



International Agreements Committee

Corrected oral evidence: UK-France prevention of dangerous journeys treaty: ministerial evidence session

Tuesday 16 December 2025

4 pm

Watch the meeting

Members present: Lord Goldsmith (The Chair); Lord Anderson of Swansea; Lord Boateng; Lord Fox; Lord German; Lord Hannay of Chiswick; Lord Howell of Guildford; Baroness Lawlor; Lord Marland; Lord McDonald of Salford; Lord Stevenson of Balmacara.

Evidence Session No. 1

Heard in Public

Questions 1 – 9

Witnesses

I: Alex Norris MP, Minister of State (Minister for Border Security and Asylum), Home Office; Dan Hobbs, Director-General (Migration and Borders Group), Home Office.

USE OF THE TRANSCRIPT

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

Examination of witnesses

Alex Norris and Dan Hobbs.

Q1 The Chair: Welcome to this session of the International Agreements Committee. We are very pleased to have with us today the Minister for Border Security and Asylum from the Home Office, Mr Alex Norris MP, but also with him director-general Dan Hobbs, from the Migration and Borders Group from the Home Office. Thank you very much for being here. We want to discuss with you what is sometimes called the small boats agreement, but you will give the full title. Thank you for being here to do that.

I am going to start off by asking a question myself, of which you have had notice in the circumstances. When this agreement was ratified, it used the exceptional procedure that is provided in Section 22 of the Constitutional Reform and Governance Act 2010. At the time, the Home Secretary told us by letter that Section 22 is to be used only in exceptional circumstances. I just wanted to put on the record that that was the position, and if you can, can you confirm that that remains the Government's position in relation to this?

Secondly, just to ask you a little further about that, can you tell us what the circumstances were—again, to get those on the record—and why they were considered exceptional? I want to ask you one supplemental question about ensuring that Parliament has the opportunity to scrutinise such agreements, even though the consequence of ratifying before the normal CRaG period has finished is that the normal CRaG process does not quite work. I wonder if I can just turn to you, Minister, and you can respond to those questions, please, before we go on to the substance of the treaty itself.

Alex Norris: I can reiterate that it is the position of the Government today, as it was the position of the Government earlier in the autumn, that we needed to engage Section 22 of CRaG due to the exceptionality in this case. There were two reasons for that. If we take ourselves back to the timings, the treaty was agreed on our side of the channel on 29 July, on the French side of the channel on 30 July. Of course, we were in recess at this point. The usual 21 sitting days provided for under CRaG, taking into account Summer Recess and the Conference Recess, would have meant that the effective date would have been at the end of October, some three months later. That is important for two reasons with regard to small boat crossings.

First, that period, the late summer/early autumn period, is one of the most significant periods for small boat crossings. The weather is a material factor in which days are attractive to cross the channel in a small boat. Every day like that is a risky day. It is risky for the individuals who make those crossings, and it is risky for community cohesion and public order in this country for people to see individuals coming to this country in those irregular ways. The judgment was made, and our position as the Government is, that those were exceptional circumstances and that

delaying for three months would have been to our collective detriment, and therefore would have been unwise. That is point one.

Secondly, those who facilitate, which is far too gentle a word, but those who organise and profit from small boat crossings are human traffickers. They smuggle; they deal in the trafficking of individuals. They are highly organised. They are highly cynical. They seek to maximise profit in all endeavours. The action of giving them, in effect, a three-month notice period that the UK was about to change its rules and increase its tools with regard to dealing with small boat crossings would, in our view, have created what we would call a closing down sale effect. This would have meant that they would surge their attempts in their marketing materials, telling people, "If you're coming, you should come now", and try to profit from it in that way. It would have created an unintended surge that would have been particularly undesirable. As a result, that also would have engaged the exceptionality.

I want to say to the committee, however, that we take parliamentary scrutiny incredibly seriously. Maybe I would say this as the Minister responsible for this, but I cannot think that there is an issue that is more important that the public see their Parliament discuss, scrutinise and hold the Government of the day to account on than this one. We do not and we did not take that decision lightly, but that is why we felt it was right that Section 22 was engaged in this case.

The Chair: Of course, you are right that the Government are allowing scrutiny to take place. Actually, you could not stop it, because we call you to give evidence anyway, but we are scrutinising this agreement now even though ratification has taken place. Thank you for that. To be clear, that confirms the information we already had in writing from the Government, but it is good to have it, and you have given some colour to it, which is particularly important. Do any of my colleagues want to ask any questions about that?

Lord Marland: I am interested in this closing down sale thing, because actually a closing down sale would have brought the thing to a head much more quickly and would have forced them to panic, surely, and stop their activities in a much quicker way. Why would not bringing it to a head be a good thing? It gives them time to reorganise and to do all those sorts of things. I do not understand the closing down sale given the three-month timing.

Alex Norris: Well, I am sad to say that these are incredibly sophisticated enterprises, which have had a six-year plus head start on the Government and are well embedded. I do not accept the idea that it would have in some way injured them organisationally. The reality is, perhaps the phrase closing down sale was not the best one, but it is the best one I have to hand.

Lord Marland: I do not mind the phrase. I understand what you are saying.

Alex Norris: But perhaps it is not as elegant a comparison as the point I am trying to make, which is that these organised crime groups use everything as a marketing opportunity. Much in the way that—perhaps I really am stretching the metaphor now here, Chair, forgive me—some shops seem to have sales on all the time to try to drive activity. This is the point, that they would use it not as, “Well, this is the final activity”, but as an attempt to surge demand. As a result, that is why giving them three months’ notice of anything that we do is always a bad idea: that is the judgment of the Government.

Q2 The Chair: Put another way, perhaps less colourfully, it would have accelerated the crossings that could have taken place, and it would have been used by the traffickers for that purpose and to sell more places on these boats. Right, let us now get on with the actual scrutiny of the treaty itself. Tell us please, if you will, Minister, how it has operated so far. It has been in force for several months. How many people have been returned to France? How many people have been admitted to the UK?

Alex Norris: Some 193 people have been returned to France, and 195 have been admitted to the UK. That figure tends week by week to see-saw, depending on the operational nature of removals or people coming to this country. The treaty works, is how I would say it, Lord Goldsmith. It is a pilot. As I have said, the scale remains small, certainly in the context of the approximately 50,000 removals we have managed to do as a Government since taking office, including over a 10% increase in removals year on year over this last year.

We have demonstrated that at an international level, you can form the relationships around mutual interest and shared endeavour with your neighbour, and form a treaty that creates the concept for a rather unprecedented returns agreement. As crucially, and perhaps even more difficult, we have shown that operationally it can be done as well. We have shown that you can detain individuals, you can have their fullest rights exercised under international law—all that is tested under our own laws and under other agreements to which we are party—and that those individuals are returnable still under that context. We have shown that we can do that. Yes, our view as a Government is that the thing works.

The Chair: In an interview you gave, I think on 29 October, you said that the agreement, “Is working in the way we intended it to”. Is that still your view?

Alex Norris: Yes, that is my view. That is my day-to-day experience in terms of our engagement with our French neighbours and counterparts, in terms of, crucially, our ability to run a scheme on a week-by-week basis that removes people from this country who have no right to be here. Yes, it operates as intended. Now, is it the summit of our aspirations? No, it is not, but it works. As I say, that is no mean feat.

The Chair: I am going to go to Lord McDonald to pick up on some points. Other Members, including Lord Anderson, will want to come in on this.

Q3 Lord McDonald of Salford: Minister, overall, the agreement seems to give a lot of latitude to France to reject readmission applications. In particular, it seems as if a UK request could be timed out if France simply does not reply promptly. France can de facto refuse readmissions by not replying to the UK's applications. How does this reconcile with the principle of equal partnership stated in the agreement?

Alex Norris: The treaty provides a general obligation for France to readmit relevant individuals. It obviously entered into this as a party to the agreement too. There are mechanisms within there to give France assurances that standing up the scheme was not going to create unsustainable and large volumes of returns that it was not expecting or equipped to deal with, either operationally or in policy. That is the purpose of those clauses: to act as that break.

I can say to colleagues that that is not how it is operated. We operate in good faith, as the French do, and have those conversations in real time about volumes and scale going forwards, so that we have those things written on the face of the treaty, as we would expect from such agreements. But operationally, we are working well within those, and they are operating in good faith, and they are replying to us. Any concerns that that might be used as a way for non-compliance have not been founded or borne out at this stage.

Lord McDonald of Salford: I shall press a little on the equal partnership. If it is an equal partnership, why does the agreement put the costs of readmittance and admittance on the UK only?

Alex Norris: It is a returns agreement. As I say, as a Government, as committee members and the public would expect, we return a lot of people every year who have no right to be here, be that because they have sought sanctuary and are not eligible for it, because they have overstayed their visas or because they have committed crimes. The costs of those returns are borne by the taxpayer. That is part of returns agreements that we have around the world, which operate differently from this in terms of removing citizens of different nations.

The reality is that that is good value for the taxpayer, in that the ability to remove people who would ordinarily be supported—in some cases indefinitely—is a good value proposition, as well as one that is crucial for public order. As such, and as a returns agreement, that is why we pay for what we pay for in it, but it is quite effective.

Lord Anderson of Swansea: Minister, is it too cynical to pose the question, what is the incentive for France to fully co-operate with this agreement? This may be related to the question of shared costs. Apart from comity of nations, probably France is quite pleased at getting rid of some of these migrants, is it not?

Alex Norris: I do not accept that characterisation. I frequently have this conversation with constituents, I have to say, who believe that in some way France is passive and disinterested and sees it as our problem. That

is not our experience. The fact that France has been willing to enter into these arrangements demonstrates significant good faith on its part.

To look at the practicalities, it is not in its interest to have the camps that are in northern France. Those are not good places for any human beings, but they are also not good aspects of any communities. Similarly, for all partners across Europe, to have that flow of irregular migration through Europe is not good, because along each link of the chain, as I say, the people who sit behind this are organised criminals, some of the worst human beings possible, frankly. And there are all the behaviours that come along with it, because it does not stop at human trafficking: it inevitably spills over into violence, drugs, prostitution and all those things, which are not in the interest of any of our European partners to have.

Actually, the nature of the conversation that we have with European counterparts is less them saying, "Well, UK, you're on your own", but rather there has been a perception that we in the UK are too soft, and as a result there are pull factors to come to this country that mean people transit through theirs. They do not want to see that. Now, we have set out the asylum policy statement that we have in recent weeks, and there may well be an opportunity to go further into that in proceedings to show how serious we are. Recently, the important activities of our two Chambers, our two Houses, on the Border Security, Asylum and Immigration Act 2025 now give more power to stop illegal working. That is actually generally the nature of the conversations with European counterparts, including France.

Lord Anderson of Swansea: Overall, the bulk of migrants in northern France are desperate to come to this country. It may well be that they will come one way or another. Are there not many people in France who say, "We're glad to get rid of them"?

Alex Norris: I cannot speak to French public opinion; my engagement is obviously with the Government of France. As I say, we have found them to be a very good partner. I accept the point that people who have gone all that way—particularly if they have made their way across multiple continents, never mind multiple countries—once they are in northern France, are highly motivated to come, which is why—

Lord Anderson of Swansea: It is the last lap.

Alex Norris: Well, possibly, but an exceptionally dangerous one. That is why the Government are doing work around the asylum policy statement, to address the crowning challenge: that across the European Union, countries are seeing their applications for asylum reduce, and across the UK, we are seeing our applications increase. There is a differential attractiveness to this country. Now, I would say that Nottingham is the greatest city in the world and that we live in the greatest country in the world; of course people want to come. We are English-speaking, we have diaspora communities. Those attractions exist, but they have always existed.

But differentially—it is not a phrase that everyone likes, but it is a phrase that the traffickers use—we are seen as the golden ticket. “Come to the UK, you’ll be able to work illegally, you’ll be housed in a hotel, you’ll have your claim accepted and you’ll have access to the NHS and to social housing. And if you don’t, they won’t remove you, and you’ll be able to sit here and acquire enough rights, and eventually you will be accepted”. We have to tackle those things as well: both the demand end, but also in this case, the supply elements. You cannot have one without the other.

Lord Anderson of Swansea: Post-Brexit, we have no means of knowing whether they have been refused by EU countries, and what their background is of possible criminal convictions.

The Chair: Lord Anderson, forgive me. We are watching the annunciator. There is about to be a vote, clearly, on the Employment Rights Bill. I want to make sure we can complete this session. I know Baroness Lawlor wants to ask a question, and there are a lot of questions to be asked. Can we just get on with that? I am going to ask Lord Stevenson to ask his question because we may be able to deal with that before the vote is called. When it is, we will have to suspend the sitting for a few minutes while that takes place.

Q4 **Lord Stevenson of Balmacara:** The agreement sets up a joint committee, which is alleged to sit monthly, and I do not mean alleged in a negative sense. How has that been going? Could you share with us what sort of issues are actually raised and discussed there?

Alex Norris: Yes, Article 17 provides for the joint monitoring committee. It does what it says in the name, in that it is a body for us and the French to come together to study the operation of the agreement, to see that it is working, and to iron out any problems. It has met three times, which is probably about monthly, give or take. Again, this is an innovative approach, and so it is important that there are the right oversight mechanisms to make sure that it is doing what both parties want it to do.

Lord Stevenson of Balmacara: Could you share what the issues are that come up? Is it the day-to-day stuff, or is it bigger?

Alex Norris: It would be a mix of all those things, really. The top-level conceptual issues are resolved at the point of signing the treaty, so it is necessarily going to be more focused on elements regarding the operation and the balance. That is always a very important issue between two nations. It is those sorts of issues.

Q5 **Lord Marland:** Just before I get to my question, your constituents, I am sure, are telling you that any deal we have done with France so far has failed: the money we have given it; it has not policed the beaches properly; there has been an increase in people coming in small boats. This is a neutral agreement because it is one in, one out, so it is not making progress in terms of the summit of your aspirations, which you referred to earlier. It is very hard to see what really the benefit of this is, but I am sure you will pick that up later, Chairman, and sorry for pushing

harder on that.

My specific question is, how many people who have returned to France have come back again? Are we able to monitor that?

Alex Norris: Two. I have to say, when I received the message that it had happened, it was not the best news I had heard that day. Nevertheless, the system worked. We detected those two at the border at Kent, and they were detained straight away. There was a little time while further claims were raised, but they were then removed again, so the system worked. Again, that is a crucial—

Lord Marland: It worked at this end, but not in France.

Alex Norris: Well, indeed, but it worked. Our border held, and then the scheme's operation, which is that they were removed again without counting twice, as it were, held and worked as planned. Those individuals wasted time and money, and that ought to be a deterrent to others that it really is not worth trying it again.

The Chair: We can relax slightly: the motion has been withdrawn.

Alex Norris: I do not feel very relaxed, Chair, in front of this esteemed body.

The Chair: Yes, I was talking to my Members rather than to you, Minister.

Q6 **Lord Hannay of Chiswick:** Could I put three questions to you, mainly about the European community dimension of this? A representative of the European Commission and representatives of EU member states may take part in the joint committee as observers to, "Monitor the application of this Agreement". Have any EU representatives of either the Commission or member states attended joint committee meetings, and what role have they played there? That is the first question.

Secondly, why does the agreement require that the results of the reviews that are undertaken, including all the statistical data, should be shared with the European Commission? Thirdly, could you just say whether, as I think I am correct in saying, this agreement is the only example of a safe and legal method for bilaterally claiming the right to asylum from outside the territorial limits of the UK and to have that claim adjudicated?

Alex Norris: On the first question, yes, a representative of the European Commission, as well as representatives from EU member states, have the opportunity to attend those joint committee meetings as observers to see what is going on with regard to the agreement. That is something the European Commission and a number of European states take up, including Germany, Belgium and the Netherlands and, I believe, some southern European states as well: Italy and Greece.

As to what the interest of the Commission is in it, one of the challenges in the agreement in its first instance is that we are agreeing a bilateral treaty with a member state of another multilateral treaty. There is

obviously considerable interest in this issue more generally across all the member states of the European Union, as well as significant policy change coming next June with regard to the migration and asylum pact. Of course, there is going to be interest about the compatibility. Again, I would speak to the success that we have demonstrated that we can stand up something bilateral that is compatible with France and other member states' ordinary responsibilities. That is their interest.

With regard to the data piece, we want European states to see it because we want to maintain confidence in the scheme. We want to be able to maintain and develop the scheme. Again, that transparency and candour are actually a good feature, not least because—again, this was in our asylum policy statement—it is our position as a Government that we would like to grow the number of parties that we have such agreements with. Again, giving possible member states that may have interest the chance to look at that in live time is in our interest. That is why that is a good thing.

As to whether this is the only safe and legal method to make a claim from outside the country, that is not quite right, in the sense that certainly in recent memory, there have been other schemes that have been country-specific: particularly Afghanistan; obviously Syria a little earlier; and Hong Kong BNO. It is a slightly different case, but it is the same principle: it is a safe and legal route, and you could make an application outside a country. But also, that is not quite the operation for the IN route.

For the IN route, the individual expresses an interest, the individual is then accepted, goes to Paris and then comes to this country. They are given three months' leave. They are not given a particularly long period of leave, so their out-of-country application secures them three months. At that stage, the three months is for them to make their best assessment of how to regularise their status in this country. That probably would be claiming asylum, though it could be entering into work or study arrangements. Actually, all that is in-country at this point. For an individual who has come in that way, or a group of individuals who have come in that way, their claim would be heard and understood as anybody else's who had entered the asylum system. It is not quite an out-of-country scheme in that regard.

Lord Hannay of Chiswick: May I just follow that up? Are you saying that when an asylum applicant in France asks to come under the scheme, they do not present any rationale for that to us or to the French before we admit them to the scheme, or is it not, in fact, the creation of a safe and legal route to make a claim, which, of course, we could refuse?

Alex Norris: It is a safe and legal route, but I was disputing the fact that it was necessarily an out-of-country one. That is where the initial application is done, where the initial processing is done, where we understand who that individual is, the biometrics, all those routine security and safety efforts we make that you would expect. What I am saying is that for the purposes of an asylum claim, the claim is one that

takes place under our usual immigration rules in this country, as anybody else who is claiming asylum on that day. There is no preference, there is no hierarchy. They are simply making that application on their own merits, under whatever protection claim they might be proffering.

Lord Hannay of Chiswick: If we admitted them without having a full and total examination and then came to a negative conclusion, we would send them back again and incur extra expenditure than if we, in fact, made a rather careful analysis before they came here?

Alex Norris: They would be eligible for removal. As committee members will know already, the system works such that it takes a certain time for someone's initial claim to be heard. Certainly, if they are unsuccessful, there is an appeal period of time, which can take quite a long time as well. That could not really be done out-of-country, would be our view. That is why it happens in the way that it does.

Q7 **Baroness Lawlor:** Mr Hobbs, the joint committee has equal numbers of representatives from the UK and France. I presume that is because each is a party to the agreement. Do you know how many there are? It does not matter if you do not, but perhaps you would let us know. The EU Commission representative is a single one, is it not?

Alex Norris: What has been provided is a single representative.

Baroness Lawlor: Is it the same one each time or a different one?

Alex Norris: I might have to turn to Dan.

Baroness Lawlor: We will move on. With regard to member states, in answer to Lord Hannay, you have already mentioned Germany, Belgium, the Netherlands, Italy, Greece and others. Is each member state allowed to send an observer? How many does that make now in total?

Alex Norris: I will turn to Dan for the answers.

Dan Hobbs: In terms of the attendance for each of the meetings, there is a chair and a co-chair appointed from each side, and then for each meeting we agree the attendee list. Broadly, from the participants to the treaty, there are three or four, representing policy, the SRO and the operations. The Commission has been represented by two people on one occasion. It has changed slightly due to availability, but it is a single representative. We have had one consistent representative from the Commission. In terms of the member states, again we have agreed with France each time which member states are invited, and they usually attend as a single person from those member states.

Baroness Lawlor: So, it is a fixed number for each member state of the EU?

Dan Hobbs: We have a single attendee.

Baroness Lawlor: First, I have a supplementary question: does that not put the British delegation in rather a minority position vis-à-vis a whole

troop of EU representatives from member states, a Commission representative, as well as the French, who have all their own interests in this game? Anybody familiar with European politics will say that. Is that not something to think about when you are acting in the interests of the UK? If you do not have an answer now, you would be very welcome to come back to me. The last bit of the question is, are the meetings virtual or in person, and how much does each meeting cost? Do those costs fall on the British—

The Chair: Baroness Lawlor, we are going a little far into this; other questions have been asked. Mr Norris, can you come back to the principal question: are we being outmatched or outgunned in these meetings?

Alex Norris: Committee members will know from other organisations that they are involved in that there is a difference between being a member of a body and being an observer of a body. There is parity between the two parties to the treaty. The rest of those who attend do so as observers, so I do not think there is a risk of being outgunned. That also presupposes that they would have a different interest and that their interests would always be aligned—southern Europe, northern Europe—or indeed that their interests would be contrary to ours. I have to say that is not something I would hold particular anxiety about.

Baroness Lawlor: Is it common?

The Chair: Baroness Lawlor, forgive me, I am going to go to Lord German because he has been waiting to ask his question for some time.

Q8 **Lord German:**¹ I have two related questions about the IN scheme. On the data protection matter you referred to, it would seem to me that the anonymisation, which is the only route we have to the data, does not help us if someone has made an application for asylum in another European Union country. We will not necessarily know that information alongside the name of the person, so when people arrive here, we just do not know. Are we able to get that sort of information, perhaps through Europol, with which we have some agreements, although it is not embedded in this country? It is perhaps a shame that we cannot find out the information that is needed to protect either those who are coming through the IN route or those who are coming illegally.

My second question about the IN route is about the criteria for applying. There was a link in paragraph eight of your letter, which you kindly provided to us, dated 24 November, which you said we should read. I have read those 83 pages. I could not see anywhere any definition of what you would be looking for in someone who was coming here. My understanding from talking to third-party organisations that have been invited to the embassy in Paris to discuss this matter is that roughly three countries are being prioritised, but no one can work out why there are no

¹ Note: Lord German intended to declare that he is provided with research and policy advice and support by an associate of Refugee, Asylum and Migration Policy Project (RAMP), as set out in the [Register of Interests](#).

other indications of what sort of people you are looking for to grant the IN status to. The question is very simple: why have we not indicated that? Why have we not said to people, "We are looking for this category of people", because that would help them make the application? It seems to me that one of the problems is that if you provide no criteria, the people who are thinking about it might say, "Well, am I likely to be successful or not?" What are the reasons for being successful? I have no idea.

Alex Norris: I would question whether those who enter small boats make that calculation either. There has been a question about whether this is a neutral scheme, which I am sure we will have the chance to probe at some point. Part of the point is around dissuading someone from making the dangerous channel journey and trying to break that model.

Lord German: I understand that.

Alex Norris: On the security point and on the point of previous applications, at the border at the moment with regard to security, we have the ability to get people's biometrics to then test them against databases that we have access to, which include European databases. We do not have access through Eurodac to know whether individuals have tried in a different country, which I have to say is outwith the scheme. It will not surprise colleagues to know that, to any degree, we would want the maximum information whenever we can, and those are conversations we have with European counterparts, but one that will not be resolved through this treaty or bilaterally, just with France.

We are in the relatively early stages of a pilot scheme. We have the flexibility down the line to be more prescriptive about, perhaps, who we are looking for. The reality is that people who have eligible claims, or feel they have eligible claims for sanctuary, are in scope of this agreement. It was never designed to particularly prioritise a region of the world. I am not sure that to do so would necessarily advance it. Ultimately those individuals—as everyone in the system will be—must have their case heard on the individual merits of their own individual claim.

Q9 **Lord Boateng:** You described this scheme as a pilot. It is certainly innovative and groundbreaking. It achieved something that no previous Administration, and certainly not the Conservative Administration, ever managed to achieve.

Lord Marland: So parochial!

Lord Boateng: Is that fair?

Alex Norris: Yes, it is reasonable to say that.

Lord Boateng: As that is fair, are we looking to see if we can extend this pilot to include other EU nations?

Alex Norris: Yes. I want to say to the committee that would be my hope. Where we are today, which is proving the concept, is not the

summit of my ambition. We would like to do more through this scheme and we would like to do this type of activity with more countries.

Lord Boateng: So presumably we welcome the attendance of EU observers because it demonstrates this scheme is in fact working very well?

Alex Norris: Whether it is domestic audiences or international audiences, we want to show that this can be done, and I think we have shown that.

Q10 **Lord Boateng:** The agreement provides for the possibility of both temporary suspension and early termination. What was the reason for including the suspension clause?

Alex Norris: I do not think it is without precedent that, certainly for something as novel as this, parties might want the ability to put the brake on it if it was not operating as agreed; it is a kind of safeguard. It is safe to say that we have not had conversations of that nature because the scheme is working as we expected.

Lord Boateng: Indeed, you have every hope that it will be extended in due course?

Alex Norris: Again, that would be my ambition. The date that is in the treaty is not an offhand date. Committee members will know that it aligns with very important work that the European Union is doing around migration and asylum. All member states are going to want to make sure that any bilateral agreements they are party to are compatible with that, but I would hope that we could continue it.

The Chair: Lord Howell has a question on that very point.

Q11 **Lord Howell of Guildford:** Minister, my understanding is that the agreement will terminate on 11 June 2026. That is presumably when the new EU pact for migration and asylum is expected and will come into application. What happens then? Do you expect the agreement to go on or to be amended in ways that may be expected? How will the arrangements be affected by the EU pact? How do these two things fit together?

Alex Norris: We are now in a very important six months in that regard in that the date is the date on the face of the treaty. There is provision under Article 22 of the treaty that the parties can extend it by written agreement. We are at a really important point with our engagement and our relationships with the Government of France because the Sandhurst agreement is coming to an end. So, we are currently having those conversations and are in the process of trying to reach agreements together. I cannot run ahead and have those negotiations through the committee, but as I have said to the committee, this is an important tool in our armoury and I want to see it continue and develop.

Lord Hannay of Chiswick: Can I just ask an additional question on

that? Have you had any indication, either from the French Government or from the Commission, that either a change in the French Government, which could take place this week if they do not get their budget through, or a change in the pact is likely to put the extension next June at risk?

Alex Norris: On the point about the Government of France, there have been multiple Interior Ministers during this phase. While there have been changes, this work has carried on. I hope that gives a degree of confidence. It is our position that we can find bilateral agreements that fit with France's multilateral commitments. I do not think I can go any further than that, given the conversations that are taking place, but my view and the Government's view is that we would like this to continue and develop.

Q12 **Lord German:** You have said that you do not think that any amendments to this agreement, or indeed extensions to it, will require scrutiny under CRaG. Why do you think that?

Alex Norris: The purpose of extension is provided for in the treaty, so it would not be a development or change to the treaty as agreed; that is our view as a Government. With regard to amendment, it is not our current purpose or position that the treaty needs amendment, in that it works for what we are seeking to do. Were that to change down the line, we would have to take full legal advice to see whether we had or had not engaged CRaG, but it is hard to know about that, because it is obviously hypothetical and down the road. As I say, we believe the treaty works, so we would just like to continue it.

Lord German: It could be amended by the French, of course.

Alex Norris: That is a possibility, but obviously it would have to be amended by mutual agreement. In those circumstances, we would take the relevant legal advice and act in compliance with the law at all times.

The Chair: That is one thing, but you said to us before, and we were pleased to hear it, that the Government take scrutiny by Parliament very seriously, so presumably, if there was a change by reason of an amendment, you would want Parliament to be able to scrutinise that too.

Alex Norris: We absolutely would. The specific question would be whether that would have re-engaged CRaG. What I am saying to the committee is that I do not know without knowing what that change was. We would have to revert in its normal order, but I know that parliamentarians will have the chance to scrutinise agreements and their operation at every opportunity.

Lord Boateng: You will presumably keep us informed as the agreement is rolled out and any new developments emerge?

Alex Norris: Absolutely. It is really important, given how challenging public confidence is on this issue, that we are candid and transparent in as timely a manner as possible.

Q13 The Chair: Minister, you have said once or twice during the course of your evidence that you were expecting to say something about the neutrality of the scheme. Please tell us what you have in mind.

Alex Norris: I slightly bristled at Lord Marland's characterisation of the scheme as a neutral one. Of course, in a numerical sense, it is a neutral scheme; it is designed to be in balance. It is not neutral in its impact, because it is designed to say to people, "Do not get into dangerous craft, it will not get you what you want". That is not a neutral act. It is an active, partial act designed to change the way in which people act and to break the business model of organised criminals. I do not want to miss that point.

Baroness Lawlor: Since the agreement has come into operation, have the number of small boat crossings by person gone down, stayed the same or gone up compared to the same period last year?

Alex Norris: We are down from the peak, but up on last year.

Baroness Lawlor: So it has not made any difference. In fact, the numbers coming in by small boats have increased during the same period.

Alex Norris: Baroness Lawlor, you would know that it is a multifactorial issue, rather than the idea that one thing is or is not effective, but we want the numbers to come down. Our theory of change, as a Government, is that it requires action to tackle and dismantle organised crime, break the model for the gangs in northern France, and address the flow of people. Then, crucially, we have made significant policy commitments in recent weeks to change demand as well. I accept the challenge. Those are conversations that we have down our end, and indeed I have with the public. People need to see that change to believe in our approach, but there is no one thing; it is all those things.

Lord German: Is there pressure on this one in, one out to find more people from the in side? In other words, is it difficult to get the number of applicants scaled up so that you can transfer others back to France?

Alex Norris: There may well be something in that, in the sense that of course it is easier for people who come via small boats and are canalised through Manston—they are there. Many of that cohort of people will be eligible for this scheme in relatively short order. What we have set up on the other side is new and novel. There is going to be an extent to which people still need to see how it operates, and whether it is in their best interests, to believe it. There is no doubt that that is different, but over time, that will weave itself out by the ordinary application of the scheme showing that it does work.

The Chair: I said that would be the last question, but Lord Boateng has been charming me with a request, so I am going to allow it. We have a bit more time than we thought.

Lord Boateng: We have listened to your answers with great care about

the multifaceted nature of this problem. Should the committee be concerned—indeed, should you be concerned—that the number of asylum decision-makers has in fact fallen in the past year? Do you have any plans to increase that number? Because frankly, is it not a big pull into this country that someone crossing on one of those boats knows that it will be a long time before their asylum application is actually handled? It will be even longer now that we have less people actually making the decisions.

Alex Norris: The view of the Home Office, the Government and myself is that we are sufficiently resourced in our decision-makers to have an effective system. My view is that our challenge is not in initial application decisions. That was our problem when we became the Government because the original sin, with regard to hotels particularly, was the suspension of decision-making earlier in the decade that created a huge backlog, and we have been moving that at pace. We now have an accordant backlog in the appeals system, because it moves through the system—

Lord Boateng: Are you increasing the number of people making decisions in the appeals system?

Alex Norris: We are making sure our processes are as effective as possible. For a headcount, I might need to turn to Dan.

Dan Hobbs: The appeals system is a matter for the Ministry of Justice. It goes through the First-tier Tribunal, so it is a judicial capacity issue on the First-tier Tribunal. We obviously discuss and work very closely with the Ministry of Justice, and the Government set out its reforms in the asylum—

The Chair: Forgive me, Director-General, it is one Government as far as we are concerned.

Dan Hobbs: Yes. Obviously, judicial recruitment is a matter that we discuss with the Ministry of Justice. We have worked with it to increase the capacity at the First-tier Tribunal as part of one Government working through that, and as I said, the Government set out their reforms in the asylum policy statement in terms of a new approach to asylum appeals that they will be bringing forward.

Lord Boateng: Can you speak to them and write to us about progress in this area? It seems to us that if this agreement is actually to bite, and we want it to bite, you are going to need to increase the number, effectiveness and rapidity of decisions on appeal.

Alex Norris: That is exactly the purpose of what we have set out in the asylum policy statement. The appeals system at the moment is rather circuitous, which means that individuals are not always stating their fullest claim early and they go round the system, and as a result waits are significant; I think the average wait is 54 weeks. Having a streamlined appeals body that helps people reach that single statement

of case will be a much more effective way of getting decisions made accurately and at their earliest stage. So, that is part of our case of change for that reform. These things are not always as simple as more headcount.

The Chair: I am sure that everyone, including those who have been Ministers, as Lord Boateng has, realise that things are not as simple as we would sometimes like them to be. I think the point that is being made is this: the public expects—and in a sense this committee expects—the Government to deal with the issues in the way that they choose to do it. Obviously, when we speak to one department, we do not want to hear that it is another department's issue and we cannot deal with it. So the question really is: having spoken to colleagues in other departments, whichever it may be, can we get a report from you on what is happening with the asylum applications and the officers and staff who deal with them? That is the question, Lord Boateng, is it not?

Lord Boateng: Yes.

The Chair: If that could be done, we would be very grateful.

Alex Norris: We will follow that up.

Lord Boateng: Thank you, Chairman.

The Chair: Minister, I am very grateful to you. I do not think anybody could deny that you have been scrutinised—or that the agreement has been scrutinised, rather than you personally—as a result of this. We thank you and the Director-General very much for your time and we look forward to further reports.