



Justice and Home Affairs Committee

Corrected oral evidence: Settlement, citizenship and integration

Tuesday 13 January 2026

10.35 am

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

Also present: Lord Anderson of Ipswich.

Evidence Session No. 6

Heard in Public

Questions 78 – 88

Witness

I: Professor Thom Brooks, Chair in Law, Ethics and Government, Durham University.

USE OF THE TRANSCRIPT

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Examination of witness

Professor Thom Brooks.

Q78 **The Chair:** Welcome, everybody, to this sixth public evidence session for our inquiry into settlement, citizenship and integration. We are delighted that we have with us Professor Thom Brooks, who I will ask to introduce himself for the record.

Professor Thom Brooks: I am professor of law, ethics and government at Durham University and the principal of Collingwood College at Durham University.

The Chair: Thank you very much. We are looking forward to your time with us, and we are going to kick off with Lord Bach.

Q79 **Lord Bach:** Thom, this is a really easy one for you. Would you mind talking through the process of your moving to the UK and becoming a citizen, and the similarities and differences in that process today compared with 20 years or so ago?

Professor Thom Brooks: I came to the United Kingdom in the summer of 2001, just after the riots in Burnley but before 9/11. I came as a student, so on a student visa. I am a student who stayed. I did three years at the University of Sheffield and then applied for work. I got a temporary work visa and spent five years working in Newcastle. At the end of that period, it was time to extend the visa or do something else and it was then that I discovered that there was a thing called indefinite leave to remain; I had no idea about that as no one had said anything to me about it before. While I was doing the form I found out that there was a Life in the UK test to do; something that was a newer thing for me in 2009, and no one had ever said anything to me about that at that time. I applied in person and got it. I could apply for citizenship after a year, which I did, and I got that too.

A few things have changed since then. When I came here in 2001, in light of the different issues going on in the north, not too far from where I was, there was a concern about parallel communities. There was a worry that there were communities of people living side by side for decades, or even generations, who never crossed the street, who did not engage with each other. The idea was that we ought to streamline and make clearer the pathways to becoming a permanent resident, to becoming a UK citizen, for a focus on greater cohesion and togetherness. We thought it was important to make people go down that road if they qualified because many were not, or so was the thought.

One thing that has changed is language more towards control of things and, in the latest consultation, looking to extend how long it might take to qualify and so on—so rather than trying to shrink and streamline, in a sense trying to do something different.

There are a few contenders for the biggest thing, but one is the complexity of the rules. In 2001 there was a requirement that new

permanent residents or citizens should have knowledge of life in the UK to be British, but there was no test for this. The guidance, rules and procedures and so on have all become much longer and much more complex since then. More than once we have seen an Act relating to immigration matters come into force that changed things in the previous Act that had not yet been fully implemented. So the complexity is completely different since then.

Brexit has happened, so that has brought change in terms of how settlement might work and border control in general.

The final thing I would say is that, at least according to the latest consultation paper, there is a focus on both economic and non-economic contribution as a means to reducing the time that one might have for qualifying for permanent settlement or citizenship. This is something that I welcome, and I have written about and supported this before.

The Chair: Can you just go through the dates again? When did you arrive? When did you get ILR? When did you get citizenship?

Professor Thom Brooks: Absolutely. I arrived summer 2001, I think it was June, on a student visa. I got my work visa in 2004 and starting work in August 2004, or thereabouts. I got my ILR in 2009 and I became a citizen in 2011. I am very proud to have chosen to become British.

Q80 **Baroness Prashar:** Can we talk a little about the government proposals? What do you think is the intention behind these proposals? What are they trying to achieve?

Professor Thom Brooks: Looking at what is presented in public, I would say there are a few things. One very big part is sending a very clear message that immigration is controlled and controlled in such a way that it is less. Part of this control narrative is that settlement can potentially become more difficult—I say potentially because there has been a lot of attention towards the residency period being 10 years, or it may be longer for certain folks. At the same time the consultation paper also says there are various ways you can qualify to earn reductions: if you are working or volunteering you could get up to five years' reduction on this. For many people, though, it will probably not change a whole lot; the pathway will likely still be similar. Those who are not on a work or other pathway may well want to switch to one, so there is a message here. There is also a thing about potentially making it a bit more difficult. I would say the other intention is to try to improve compliance and enforcement of the rules, which is also a very important element where the Government could go further.

Baroness Prashar: You wrote about this and you said that any plan should be pro-prosperity, and then you talked about more compassionate and flexible enforcement. Do you think these proposals meet those requirements?

Professor Thom Brooks: That is exactly what I wrote because that is exactly what a fair immigration system should do; it should be trying to

achieve all these things. There is not enough in the consultation to understand how these new rules might boost growth. I would be interested to know what the plans are on investor visa-related things. There are other options on short-term visas that might be reflected on for people moving between branches in a business that has branches in different countries and so on; that could be different.

The growth side is not something that stands out in the current consultation, I do not think that there is as much. The security side is there, and in ways I wrote about, which I was pleased to see. I also talked about respect, celebrating citizenship and integration as a two-way street, and other things. That is an area where I hope the consultation will go further than the Government currently seem to suggest.

Baroness Prashar: The former Home Secretary, Yvette Cooper, talked about skills and training in the foreword. Do you think that is not reflected in the proposals, that the proposals will not achieve that objective?

Professor Thom Brooks: It is there and there is certainly the intention to boost that. Every Government have wanted more skills, that is why we have seen very strong levels of overseas students and there are many other examples we can use. The Government want that but it is not as prevalent in the consultation; the focus seems to be on a worry that the number of people applying for settlement might increase, something that is highlighted from both Hong Kong and health and care worker visas. The thought is that the settlement numbers might rise a lot, perhaps at record levels, and then trying to do something about that, and looking at trying to manage that settlement process there. It talks about controlling the numbers and having control on the system, not so much in terms of the growth/prosperity angle. Although it is not lost in the proposals, it is not as prevalent as it could be.

The Chair: The Government's overall key objective that they stated as soon as they came into office was growth, and you referred to growth several times in your answer to Baroness Prashar. Given your extensive knowledge in the field, if you were designing the new way forward and you wanted to achieve growth in the UK economy, what changes would you have made?

Professor Thom Brooks: There are some changes in the consultation's proposed ideas that I would support; for example, the idea of earned citizenship, that it would be possible to reduce the residency period for certain folks who might be able to boost growth in the country. So there is reduction for those who would be on a high wage; they have a more significant reduction in required residency than others.

I like to think of something I call qualified residency. Being a student at university today, at any level, does not qualify you in terms of qualifying residency towards settlement or citizenship. My three years as a PhD student did not count for my applying for permanent settlement, but other kinds of residency do. It is right that there are some reductions on

things that are economic, and that there is some recognition of reductions for those who do voluntary work as well, as that is an important contribution that migrants can make. At the same time, it could go a bit further in terms of possibly introducing different visas or reforming some visas that we have, and there is not much language about that.

What I might propose is looking at something like the American investor visa, for example. I note to the committee, if it need be said, that I am originally from the United States; I came from the area of New Haven, Connecticut, once upon a time. With the example of the American investor visa, it is not just that someone—those who are citizens or on green cards—must invest money in the United States, but they must evidence that they have created jobs through their investment. It is not just that they invest in something and then pull away and wait to see how their application goes, there is a more thoroughgoing aspect to it. I would welcome something like that here; that would be positive.

The Chair: Just before I move on and so I am absolutely clear, the committee has been lobbied quite extensively by groups talking about a form of investor visa—talking about commitments to invest £1 billion, for example—but, as far as I am aware, nothing in those proposals from the UK group advocating it talks about the proof of job creation. Just how does the American proof of job creation work? If one year you invest \$1 billion but you cannot prove it has created any jobs, will you be told the next year when you offer \$1 billion that you are no longer a citizen? Does your visa get cancelled?

Professor Thom Brooks: Yes, Lord Chairman, that is right. In itself, investing money is not enough—throwing money at something is not enough. You have to show that you have created new jobs for people—I forget exactly how many, it is about half a dozen—and that there is a direct link between the two. That would be a different and perhaps more robust way, and a new type of attracting investment that I have not seen in the proposals yet. But I hope that it will come.

Q81 **Lord Filkin:** I have a question about government control of the system, and if it is not stretching it too far, maybe we could break it into two parts. The first is control of illegal migration numbers, most graphically illustrated by boat people. The second is what you referred to: control on net migration, if we have any clear view in government about what we really want on that. Would you like to deal with them separately?

Professor Thom Brooks: Yes, I would, thank you. There has been a lot of focus on the small boat issue and different ways that government might improve control there. There seems to be a suggestion that in lengthening the residency period for those who come and acquire refugee status, there could be a couple of decades before they might be able to permanently settle and that that might have some impact, and so on. I would like to see the evidence for that.

At the end of the day, I suspect what will happen is that people will find out over time, “Well, if I switch from the visa I have on protection to try to acquire a work visa or a family visa I can settle much more quickly”. The practical implication is going to be that many people will switch to other visas and there will not be the long waits that are proposed.

But when it comes to whether this will lead to lower numbers, I am unsure. I speak for myself. I have interviewed a lot of people who have gone through the process of becoming British and just about none of us knew what the rules were. We all usually had some kind of connection in some way with Britain: we had either studied here, visited here, had some distant family connection here, or had relatives that brought us here as a place to think about study or work and living for a bit.

When I came to this country in 2001, I admit that I did not think for a second about staying permanently; that was not part of the plan. I do not know whether I had one at that age in 2001. The idea of applying for permanent settlement was something that came to my mind when I realised if I paid X I could have a visa that would last me only another five years—at that time—or, if I paid a little more and then did something about a test, that I could then get it over with. I would just have it over with and not need to worry about paying more money. That was ultimately what drove me to go the way I did at the time. I was not motivated to come or not come because of changes in the rules that were all happening in plain sight while I was here.

Similarly, we know from a lot of research that refugees are not aware of the latest nuance of different policy changes and so on. But that is also true for a lot of people who come for work. They will maybe be interested in the immediate, “Can I work or not, and how might I do that, how difficult might that be for me?” But in terms of the longer term, settling, being a citizen in a place they have not been in or have not worked in before, they are maybe not as attuned to the different things. Of course, why would they be, in a way? The rules may change over the three-, five- or 10-year period, or longer.

Lord Filkin: That is very helpful. Resist if I am pushing you too far, but on illegal migrants—let us stick with the boat people, as the most *Daily Mail*-ish focus of this question—it looks as though the demand is considerably greater than the supply of boats, if I can put it like that. There are very strong personal economic reasons why more people will come. It is highly implausible that some technical change in the future will have much impact at all on that demand. If that is all true as a chain of argument then this policy may be useful for other reasons, but it will have virtually no impact on the boat people because other forces will be necessary to control that. Is that a fair summary?

Professor Thom Brooks: Perhaps, looking narrowly, as it were, at the latest consultation proposals, but this is part of a wider strategy. I was very pleased to see the Government enact the one-in, one-out policy. Following Britain’s leaving the European Union it was a problem that people coming over could not be returned to the European Union, or at

least not very easily. There was no replacement in place for the Dublin III Regulation; there had been no impact assessment for what would happen if we were out of that system. Now that folks coming over know that it is possible to be returned, even if enforcements might need to be driven up to have a proper deterrent effect, that is exactly the right direction. I would see this in the light of some of these other measures, and a lot of the heavy lifting has been on these other measures.

Lord Filkin: Thank you. I will not stray into that because there are other questions that might touch on it, but that fundamentally begs the question about whether there is a remote chance that the Home Office can control this system. But let me pass.

The Chair: Baroness Hughes might, however, pick it up.

Baroness Hughes of Stretford: Just quickly, given your answer there, is there any evidence about the kind of information people have and make themselves aware of when they are trying to come in illegally, as Lord Filkin described? Is it possible, if they are quite well informed about the situation, that knowing it is going to be 20 years, even if you get here, might have a deterrent effect?

Professor Thom Brooks: It is not unreasonable to suppose that if this change comes into play and it becomes clear to those who have an intention to come illegally or some way that might be affected by this change, it might make them reflect that there might be other places to go instead. So it may well have some impact. I have not interviewed a lot of folks who are refugees, or met one-on-one with people who have come on this journey, and I have certainly not done any kind of extensive research myself so, to a degree, I would defer that to those who have.

Baroness Buscombe: Do you think we should be rethinking or considering further the definition of "refugee", which possibly goes to the heart of the issue here? I have great friends who came here and said they were refugees from Ethiopia. I asked, "How did you leave? Why did you leave Ethiopia? Was there a war on?" Their reply was, "No, we just call ourselves refugees and we are here". Five years later, they have citizenship. Should we not go one step back and say, "Well, what do we mean by 'refugee'?"

Professor Thom Brooks: My main expertise is around settlement and naturalisation.

Baroness Buscombe: Yes, I get that.

Professor Thom Brooks: I want to be careful to not be drawn too much on asylum law technicalities. What I would say is I would be wary of changes. I can see a need to re-examine many things. It is important that we reflect and understand why we do what we do, whatever that is, so that it is effective, right and fitting for our times, and so on. At the same time, I would be very wary that, in trying to solve one kind of issue

that you do not create worse or bigger issues down the line. So I am not so certain about that, but I can see why people might think that.

Q82 Lord Anderson: Is immigration out of control or is it perceived to be? Is it the perception or the reality that is more important? It might be sensible perhaps, following Lord Filkin's lead, if you were to differentiate between asylum seekers on the one hand and other forms of immigration on the other.

Professor Thom Brooks: Yes, absolutely; thank you very much for that. There is certainly a perception that it is out of control. It is certainly an issue of high public concern, and that has to be important. In a democracy, it has to be important that people have confidence in how the country is managing issues of the day. Whatever one might want to say about whether things are as bad as people fear and so on, to a degree I would put that to one side. There is this perception out there that is real, that a great many people have, that simply cannot be ignored.

For a long time, probably since before I arrived, successive Governments have not done the most convincing job of challenging certain issues. There will be one-off, often bespoke, almost unique things that get heightened in the media on multiple sides, that draw various attention. Then there is some kind of quick move to show, "Oh, we're going to clamp down on that". That is where we see this rapid succession of changes of rules, laws and other things that have made the immigration system complex, difficult for practitioners—and, seemingly, the Home Office—to navigate, and certainly for everyday people to understand what is going on. All this has happened.

It is important to have a Government who, rather than being reactive, sit a bit more on the front foot. If we have a criminal justice system, we should be proud of it and we should defend it. If we have an immigration system, we should be proud of it and we should try to defend it; we should reflect on where we want it to go, what we want it to do, and stand up for it. When there are fightbacks and pushbacks on that, sometimes those will be right and it is right that we reflect and amend over time, but at other times there should be a standing-up, taking a principled position on what we want our system to do, rather than simply reacting. This is something I have seen for 20 years, more or less, and I would highlight in general when it comes to perception and reality.

Also in general, although I will speak to the split, research shows that public concerns about immigration as an issue are heightened when there are cost of living pressures on people. When the economy is going better, people are less concerned about immigration issues and they are more concerned about other things. If the economy were to improve you could probably expect to see the public's concern in other places; so these things might go hand in hand.

In terms of realities and things, one thing I would like to see—I may be the only person here who wants this, but here is my chance to say it and so I will—is the Home Office should probably separate its treatment of

what I would call general migration from asylum/refugee a bit more explicitly in its accounting and grouping.

On the general migration issue, that is something that should be seen as self-funded and self-sustaining. The folks who are coming through there, like me, pay fees at or above cost to the Home Office to run it. We, those who came on worker visas and other things, do not cost money to process in that sense. So the British taxpayer need not pay anything towards the processing of people getting work visas and other things—people who are in that wider pot. That wider pot generates income that clearly can be used to reduce economic pressure on the very important processing on asylum and refugees as well.

It is important to separate these things in how the Home Office deals with them, to help reduce this public perception that all migrants are the same, have the same issues, and should be treated the same. There are really important things the Government can proactively and constructively do that are different, depending on which we are looking at.

The Chair: If I could pick up on one thing you said in response just then, you said, in effect, that the Government should stand up and say what their immigration policy is, so at least people are clear about it. You have done a lot of research, so can you point me and the committee to where we could find the current Government's policy in relation to immigration, set out clearly?

Professor Thom Brooks: There has been a lot of evolution on immigration with the current Government. They have come into government after 14 years in opposition. The first focus was looking at the small boats issue, that we have discussed already, and introducing new measures around that. They are now turning towards the settlement and naturalisation issues and have put out some ideas about where they would like to go and are, to a degree, finding their feet on this. My hope, given some of the things that were said in opposition, is that there will be a three-pillared approach. This is not the order that it was stated in but it is the order I like: prosperity, respect, and security. I hope that those will be the three pillars of the new approach for a fair system. But perhaps the purpose of the consultation is to solidify what this view will be and that will then be defended full-throatedly.

The Chair: Just so I am absolutely clear, are you saying that as far as you are aware the Government have not published a clear policy as to what their immigration policy is, they are merely consulting to find out what they think it should be; that is, they are asking the public what it should be?

Professor Thom Brooks: We have a strong indication of where they are in terms of wanting greater control and reduced net migration; that certainly seems to be the policy of the Government on this, from what we see. In terms of more detail about what this journey might look like, it is the process of any consultation; they might well decide that they are not

going to go ahead with these changes to the residency period and are going to do something completely different. There I do not know.

The Chair: But surely the changes that they are now consulting on come from some underlying set of key principles of what they wish to achieve. All I am asking is: have you read anywhere what those key principles are? If we read the Government's consultation paper, it is very hard to find such a well-established, well-expressed, short statement of what they are hoping to achieve.

Professor Thom Brooks: If I were to give a short statement of what I think it might be, it is simply to improve public confidence in the immigration system; that is what it all boils down to. There have been a lot of promises made by lots of folks on lots of sides and I am not getting into any of that. There is clearly a lot of public unhappiness, it is one of the biggest issues of public concern, and the idea is to have a grip on this so that the public have a sense that this issue is controlled. The thought here from the Government is that one way you show it is controlled is by reducing the numbers.

The Chair: But you yourself would not be advocating that as a policy aim, surely? It might be what the current Government are seeking to do because they feel under pressure, but that is no justification.

Professor Thom Brooks: An immigration system simply has to have public confidence, so I completely agree with that. There can be different ways of achieving that.

Baroness Prashar: Can I go back to your point about making a distinction between asylum seekers and migration generally? In my experience, the two have been conflated, and that to some extent has affected the perception in terms of numbers. Do you think this is deliberate or do you think this is something the Government have not really thought through? Why have we not really had a two-track policy in terms of how we are dealing with asylum seekers and what the migration policy should be?

Professor Thom Brooks: That is a great question, thank you. I am not sure; I suppose we would have to speak to them too. Watching things and looking at the tea leaves a bit with this, my sense is that there is a greater recognition of the split in that we now have a Minister for each, which is a relatively recent thing from, I think, the previous Government that is good and welcome, and that recognises that. It has been a long time in coming, which has been an issue, and again, a lot of the actions of Governments—I am speaking not of any group in particular—have been broadly reactive to events rather than having a kind of a full-throated, "Here we are, this is where we stand" approach, and that is an issue.

Lord Henley: Can I say what a delight it is to see the principal of Collingwood here, as someone who went up there 53 years ago?

Professor Thom Brooks: The pleasure is mine.

The Chair: Sorry, I will interrupt Lord Henley to point out that in fact he was one of the founding students there.

Lord Henley: I was, the first year, back in 1972, there were 67 of us.

Professor Thom Brooks: With our dear friend Sir Andrew McFarlane.

Lord Henley: With Andy McFarlane, yes, Lord Chief Justice, or whatever Andy is now.

The Chair: Okay. Order, order! We will now move on.

Q83 **Lord Henley:** We have been talking about the Home Office, and there are some of us here who have served in the Home Office at different points, and some of us have certain views about the Home Office and its effectiveness in certain areas. I just want to ask you how effectively you think it could oversee the proposed changes.

Professor Thom Brooks: Thank you very much, and it is a great joy to meet you in person. There are a few things that it could do that would be better in terms of how the Home Office might operate. One would be this more explicit separation of asylum/refugee from general migration in terms of the handling of applications, administration of the costs and the thinking around that. That would be more than symbolic, and something I would welcome.

Given my position as a law professor, I will lean on this point: the Law Commission of England and Wales did a project on the simplification of the Immigration Rules that was really important. I say that declaring my interest as someone who was invited to give written and oral evidence. I met the Law Commission to discuss this, and I was very happy when it published its report and the Government of the day, and everyone since, seem to have accepted it.

What was important about this project about the Immigration Rules, which are huge and complex and, one might say, unwieldy, was that you had a long appendix of different rules which would be commenting about the same thing. There might be the same type of issue relating one bit to the other, but it would appear in different parts of the rules, or it might be stated slightly differently. So the Law Commission was not changing the substance of anything but looking to systematise, clarify and simplify how things worked so that when you went from one bit of the rules to the other, you saw some regularity and uniformity of approach to make it easier to navigate.

The thought was this would be easier for the person on the street who wanted to understand where they fit in this, it would be easier for the Home Office officials to enforce these things, and it would be a heck of a lot easier for the courts to manage disputes over the matters if there was greater simplification of these things and there were not changes of wording and other things like this. The wider thought was that this would

extend to parliamentary Acts in the sense that there might then be a consolidation of immigration-related Acts that would fit this systematised way, that would fit with the rules, to make that easier.

I know there has been some discussion earlier in the inquiry as to whether a certain Act is fit for purpose and other types of things. One thing that is a real problem for the Home Office and anyone who cares about the immigration areas, which we all do, is that if you look at the Acts today, you see Acts from 1971 and later, and others that are ripped out, amended and changed; it is very difficult for practitioners to deal with these things, let alone anyone else. I describe them to my students as a Frankenstein monster: a patchwork quilt where you are not quite sure where the material comes from.

There needs to be a moment of taking a deep breath. There might be a commission, perhaps even a royal commission, that is put together to consolidate what these things are so that we can point to where the immigration laws are and we are not as confused and things are not as complex. Our immigration system seems unnecessarily complex, and for those of us who want to see fair rules in place and enforced, it does not help us enforce them if people are unsure of what the rule is or how it can be found.

Related to this—I would be very happy to be drawn on illustrations that might be a bit niche—is that you have a wider issue of not just some incongruity between how the rules might function and the complexity of the immigration Acts, but it is also the case that GOV.UK and Home Office guidance are not aligned on every issue. There have been examples where I have found that the Home Office guidance says one thing, GOV.UK says something else, and other official Home Office publications for the public say a third thing. These are not being joined up. Let us assume that might be because things are moving so quickly and there is so much stuff; it is such a big, unwieldy operation. The Home Office is big, and rightly so, and it is hard to keep control of it all, perhaps.

It is not just that the laws and rules are complex, changing, hard to follow, inconsistent and the issues around that, but this problem of what they are and what is happening—is it up to date? Can I follow this? That is not always true with GOV.UK and not always true in the Home Office guidance that the public can access, and that needs to change as well to help the Home Office function. That is more of a law professor kind of an answer but that would be my view.

The Chair: A law professor would provide examples to his students, and I hope you will provide them for us.

Lord Filkin: If I could just try to sharpen the question that Lord Henley posed on one specific: it is pretty fundamental to have an immigration system that is in control, that both the reality and the perception is that when people are no longer entitled to stay here, they go away. If I have it correctly, we do not know who is in that category, either because they

have overstayed their visa or because they have been refused asylum and have not left. So we have no understanding of the numbers, and we have nothing like any sign of a system to actually remove them. If those two simplifications are true, they are fundamental evidence of a system that is very much out of control. Is that a fair summary?

Professor Thom Brooks: If I were to summarise your summary, my Lord, that there needs to be better enforcement of the rules, that is important—

Lord Filkin: You are gentler than I am. Could you break it down into whether the premise is correct: we do not know who is here that should not be, and we have no effective way of removing them—are both those statements true?

Professor Thom Brooks: I know from reading previous Parliamentary Questions over many years that the official view is that we do not know the total numbers of people who are here who should not be, who do not have a lawful right to remain. That is the official view and I have no reason to challenge that. There are issues around enforcement that could be improved. If I can give—

Lord Filkin: But can I ask specifically: how many people have been removed over the last few years?

Professor Thom Brooks: I do not have the number to hand; I believe the Government published a notice that removals are up, perhaps at record highs, within 24 or 48 hours. I am not sure of the exact number but that is probably right.

Lord Filkin: Then maybe I can leave the question with you for a note. Could we just have data on it? What is the estimate of the number of people who we think are overstaying, and how many do we think have been removed over the last five years? Just two data points on those would be great.

The Chair: This is a crucial issue. I know that Baroness Cash is going to pick up the whole issue of data right at the end, and Lord Filkin has put his finger on one key issue. Just before we move on to Lord Tope, I would like to ask a very simple question: when you had your student visa—the first one—did anybody know where you were at any point during the whole life of that? Would anybody have known if you had left if you had not chosen to get another visa?

Professor Thom Brooks: Oh, goodness.

The Chair: We are looking back at 2001 now so it is not fair on the current Government, but past Governments. Did anybody check on you at any point?

Professor Thom Brooks: Probably not. Not from officialdom, no.

The Chair: Okay, thank you. That is the telling issue and we will pick

that up in more detail. But thank you, Lord Filkin. Lord Tope next, please.

Q84 **Lord Tope:** You have been very critical in what you have been saying and rightly so. Is the Home Office the right place for all this? Can it manage and what are the implications for policy if it does? I will stop before asking what the alternative is.

Professor Thom Brooks: It is clearly the right place in terms of it being a natural place for reflecting on immigration enforcement and broad issues. There has been various commentary about whether the Home Office is maybe too big and so on. I do not know if I have that view.

More narrowly on the issue of settlement and citizenship and how the Home Office operates on that, there is one thing that I regret and would like to see come back in some form. In 2001-02, we started seeing some new changes to the Immigration Rules under the Blair Government. The Migration Advisory Committee was created in the wake of all this stuff, which was of interest to me. That was an independent committee of essentially labour economists to advise on labour economic issues relating to migration policy; in essence, that was its original intention. We still talk about that; it is still here with us and is great.

There was also the Migration Impacts Forum and I do not hear a lot of people talk about that. What was interesting about that—this speaks directly to your question—while the MAC answers, as it were, to the Home Office, the Migration Impacts Forum answered to both the Home Office and the Ministry of Housing, Communities and Local Government. It had a co-chair from both and, in effect, a community cohesion piece with this.

What was different with this group was that it had folks from local councils, who were running local NHS trusts, and people from different backgrounds up and down the country, the devolved Governments, et cetera, who were brought together to work through certain issues relating to the impact of migration. At the same time, there was also a Migration Impacts Fund in place. There was a surcharge on immigration applications that went to this fund whereby local authorities and other public bodies could apply for some of this income paid for by immigrants to reduce the impact of migration in those areas.

What happened? This came to an end in about 2010. It is not a surprise to me that the big concerns that people often express about immigration, the numbers and other things, since that time are about the impact of migration in their local areas or areas that they read about or understand, and there has been nothing in its place, really.

Formally speaking, the MAC's power is extended to envelop what the Migration Impacts Forum was doing but it has never really done that. It has always been broadly looking at setting income thresholds and is still broadly a labour economist kind of thing, not looking at the impacts regionally and locally, and the wider impacts of migration beyond the

economic. The MAC is broadly a macroeconomic thing. There are not devolved regional visas and stuff like that; it does not get into that work.

This absence of reflection on impact of migration is an issue and is something I would really strongly want to have back. May I stray into how one does that? I am seeing a nodding head—thank you, my Lord. There are a couple of ways of doing this. One is that the House of Lords Citizenship and Civic Engagement Committee, which I had the pleasure of giving evidence to, recommended a Minister for citizenship and civic engagement—do not ask me who they'd ultimately answer to—who would basically cut across education, communities and the Home Office and their sole focus would be on integration, citizenship issues, settlement and naturalisation. There is something to be said for that.

I would be very pleased and satisfied if there were some type of MAC-like body focused purely on impact and integration because that is something that has not had the attention that having a body such as MAC has given to certain economic factors of migration. That is important, critical and crucial. But so too is the impact of people moving. Of course, the impact of migration in the United Kingdom is not just on people who were born somewhere else, like me; it is also on the people who are born and bred British, have been here for ever, are going to different places in the country, and how local communities deal with new housing developments and other types of things. That would be my answer; I am trying to keep it short.

Lord Tope: That is very helpful—so a wider picture of integration.

Professor Thom Brooks: If I can add, going back to 2001, looking at the issues that were happening with the conflict in Burnley and so on and what to do about what was happening, the ideas of a test, a ceremony, integration and concerns by the Government were all before 9/11. I interviewed Ministers involved at that time and it was all before that. That focus on integration was what led to the creation of both the MAC and this Migration Impacts Forum. We have the one; we need the other. It is not a surprise to me that there is this real concern that people have about impact. Is it just a perception? I think it is a reality in a lot of areas as well. We do not have a body focused on that; it was scrapped and nothing has really replaced it.

Q85 **Lord Dubs:** Staying with integration, how do we effectively integrate those migrating to the UK? In your view, does the UK have an integration strategy? Should we have one? What should it look like? Where are we on all this?

Professor Thom Brooks: That is a fabulous question. The answer is kind of. There was an integrated communities action plan published in February 2019. I am not aware of anything further on this; I have not read much commentary on what has happened with that since.

Integration in practice is lacking a substantive strategy, or if there is one, it has not been materialised in any very clear way. What do I mean by

that? Integration has been handled for a long time and is, in effect, a one-way street. As an example to my students, I often jokingly say that I found out about the TV licence when someone knocked on my door and said, "You've got a TV; why don't you have a licence?" I said, "What are you talking about?"

When I got off the plane from New York City to come to Britain, there was nothing about needing to have a TV licence or needing to do this or that. What is the list of British values? The monarch has two birthdays. These were all things I did not know coming here. All these things—what the rules were, how to get through the application process, how to stay and all the rest of it—were entirely on my back, which is fine in a sense. I am all for immigrants earning the right to be here, and if they want to be here, like I did, it is right that they find out how to be here.

It is also right that it should be possible and they should be enabled to find out what these things are a bit more easily but they are not. There are strong requirements on English language proficiency that we have for settlement, yet there is a postcode lottery of access to ESOL—English for speakers of other languages. It is much easier to access ESOL in some parts of the country than others, which is an issue when everyone is required to meet those standards.

Local integration work by local councils is very important but a lot of this is underfunded and not as robust as it might be. Schools and youth clubs play a very important role in this as well but schools have lots of other pressures and youth clubs are not as numerous as they used to be.

There needs to be a recognition—I hope that there will be a lot of work on this in the time to come—that integration of immigrants is a two-way street. If there are going to be high requirements and standards that people need to meet, it ought to be possible for them to meet them and that they know what these things are. A lot more could be done on that. I would like to see a new integration strategy from this February 2019 document; I do not know what has been happening with that. Some of these more local practical issues also ought to be addressed.

Lord Dubs: Staying with this general issue, what do you think is the relationship between citizenship and integration? Do you think that citizenship is more important for the individual, the state or the community? How do these things relate to each other?

Professor Thom Brooks: It is important to all. In particular for those who are naturalising but for everyone, citizenship should be a confirmation that one has integrated. Something we may come on to later but I will just signpost in advance is the requirement that new citizens and permanent residents have knowledge of life in the UK that meets the demands of a certain test. It is wrong that that information is something that they say I need to know but it is not something that you find in the national curriculum for students who are here in the schools.

If it is good enough for citizens who are new, it ought to be good enough for citizens who are here already. How else am I supposed to integrate with everyone else if I am learning facts and figures and things—how high the London Eye is in feet—if it is something that other people who are already here do not know, should not or would not want to know, to be a fully integrated, active member of the community? There should be a joining up on integration and citizenship of citizens old and new.

But it is important for citizens, people like me who went through this system. I had a lot of pride going through this. It was very clear to me after I got my permanent settlement that it was a choice to become British. I took an oath and did the pledge, and it was an important moment for me and my family. That is the right thing and is something that we need to perhaps celebrate more.

The importance for the state and local communities is that when people see themselves as having a stake in their community—which you do when you become a citizen—it has greater importance. You have greater cohesion in a community where people are citizens than when they are not. When people feel that they belong in a community and see how they can get on with others through shared values and shared public institutions, it is an essential building block for a strong, healthy community, wherever people come from.

Citizenship helps not just the individual in terms of settling and being able to get better credit, enjoy different benefits that come from citizenship—not just in voting and democratic participation, although that is a very big one—but it is important for the state. When you have a large number who are not citizens and not permanently settled, you then have folks who do not have as much skin in the game as those who are citizens. There can be a point at which you want to do something about it, which is where I think the Government was in 2001.

The Chair: Thank you for drawing our attention to the 2019 document; I have just had a very quick flick through. Incidentally, this is a document written by Caroline Nokes when she was the Immigration Minister. Your point about two-way arrangements in terms of citizenship is fascinating. She ends by saying that she hopes the document will “help those who choose to make this country their home to unlock their own potential and realise every opportunity the United Kingdom has to offer them”.

Professor Thom Brooks: Hear, hear!

The Chair: That is very appealing language. You have also mentioned the Life in the UK Test. Let us go there next.

Q86 **Baroness Buscombe:** This is really interesting so far. The Life in the UK Test is something the Government are proposing to refresh. I want to quote Zoe Bantleman, legal director of the Immigration Law Practitioners’ Association. She says, “The Life in the UK Test is not fit for the purpose of assessing ‘sufficient’ knowledge of life in the UK, nor does it test the ‘integration’ or ‘contribution’ of adults settling or applying to become

British citizens". She went on to say, "A test, which relies on either excellent guessing skills or memory (often mere short-term memory) does not prove integration in, contribution to, or understanding of a multicultural British society".¹ Do you agree with her? What do you feel about the idea of a new test?

Professor Thom Brooks: I was thrilled to see Zoe give testimony here because she is my former student so she has heard me talk. It was a different college at Durham but I will not get into that. I like to think I coined the phrase that the citizenship test was like a bad pub quiz. I have also remarked that the British citizenship test is the test that few British citizens can pass. It has become unfit for purpose and needs a very significant refresh. In that sense, I agree with remarks that Zoe made on that bit.

On whether it is something we should maybe just get rid of altogether, I do not agree with that. It can be an important part of a naturalisation and settlement policy, and I would hope that it would stay.

Baroness Buscombe: You are American by background. I have lived there and I just find your optimism and your very positive approach quite different in some ways from the ways that we have projected ourselves as a nation—which possibly do not help.

Professor Thom Brooks: No comment.

Baroness Buscombe: It is true, but you are proud to be British.

Professor Thom Brooks: Yes.

Baroness Buscombe: Perhaps we do not hear that enough and should inculcate more of it into our process in terms of making people feel proud to be British. Is that something we can do? Should we also be stopping medical students having to learn Gujarati in this country in order to qualify as doctors? Do you see what I mean? Do we need to make it a bit tougher but make people feel a stronger connection with being British?

Professor Thom Brooks: The test has a lot of problems. I can go through a quick list that I prepared of some things I find a problem. I thought I might be asked something about the test by somebody at some point as it is one of my things. One big takeaway is that it is not focused on British values and essential information for integration. There is too much inessential, trivial information. The height of the London Eye in feet and metres is noted in the *Life in the UK Test Handbook*. I counted about 278 historical dates. You need to know the dates at which two—and only two—Prime Ministers became Prime Minister. One is Boris Johnson, the other is Theresa May. No one else is mentioned in the book before or after as dates that you need to know in British history. That is not what I would have done if I had a go.

¹ Written evidence from Zoe Bantleman ([LTN0008](#))

There are too many correct answers that are factually untrue. For example, it claims that the first Danish King of broadly modern England was King Cnut I. It was not; it was his dad. It says that the highest note you can get is a 50 quid note but if you go north of the border, where I live, you can find £100 notes from the Bank of Scotland. You can find other problems as well. There is an imbalance of gender; unless you are a queen, you are not really mentioned. There are few women in the history section, which is a problem.

All information is behind a paywall so if you want to know what new citizens need to know, you had better put your hand in your pocket and pay for either an e-book or a hard copy of it; it is not free and therefore not transparent or accessible to others. I am almost done. The handbook is not a complete guide to what the test is; it does not say in the handbook how many questions you might face, that it is multiple choice, what these things might look like, and so on. Even without those other things, there is an issue around language, that you can do it in multiple languages. I am very happy to be drawn on that but I will reserve it for now.

I have already mentioned that if it is good enough for new citizens, it is good enough for all citizens. Whatever one wants to have in the Life in the UK Test for new citizens to know, integrate and be part of British citizenry, they ought to be things that children learn in primary and secondary education as they come through.

There are a variety of things I would do to improve it, and I will be quick. One thing I would do is put British values at the heart of the test.

Baroness Buscombe: I was just going to ask that.

Professor Thom Brooks: Absolutely at the heart. At the moment, if you look at the second or third edition of the official practice guide for the test, it is not clear that you might get any questions about values at all, or if you do, there might be only one. I did the second edition of the test in 2009. Unless you have sat it yourself, you are not quite sure what the actual questions are; they do not publish the questions that are asked of people. But I would put British values at its heart.

I would look to an international exemplar: Australia. Australia put Australian values at the heart of its test fairly recently. Of course, its test was the model for the introduction of the test here, even if the United States had one much earlier than either Australia or this country; ours was in the 1980s.

What do I mean? There is a set number of questions that all potential Australian citizens must pass in order to pass the test. If they get any question about Australian values wrong, they fail the Australian citizenship test. That is a change I would like to see here. Australia's pass rate is broadly about where the pass rate is here: about 65%. I would focus only on essential information for active citizenship and practical guidance. I would remove how high the London Eye is or how many

square feet or square miles certain areas of the country might be, if people thought this irrelevant to becoming a citizen.

But I would include dialling 999 to phone the police. Contacting emergency services, how to register with a GP and the fact that there is a national curriculum are not in the citizenship handbook. Those are essential things that I would change.

If I can be tolerated for an extra minute on this—I will try to be quick—there should be a short public consultation of some kind, including naturalised citizens, about what it was like for them when they went through the system. Why do I say that? The test came into being in 2005 after Sir Bernard Crick led the Life in the United Kingdom Advisory Group. Since that time, about 3 million people have gone through this process and sat this test. There has been no official government review into how it worked. The whole intention of this thing was to ensure that people like me integrated better into British society and all the rest of it.

Some very good friends say to me, “Well, Thom, you’re doing all right because, hey, look, you’re here. You’re doing things like this. This sounds like an active British citizen”, and so on and so forth. But I am also told, “You’re not being very British”, and I should just be complaining in the corridor or the tearoom, rather than being very public in the way that I am doing it. I will just say that if I can get away with that point. It would be important to have that public consultation.

Bernard Crick and his group went around the country to understand “what Britishness means to you” and there were a lot of things they found out; I can say more about that if people want to know. Since that process, there has not been anything. It is important to challenge ideas about what British citizenship is and engage with people who have been through that process.

Many people I interviewed in 2016 when I did my book, *Becoming British*, said that they had an experience where the process was broadly disintegrative rather than integrative, meaning instead of making them feel closer to being British and joining the community, they felt more separate coming through. Why? They felt they were being soaked by the ever-increasing immigration fees that they could see were well above cost and did not seem to serve any purpose other than deterring them from wanting to be here, making it more difficult for British citizens to marry people who were not British citizens, and so on. People have struggled with how that might operate.

I am not the only one who has had dinner parties or gone to people’s homes and said, “Right, so before you ask me a question, student in my class, let me ask you a question”. I found that a lot of my students at a previous university could not answer these questions and I thought, “This is remarkable. How can they not get these answers right?” One thing I was asking people was how many Members of Parliament there were, and I was getting all these different answers from what was in the test book.

Of course, Parliament had changed to 650 but the test book had not changed and said it was 646. I could go on.

The Chair: I am sure. It is fascinating and thoroughly enjoyable. We have already had a discussion outside and I know you are going to write to us with more details of this. Just before I bring in Lord Filkin and then Baroness Hughes, can I just first point out to all colleagues that we are getting a bit tight for time? We have a couple of quite important issues we want to come to.

I want to ask just one question on what you said about the Life in the UK Test. If you can, please just give a very brief answer and we can amplify it in correspondence later. Some people have suggested that the way forward is not have a test at all but a series of mandatory courses that people attend but there is no pass or fail.

In my view, this is very similar to the incredibly successful approach the Government adopted some years ago for people such as me who get caught for speeding and then go on a speed awareness course, which is one of the best educational experiences I have ever had and has made me a better driver. I just wondered whether you share the view of others who have put to us that in fact there should not be a factual test in the way you have just frankly and quite rightly taken the mickey out of, but it should be more of a course approach, which would also help the issue of integration?

Professor Thom Brooks: Yes. I will answer in a minute and no more. Sir Bernard Crick's advisory committee recommended a couple of things that did not happen. They advised on the content of the chapters that might be in the test handbook; those things broadly did happen. What did not happen is that he wanted the test to be freely accessible. You would arrive at an airport and might be able to access it; it might be freely available to people so that citizens old and new could see what the heck this thing was and it was not behind a paywall.

The other thing was classes. Sir Bernard thought it was important that there were classes and that there would be mentors for people who were going through the process of settling. The mentors would be people who were naturalised citizens themselves, people who had been in the same shoes. As a kind of model, you see in the European Union countries—France, the Netherlands and others—where there is a requirement of doing classes as part of the process. It is not just that you pass a test at the end but that you go through the process of learning about this with others and that they learn from each other. That would be a good step if having classes was an option. I do not know if it would need to be mandatory but it would be a positive option and is something that has been noted before, in Crick's original report in 2004.

Lord Filkin: You have made it pretty clear from your powerful argument about British values being the centre. Presumably, it would be important that an understanding of the rights of women was very clear as part of that. Am I right in thinking that that does not shine through in the

current process?

Professor Thom Brooks: That is broadly right. It is noted in the handbook about gender equality women having the right to vote and so on. There are also about 3,000 facts in the Life in the UK Test handbook, and it is easy for one or two facts to get hidden in something like that. It could be more prominent. A way of making that more prominent would be if four or maybe six—just as a ballpark number—of the 24 questions asked on a Life in the UK Test that everyone had to pass were about values, and that there would be something relating to equality in every test. That would make a change. There is not a lot of text given to values in the Life in the UK book. There is even less to Britain geographically and so on. There could be a lot more on values highlighting issues such as that and I would welcome that.

Q87 Baroness Hughes of Stretford: Given your own experience, we thought it would be useful to have your reflections on the different approaches—by which I mean the principles as well as the practices—to citizenship and naturalisation between the USA and the UK. Just to point you in the right direction, one difference I am thinking of particularly is the notion of birthright citizenship, which obviously has been thrown up in the air in the States recently with Trump’s executive order that the Supreme Court is now looking at. We have not had that here since the British Nationality Act 1981. At that sort of level, I wondered whether you could reflect on the principles that inform the different approaches to naturalisation and citizenship between the two countries.

Professor Thom Brooks: Thank you very much for yet another excellent question. This is a very rough and ready description, but broadly, countries that are republics have birthright citizenship. That is where you might often see it. For example, the United States and the Republic of Ireland—where I used to live before I was in the UK—have birthright citizenship. Places that are not republics typically do not have it. This is not a rule but just historical, how things have broadly fallen and so on. So there is a difference there.

Should something like that happen here? When I reflect on the differences between, say, the United States and here, broadly, you have a lot of examples in the news that are very noteworthy of folks who were born to parents who are not British and might not have indefinite leave to remain. If someone is born to someone with indefinite leave to remain, the individual with indefinite leave to remain is not British enough to be a British citizen themselves but is sufficiently British to have children who will be British citizens. So there is this distinction there that is an interesting thing and this goes back a long time as well. Some issues might be addressed by birthright issues, but I have not come across any strong birthright citizenship campaign in this country.

In the United States, while there have been some remarks by prominent political figures about birthright citizenship and so on, I do not see that being moved very quickly.

Baroness Hughes of Stretford: You do not?

Professor Thom Brooks: No, because the US Constitution is a very, very hard thing to change. When I was a student, we were told that the United States had the greatest 18th-century constitution and the problem was that it was 18th-century and very hard to amend over time. The courts do various things but it can be difficult. Personally, I would be surprised if there were a change to that so I do not put a lot of stock in that.

Relating to the question, one difference I would highlight is in terms of permanent settlement. Here I can just apply for indefinite leave to remain, and of course I did. I do not need to be sponsored by anyone to do that.

In the United States, if you want to have what is called a permanent resident card—commonly called a green card because it is green—you have to be sponsored by someone in the United States. The number of these things that go out is capped in various streams. The big problem with getting a green card is the long wait to get one because there can be a bottleneck of applications.

When you get it, you get a permanent residency status in the United States but it does not mean there is nothing for you to do. What you need to do is apply for a new green card every 10 years; you need to proactively pay and apply, reaffirming your status in this way; whereas with indefinite leave to remain, that is not the case. So there are some differences there.

Baroness Hughes of Stretford: I have two questions on that. First, what kind of people do you need to get to sponsor you—presumably people of a certain standing? Secondly, in terms of permanent residency, what kinds of rights does that give you in relation to citizenship, for instance?

Professor Thom Brooks: It puts you on the pathway to citizenship and there are lots of incentives to do that in the tax system, inheritance system and so on, which are very strong for citizens, so there is a real push for that. The sponsorship would be coming through businesses or other citizens and so on. You have a connection, someone who has put their name to you coming into the country. You cannot just get off the boat and pick up your green card from Ellis Island on your way in; that is not how the system works. You need someone already in the country to sponsor you. That is something that is not the case here and that is a key difference.

The other difference I would highlight, and points that are really important and I have not had a chance to say yet, is that after you get your green card, as you apply for citizenship, you do a test. The American test has 10 questions and is non-partisan, very neutral and symbolic. It is not designed to trip anyone up. The questions are things like: who was the first President? If you do not know who George Washington is, your

chances are slimming immediately. Name one of the biggest rivers. Mississippi and Missouri. Name one of the thousands of Native American groups. Who was the President during the Civil War?

There are uncontested issues of American history about how American government works. There is not a lot. You want to know what they are? You can find them out online. If you speak Spanish, you can get them in Spanish. They are available in multiple formats for those who have sight needs or other issues. You can get memory cards if you want to. Every effort is made. If you pass, you go right to swear your oath and become a citizen almost immediately. If you fail, no worries. You do not need to pay another fee; you can sit it again for free. It is not meant to stop you.

Baroness Hughes of Stretford: You told us in a previous inquiry on the UK test that testing knowledge in the US is done at an interview. Is there some discretion for the interviewer? Can they prompt? Can they say, "Well, that's not quite right. Why don't you try again?"

Professor Thom Brooks: I have not been in the situation and so I cannot say anything definitively on that.

One final thing I would note is that when you get your citizenship in the United States, something that is absolutely wonderful—in part, it inspired the move here to citizenship ceremonies—was that it would be a celebration of becoming a new citizen. In the United States, having a citizenship ceremony is not something hidden. It is not for everyone and does not happen all the time, but it does happen that you will be at a big sporting event—baseball, American football and other things—and you will get folks on the pitch who will swear allegiance, take their oath and become citizens right there with tens of thousands of people on their feet cheering them on.

I got my citizenship in a back room in Gateshead. I am very proud of that. Local children did a fine job singing for us. They sang "The Bare Necessities" for the new citizens, not other songs. It could be different; we could celebrate things. We should be on the front foot and be very proud of it. There are some lessons to learn going further along the line. We have adopted a test, as the Americans and Australians have. We have ceremonies like the Americans and the Australians have. The Americans have Thanksgiving; Australians have Australia Day. It would be nice if we had a day of celebrating Britishness here. We can make this more public.

The Chair: Although time is tight, this is a really important final question.

Q88 **Baroness Cash:** We have touched on this already this morning when you answered a question about data. I noted that you had mentioned that there were a number of responses over the years, making it clear that we really just do not know how many people of different categories of status are here. My question is: what do we do about this? What data should we be collecting? How do we ensure that it informs our policy?

Professor Thom Brooks: That is a terrific question. Data is one of the biggest problems here for sure on a number of fronts. I am going to try to be helpful to you, Lady Cash. One thing that does not help—this is one issue of many—is that there are no exit checks if you want to leave. In leaving the country, for example, if I fly back to the United States, my passenger survey data is passed on. In doing so, it does not normally account for things such as dual nationality.

So if I go to the United States 10 times and let us say I do not want to pay for an ESTA because I have American citizenship—I am a dual citizen of the United States and the United Kingdom—then I count as 10 Americans leaving Britain permanently over that period of time. As I come back to Britain with my British passport, I count as 10 Britons re-emerging. There is this data and it ends up with net migration of zero here—I am still here. there is no change to that. But in terms of the data of who is coming and going and whether Americans are fleeing Britain or Britons in the United States are all flooding back and issues such as that, we do not know. The way the data is collected is not very good or helpful.

The policing around different visa streams is not very good either but it has gotten very good on students. For example, back in the day I did not have anyone from officialdom checking on my comings and goings, although I regularly met my supervisor—the late Professor Robert Stern—who was a great mentor and support to me and knew exactly where I was: a few blocks from his house. But today we make checks of where students are and so on, which is good. If you look at other visa streams, it is different.

The Chair: Sorry, just so I am absolutely clear, you say it is very good that we know where they are. What Baroness Cash particularly wants to know is whether we know that they have left at the end of their allotted visa period.

Professor Thom Brooks: Do we as a country know? I think yes, from the information I have seen to date. There has been a lot of discussion about whether there was significant overstaying of students. There certainly have been students staying in Britain; the issue is whether they are staying in a way where they do not have the lawful right to reside. I believe that most students either do what I did, which is to go on to another visa stream—I took a work visa at a time when I did not need to leave the country to get my work visa; I could apply for that here—or go back to their home countries. I am not sure what the data is on the actual overstaying and being on no visa whatever or having no right to reside afterwards. Whatever I have seen—anecdotal or otherwise—was not great. I could not give you a number.

Baroness Cash: Maybe it is not your area to speak to but if you have any information or comment on overall data collection and how we collect it, how we ensure we have it, who holds it and how we make sure that it informs our policy, that would be very helpful.

Professor Thom Brooks: Some checks around work visas are very good and helpful. As I have said, when it comes to students—at least when they are in the country—there is an awful lot going on and I have been involved in some of that.

One thing that could be strengthened is the issue we do not hear as much about as we used to, which is sham marriages and issues around that. If someone was on a spousal visa, how does one know that the spousal visa that someone has shown is valid? It says on it that it is valid until a certain date, but are they still subsisting with that person or have they divorced them?

It is the case that when someone has gone through a divorce, starting at the point of decree nisi, or a dissolution of a partnership, they are not supposed to be in the United Kingdom. So it is not quite at decree absolute; it is earlier in that process. Apologies for my Latin; family law is not my issue. I leave that to august members of the alumni community of my college. What is supposed to happen is that if you divorce you are supposed to report yourself, in effect, to the Home Office, and I think the measure of that is very poor.

I spoke to my friend, the late Lord Rosser—someone who was very close to me—a lot about this issue. He put some Questions in about how many forms were received by the Home Office for this public declaration of a breakdown of a relationship. The answer was that it did not seem to have any idea about this. How many people have been identified as being in the country unlawfully? No idea. How many people have been removed on this? No idea.

As you ask about enforcement and data, the form itself states, “I, Mickey Mouse, declare that somebody else no longer is subsisting with me”. Well, what visa were they on? When did they have it? What is their nationality? How do I get in touch with them? How do I get in touch with the person reporting to me? Where do you send the form? The form itself does not say where it goes. I have checked and the form is still live and has been for a decade.

A policy change that would be very helpful is that as soon as folks go through the sad process of a decree nisi and that breakdown process and their spousal visa becomes invalid, there is reporting of some kind between the court and the Home Office, which does not happen, for whatever reason. That is the reporting mechanism. If that was the case, then you do not have to rely on private individuals knowing they have to do something that maybe no one told them about on a form they do not know exactly where it is supposed to go—I think it is supposed to go to Croydon—and so on. You would have better data and knowledge about who is on a valid spousal visa from time to time as one very big stream, which would then impact others as well. That is a very small point, but one that has not been raised elsewhere. That would be my suggestion.

The Chair: I am really sad because I know we could carry on for a lot longer, but we must bring it to a close. On behalf of the entire

committee, a huge thank you for your entertaining, informative and very helpful time with us today. Order, order. The public evidence session is now concluded.