said you were keen to ensure did not happen. It is already suffering that economic problem as a result of these measures.

Seema Malhotra MP: We have discussions with Heathrow directly, not just the Home Office but the Department for Transport and other departments. We are alive to the concerns they are raising and continue to have conversations about how we balance the risks.

Q19 **Baroness Hughes of Stretford:** This is a point you have touched on. We are interested in the possibility of greater co-operation on youth mobility, and I have a couple of questions. First, could you outline the Government's position on the possibility of greater co-operation on youth mobility?

Seema Malhotra MP: I am happy to. We recognise fully the importance of cultural and educational exchanges between the UK and other nations. I suspect that this question is particularly in relation to the EU, so I shall answer that point first. The European Commission has not formally approached the UK to consider a new European youth mobility scheme. I have read, as you have, the speculation in the press. It is important to say that the Government will look at proposals on a range of issues, but we will not be returning to free movement, a point clearly made by the Prime Minister last week, not least in the light of our commitment to looking at reducing net migration after it rose to unbelievable record highs in the revised figures last week.

However, as you will be aware, we have a wider youth mobility scheme that provides valuable cultural exchanges and opportunities for young people aged 18 to 30 and, for some nationalities, 18 to 35—for example, in Australia. That is a good example of the opportunity provided by a programme to live in another country for two to three years in order to build those ties and to develop lifelong friendships and the relationships that can support the economy and trade in the future. Each youth mobility scheme has been subject to a bilateral reciprocal arrangement that has been designed to allow for that cultural exchange. They are not intended as a route to dealing with labour shortages as such.

On the specific point of under-18s, who are a different cohort, I am pleased that we have been able to agree to continue the specific arrangement we have with France. That came out of an agreement between the two Governments early last year whereby French school trip travel information forms will be exempt from the ETA requirement. That is a temporary solution in place for advance permissions to travel for identity card holders and visa nationals. That is important so that children are not separated on a school trip for travelling to the UK. Until there is a group solution for this, we will continue that arrangement.

That means that teachers coming with pupils will still need to have the relevant visa, ETA paperwork or registrations in place, but that is an example of our commitment to ensuring that we have appropriate mechanisms that do not get in the way of young people being able to travel, learn and meet young people from other nations.

Baroness Hughes of Stretford: Thank you. I have a couple of follow-up points. You started by saying that you had not received a formal request from the EU to reach an agreement on a bilateral youth mobility scheme between other member states

and us. Why would the UK wait for an approach from the EU? Why would we not see the benefits of having a youth mobility scheme and, if there are issues to be resolved, particularly around the issue of freedom of movement, as you say, engage in that conversation? Why would the UK not instigate that conversation in our own interests?

Secondly—you have touched on this—we have seen reports, as you will have seen, that if those conversations began, one way or another the UK might seek an exemption for British citizens in respect of EES in exchange for greater co-operation on youth mobility. Those are the two points: why do we not show the initiative and open negotiations, and have you got a response to those reports about the UK seeking an exemption for British citizens on the EES in return for greater co-operation on youth mobility?

Seema Malhotra MP: Thank you for those questions. I have just realised that I have not brought Dan Hobbs in on anything at all, and he is keen to contribute on this, so I will let him come in on those two points.

Dan Hobbs: Thank you, Minister. As you said, the process for the reset between the UK and the European Union has been set out by the Prime Minister and the President, so there is a clear process to follow where we expect a summit between the Prime Minister and the President to happen early next year. That is the forum in which we will begin those discussions and that dialogue. At this stage, we think it is too early to pre-empt the exact nature of any youth mobility agreement. As the Minister said, the Prime Minister has been clear that that is not free movement. Any agreement on migration to the UK would have to be done in the context of a clear commitment to reduce net migration but, at this stage, it is too early to pre-empt those discussions exactly. There is a clear process there led by the Prime Minister and the President, through which we will have those discussions. At this stage, it is premature for us to be able to set out as the UK what any kind of negotiating agreement and mandate might be in respect of those two issues.

Baroness Hughes of Stretford: Okay, so you would not want to comment at this stage on whether the UK might seek an exemption for British citizens on the EES in exchange for greater co-operation on youth mobility?

Dan Hobbs: As I said, the process is being led through the Prime Minister. There will be a summit next year. The procedure for dialogue between the EU, the member states and the UK will be part of that. It would at this stage pre-empt any of that discussion and finalisation of our approach and policy.

The Chair: Is it not fairly normal to set out what you hope to achieve from negotiations? You might not be willing to tell us, but can you at least assure us that you have clear thinking about the questions raised by Baroness Hughes?

Dan Hobbs: There is a cross-government process in setting the UK's ambitions from the EU reset, which is obviously broader than just the nature of justice and home affairs. As you would expect, that is being led by the Minister for the Cabinet Office

and through the relevant ministerial committees. The Home Office is clearly engaged in that across the whole range of equities from national security, borders and law enforcement. A process is under way.

The Chair: Mr Hobbs, I fully appreciate the process. What I am asking is: are the issues that Baroness Hughes has been raising included in that process?

Dan Hobbs: We are looking at all the Home Office equities in terms of our relationship with the EU across national security borders, immigration and law enforcement.

The Chair: So the answer to my question is yes.

Dan Hobbs: Yes, we are looking at the issues of borders and immigration as part of our discussions with the EU.

The Chair: Thank you.

Baroness Prashar: I know you are having discussions at EU level, but are bilateral discussions going on, in the way you have an arrangement with France, with other European countries?

Dan Hobbs: I am probably not able to disclose whether we are having separate negotiations. The EU-UK reset is obviously led at Commission and Prime Minister level—at the presidential level. As the Minister said, we have a specific bilateral agreement for school trips with France. That is the only bilateral agreement we currently have.

Baroness Prashar: But there are no other discussions with any other countries.

Dan Hobbs: We have a range of discussions with lots of countries across border security at any one time. It is probably right that those are dealt with in the usual way in terms of when they are disclosed and their exact nature.

Seema Malhotra MP: If there is one point I could add, it is a process point. I think this is helpful to share with the committee. The Minister for the Cabinet Office, Nick Thomas-Symonds, and Executive Vice-President Maroš Šefčovič are those who have been tasked with the reset moving forward in the autumn and taking stock at the summit next year. That will be important to be aware of on how the co-ordinated discussions are ongoing.

The Chair: We will move on to another topic. Lord Dubs?

Q20 **Lord Dubs:** Good morning, Minister. Can we turn to the common travel area? What assessment have you made of the balance between border security and the potential impact on tourism and other cross-border travel from the Republic of Ireland into Northern Ireland?

Seema Malhotra MP: Thank you, my Lord. I will answer this question, and I will also bring in Dan, who chairs the forum for the common travel area. In specific response

to your question, what is clear for us is that there cannot be different rules for Northern Ireland and for the rest of the UK. ETAs will help enhance security for the whole of Ireland. Indeed, tourists to Northern Ireland from eligible ETA countries will be like those visiting from any other part of the UK and will require an ETA in future. This is no different from visa nationals, who have always required a visit visa to travel from Ireland into Northern Ireland. To do otherwise would create a loophole in our border security.

I am aware that this has been discussed by the committee in the past as well. I want to make a couple of points about the challenge that is probably partly behind this, both on tourism and on enforcement. We recognise that the tourism is publicised on an all-Ireland basis. That is why we are working closely with the tourism sector both north and south of the border to ensure that the ETA requirement is communicated across a wide range of channels. That also includes the Department for Culture, Media and Sport promoting the need for an ETA when travelling to Northern Ireland. I also recently met the Northern Ireland Assembly Minister for the Economy, Minister Murphy, and appreciate the concerns about the potential impact on tourism on the island of Ireland.

It is worth saying that, even if those who, for example, travelled to Dublin were to then need an ETA to travel as part of a trip to Belfast, to apply for that ETA would be a matter of minutes. They would be able to do that from Dublin. On making sure that we have the balance right, individuals arriving in the UK, including those crossing the land border into Northern Ireland, need to be in line with the UK's immigration framework. To not do so, and to knowingly not do so, would be committing an immigration offence, and they could be subject to prosecution or removal if they are encountered. Just because we do not have checks at the border—obviously we are all completely committed to maintaining those current arrangements—does not mean that we do not have enforcement; it can be away from the border, and there could be checks. That is why, while we have considered the request to exempt tourists visiting Northern Ireland from the ETA requirement if they are coming from Ireland, an exemption would undermine the rationale for introducing the ETA scheme and the opportunity that the ETA scheme provides to bring security to the common travel area. I do not know if it is helpful to bring in Dan as well.

Dan Hobbs: I am the co-chair of the Common Travel Area Forum with the Republic of Ireland; I co-chair that with my opposite number from the Republic of Ireland. We meet at least twice-yearly, but obviously a range of conversation goes on throughout the year. That forum is where we both set a programme of work for how we look at the common travel area, the security of it and our operational co-operation, but it is also where we share the key developments in our policy and legislation in the respective countries, how our systems are working and the challenges and opportunities in them. As I say, that happens through regular dialogue through the common travel area forum, which is the UK and the Republic of Ireland, not the UK and the rest of the Crown dependencies.

Q21 Lord Dubs: Thank you. Can we move on to another aspect of this? The Government have made a clear commitment that there will be no immigration controls whatever on the Ireland-Northern Ireland border. That is generally accepted. In light of the fact that API is not required in respect of domestic air journeys, what are the implications for east-west travel between Northern Ireland and Great Britain? To what extent will the ETA requirements be checked away from the border?

Dan Hobbs: Third-country nationals travelling between the Republic of Ireland and the UK are required to have a visa if they are a visa national. If they are not a UK or Irish citizen, they are required to ensure that they have the proper immigration controls if they are arriving from the Republic of Ireland into the UK.

Lord Dubs: But there are no checks on that.

Dan Hobbs: There are intelligence-led operations and checks around movement across the border.

Lord Dubs: Is that sufficient?

Dan Hobbs: It is important that ETA provides permission to travel; it does not necessarily provide permission of entry. It is a requirement to travel to the United Kingdom; it is then still subject to any relevant interventions or checks by a Border Force officer to verify that the rationale and the requirements of entry are met. It is a travel requirement. Those requirements have always been there, so if you are a third-country visa national who is in the Republic of Ireland and are coming to Northern Ireland, you are expected to meet the immigration controls. As I said, there are intelligence-led processes and interventions that require people to demonstrate their right to be in the United Kingdom.

Seema Malhotra MP: If I may, I will add a couple of final points on that. In support of the Good Friday Agreement, there is no hard border. We understand that. As part of the CTA arrangements, we do not operate routine immigration controls on journeys within the CTA. But, as has been mentioned, it is important to recognise that we can and do have intelligence-led operational activity that is away from the border. It is significant that you would be committing an immigration crime if you did not apply for an ETA when you should have.

There is a broader context here, in which the UK and Ireland have a close and collaborative relationship in relation to the CTA, and that includes migration and border security. It also includes a joint commitment to protect the CTA from abuse.

Q22 Lord Dubs: I have one last question on that and on travel between the Republic and Northern Ireland. Are you satisfied that people are sufficiently aware of what the position is? They could inadvertently commit an offence because they do not know. What publicity will there be to make sure that people who travel either east-west or north-south know what the position is?

Seema Malhotra MP: I do not mind coming in on that. We are making sure that we improve our communications, both on our website and with those who are bringing

groups through tourism to two islands. I spoke earlier about the effectiveness of the communication that happens via carriers or tour operators that will already be giving pre-departure or relevant information to individual passengers, which will be important. We are working with the tourism authorities, both north and south of the border, to ensure that that communication is there.

The ETA can be applied for through an app or on the web form, and takes a matter of minutes, so it should not be something that, if, for example, you are on a tour going into Northern Ireland but you have not done it prior to arriving in Dublin, you cannot then do it in minutes.

This is also an example of doing something knowingly or unknowingly but, sometimes, you can also make sure that there is continued communications. We need to make sure that this gets embedded as a behaviour, and that is partly why we had the phased rollout and then the evaluations of it that we were able to do. Obviously, those in the Republic who are either citizens there or lawfully resident third-country nationals will be exempt from needing an ETA to travel to Northern Ireland.

Q23 Lord McInnes of Kilwinning: My question may be more for Mr Hobbs. I want to get under the bonnet of the Forum as far as we can, although I recognise that the discussions held within the Forum cannot be shared today for security reasons. Lord Dubs raised the issue of the number of people who are aware that they require an ETA. Is any market research or data-based investigation planned for the next year or so into the number of people who are aware, so that we could get a feeling as to how many people know that they need an ETA and choose not to get one, perhaps because they do not think they will be checked, as opposed to the people who are ignorant and would get one if they knew?

Dan Hobbs: I am not aware of any specific polling data on that matter. However, the Minister has met the Northern Ireland Assembly Member and we continue to have discussions with both Tourism Northern Ireland and Tourism Ireland to promote targeted advertising, through social media channels and paid advertising, to ensure that people are aware and conscious of the difference between the immigration requirements.

As I say, some of this is not completely new because visa nationals coming into the Republic were always required to have a visa to come to the UK. But we continue to work very closely through the Government, with Tourism Northern Ireland and Tourism Ireland to absolutely deal with that impact. As the Minister said, we are very conscious and aware that there are people who inadvertently do not have an ETA and those who deliberately seek to evade, and we would seek to take a proportionate response in such cases. That is the kind of dialogue and discussion that we continue to have as we implement the ETA.

Lord McInnes of Kilwinning: And, I guess, to take maybe a more helicopter view, as you said, Minister, the common travel area is clearly fundamental to the Good Friday Agreement, and no one would want to undermine it. Therefore, we end up

with a slightly imperfect system where we have an ETA scheme in which we cannot have complete knowledge of the number of people going across the border into Northern Ireland, despite checks and everything else that might take place outside the border.

Just as the Republic opted out of Schengen because of the common travel area, to what degree do you think there might be further discussion with the Irish Government about the opportunity for ETA to be adopted by the Republic of Ireland as well?

Seema Malhotra MP: I will make a broad point in relation to that. It is an interesting question, but the broad point is that I know that we share the twin goals of border security as well as the maintenance of the common travel area. That border security is not just in the interests of the UK; it is also in the interests of the island of Ireland. In that context, and in light of what we see across the world, with the changing nature of threats for border security and of how people might seek to abuse immigration systems and the CTA, our commitment to minimise, reduce and tackle abuse of the CTA is a guiding principle.

Lord McInnes of Kilwinning: That perhaps reflects something that I am sure the Home Office is aware of: changing opinion and concern within the Republic of Ireland as well. That might allow those discussions to follow in that direction.

Q24 **The Chair:** In a minute or two, we will move on to some wider issues, but there are a couple of small questions that we would like to pick up in relation to ETA, ETIAS and EES. The Government made available some additional sums of money to help three of the key points. Is any additional money or financial support likely to be made available to the three key operators?

Seema Malhotra MP: Is this in relation to EES and the £10.5 million that was shared?

The Chair: Yes.

Seema Malhotra MP: We do not have any proposals for further investment. In a sense, this was part of the preparations for 10 November, and that support will continue to be relevant for the ongoing work.

The Chair: So the Government are absolutely aware of the simple fact that what the EU has imposed on the UK has caused significant costs to be borne, and that those costs are ultimately going to be paid by the travelling public?

Seema Malhotra MP: I think that point about the recovery of costs was made to your committee by Mr Keefe. I recognise that that is a decision that the companies will make. That is a different matter from the support that the Government have provided to support costs for the operators.

The Chair: I just think it is important to acknowledge that measures to improve border security—and we accept entirely that these measures are designed to do

that, and we welcome and support them—have to be paid for. In this case, as with separate ways of funding through normal taxation, these are going to be paid by the travelling public, and that will clearly have an impact on holidaymakers but on business travel as well. Would you accept that?

Seema Malhotra MP: Look, those end up being commercial decisions, but it is not unlike any other investment that the companies may make.

The Chair: I absolutely understand that. It is just helpful to have these things on the record.

Seema Malhotra MP: And the travelling public, both ways. It is a similar issue for investments that will be made more generally by companies.

The Chair: We touched earlier on making sure that we have appropriate communications with people about our own scheme that we are introducing. Baroness Meacher has a question on that.

Q25 **Baroness Meacher:** In our report, we indicated that official information about ETA will be available in a range of languages, not just French and German. In view of the fact that more countries are becoming involved with ETA, can you indicate in what languages official information is now available about it?

Seema Malhotra MP: I can certainly get that information to you; in a sense, some of the ETA rollout was prior to me coming into the role. We try to make sure that there are multiple languages, particularly targeted at where the new nationalities might be, so we can certainly get that information to the committee.

Baroness Meacher: That is very helpful, thank you.

The Chair: I am delighted to hear you say that “we” seek to ensure that it is in as many languages as possible, because your predecessors certainly did not. We look forward to that being put into action. We will therefore look forward to the list of languages in which it is currently available and what your plans are for the future.

Seema Malhotra MP: Some of that can also be flexible. I will give the example of what we are doing with eVisas, where the same material can be translated into different languages. We are very much led by where the demand is for that, working perhaps with community organisations on the ground and taking their advice. It does not all need to be led by the Home Office and it is not that we have to do something comprehensive across all countries; it can be led by what Governments might tell us about what might be helpful. Indeed, they may also be doing that themselves. That is a matter for other nations.

Dan Hobbs: There is also the fact that carriers have direct communication with their customers.

The Chair: Nevertheless, we are pleased with the response, and we look forward to seeing the details of its implementation. Let us move on to slightly wider, but connected issues.

Q26 **Baroness Buscombe:** Thank you, Minister and Mr Hobbs, for your contributions, which are incredibly helpful. I am moving on to what happens when people can bypass the system and outcomes, and border security priorities for tackling the threat from people-smuggling gangs. I have picked up your helpful messaging this morning, Minister, about closing the gap in the systems and capabilities so that the necessary security arrangements are in place to do their job and focus on outcomes if the job is unsuccessful. A key question has to be whether Border Force is connecting and working closely with our internal security systems. For example, does Border Force have the effectiveness, capabilities and right training to work with people internally?

Are you working and talking with the Director General for immigration enforcement, Bas Javid, within your department? We know that there is already a powerful internal domestic network right across the UK of people who are operating closely with people smugglers beyond our borders. They are entrenched in our villages, towns and cities, and I understand that Bas Javid is going to focus strongly on that. How are we working on our capabilities in this area? What are we communicating to the public about what is happening within our borders already as a result of allowing in people who should not be in our country?

Seema Malhotra MP: Thank you for that question, which goes to the heart of one of the biggest challenges that we currently face and to the heart of the Government's programme on how we take a different approach now to securing our borders. Let me perhaps give some reassurance on a couple of points. First, we in the Home Office have, broadly, a weekly meeting that brings together all the Directors General and Ministers, joining up across the Home Office, as well as the Border Security Commander, Martin Hewitt. We feed in and share where there might be challenges and what more we can do to join up across government but also internationally. That is an important part of how the Home Office is making the most of its capabilities and joining up so that we are efficient, effective and strategic in what we need to do in terms of maintaining a really smooth operation at the border for the vast majority of the travelling public. The latest stats show that over 130 million people passed through our borders, over half of whom were British citizens but almost 60,000 of whom were not. That is part also of how people feel welcomed in our country—what their experience is at the border and whether it is streamlined and secure. That is part of our broader transformation with Border Force.

It is important to mention and clarify that Border Security Command, which is the work that is going on around tackling the smuggling gangs, the criminal gangs that are undermining our border security and putting lives at risk, is a separate new capability. It has had £150 million committed to it for this financial year and next. It is recruiting more people, along with the 100 new NCA staff that I mentioned whom the Home Secretary has brought in. That is important because we need a different and strengthened capability compared to what we have had to date. You are not going to stop the boats by waving a flag on the border; you will do much more by going upstream, trying to disrupt the supply chains and doing what the Border

Security Commander is doing: supporting and giving information, advice and support from his own 30 years of experience about what can be done better. We are also looking at how the finances work for those criminal gangs and what we can do to disrupt them. If they are not going to make money out of being people smugglers, in effect, and putting those putting people's lives at risk—very vulnerable people, too—then that disrupts the business model.

We have to be more effective. That is separate—it is an important point to make, because Border Force has been a subject of discussion for your committee previously. Border Force as a whole has many functions at the border: customs and fiscal security, immigration and safeguarding, health and the environment, trade, travel, and so on. Those five main functions which the Border Force operates at our border are in a sense part of business as usual. We have to recognise that, from the scale of the challenge we are seeing with the small boat arrivals, we will not tackle the nature of what has become a global, sophisticated operation by having business as usual. That is why the Border Security Command and the Border Security Commander—the new role—are really significant. It is important that we are working across government, too, where there might need to be FCDO understanding, intelligence and interventions, so that we are looking at how we disrupt and understand the patterns way before people are seeking to arrive on our shores.

Baroness Buscombe: Thank you. Also, on the domestic side, unfortunately, there is already this entrenched domestic operation going on and we are very shy about telling people what is going on. Is it part of your plan to think about how we tackle what is already here and entrenched and is undermining life for people at local level everywhere?

Seema Malhotra MP: If you are referring to those who are arriving in small boats, accommodation in hotels and so on—

Baroness Buscombe: Sorry, Minister, I am probably not being clear. It is not the people in hotels but those who are working to support the smuggling system and are therefore undermining Border Force. They are already out working against everything we stand for and, at local level, supporting what happens when people have already come through the system.

Seema Malhotra MP: I will make a couple of points and bring in Dan. You are absolutely right that we also need to disrupt organised immigration crime domestically and where that is supporting, in its own way, what could be happening through visa abuse; abuse of legal migration routes for those who are then, in effect, subject to modern slavery when they reach the UK; and criminal gangs that will be operating in different ways.

Enhancing our intelligence around that is absolutely a priority for Bas Javid and the Immigration Enforcement team. You may have seen some of the announcements that we have made recently in relation to, for example, car washes and other areas where we know that there have been examples of people who are here with no

right to stay being employed illegally or those who may have inadvertently or deliberately overstayed and then been employed illegally. There are so many ways in which people who are vulnerable are exploited by those who are, in effect, criminal gangs.

That has absolutely been a priority for the Home Secretary. This area of work is, obviously, more overseen by my colleague, Minister Eagle, on the irregular migration side, but, from my side as well, for example, we have seen some concerns in relation to the Health and Care visas. That is a legal migration route but there have not been real jobs when people got here, or they might have been asked for a fee to more than cover an inflated level of charge for sponsorship licences.

We are now cracking down on all those areas of abuse, on both the irregular side and the legal migration side, because what is fundamental is that the public need to have confidence in our immigration system. It is not a case of saying “No immigration”; as you see in polling and so on, the public want to see a fair immigration system. They also want to see that it is well managed and well controlled. Those are our priorities, too, as a new Government, and they are certainly the number one priority for the Home Secretary in relation to migration.

The Chair: Thank you very much for that, Minister. I am extraordinarily conscious of time and your need to get away. We have two further questions, which we will seek to ask fairly quickly, for brief answers. If you are not able to give full answers and you want to write to us subsequently, clearly, that would be very helpful. I noted that you said you might bring in Mr Hobbs on that last answer, but did not, so he may also want to write. I am conscious that we have missed the benefit of his words, but we will get them in writing.

Q27 Lord McInnes of Kilwinning: Minister, you have mentioned a lot of cross-departmental working, both in relation to the ETA and in terms of smashing the gangs and working with the FCDO. I want to ask about Gibraltar and the current post-Brexit negotiations. How is the Home Office input working, to protect both national security and the rights of British subjects? How is that co-ordinated so that the Home Office can feel that it has proper input into that process of negotiation?

Seema Malhotra MP: It is worth starting by saying that the FCDO, as you will be aware, is leading the negotiations with His Majesty’s Government of Gibraltar, along with those discussions with the EU and Spain. That is important so that we have a way in which the discussions are joining up.

We are intent on agreeing a treaty that protects sovereignty and the UK’s military autonomy and secures future prosperity for Gibraltar and the region. That is important. It is also critical to recognise that we are steadfast in our support for Gibraltar, and we will agree only to terms that the Government of Gibraltar are content with. These discussions are ongoing. It is important in our work with the Government of Gibraltar to ensure that national security and the rights of British citizens are paramount in those negotiations. But, indeed, where appropriate, Home Office officials are consulted on border management issues.

You may be aware—I am sure you will be—that Gibraltar is responsible for its own immigration and border arrangements, but we support the Government of Gibraltar, for example, in applying for EES in relation to the potential border impacts. There has been long-running engagement between the Gibraltar Borders & Coastguard Agency, Gibraltar customs, and Border Force on capacity building and exchange of expertise. These also pre-date negotiations. They are matters that continue, but I think it will be reassuring for the committee to know that officials continue to have close engagement from all departments—officials have recently visited and will visit again in January—and that we keep all matters under close review, as well as preparations for EES.

Q28 The Chair: I am enormously grateful for that. One bit that is relevant to that debate is that people entering the EU are able to go in for only 90 days out of every 180 days. At the moment, people in Gibraltar can go in for more than 90 days. There is a real fear that the red ID card holders in Gibraltar may suddenly now be picked up as going in more than 90 days out of 180 days. I am assuming that, when you said you were prepared to support Gibraltar's prosperity, that is one of the very specific examples where you will seek to enable them to have that freedom to go for more than the 90 days.

You could respond to that in relation to another group of people: British lorry drivers. Much of the economy of this country depends on freight movement that is enabled by our lorry drivers, whether they are taking ordinary goods or carrying containers. Of course, they too will be picked up through the new EES system, with data about how many times they are visiting, and they could clearly also have difficulty in going more than 90 days. That will have a huge impact on our ability to get goods into our largest market, the European Union. Could you comment on both those examples and where the Government stand on that?

Seema Malhotra MP: Let me come in with a couple of points, and then I will hand over to Dan. He will want to contribute on this.

To your point, I emphasise again that prosperity for Gibraltar, national security and the rights of British citizens remain paramount in negotiations. Indeed, my honourable friend the Minister for the Foreign Office, the Member for Cardiff South and Penarth, and Gibraltar's Deputy Chief Minister have ongoing discussions and oversee any contingency planning in relation to the EES and what that could mean, in any respect, for travelling and discussions about the Gibraltar border.

This is also in the context of our EU-UK reset, where we want to see border fluidity as much as we can. That is a general strategy, using intelligence to reduce any risks of delays at the borders and making sure that we balance security and ease of travel for individuals and for trade. Perhaps it would be helpful to bring in Dan to make some final comments on this.

Dan Hobbs: As you say, we will continue to work with Gibraltar. That is led through the Foreign Office. As the Minister said, delegations have been visiting on the operation of the EES.

On the question on goods and freight lorry drivers, obviously that has to be in compliance with the regulations in the EU for what constitutes a visit versus what constitutes a requirement for their working requirements, and we are very alive to that. Again, for those who are using the ETA to come to the UK, we reiterate and underline the same aspects regarding permitted activities and over what duration. We will continue to work with the freight sector, as we are with ports and others, but we can write to you with further details if there are specific instances of driver concerns. Obviously, that has to be balanced against the requirements on entry and exit of the Schengen Area and what requires work permits.

The Chair: Yes, perhaps write to us, but clearly you have already said that the ETA is going to be introduced in March with a grace period until April. Presumably, European countries are themselves concerned about the impact that it may have on their people travelling, and they may have some specific concerns. More importantly, we have the imminent—although we do not yet know when—introduction of EES, which is definitely going to have an impact. We need to be assured that the Government are alert to the problem of freight transport and lorry drivers' ease of access into the EU. At this stage, obviously, negotiations are continuing, but it seems to us to be at a very late stage since it was to have been introduced a few weeks ago.

Dan Hobbs: The delay is something that we acknowledged and were pleased to see, given the overall readiness. As the Minister has said, the proposals that came out from the Commission, although they still have to be agreed by the Council and the Parliament, seem to reflect that. Obviously, there are completely separate arrangements, which you probably saw when you visited the port, for freight versus commercial passengers, so we have been really reflective of that.

Our ETA will last for two years and will allow multiple entries over a two-year period as long as someone's passport has not changed in that period. As the Minister said, it can be done in under 10 minutes, with an answer in most cases in less than a minute.

The Chair: I am grateful, and I am sure you will write to us with more details. Minister and Mr Hobbs, we are enormously grateful to you for giving your time to come before the committee. Thank you for your detailed answers. Where there are further details you think we need, please do not hesitate to write to us. You can rest assured that we will be writing to you when we have had time to reflect on the discussions we have had today. On behalf of the entire committee, thank you.