

## Home Affairs Committee

### Oral evidence: [Channel crossings, migration and asylum-seeking routes through the EU](#), HC 194

[Wednesday 17 November 2021](#)

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Watch the meeting

Members present: Yvette Cooper (Chair); Ms Diane Abbott; James Daly; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Tim Loughton; Stuart C McDonald; Gary Sambrook.

Questions 669 - 765

#### Witnesses

I: Tom Pursglove MP, Minister for Justice and Tackling Illegal Migration, Home Office; Dan Hobbs, Director, Asylum, Protection and Enforcement, Home Office; Dan O'Mahoney, Clandestine Channel Threat Commander, Home Office.

[Home Office written evidence](#)



## Examination of witnesses

Witnesses: Tom Pursglove, Dan Hobbs and Dan O'Mahoney.

Q669 **Chair:** Welcome to this evidence session for the Home Affairs Committee as part of our inquiry into channel crossings. We welcome before us today Minister Tom Pursglove. We also have Dan Hobbs from the Home Office and Dan O'Mahoney, the clandestine channel threat commander. Thank you very much for joining us today. We very much appreciate your time.

Can I start with some very brief factual information? Can you tell us the overall asylum claims this year compared to last year?

**Tom Pursglove:** What I would say in relation to that, Madam Chair, is that I am very happy to provide that information to the Committee in due course. I am keen to be as helpful as possible, and I am very happy to follow up with answers to questions seeking data in writing. The point that I would make specifically in relation to asylum claims is that we have seen 31,115 claims to the year ending June 2021. That is 4% fewer than last year, but the trend we have seen is that it has been increasing since June. Data on that will be reflected in the statistics that will be published next week.

Q670 **Chair:** So there was a 4% reduction in the figures to the summer compared to the previous year, and 2020 compared to 2019 in total was about a 16% drop. Is that correct?

**Tom Pursglove:** It is fair to say that we have seen, inevitably, as a consequence of Covid—

**Chair:** Of course, that has affected things.

**Tom Pursglove:** That has had an impact in relation to the number of people coming through particular routes.

Q671 **Chair:** I want to just establish some facts first. My next question is in terms of the number of people crossing in small boats. What are the latest figures there compared to the previous year?

**Tom Pursglove:** There have been over 23,000 people arriving on small boats this year.

Q672 **Chair:** How does that compare to the previous year?

**Tom Pursglove:** That is an increase on last year.

Q673 **Chair:** What was the figure for last year?

**Tom Pursglove:** In terms of the figures for last year, again, I am keen to provide you with further information. I do not have that figure for last year to hand.

**Chair:** These were specific figures that we had written to you in advance about. We asked for precise figures on both the number of asylum seekers this year compared to last year in total and the number of people



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crossing in small boats.

**Tom Pursglove:** I am kindly advised that the answer to that question is 8,500.

Q674 **Chair:** There was a 4% drop up until the summer in the total number of asylum seekers that we have had this year. Even including the figures post the summer, are we talking about going back to approximately the same level as 2019?

**Tom Pursglove:** As I have said, it was 4% fewer than last year, but we are seeing an increasing trend since June.

Q675 **Chair:** How far is this a switch between routes and how far is this an increase in total? That is a significant increase in the number of people crossing by boats but, overall, the asylum figures do not yet look as though there is a significant increase. How far is it a switch in routes?

**Tom Pursglove:** That is a very good question. Notwithstanding the Covid point that I have already made, we are seeing that small boat arrivals are becoming the route of choice for facilitations by evil criminal gangs. These smugglers are becoming more audacious. We are seeing risky behaviours. We are seeing bigger boats being deployed. We are seeing a wider array of crossings originating from a wider stretch of coastline. For example, in the earlier days of this happening, we were seeing crossings being mounted from around a 50-kilometre stretch of coastline. We are now seeing that from a much wider stretch of coastline, around 200 kilometres. That is very troubling. We have seen small boats being deployed rather than the use of other clandestine routes that were more common in the past.

Q676 **Chair:** The pledge as part of the September 2019 action plan, which was set out at the time when there were just a few hundred people arriving by boat per quarter, was to halve the number of boats crossing by the end of October, and to have very infrequent crossings by the spring of 2020. That clearly has not happened. The opposite, in fact, has happened, compared to that action plan. In that action plan in 2019, it was agreed that you would have specific numbers of people patrolling the French coast. It said 45 officers in teams of five would provide 24/7 cover, and described that as a doubling at the time. That now seems tiny compared to the scale of the problem and the number of criminal gangs operating. As part of the latest agreements, how many people have you agreed are now patrolling the French coast?

**Tom Pursglove:** We are seeing a deepening of our collaboration with the French. The important point that I would make here is that this is not a challenge that we as a United Kingdom can solve on our own. This requires strong collaboration with our French partners. It also involves having to deal with some of these issues at source. We have undoubtedly seen an increased policing presence on French beaches. We have seen 19,000 crossings prevented by the French. That is a threefold increase on



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the situation relative to last year. That is a welcome improvement but I am not complacent, and there is undoubtedly more to be done.

You will appreciate that one of the challenges is that, although we have an arrangement with the French, it is not our sovereign territory. They are in a position where they have to make operational decisions, but of course we try to influence that process as far as possible. We have seen an increased policing presence on French beaches, which is very welcome.

**Q677 Chair:** Is it specified? In the 2019 agreement, there was a specified agreement that there would be 45 officers deployed, who I presume were funded as part of the UK agreement at that time. Do you have now an agreement about a specified number of officers to be patrolling the French coast in order to tackle the criminal gangs and to prevent the boats, or do you just not have a number agreed anymore?

**Tom Pursglove:** Dan, do you want to come in on that particular point? You might be able to provide a little more context.

**Dan O'Mahoney:** The first thing I would say is that the contribution we make to the French law enforcement effort is a proportion of the overall effort. The overall number of officers deployed by France is much higher than what we pay for. We have agreed with the French that we will not talk about exact numbers, but I can assure you, Chair, that the number of officers we are funding is in excess of four times higher than the figure you have just quoted of 45.

**Tom Pursglove:** The law enforcement deployment is just one part of this. We have technology to support deployment. There is the use of accommodation centres, which means that we know that people then tend to claim asylum in the French system, and so we think it is valuable to support that. There is port security and intelligence. The actual policing presence is just one part of a much wider strategy that we have in place as a result of the agreement we have.

**Q678 Tim Loughton:** Welcome, Minister. You have a tough gig on this one. You just said that there were 19,000 crossings prevented by the French this year, which is three times the amount of last year. That sounds good until you consider that, last year, there were 8,404 people coming across the channel in that way, and the figure is now over 23,000. For all we know, this morning it might be over 24,000, which is a trebling of the number last year. The number of preventions has only gone up pro rata to the number of people attempting to get across the channel. The French are not enforcing better; they just have more targets to try to enforce. Is that correct?

**Tom Pursglove:** We have most definitely seen an improvement in the prevention of the small boat crossings. The fact that we have had a fivefold increase in clandestine arrivals this summer compared with 2018 is completely unacceptable. I am not complacent.



Q679 **Tim Loughton:** Why is that an improvement? Why is intercepting a third of potential migrants crossing the channel, as opposed to intercepting a third of the potential migrants getting across the channel, an improvement?

**Tom Pursglove:** We have to do better on this, and I will not rest until we get to a far better place on this issue. We have to render this route unviable. The point that I have made consistently, in the House, in the Bill Committee and this morning, is that there is no one single solution to this problem. It is a multidimensional challenge. The law enforcement side is crucial in relation to this. You will note that the Home Secretary had a conversation with the French Interior Minister on Monday. He has said on the record that, given the resources, if the money was paid, 100% of these crossings could be stopped. That is the objective that we have to work towards. We have to render this route unviable.

I thought it was very welcome that, for example, the French Interior Minister has publicly said, following that telephone conversation with the Home Secretary, that there is an effort to be undertaken to disband some of the camps that we know are facilitating some of these crossings where people are gathering and then are able to be deployed in small boats readily, as well as an increased policing presence on French beaches. That is welcome.

Q680 **Tim Loughton:** Minister, with respect, we have had similar undertakings from the French Interior Minister and other Ministers before. The Home Secretary has had similar conversations. We have had similar witnesses—your predecessor—in front of us telling us the same, and the situation has not improved. You have just said there is no single solution to all of this. There is a single solution to all of this; it is that the French would either intercept boats before they get into the water and arrest, or intercept boats in the water and take the occupants back to French territory, so that they would have expended a lot of money and dangers crossing in order to end up where they started. We know that that would stop this, but the French will not do it.

What are the French doing when they apprehend these potential 19,000 crossings? Is it still the case that, when the French police intercept a group of migrants, typically under cover of darkness, they will confiscate the boat they have and allow all the migrants to go free, and only if they have specific intelligence to implicate the alleged people smuggler with them will they even arrest the people smuggler, so that that group may well be back the following night with a fresh boat to attempt it again? Is that not the real problem? The French are not actually arresting and processing those migrants to see if they have any case to be in France and, if they do not, taking deportation action. Is that not still the nub of the problem?

**Tom Pursglove:** The counterfactual is that, if we did not have this arrangement with the French in place, we would be seeing far more of these crossings than we are currently, which would be totally



unacceptable as well. The point that I would make is that we continue to constantly look at this. We are in constant dialogue with the French about what more could be done. Dan, perhaps I can bring you in on the operational side about the approach that the French take to those matters when they do intercept these boats.

**Dan O'Mahoney:** The other thing that I would add to the Minister's comments is that this is not just about France. In fact, we know that, for about 60% of the crossings that happen, the migrants are not in France the day before they make the crossing; they come from Belgium, the Netherlands, Germany and so on. It is really important that we see this as a pan-European and global law enforcement effort. We work with Interpol, Europol and others to stem the flow of migrants into the north of France.

We should not underestimate the challenge that French law enforcement has here. Because of the Covid restrictions on travel, many of which are not yet lifted, this single method of entry has now deepened and intensified and has become so profitable for criminals that it is going to take a phenomenal amount of effort to shift it. Just to illustrate that, two weeks ago we had a single boat with 88 migrants on board crossing the channel. Each one of those migrants might pay, say, €4,000 for that crossing.

**Tim Loughton:** It is a quarter of a million quid's worth.

**Dan O'Mahoney:** It was about €350,000 on that boat. At a 50% interception rate, which is roughly what we are seeing at the moment, criminals are always going to take that chance. Even half of €350,000 is a lot of money.

Q681 **Tim Loughton:** We agree with all that. Has the number of interceptions of people traffickers and successful prosecutions at least trebled as well on either side of the channel? Are we taking more of these people out of circulation, notwithstanding the fact that, because it is such a lucrative business, worth tens, if not hundreds, of millions of pounds, it is attracting more people in it? Are we actually taking many of these people out of circulation?

There is one final partly related issue, if you could comment on this, Minister. There is a story in *The Times* today where there are adverts on Instagram by people traffickers suggesting that potential asylum applicants coming across with them convert to Christianity in order to bolster their case for a successful asylum and not to be returned to a non-Christian country. Is that a thing? Is that a serious worry? What are we doing about it as well? But can we hear about the prosecutions first?

**Tom Pursglove:** I will come in on both. We have seen 46 arrests in the UK by immigration enforcement for small boats-related crime. The activity of the UK-France joint intelligence cell, which was founded in July 2020, has resulted in 400 facilitators arrested up to 18 October. So far, in 2021, there have been 50 NCA investigations into immigration-related



crime with 140 arrests. There is very comprehensive collaboration going on, on both sides of the channel, to try to bring these individuals to justice.

I would make the point, directly relating to the Nationality and Borders Bill, that one of the challenges that we face is that the facilitation offence we are currently working with is 50 years old. It relates to the 1971 Act. One of the key measures in the Bill is a measure that seeks to bring the facilitation offence up to modern standards, to make sure that we have the right tools at our disposal and that the right evidential tests can be met to bring the perpetrators of these evil crimes to justice, as well as, for example, the maximum penalty increasing to life for people smugglers. Those measures are important, and should help us going forward.

On this point about Instagram, we need to look very carefully and very seriously at that misinformation being put online. The tech companies have a responsibility here, and I know that this Committee has no doubt looked at this issue of misinformation through the work that you do. That is something that I am looking at carefully, and I have asked officials to go away and look at it. We need to look into that properly. But, what I would say in relation to individual cases, is that they are assessed on a case-by-case basis. It is essential that that happens and that cases are looked at properly, taking into consideration all the relevant circumstances, so that the right decisions are reached.

Q682 **Andrew Gwynne:** Minister, just a few moments ago you said that, on Monday, the French Interior Minister said that 100% of these crossings could be stopped if the funding package followed. In September, the Home Secretary was reported to have threatened to withhold the July 2021 funding package if the French failed to increase interceptions to three in four attempted crossings by the end of September. How much of this package has been paid to France?

**Tom Pursglove:** What I can say is that a significant proportion of the funding has been paid across to the French. You will appreciate that there is still some time left in the financial year. You have December, January, February and March still to run. The funding package of £54 million that has been put aside for this relates to that period.

It is also worth recognising that the French system contributes considerably to these efforts as well. This is not just a UK effort that is paid for. I would argue that these are sound investments that are delivering results. I would refer back to the counterfactual that I have referred to earlier. As I say, there is still a period to run in this financial year. We will continue to argue that we want to see a greater policing presence on the beaches, for example, and that we would want to deepen the co-operation that already exists. It is right that money is paid across at appropriate moments.

Q683 **Andrew Gwynne:** Does it still stand that, if the French do not improve



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on their performance, the British authorities will withhold funding to France?

**Tom Pursglove:** As I say, a significant amount of funding has already been paid across. What I am not going to do in this Committee is get into a discussion around the operational activity that is going on.

Q684 **Chair:** This is not an operational question. This is just a question about the spending of public money. We are just looking for a figure about the spending of public money. If we had asked you about the amount of money going to rape crisis centres, for example, you would be able to tell us, "This much has been spent this year on rape crisis centres." This is just a factual question: how much has the Home Office spent so far and how much is still left to be spent?

**Tom Pursglove:** You will appreciate that this is sensitive. These are discussions that are going on around the operational response.

**Chair:** The French presumably know the answer.

**Tom Pursglove:** I am not going to get into a running dialogue in this Committee about the nature of the discussions that we are having. Suffice to say that discussion continues to go on with the French side. There is a remainder of that £54 million that is still to be paid across. A significant proportion of it has been paid. Of course I want to see an improvement and a deepening of the co-operation that already exists.

**Ms Abbott:** We are not asking you for a running dialogue. With respect, my comrade the Chair was asking you for a figure. If you do not have it, maybe one of the officials accompanying you has it.

**Tom Pursglove:** As I have made consistently clear, there is a period of time still to run. The point that I would make is that we want to have sensible discussions with the French about how the remainder of that funding is deployed to ensure that the objectives we are trying to deliver here—and that I would like to think the Committee as a whole supports—are best achieved.

Q685 **Chair:** We understand that, and clearly the co-operation with France is extremely important. There is a concern here that this is just not transparent. Clearly, France knows how much the Home Office has paid to France because it is the recipient of the funding, so we would expect the Committee to be told just the factual information about how much has been paid.

**Tom Pursglove:** I refer you to my previous answers.

Q686 **Andrew Gwynne:** Let us see if we can do better in terms of the estimate of the number of crossings prevented by the French authorities so far this year. What are the figures?

**Tom Pursglove:** As I have already said, 19,000 crossings have been prevented this year.



Q687 **Andrew Gwynne:** Given that 19,000 have been prevented, can we talk about the joint command centre for the UK and French police forces? The Interior Minister has resisted the idea of a large-scale joint intelligence unit, saying that it is premature. Are you satisfied with that response from France?

**Tom Pursglove:** There is a comprehensive plan of action in train involving our French partners that I have already outlined. Clearly, that is multifaceted. It involves the policing presence. It involves intelligence sharing and co-operation, which undoubtedly is a very valuable tool in ensuring that we can prevent these crossings happening in the first place. I would also make the point that it does not just extend to France. We have much wider engagement with other European partners as well around these matters. Perhaps I could bring Dan in just to talk a little more about that intelligence cell issue.

**Dan O'Mahoney:** The joint intelligence cell was established last summer. It has been extremely successful. It has seen 17 small-boat organised crime gangs dismantled, and over 400 facilitators have been arrested as part of that. Many hundreds of crossings have been prevented as well. The latest funding package does provide an increase in funding for the joint intelligence centre to provide larger accommodation in order to take it up to the next level.

It is fair to say that the French approach in many operational areas is iterative and tentative. We are always keen to move forward quickly, but I am satisfied that the JIC has delivered what we expected it to on both sides of the channel. We are keen to move forward with it to the next level.

Q688 **Andrew Gwynne:** Minister, on our visit to Dover in July, we heard that intelligence gathering is more difficult for the French authorities than it is for the British law enforcement authorities because, as you have already mentioned, the departures are dispersed along the coastline. How receptive have the French been in the discussions that you are having to the offer of support from the UK on this?

**Tom Pursglove:** It is fair to say that there has been an increasing receptiveness to look at what more can be done to tackle these challenges. That has to be a multifaceted response. Clearly, intelligence is important in relation to that. We have seen, for example, an increasing number of officers deployed from our side to assist with that intelligence work. As I have said repeatedly, we cannot resolve this purely on our own. We need to go further in that regard. We are not complacent about this. Building on the point that Dan has just set out, on the intelligence side, we would want to continue to prioritise that. We are resourcing that accordingly. That is why we continue to adopt the approach that we take on this.

**Chair:** We need to keep moving, thank you.

Q689 **Adam Holloway:** Several years ago, I lived undercover in the Sangatte



camp in Calais and we used to break into the Eurotunnel complex night after night, and eventually everybody would get on to a truck. Of the 19,000 you have stopped, how many of those individuals do you reckon are now in the UK? You have stopped them once but presumably they are not suddenly going to go home; they are going to keep trying, are they not? Do you have any idea?

**Dan O'Mahoney:** It is extremely difficult to give an answer to that question, as I am sure you will understand, Mr Holloway. As Mr Loughton intimated earlier, the French are not taking fingerprints, et cetera.

Q690 **Adam Holloway:** So we have not really stopped 19,000. We just do not know.

**Dan O'Mahoney:** We have prevented 19,000 crossings.

Q691 **Adam Holloway:** More widely, is this not all just hot air? The reality is that the reason people come is that they know that, if they get here, they are going to stay here. Otherwise, they would not spend all this money. Is the answer not to make sure that the message goes out that, if you get to Britain, you do not stay in Britain? Is that also not in the interests of the French? This problem will dry up very quickly if people realise there is zero prospect of it. What are we actually doing to get to the root cause of this rather than just talking about spending money all the time? What are you doing to prevent that?

**Tom Pursglove:** Mr Holloway, you get to the nub of the issue. That is why I believe, and why the Government believe, the new plan for immigration and delivering that through the Nationality and Borders Bill is absolutely vital. We have to render the channel route unviable. We have to sever the perception that getting in a small boat and coming to the United Kingdom will mean that individuals will remain in the United Kingdom. That is why we need the whole-system change.

Q692 **Adam Holloway:** What is the plan?

**Tom Pursglove:** That involves, for example, the additional offences that we are introducing through the Bill to act as a deterrent. It is why we need to improve case-working rates. We need to ensure that there is improvement in that regard so that cases are processed more quickly.

Q693 **Adam Holloway:** Why can you not just make a deal with the French that, if you pick someone up, you take them straight back to France? That is entirely in the French interest as well.

**Tom Pursglove:** On returns agreements, that is, of course, something that we continue to work towards.

Q694 **Adam Holloway:** You could do it tomorrow.

**Tom Pursglove:** You will know, Mr Holloway, that we offered, as part of our withdrawal from the European Union, a comprehensive returns arrangement, which the European Union decided not to adopt. We need to continue to discuss that with our European friends and neighbours. It



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is also about tackling this issue at source. For example, we have had some success around securing returns agreements with countries where, actually, a lot of these issues materialise at source. For example, we have managed to negotiate a returns agreement with the Albanians, which is significant.

**Q695 Adam Holloway:** Forgive me. You say "at source". Absolutely, if the message goes out that, if you get picked up by us, you get taken back to France and there is therefore no prospect of staying in Britain, the message will go out at source that it is not worth doing it. Why do we not have an agreement with the French where, if we pick someone up, we take them straight back to Calais? That is in the French interest as well.

**Tom Pursglove:** We have to render the channel route unviable.

**Adam Holloway:** That is what I am saying.

**Tom Pursglove:** That is what we are working towards but there is no one single solution to that problem.

**Adam Holloway:** It could be done tomorrow.

**Tom Pursglove:** That is why the arrangement with the French is very important. It is why we need to deliver the measures through the Nationality and Borders Bill. It is why we need to tackle some of these issues at source.

**Q696 Adam Holloway:** I do not understand why we cannot do that. Why can we not do that? Why can we not do that tomorrow? What is the reason? There must be a reason we cannot do it.

**Tom Pursglove:** You will appreciate that the French would have to agree to that happening.

**Q697 Adam Holloway:** We cannot do it because the French will not allow us to do it.

**Tom Pursglove:** Taking individuals back in the way that you are describing would require the French to agree to that arrangement.

**Q698 Adam Holloway:** These are thousands of people, tens of thousands now, not individuals. So the French will not help us with this. The French are not helping us with this.

**Tom Pursglove:** One of the points I was making was in relation to trying to speed up case working, and then also to return people with no right to be here more quickly. Perhaps I can bring Mr Hobbs in, who can talk to that transformation work that is going on.

**Q699 Chair:** We might come back to that because I am just keen to get through as many things as possible. Just to clarify, we previously had the Dublin agreement, which did allow us to return several hundred people a year to EU member states, and presumably a lot of that was to France. Can you tell us how many asylum seekers or how many people arriving



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have been returned to any EU country in the course of the last year or since January?

**Tom Pursglove:** On returns related to small boat arrivals, the answer to that is 294 overall.

**Chair:** Is that 294 this year?

**Tom Pursglove:** The answer in this year is five.

Q700 **Chair:** Right, so in 2021, at a time when the number of people arriving has gone up, you have just been able to return five people. In the previous years, you had several hundred people as part of a safe returns agreement. Have those five gone back to EU countries or to other countries?

**Tom Pursglove:** The answer to that is European countries.

Q701 **Chair:** Okay. Do you have any agreement in place with the EU for those returns?

**Tom Pursglove:** There is not a returns agreement with the European Union in place at the moment, as I was just explaining to Mr Holloway.

**Chair:** Since we lost the Dublin agreement, then, the returns have got substantially worse.

**Tom Pursglove:** It is fair to say that the Dublin arrangement was not a panacea.

**Chair:** Indeed, but it was returning several hundred people and now it is just five.

**Tom Pursglove:** Again, you will appreciate that there have been some difficulties around securing returns, not least as a consequence of Covid. That is an important context that we need to bear in mind.

Q702 **Chair:** Your predecessor told us, this time last year, that return agreements were our No. 1 priority: "It is, I think, strongly in the French national interest to agree such a returns agreement"; "That gives me significant cause for optimism"; "It would not be very difficult to improve upon Dublin"; "Once we are outside of it...we will be free to negotiate our own bilateral agreements, which I hope...will be a significant improvement on Dublin". Instead, the opposite has happened. Is that correct?

**Tom Pursglove:** The ambition remains to secure successful returns arrangements with our European friends and neighbours, and potentially with the European Union. But this does not just relate to the EU; this also relates to source countries.

Q703 **Chair:** In terms of the countries that people have travelled from crossing the channel, which is the subject of this inquiry, they are all EU countries. Is that correct?



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**Tom Pursglove:** You cannot necessarily separate those two things. I am very clear that people should seek asylum in the first safe country that they reach. That is the sensible thing to do. That is the safest thing to do. What people should not be doing is putting their lives in the hands of evil criminal gangs and trying to get to the United Kingdom via a small boat. That is an important principle.

**Chair:** We just want to try to focus on the facts. We had five returns last year.

Q704 **Gary Sambrook:** To go back to the agreements made with the French, in 2018, we had the Sandhurst agreement. In 2019, we had the joint action plan. In 2020, we had the declaration of intent. This year, we had another agreement in July. This week we had another agreement. What is so different about this week's agreement compared to the others that is going to make a substantial difference where previous agreements have failed? Where is this one actually going to pick up the slack?

**Tom Pursglove:** The point that I would make is that this week's conversation is not a formal agreement but a conversation that the Home Secretary had with the French Interior Minister, raising concerns about the number of arrivals that we have seen to the United Kingdom of late. We are not complacent about this. We need to continue to see a deepening of that co-operation with our French partners to tackle these challenges. We have to render the channel route unviable.

It is welcome that, following on from that, publicly, as all Members will have seen, the French Interior Minister has said that there will be a greater presence on French beaches to tackle some of these challenges and that there will be efforts made to dismantle some of these camps that undoubtedly help to facilitate these crossings. We need to continue to intensively have these conversations with our French partners. We cannot simply resolve these issues on our own. There is no single solution to this. We need the measures in the Nationality and Borders Bill. We need that co-operation with the French.

As I have said now repeatedly, we also need to solve some of these issues at source. That undoubtedly involves the transformation of our asylum system in this country to make sure that claims are processed quickly, that the cycle of claims and appeals that we see in the way that we see it currently is brought to an end, and that individuals with no right to be here are removed as quickly as possible. All that comes together in our efforts to resolve these challenges that we currently face and that I personally find completely unacceptable. I think the British people are in the same position as I am on that.

Q705 **Gary Sambrook:** Moving on slightly to intelligence sharing and technology, how many days and hours a week can the UK-funded drones be flown along the UK coastline? Who decides how frequently the drones are used? On what basis are those decisions made?

**Tom Pursglove:** Dan, can I bring you in on that point?



**Dan O'Mahoney:** There is a very comprehensive aerial surveillance operation that we deploy on a day-to-day basis. That comprises two UAVs or drones. They are the first to fly beyond visual line of sight in civilian airspace in the UK. We also have up to three, and sometimes four, piloted aircraft that fly as well. It is extremely comprehensive. The drones themselves normally fly five days out of seven. When they are not flying, we have a number of other alternatives provided by the Maritime and Coastguard Agency and private contractors.

Q706 **Gary Sambrook:** Back in July, there was a French court case on privacy that ruled against the use of drones. What impact is that having on the French side since then?

**Dan O'Mahoney:** We are working really closely with the French. We both recognise the vital role that aerial surveillance plays in the French operation, as well as the UK operation. We hope they will get to the same level of coverage as we have. There has been legislation in France that has made it difficult for drone deployments but we hope that that will be resolved in the next few weeks with new legislation, and then the French can move ahead with a similar aerial surveillance offer to the one we currently deploy.

Q707 **Ms Abbott:** Of these people coming across in small boats, what countries are they coming from and what is the proportion of each country?

**Tom Pursglove:** Of the top five nationalities that arrived in 2019, for example, Iranians were at the top with 29%; Iraqis were second with 18%; Syrians with 9%; Eritreans with 7%; and Sudanese with 8%. Those have been relatively consistent trends that we have seen in small boats cohorts throughout the period that the small boats phenomenon has been developing.

One thing I would also add, although it is difficult to quantify at this stage—we are seeking to make an assessment of this—is that we are seeing an increased number of Albanians appearing in small boats and the arrivals of small boats of late. That is something that we are currently seeking to quantify.

Q708 **Ms Abbott:** The Refugee Council published a report yesterday, I think—certainly this week—and said that the majority of people coming across in small boats came from countries that had human rights abuses and persecution. It said that only a third of the people coming across in small boats were not in need of protection. Do you accept what the Refugee Council is saying?

**Tom Pursglove:** That report has only just been received, and so I am not going to comment on it, because I want to properly assess what is contained in that report. It is important that officials have the opportunity to do that. It is important, with the figures being cited, that like to like is being compared. There is not necessarily a link between nationality and a claim for asylum being granted. For example, in 2019 and 2020, the majority of asylum claims from Iraq were received. There is not



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necessarily that link. I would make the point again that, as is absolutely right and proper, claims are considered on a case-by-case basis, taking proper account of the circumstances of individual cases.

**Q709 Ms Abbott:** Maybe Mr O'Mahoney has read the report. Do you think the Refugee Council is correct in saying that the majority of people coming across in small boats are in fear of persecution?

**Dan O'Mahoney:** What I would say about the nationalities coming across in small boats is that it is reflective of the fact that pretty much 100% of small boats arrivals are detected and controlled by Border Force, Immigration Enforcement and Home Office officers. It is therefore understandable that those nationalities are the ones that are more likely to claim asylum in the UK. That is why the nationality mix is what it is. If you were trying to get into the UK and you thought there was a very low chance of you claiming asylum, you would use a different route to do it.

**Tom Pursglove:** I would also just make the point that it would not be right for me to comment on a report that I have not had proper opportunity yet to consider or to ask officials to go away and study, and come back to me on the figures, ensuring that they have been considered against like-with-like comparisons.

I would also just make the point that all of these individuals that we are seeing arriving in small boats are coming from what are safe countries with perfectly functioning asylum systems that act in accordance with the refugee convention. Nobody needs to get into a small boat to come to this country. There is absolutely no reason for anybody to put their lives in the hands of evil criminal gangs who have no regard for human life whatsoever. I will continue to maintain that point. The French system is perfectly safe. The German system is perfectly safe. Many other states in the European Union have safe asylum systems. It is wrong to suggest otherwise.

**Q710 Ms Abbott:** When your officials have had the opportunity to read the report, could you perhaps do us a note as to whether you think the figures are correct? That would be helpful. It is a simple factual point.

**Tom Pursglove:** I will bring Dan in but, in principle, I have no problem at all with having the opportunity to go away and study this report properly in proper time, and to provide a note to the Committee on that report.

**Dan Hobbs:** My team did have a brief look at the report when it was published yesterday. My understanding is that the Refugee Council's report extrapolates general grant rates for nationalities to get to its assessment of the overall grant rate. As the Minister said, we will be doing further work to understand that and talk to our colleagues at the Refugee Council. My understanding is that they extrapolate the grant rate from numbers of arrivals and published data.

**Q711 Ms Abbott:** I look forward to seeing your note. I am conscious that my



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Chair is anxious to get on, but I did want to ask you about pushbacks and deterrents at sea. Some very ingenious ideas have emerged from Ministers about how you can deter people at sea. Mr O'Mahoney told the media that authorities were close to being able to use nets that clog boat propellers as part of a safe return tactic. Are you able to say any more on that, Mr O'Mahoney?

**Dan O'Mahoney:** I did not say that. That was misquoted by journalists some time ago. I can tell you that we have developed a set of tactics. This is a maritime border and it is absolutely right, therefore, that we have a maritime deterrent at our disposal as part of the suite of tactics that we use. We have a legal basis to deliver those tactics and we will do so only when it is safe. The teams are trained and ready to deploy those tactics, and they will do so at any safe opportunity.

**Ms Abbott:** So no nets, you are saying.

**Dan O'Mahoney:** No nets.

Q712 **Ms Abbott:** We understand that the Home Office has consulted the maritime industry on the feasibility of rapidly deployable and rapidly removable marine fencing and floating walls. Could you tell me more about that, Mr O'Mahoney?

**Dan O'Mahoney:** We have consulted the industry on a range of potential deterrents. It is right that we continue to push the boundaries of what is possible. The marine fencing that has been used in other countries, including Greece, is normally used fairly close to the shore, but we have ruled that out and we have ruled out a number of other issues. Some of those were quoted in the media completely inaccurately and, in fact, we have never looked at them.

Q713 **Ms Abbott:** You will be aware that the industry body said that these floating walls were not legally possible.

**Dan O'Mahoney:** I am not familiar with that but, tactically, we ruled them out as not being useful.

Q714 **Ms Abbott:** Finally, I have heard Ministers talking about wave machines.

**Dan O'Mahoney:** We have never looked at wave machines. We have never even considered it. It is a bizarre idea.

**Ms Abbott:** It is bizarre. That is why I am asking you.

**Dan O'Mahoney:** That is why I said a moment ago that a lot of what has been quoted in the media is quite fanciful. We have never looked at wave machines.

Q715 **Ms Abbott:** No Minister has ever talked about wave machines.

**Dan O'Mahoney:** Not to me.

Q716 **Chair:** Just to follow up on this, Minister, your predecessor had a low moment with us when he would not rule out either the use of offshore oil



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platforms for processing people or the use of giant wave machines. Could you take the opportunity just to rule out both of those things?

**Tom Pursglove:** Madam Chair, I can safely rule both of those out.

**Chair:** Thank you. That is very helpful.

Q717 **Stuart C McDonald:** Minister, can I return to the issue of inadmissibility rules, which is part of the Nationality and Borders Bill but which in essence is already in force from the start of the year through the immigration rules? The last figures I had were that, until June, there had been 4,500 or so people informed that the Home Office was examining whether to treat their claims as inadmissible, and yet only seven had had the case finally deemed inadmissible. Essentially, there are 4,500 or so left in limbo for not much reason. Are there up-to-date figures with regard to inadmissibility procedures?

**Tom Pursglove:** Inadmissibility is not necessarily about where we are now but where we want to get to in the future. It is not a new concept, however. As I have alluded to previously, there is a firm basis around inadmissibility and people should claim asylum in the first safe country they reach. We see inadmissibility as an important aspect of our future policy in relation to this. As I said earlier, in terms of inadmissibility, 4,561 notices of intent have been served.

Q718 **Stuart C McDonald:** Am I right in saying that only seven, when that was looked at, finally did have their cases deemed inadmissible? All the rest eventually entered the asylum system after six months.

**Tom Pursglove:** I do not actually have that data to hand, but I am very happy to go away and look at that and follow up accordingly with the Committee.

Q719 **Stuart C McDonald:** Is that not precisely the problem? You alluded to it in your answer there. The Home Office has very much put the cart before the horse. These things could only have any effect if you actually had a proper returns agreement with safeguards in place and so on. Because you do not have a returns agreement in place, you have essentially left 4,500 people waiting for six months for absolutely no reason. How much does that cost the Home Office? What is the impact on those individuals of having another six months added to their wait?

**Tom Pursglove:** It is important to recognise that there are safeguards in place, which mean that, for example, if someone cannot be returned, they are admitted into our asylum system and are processed accordingly. Again, I would make the point that we very much see inadmissibility as an important part of our future immigration system and our future approach to this. It is right that we have those measures in place so that, when we have the framework that we require—of course, the Nationality and Borders Bill is an important aspect in delivering on that—and when we hopefully see greater returns co-operation, those measures are readily available to be deployed. We fundamentally believe that people



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should seek asylum in the first safe country they reach. They should not be making dangerous journeys across the channel.

Q720 **Stuart C McDonald:** It is pointless, though. It has not achieved that. This has been in force since 1 January and we have heard already that the numbers have continued to increase. It is not a disincentive. It just simply leaves 4,500 in limbo for six months at an extraordinary cost to the taxpayer and to the detriment of those individuals as well. Without the returns agreement, these policies are absolutely pointless and achieve nothing.

**Tom Pursglove:** Those policies are in place in readiness for what I anticipate will be a better situation in the future with a more robust approach to these matters that we are delivering through the Nationality and Borders Bill and, associated with that, what I hope will be stronger co-operation on returns that would allow those measures to be utilised to the extent that we hope they will be able to be utilised.

Q721 **Stuart C McDonald:** Does the economic impact assessment of the Bill reveal how much that policy costs, keeping people in limbo for six months? When will that impact assessment be published?

**Tom Pursglove:** I cannot comment on that economic impact assessment at this point, but it will be published in due course.

Q722 **Stuart C McDonald:** We have finished the Committee stage of the Bill. It is pretty handy for parliamentary scrutiny of these things if we know how much offshoring provisions or inadmissibility provisions are going to cost before we are asked to cast our vote on whether to pass the legislation. Surely, it must be published before Report stage.

**Tom Pursglove:** As I say, the economic impact assessment will be published in due course.

Q723 **Stuart C McDonald:** Dan O'Mahoney, during the week a very eloquent comment of yours was quoted about a conversation you had with an Iranian lady, who you had described as having thought she was going to be brought to the UK on the back of a lorry, and then she was forced at knifepoint on to a boat. You described these people as being vulnerable and said we need to go after the criminals. But the Nationality and Borders Bill would end up seeing that Iranian woman criminalised with an offence that could see her in prison for up to four years. That does not make any sense, does it?

**Tom Pursglove:** Mr McDonald, you and I have spent quite a considerable amount of time in the Bill Committee discussing these matters. I would make the point very clear here today that our policy is directed at the evil criminal gangs who are responsible for these dangerous crossings, where they put lives in danger and where they imperil lives at sea. We need to render this route unviable. Of course, the important point in relation to prosecutions is that it is for the independent Crown Prosecution Service, for example, in England, and the relevant



prosecution services elsewhere in the United Kingdom, to make a judgment around whether it is in the public interest for prosecutions to be brought.

I make the point again: we are clear that the policy is directed at evil criminal gangs and those responsible for facilitating these crossings. The sorts of instances that you have referred to are terrible. It is, frankly, terrible that we have people being threatened at knifepoint. It shows the evil intent that these individuals have. All they are interested in is making money. The policy is directed at them.

**Q724 Stuart C McDonald:** That is the thing. If it was, I would absolutely support it. But the whole point is that you have drafted a criminal offence that really does not have that big an impact or make any difference to how you go about tackling the smugglers and gangs. But it criminalises, by the Home Office's own assessment, around 60% or 70% of those who are arriving, including that Iranian lady. Surely you must amend that criminal offence then to put your reassurances on the face of the legislation.

**Tom Pursglove:** I have real confidence that the Crown Prosecution Service will make proportionate and sensible judgments about what is in the public interest to prosecute. I again just underscore this point that the policy is targeted at evil criminal gangs and those responsible for this vile trade.

**Q725 Stuart C McDonald:** How does it work as a disincentive? You are asking us to put on the face of a Bill a criminal offence, and you are basically saying to us that a huge majority of the time you expect the public interest test is not going to be met.

**Tom Pursglove:** What I am saying, and I have consistently made this point, is that we are introducing a whole package of measures that are comprehensive in their nature, which mean we can tackle these challenges and all the elements that make up the challenge we face at the moment. That is just one part of a much wider package of measures. I am confident that the CPS will make appropriate judgments in the public interest.

**Q726 James Daly:** Minister, what is the Government's current plan in relation to establishing offshore processing centres if Parliament approves the measures in the Nationality and Borders Bill?

**Tom Pursglove:** The point I would make is that, through the Nationality and Borders Bill, we reserve the right to proceed with an offshore processing arrangement. I make the point again, because it bears repeating, that that is one part of a wider package of measures to deter these illegal crossings and to render this route unviable. I am not able to give a running commentary around negotiations or discussions that we may or may not be having in relation to what that policy looks like.

**Q727 James Daly:** From that answer, Minister, you clearly feel that the



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establishment of offshore processing is a positive step in addressing the problem that we have at the moment; it is something that we should do.

**Tom Pursglove:** We should rule out no options that we are progressing through the Bill at this stage to tackle this issue. We have to stop people putting their lives in the hands of evil criminal gangs who are taking greater and greater risks in their vile trade. As I say, I cannot provide specifics about discussions or negotiations that may or may not be taking place. But this is an important part of our policy.

Q728 **James Daly:** Can I ask Mr O'Mahoney a question? If offshore processing was a step that was taken by the Government, how would that work? I am not asking which country; I am asking how the process would work.

**Dan O'Mahoney:** Mr Hobbs is probably better to answer that question.

**Dan Hobbs:** As the Minister said, the Government are looking at all options. If we were to seek to process claims, under either UK legislation or an alternative jurisdiction, we would have to screen individuals for their appropriateness for transfer, and then there would be a mechanism to transfer them to that territory or area and have their claim processed. Again, it would come down to the individual negotiations and agreement with any individual territory on exactly how that would work and what the long-term outcome for those individuals would be.

**Tom Pursglove:** It is also just worth adding there, to be very clear about this, that we will work only with safe countries, and they must be compliant with their 1951 convention obligations.

Q729 **James Daly:** Could I ask a separate question about the CPS prosecutions that you just referred to, Minister? Could you tell me what the public interest test is that the CPS will be considering when deciding whether a prosecution is appropriate?

**Tom Pursglove:** Mr Hobbs, would you like to come in on that?

**Dan Hobbs:** It is the standard test for any CPS decision in terms of whether it is in the public interest. That is a decision for them in terms of prosecution about whether they think there is a realistic prospect of conviction. It is a well-established CPS test, which they apply in any criminal prosecution decision.

Q730 **James Daly:** From the evidence you have of the Crown Prosecution Service generally, what gives you the confidence, Minister, that those decisions are going to be made, and in a timely manner? Many people currently facing all sorts of offences are released under investigation and bail for many, many months.

**Tom Pursglove:** I suspect that this House, through the remaining stages of the passage of the Bill, and the House of Lords in due course, will make very clear what Parliament's intentions are in relation to this. That is, of course, important. All of us would want to see cases dealt with in a speedy manner. Again, I would make the point here that the policy is



directed at evil criminal gangs responsible for what is a vile trade. All of us would want to see those individuals brought to justice as quickly as possible. That is absolutely in the public interest, but we will of course monitor this closely.

**Q731 James Daly:** I was going to ask some questions regarding returns, but you have addressed all of those. Finally, as a wrap-up, Minister, you have said that you want a speedier system. You have said that you want these matters dealt with. It is clearly not working at the moment. Can you share with us some of the things in terms of the asylum process in this country, when people have come into this country, that the Government are going to put in place to ensure that that process is speedy, fair and addresses the concerns that the public have?

**Tom Pursglove:** Minister Foster is responsible for that side of the immigration system predominantly, but perhaps I can again bring in Mr Hobbs in relation to the transformation programme that is in place in that area.

**Dan Hobbs:** The new plan for immigration, of which the Bill is part, is looking at end-to-end comprehensive reform. There is work already underway in terms of how we look at productivity and resourcing of the asylum system, as well as how we use data in case-working management. The Bill also provides for greater streamlining of judicial and appeal processes for removal cases. It looks at the provision of legal aid to support people to make their claims in a timely way, and seeks to have a one-stop process so that you expedite the system and ensure that people are able to bring the evidence so that the Government or the Home Office can make the decision on any protection claims, be they for asylum or referrals for modern slavery. There is a range of work in the operations, the policy and the legislation that seeks to streamline the whole process.

**Tom Pursglove:** Can I just pick up on that very briefly? I have been in post now for two months. It is absolutely clear to me that there are very significant challenges in our asylum system at the moment. I would agree with the Home Secretary's assessment that the asylum system is broken. We are determined to get to grips with this. The measures in the Bill, through the one-stop process, are important in getting us to a better place in relation to this. It is also about getting to a stage where claims are considered quickly, but we end this constant cycle of appeals and efforts to frustrate removal.

**Chair:** Unfortunately, your initial decisions are down 24% in the last year—the number of initial asylum decisions that you are taking—and, even before the Covid crisis, they were 28% down over the previous four or five years. You have had a massive drop in initial asylum decisions, so that answer is not hugely credible.

**Q732 Dame Diana Johnson:** Can I just ask a question about the attempt to get bilateral agreements with countries like France, Belgium, Germany,



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Sweden and the Netherlands that have all said that they will not enter into a bilateral agreement with the UK? Is that correct?

**Tom Pursglove:** As I have said already, as part of our withdrawal from the European Union, we did make a comprehensive offer to the EU.

Q733 **Dame Diana Johnson:** I understand that. I heard what you said. I just wondered about these countries. Is it that you are flogging a dead horse because they are not going to agree a bilateral with you?

**Tom Pursglove:** I do not accept that. There is a growing sense, as a consequence of some of what we are seeing in Europe at the moment, that there is a need to see greater co-ordination and joined-up action in relation to these matters. That is an inevitable consequence of what we are seeing on the Polish border, for example. That is a discussion and a dialogue that we, as a United Kingdom, are very keen to be a part of. As Ministers, we are very clear that establishing returns agreements with individual countries or with the European Union is an important aspect of delivery on this policy, and we will continue to pursue that.

Q734 **Dame Diana Johnson:** Okay, so it is more likely to be the EU that you have to get an agreement with, not individual countries.

**Tom Pursglove:** It could be either.

Q735 **Dame Diana Johnson:** It does not sound like any of the countries are interested in negotiating with you individually. I want to move on to safe and legal routes. We have talked a lot today about you wanting to render the channel crossing a route that is unviable. You have talked a lot about the criminal gangs involved. Both the National Crime Agency and UNHCR have stressed the importance of safe and legal routes to the UK as a means to reduce the channel crossings.

I want to ask you for some figures so that we are able to understand how this fits into the general asylum situation in this country. You may not have these to hand, and you may have to send them to us. How many people have come to the UK for asylum, family reunion or humanitarian protection through safe and legal routes in 2019, 2020 and 2021? What proportion of those individuals have come through each of the routes available in each of those years? We want to gauge the numbers of people who are risking their lives by getting in those boats and coming across the channel. I do not know whether you have those figures available.

**Tom Pursglove:** I have some figures to hand, but I am very happy to follow up in more granular detail in the way you are seeking. In terms of family reunion, we have seen 37,000 family reunion grants since 2015. We saw over 6,000 in the year ending June 2021. There have been over 47,000 grants of protection to children since 2010. On resettlement schemes, there have been 7,088 since 2019. There have been more than 25,000 since 2015, half of which are children, which sets this in some context.



**Q736 Dame Diana Johnson:** We need to look at the proportion of the overall figures there as well. Perhaps you are also able to provide us with how many children have applied for family reunion in the UK in 2021 through provisions in the immigration rules. Under which provisions in the immigration rules have those applications been received? How many of those applications have been granted? How many family reunion visas have been granted to children in 2021 through discretion outside the rules? Again, you may wish to send that information to us in writing to help us understand the situation.

**Tom Pursglove:** I can give you some information now on family reunion specifically. There were 6,449 family reunion visas issued in the year ending June 2021, 2% more than the previous year. As I have just alluded to, our family reunion policy has seen more than 37,000 family reunion visas granted since 2015, with over half issued to children.

In terms of discretion outside the rules, data on applications and grants broken down by specific route is not routinely published, but over 66% of family reunion visas granted outside the immigration rules were issued to children from January to June of this year.

**Q737 Dame Diana Johnson:** If you could provide all the categories, it would be very helpful. I am conscious of time, but I just wanted to ask you another question. Prior to the lockdown, the independent chief inspector of borders and immigration expressed concern that the waiting time for individuals awaiting resettlement in the UK under the vulnerable persons resettlement scheme had increased from nine weeks between referral and arrival in quarter 4 2015 to more than a year by quarter 4 2018. Refugee participants in the recent Government consultation on legal routes to the UK said that resettlement is not a viable route for most asylum seekers and that entry to the UK through resettlement was like winning the lottery. Would the Government consider increasing the number of places available on resettlement schemes to disincentivise irregular journeys to the UK like the channel crossings?

**Tom Pursglove:** With channel crossings, I would make the point that all of these people are coming from what are safe countries with established asylum systems. There is absolutely no reason that anybody should be putting their lives in the hands of evil people smuggling gangs to come to the United Kingdom. We have to sever that link and stop that from happening. That is a moral imperative.

I would make the point that this country has a very proud tradition of offering sanctuary to individuals who find themselves in desperate straits. For example, we have done very significant work with the UNHCR where we have identified the most vulnerable individuals and brought them to the United Kingdom. I would argue that that is the right approach to tackling these challenges. Of course, for example, we have now completed the commitment around the Syria scheme; we have the global resettlement route. As someone who campaigned to leave the European Union in 2016, one of my arguments always was that I wanted a global



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immigration system that is skills-based and that treats people equally regardless of where you come from in the world. If you have those skills, you can come to this country through an established route. To my mind, that was the right thing to do. It is a valuable and important route by which individuals can come to this country.

We always have to keep under review the appropriateness of the schemes and the routes that we have in place, but I would also just make the point that having very considerable numbers of people coming across the channel in waves, like we have seen of late, undoubtedly constrains the resources we have available and some of the generosity we are able to show. This is a generous country. We have historically been very generous, and we will continue to be very generous. The pressures that puts on the system are not insignificant, and we need to bear that in mind as well in relation to these matters.

**Q738 Dame Diana Johnson:** You recognise that, if there were an increase in the availability of safe and legal routes, it may help you with what you are trying to achieve in cutting back the channel crossings.

**Tom Pursglove:** I would again just go back to the point that nobody needs to get in a small boat to come across to this country.

**Q739 Dame Diana Johnson:** Being able to come to this country has been described as like winning the lottery.

**Tom Pursglove:** Somebody has described it as winning the lottery. That is anecdotal, is it not? The point here is that these dangerous channel crossings should not be happening and we have to take action to prevent them. We have an established system. We have established schemes through which people can come to this country. We constantly keep under review the global situation and the appropriateness of those schemes, but I would also make the point again, politely, that we have a global immigration system now, which is a welcome addition in the way we approach these matters.

**Q740 Adam Holloway:** We always refer to these people coming over as victims of evil criminal gangs, but does not, say, an Iranian woman have some culpability? It is a question for Mr Hobbs. These are relatively wealthy people, because they have spent \$10,000 or \$15,000. They have been through multiple safe countries to come to their country of choice. Is it not reasonable to prosecute people for doing this?

**Dan Hobbs:** The reasons and drivers of movement are very complex. There will be individual circumstances and potentially vulnerable people in what are very mixed cohorts. The Nationality and Borders Bill provides a full suite of measures, which will provide the reform that is needed to the asylum and immigration system. You will have criminal sanctions. It is not a new offence to enter the UK illegally. The Bill makes some amendments to that and increases the sentence. It focuses on facilitators and increasing the maximum life sentences for people who facilitate people into the UK.



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Q741 **Adam Holloway:** These are the customers. These are the people who are banging the door down, subverting our normal immigration system and coming in completely unfairly. Most people have to apply properly. These are the customers of the people smugglers.

**Dan Hobbs:** As I say, there is a complex range of reasons and individual circumstances that drive people to movement. The Bill provides for combatting illegal migration, which is at the heart of the Bill and the new plan for immigration. That provides new maritime powers, amends the criminal sanctions and looks to make the route unviable.

Q742 **Chair:** I have some quick follow-up questions. Do you expect events in Afghanistan to lead to an increase in the number of people who end up being exploited by the criminal gangs or who end up trying to cross the channel?

**Tom Pursglove:** You have a session coming up with Minister Atkins, where no doubt you will get into more specific detail about Afghanistan. We will need to review that. I referred to previous statistics from earlier points in time around the nationalities that we are seeing coming across in small boats. It is a fact that we are seeing an Afghan cohort reflected in our small boat arrivals, but we will need to follow closely and monitor the situation.

Q743 **Chair:** You presumably need to anticipate what will happen. The resettlement scheme is not in place yet and family reunion is effectively stopped from Afghanistan at the moment. There may be people who have family here at the moment but who currently have no safe legal route to rejoin family. In those circumstances, do you anticipate that there may be an increase in the number of people who end up being exploited by those criminal gangs and trying to cross the channel in these very dangerous boats, because they have no safe legal route to rejoin family but they have fled persecution in Afghanistan?

**Tom Pursglove:** You will appreciate, Madam Chair, that we are establishing routes in relation to Afghanistan. I am very happy to take away the point you raise about the assessment we have made in relation to Afghanistan and provide the Committee with an update in that regard in my note.

**Chair:** That would be very helpful. It is particularly serious.

Q744 **Tim Loughton:** I just have one point of clarification to the answer to Mr Holloway earlier. You mentioned that 19,000 boats have been prevented, Minister. That is of course not 19,000 sets of different people; it will be 19,000 times of the same people in many cases, because they are not deterred. That is correct, is it not?

**Tom Pursglove:** It is 19,000 individual crossings by individuals.

Q745 **Tim Loughton:** It is highly likely that those crossings were of the same groups of people in different combinations.



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**Tom Pursglove:** I cannot guarantee there are not duplicates within that, in the sense that some of those individuals could have been stopped more than once.

Q746 **Tim Loughton:** It is highly likely that they are, because they are not detained, as I said earlier. Tony Smith, who is a former Border Force head, suggested that there should be joint UK-French patrols in the channel, which might be more effective and safer. Have we suggested that to the French? Have they agreed to look at it or have they rejected it?

**Tom Pursglove:** I can bring Dan in on that point. I am constantly willing to look at options to improve and deepen the collaboration that we are seeing on the French side. There are sensitivities around that, but perhaps Dan could give the latest in terms of where we have got to on that point.

**Dan O'Mahoney:** We constantly discuss operational options with the French. We have offered to conduct joint patrols on land and at sea. There is a precedent for that happening in previous years, and of course we have many UK officers at the juxtaposed controls every day. It is not an offer that the French have currently taken us up on, but it continues to be on the table.

Q747 **Tim Loughton:** Why will they not take it up?

**Dan O'Mahoney:** I am not entirely sure. At the moment, it is an operation that they prefer to deliver with their own officers. There is an issue around the exercise of powers of UK officers in France outside the juxtaposed controls. There is a legislative question there as well. As I say, it remains on the table.

Q748 **Tim Loughton:** There are no British police officers strolling along beaches near Calais with French officers. There are no boats in the channel manned by British officers and French officers. The French are saying, "We cannot do that not, perhaps because we do not want to, but also because there is a legislative problem with us doing that". They cannot do it.

**Dan O'Mahoney:** There are UK officers in the CCIC, the joint information and co-ordination centre. There are UK officers in the joint intelligence centre. There are UK officers in Paris at the embassy working alongside French colleagues.

Q749 **Tim Loughton:** But not on the street, on the beach or on the water.

**Dan O'Mahoney:** Not on the ground.

Q750 **Tim Loughton:** Is this because they want to defer everything to Frontex rather than their own people?

**Dan O'Mahoney:** With respect, Mr Loughton, you would have to ask that question of the French.



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Q751 **Tim Loughton:** Do they not defer some of these activities? They say it is Frontex's responsibility as the EU border force rather than the French. Is that an excuse they have used?

**Dan O'Mahoney:** They have a relationship with Frontex, and they work jointly with Frontex on their southern border in the Mediterranean. I understand that the French will shortly be provided with a Frontex surveillance aircraft, which will be deployed soon.

Q752 **Tim Loughton:** Have we not got any further on this overnight drone use? My understanding, from when we came down to the control centre in Dover, was that we have extensive UK drone capability over the channel and the French do not have night-time drone capacity to patrol their side of the channel. We have offered them that capacity, which they have rejected. Is it still the case that the French are not monitoring their side of the channel with drones with night-time capacity?

**Dan O'Mahoney:** That is my understanding of the status quo, but I also understand that there is going to be, and we hope there will be, a legislative change imminently that will allow them to use drones.

Q753 **Tim Loughton:** Why do they need a legislative change to allow them to use drones?

**Dan O'Mahoney:** It is an issue around privacy laws in France, which are quite different to privacy laws in the UK.

Q754 **Tim Loughton:** Under French law, the privacy rights of gangs of people smugglers and migrants about to undertake an illegal crossing trump the fact that they are committing a crime. Therefore, they have no eye in the sky during those times of night when those gangs are most likely to be attempting to get their migrants, at knifepoint or whatever, across the channel. They are blind.

**Dan O'Mahoney:** The French are very keen to move ahead with their aerial surveillance provision, including with drones. Some of the funding we have given them will provide that. They cannot currently use them.

Q755 **Tim Loughton:** Why has it taken so long?

**Dan O'Mahoney:** I am not going to answer questions about French legislation, as tempting as that might be.

Q756 **Tim Loughton:** We would like you to. We are just trying to understand whether it is a legislative problem, a constitutional problem or an attitude problem, which we probably all suspect it is.

**Dan O'Mahoney:** It is a legislative problem.

Q757 **Chair:** There are just some final follow-up questions from me that would be useful. I have one final issue that we did not manage to cover. Lucy Moreton at the Immigration Services Union has said that Border Force staff believe that the pushbacks are extremely unlikely to happen in practice, not least because there will not be French boats ready to receive



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any returning boats. Can you confirm whether it is the case that, unless France agrees to accept returning boats, you will not be able to do pushbacks in the channel?

**Tom Pursglove:** Ministers have signed off the measures. We consider that they are safe and have a legal basis. It is for operational commanders at sea to determine the appropriateness of deploying those measures at any given time.

Q758 **Chair:** Are they only safe if there is an agreement or if there is a French receiving boat in order to escort, tow or in some other way intervene to ensure the boat returns?

**Tom Pursglove:** What I am not going to do with this Committee is get into the detail of those operating procedures, which frankly would only serve to aid and abet the criminal gangs who are responsible for these dangerous crossings.

Q759 **Chair:** Border Force staff are saying that this is hugely impractical and is not going to be in place without that. This is about us understanding where the problems lie and why, and not providing what effectively becomes misleading information to the public, who will expect a measure to happen because you have had a lot of headlines about it, while in practice you do not have any plans or arrangements to implement it.

**Tom Pursglove:** You will appreciate why it is just not possible to go into operational detail in a public forum like this. I do not know whether Dan is able to say anything about Border Force staff in response to that particular point, but I am certainly not going to get into the operating procedures here.

**Dan O'Mahoney:** It would not be appropriate for us to comment on leaks or on operational detail, but what I can say is that I do not recognise that description of Border Force staff. I have been out on the water with the teams over the last couple of weeks. They are trained; they are poised to deploy; they will do so at any safe opportunity.

Q760 **Chair:** Is this possible at all without an agreement with France? That is the issue.

**Dan O'Mahoney:** I am not going to comment on the operational detail.

Q761 **Chair:** Very well. It would be useful for us to have some additional information, if you could send it to us in writing, following up Stuart McDonald's point. You said that 4,500 people had been told that their cases were inadmissible, but you did not have a costing. It would just be very useful to have a costing, because, back of the envelope, it would seem to add tens of millions of pounds of costs to the Home Office each year if those individuals end up being stuck for six months in the asylum support system without their claims being assessed in any way, either being supported and then being able to go out and work, or, alternatively, being rejected and returned. You are adding at least a



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six-month wait while they are in the asylum system. That would seem to add £40 million-plus a year to the Home Office costs.

**Tom Pursglove:** I will happily go away, consider that request and see what information we are able to provide. I would just say, however, that there is an argument that says it is worth considering whether we are able to return individuals in that cohort to countries in advance of that six-month period.

Q762 **Chair:** You just told us that you have returned five people to EU countries. We have 4,500 who have been told their claims might be inadmissible and five returned. That is a very expensive approach to return five people.

**Tom Pursglove:** I would again make the point that I very much see inadmissibility as being an important component of our future policy, but at present that allows us to consider whether removal to another country is possible in a more straightforward and seamless manner. I will take the request away.

Q763 **Chair:** The trouble is that the gap between the rhetoric and the reality is just so huge on this. It would also be very helpful to have further details about the number of prosecutions taking place, not simply the prosecutions of those who might have steered a boat across the channel but the prosecutions of those who are involved in an ongoing way in criminal gang operations or criminal gang networks. Those sounded very low. It would be helpful to have prosecutions, not simply arrests.

It would also be helpful to have further detail about the number of additional French officers who are patrolling. When I asked about how we were previously funding just 45 people, you said it would be nearer 200 at the moment. Could we have some further clarification on what we are funding? Again, it still feels very low relative to the scale of the problem.

You confirmed earlier that the number of people travelling by lorries, and criminal gang facilitation through lorries, had dropped very substantially. It would be useful to have an assessment of why you think the security measures did work. Clearly, that is more confined in terms of location. It would be useful to get your assessment of both how that worked and the funding that went in to that, relative to the measures you are taking now and the funding going into it, again so we can learn what other measures might be effective at preventing the criminal gangs.

Is it confirmed that the drones are just not operating at all at the moment because of this legal problem in France?

**Dan O'Mahoney:** That is my understanding, yes.

Q764 **Chair:** That might explain some of the issues that we are dealing with at the moment. Addressing that feels like a bit of a priority, then.

These are the overall concerns we have. Go back two years and there were very few boats coming across. In fact, the borders inspectorate said that, if action had in fact been taken early, it might have prevented some



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of these criminal gangs becoming established and some of this action being taken. At that time, the Home Secretary promised us that the boat crossings would be halved and then become very infrequent. Instead, they have effectively more than quadrupled since that period.

We have been told in this Committee that there would be all sorts of new safe return agreements in place, but those simply have not happened. In fact, the problem has got much worse. We have been told repeatedly about co-operation, but when we get into the detail, whether it be about the drones, the number of people doing the job or the number of arrests, again it just seems that much, much less is happening in practice.

We have had briefings about a whole series of measures from offshore wave machines to pushback measures, which do not actually look as if they are happening in practice but seem to be more about headlines instead. When the Home Secretary and the French Minister say that 100% of boats are going to be prevented as a result of the new measures that you have now put in place, why should anyone believe what you are saying?

**Tom Pursglove:** As I have consistently said, this is a very difficult challenge. It is multifaceted; it has an international dimension; it has a direct dimension that relates to our very near neighbours in France. We also have an asylum system that is not functioning in the way that we would like.

That is why the Nationality and Borders Bill is so important in all of this. I look forward to all members of this Committee being in the lobby with me voting for that Bill when it passes, because it seems to me that Members here have identified a problem, and we need to address that problem. That is the solution to at least a significant chunk of the challenges we are facing.

I am not complacent at all. I believe we need to deepen our co-operation with our partners in relation to these matters. We must continue to build on the co-operation we have, particularly with the French. That co-operation needs to be expanded to our other neighbours as well, beyond that which is already happening. We are seeing greater risks being taken with people's lives in the ways that I have described.

There is no one simple solution to this problem. If it were simple, this issue would have been resolved before now. We are determined to get to grips with this, to render the channel route unviable and to have a much more effective and functioning asylum system in this country that will mean we can tackle these challenges head on.

Q765 **Chair:** Unfortunately, the questions we have raised in this Committee suggest that there is going to be a limited impact from all the measures that you have just referred to, especially when there are no return agreements in place and there are so many problems around safe and legal routes, which we will pursue with your colleague now, alongside a lack of them.



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I am sorry; I forgot to ask you for information about what is happening at Tug Haven now. This has been raised with you repeatedly by the inspectorate, about ensuring that there are proper facilities there. That would be useful to have as well.

Given that it is so important to have that co-operation with the French, how far has this been affected by the wider rows and diplomatic disagreements with France? Has that made it more difficult to get the kinds of agreements that we need to sort out this problem?

**Tom Pursglove:** The candid answer to you is that there have been challenges in terms of our relationships with the French. Given the severity of the migration issue that we are dealing with here and given that these reckless criminal gangs are putting people's lives at risk—this is a very significant challenge, which undoubtedly concerns people in this country but also people on the French side—there is an imperative for politicians to work together to try to tackle what is a shared challenge.

You have to separate out the migration issues from perhaps some of the other issues that are causing tensions with the French side. We are talking about people's lives here. We are talking about evil criminal gangs. We are talking about wider criminality, which this is undoubtedly financing. There is a strong shared need for both sides of the channel to work constructively to tackle this. I know that is a message that we as Ministers continue to underline. It is a message that we will continue to underline. I can absolutely give you the assurance that I, for one, will not rest until we tackle this issue. The public, quite rightly, expect us to deal with this and shut down these evil criminal gangs once and for all.

**Chair:** I hope your co-operation with France can do more to address the criminal gangs. It would, though, be helpful to make sure there is not too wide a gap between the rhetoric and the reality on this issue. We will move on to our evidence session with Victoria Atkins. Can I thank all of you for your evidence on this? We very much appreciate your time this morning.