



Home Affairs Committee

Oral evidence: [The work of the Immigration Directorates](#)
[2014 Q2](#) , HC 712

Tuesday 18 November 2014

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Members present: Keith Vaz (Chair); Ian Austin, Michael Ellis, Paul Flynn, Lorraine Fullbrook, Dr Julian Huppert, Tim Loughton, Yasmin Qureshi, Mr David Winnick.

Questions 51 – 206

Witnesses: **Peter Cullum**, Head of International Affairs, Road Haulage Association, **John Keefe**, Director of Public Affairs, Eurotunnel, and **Tim Reardon**, Head of Taxation, Ferry and Cruise, UK Chamber of Shipping, gave evidence.

Q51 Chair: Mr Cullum, Mr Keefe, Mr Reardon, thank you very much for giving evidence to the Committee today. This is part of the Committee's ongoing scrutiny of the immigration and visa and enforcement issues to do with the Home Office, and we are most grateful to you for coming here. We have a number of questions specifically on Calais, but I would like to start with some questions on the issue of e-borders and exit checks, which is an issue that is of great concern to this Committee and has been for the last four years. We were assured by Sir Charles Montgomery, the head of the Border Force, when he last gave evidence to us, that by the end of this Parliament, which will be in April next year, there will be full exit checks at all our ports on entry and exit from the United Kingdom.

You have written to us, Mr Keefe, telling us in your letter of 24 September of a number of concerns that you have. In particular, you have said in paragraph 5, "We do not have a clear specification from the Home Office as to how these checks are to be introduced, how they will be supervised, what roles your staff will play, what will be required to fulfil the Government's objectives, what powers your staff will have, what equipment they will use and what data that they will collect and where that data was going to be sent". That is quite a long shopping list and it caused me and members of the Committee a great deal of concern. Does it still concern you or have these matters been resolved? Do you have an answer to all these questions?

John Keefe: It does concern us. Given that we only have about five months to get these checks into place, to develop the systems, to procure the equipment, to train the staff, to organise the logistics of the exercise, a clear specification is something that we have asked for since the beginning, since the Act was passed. We are in discussions with the Home Office and with Border Force and we are moving forward along a variety of different lines in order to make sure that we

get to that, but it remains a question that we have. Because we have started procuring equipment, because we have started spending money, because we have started looking at the recruitment process that we have to go through, we want to be absolutely certain that when we introduce exit checks on behalf of the Home Office they are as suitable for purpose as can be, and we have some concerns that that is not the case yet.

Q52 Chair: That list that you put in your letter has not been satisfied at the moment? You have not had answers to all your questions?

John Keefe: Not to all of our questions.

Q53 Chair: Do you think that exit checks, therefore, will be introduced in full for your industry by the time of the end of this Parliament?

John Keefe: We believe it is still possible to introduce exit checks. We are getting very close to the point in time where that starts to be questioned. The process of trialling exit checks needs us to be entirely confident that the equipment we are using, the processes we are using, the data storage that we are using and the data protection that is in place, are all perfectly signed off, and we are working on those with Border Force.

Q54 Chair: How many passengers do you carry every year through Eurotunnel?

John Keefe: We carry about 10 million directly and about another 10 million via Eurostar.

Q55 Chair: That is a very large number of people who at the moment are not being checked on departure?

John Keefe: There are some checks on departure. Eurostar has a manifest requirement. The shuttle operations, which are part of the Eurotunnel concession, do not require checks to be conducted at present.

Q56 Chair: At the moment, what percentage do you think of your passengers are checked on departure?

John Keefe: Through the shuttle services, none. There is no passport check on outbound passengers from the UK. There is only an entry check into Schengen conducted by the French passport control.

Q57 Chair: If you can give us some numbers, what kind of numbers are we talking about in terms of the shuttle?

John Keefe: In the shuttle, as far as UK exit checks are concerned, there are none.

Q58 Chair: Yes, but how many do you carry through the shuttle?

John Keefe: 10 million.

Chair: So of those 10 million none are checked on departure?

John Keefe: Correct.

Q59 Chair: In respect of the other 10 million, how many are checked on departure?

John Keefe: That question I am afraid you would have to put to Eurostar. I do not have detail on it.

Q60 Chair: Mr Reardon, as far as the ferries are concerned, members of the Committee have been to look at the ferries over the last couple of years. I think the last time I was in Dover I was surprised to know that you had 245 lines that lead to your ferries, something that I find quite surprising in terms of numbers. Where are you in respect of exit checks? Where have you reached? You carry 80 million passengers or—

Tim Reardon: There are 80 million passengers carried across the ferry network as a whole into and out of the UK. Approximately 12 million to 13 million of those pass through Dover and just over 10 million of those pass through Calais. As our colleagues at the Channel Tunnel are doing, we are in discussions with the Border Force at the moment to work out what can be done in Dover in particular. There are a number of trials going on at the moment testing various operating models to see how each one would work in relation to each particular traffic stream.

One of the things that will have been evident at the Eastern Docks is that there are different streams of traffic passing through: foot passengers for one of our ferry operators; tourist car passengers in respect of all three; coach passengers in varying numbers in respect of all three; and of course the freight traffic, the trucks that pass through to which—

Q61 Chair: But how far away are you from a situation where you have full exit checks?

Tim Reardon: We will be able to give you a fuller answer once the trials are concluded and we will be able to see what the art of the possible is. The intention is there to make it happen.

Chair: By the end of the Parliament?

Tim Reardon: That is the ministerial commitment. We are working to make it happen as soon as it practicably can.

Chair: Will it happen at that time?

Tim Reardon: Something will happen. Quite what will be determined by the outcome of the trials that are taking place now.

Q62 Chair: When will you be in a position to tell Ministers and Parliament how advanced the system is?

Tim Reardon: The trials should complete in the next few days. The data from that will then go through a crunching exercise and conclusions will then be drawn from that. That will inform what can be done in Dover and, by extension, what can be done in other ferry ports as well.

Q63 Chair: So at the moment, of the 13 million who leave Dover how many are having exit checks?

Tim Reardon: All of them pass through a border control process run by the UK Border Force as they deem fit. They then pass through a secondary one, which is operated by the French border police. They are then checked in for their ferry sailings and, depending on the traffic stream, depending on the operator, the passports of a number of them will be inspected at that point as well. So conceivably a passenger departing from Dover will have his passport checked three times.

Q64 Chair: You do not have any concerns about the fact that this is not yet happening?

Tim Reardon: We are confident that the process that is taking place now will get us to the endpoint, but we are not there yet and the process is not finished.

Q65 Chair: Mr Cullum, what about your industry?

Peter Cullum: As far as exit checks are concerned, we are just taking part in the Dover trial and we have been assured by the Home Office that there will not be much different from what truck drivers experienced before the trial started. At the moment, nothing has come to me to say that there is a problem attached to the trials.

Q66 Chair: Do you have a similar shopping list to that of Mr Keefe?

Peter Cullum: Yes, and no. We have not gone into the level of detail because we have been assured—and I was assured some years ago—that in terms of what was done to truck drivers already, there would not be much difference. There would be no noticeable difference in terms of the checking that would be done on the truck driver.

Q67 Chair: Mr Keefe, you wrote to the Minister and asked for additional funds on a balanced basis to help you adapt your systems. Have you received a reply from the Minister?

John Keefe: We wrote to the Minister about balanced funds in relation to security in Calais.

Chair: Oh, I see.

John Keefe: The issue in Calais—I don't know if you want to move on to that now or stay with exit checks.

Q68 Chair: Not yet because I thought it was about this. How much is this going to cost you in terms of getting your organisations fit for purpose for full exit checks by 7 April?

John Keefe: It is very difficult to say. As Mr Reardon has said, the trials that we are conducting—and which will be conducted during the month of December because we have a peak traffic

period there, which is a great opportunity to test this properly—will not give us the information we need until January. So we will be looking at that in January.

Chair: So you do not have a figure to put?

John Keefe: I don't have a figure to give you today.

Q69 Chair: What about your people, Mr Reardon, how much do you think it would cost to institute the changes that are required?

Tim Reardon: We have not costed it yet because the hardware that is required, and potentially any additional staffing, will be determined by the outcome of the trials that are in place now.

Chair: You will know that in January?

Tim Reardon: We should know it, yes.

Chair: You have no figure at all?

Tim Reardon: Not a reliable one, no.

Q70 Chair: I presume, Mr Cullum, if you are not going to be affected, and your lorry drivers are not going to be affected, it is going to cost you nothing to put this into effect?

Peter Cullum: We shall see, but everything is supposed to happen upstream of us. The processes will be in place and we will just go through them.

Q71 Chair: Thank you very much for that. Please keep us informed. We would like to know the outcome of the trials because we are very interested in the whole e-borders programme and we want to keep that under review.

You mention Calais. We have been very concerned about the number of migrants in Calais and the effect that it is having on your industries. What kind of effect is it having, Mr Reardon, on the ferry operators?

Tim Reardon: The effect has been two or threefold. First, it has been enormously disruptive to the flow of traffic through the port of Calais. The port of Calais is a major gateway to the UK. About £89 billion worth of UK trade passes through the port of Calais every year and 10.5 million passengers, the majority of whom are British citizens going on holiday or returning from holiday, are passing through the port of Calais in a typical year.

The flow of that traffic through the port has been disrupted by migrant activity. It has also been disrupted by border control activity that is driven by a desire to counter that migrant activity. More perniciously perhaps, the current situation has led to Calais being regarded as a problem place where there is a problem of migrants, rather than a significant gateway for the UK. So Government activity at Calais, at the moment, is focused almost exclusively on the migrant issue at the expense of keeping UK trade flowing and providing a good service to UK citizens and foreign visitors when they are passing through on holiday.

Q72 Chair: Mr Keefe, your concern about the £12 million that is going to be spent is that it is going to have an effect on Eurotunnel, which is not in Calais.

John Keefe: Absolutely. The problem in the last year to 19 months has been focused on Calais port, which has been poorly protected and a focus for migrant activity. If the money kindly offered by the UK Government goes to build more fences around the Calais port and to increase security at the expense of traffic flow, then we think that will cause a problem and simply displace the issue to the next closest port, and that happens to be us in this instance.

We firmly believe that the actions should be more on the fluidity through the border rather than the fences that protect it. By keeping the traffic moving, it stops the opportunity for migrants to climb on board parked trucks or more recently—as we have heard in some instances—cars, and it keeps the doors open for trade. So we are concerned that investing in fences is going to have a negative effect on fluidity.

Chair: Mr Cullum?

Peter Cullum: We are not quite so antagonistic to the idea of fences, but they do have to be patrolled because if they are not patrolled, they just get torn down. The second thing is that we agree on the notion of flow. We have recommended to the Home Office that if they could increase the traffic flow by 5 kilometres an hour, the effect on the ability of illegal migrants to get on board vehicles would be considerably reduced. Obviously we would like to see nobody there at all who does not have a right to be there.

So security is important. Security on the approaches to the port, and security in the port itself, is vital because we suffer under a system called the civil penal code, where we are supposed to do checks and certify we have done checks, which you are nodding your head at. They are useless if we do not have proper security on the approach to the ports. They are just a paper exercise. They don't achieve anything. That is where we think that we are playing catch up—not so much the Government, but everybody really—in that a few years ago when this whole process started, the truckers were to blame and, “Therefore, they can do the checks because it is their fault”. In fact there are many people in Europe who still say that. We think a system-of-systems approach should have been adopted years ago, of which flow was a key factor and we could have dealt with this problem a lot easier instead of focusing on one particular sector. It is only recently that we have had cab-cam evidence to show that truck drivers are as much a victim as anybody else. Ten or 15 years ago they were regarded as “the problem”, and so we have had this cultural battle for some years that is only now beginning to be addressed.

Chair: Very helpful.

Q73 Paul Flynn: In our last meeting, the mayor of Calais was contemptuous about the value of the two miles of security fencing, which did sterling work in my constituency guarding Obama at the Newport NATO Summit, and she was dismissive of the whole value of it. If two kilometres is of no value what would be of some value?

Peter Cullum: It depends whether you accept her premise, and we don't.

Paul Flynn: Why not?

Peter Cullum: Because we think that it is better than what we have now. The Home Office have given us assurances that they have gone into this in some detail with the higher authorities and

that there is a plan. We have not seen it yet but as soon as we do we will be able to comment. To be honest, the idea that, “This is useless. Let’s not do anything” is just a non-starter. It is a non-starter for Calais too, because the problems arise in the town because of the ease with which trucks and other vehicles can be intercepted on the approaches. It is very simple to us, but there we are.

Q74 Paul Flynn: Seeing this from the other side—the migrants—we see people who have gone through this process and they virtually all talk about corruption, about the fact that they could take their chances jumping on lorries and so on, with all the consequent injuries that happen from it. But there is clearly some kind of criminal setup there using people, possibly in the transport industry, in the police or somewhere else, certainly people of similar nationality to the migrants. But the process allows a continual flow of people to come across and avoid the regulations. How do you think it is being done? You say the lorry drivers are not the criminals now. Who are the people who are corrupt and who are making sure that people can get across?

Peter Cullum: There have been companies that have been found out and been taken to court, people have been arrested; people have been put in jail, quite rightly, over the last 10 years. I can only quote from my own experience, which is that whereas I was dealing with two or three cases a month from our members back in 2005, I am now dealing with two or three a year. For the last two we had a credible defence and, after some discussion, the Home Office reduced the penalties to zero because they had done what the Home Office expected of them and that is where we want to be.

I cannot comment for people across the rest of Europe and I think it should be noted that four out of five trucks crossing the Channel are foreign registered. They have nothing to do with British associations or British companies. There is a lot of sub-contracting now because risks are expected to be shared. I think your point is not wrong, but it does not convey the true nature of the problem, which is that there are gaps everywhere and, as I said, a system-of-systems approach perhaps should have been taken 10 or 15 years ago and we might have been in a better place now.

As it is, this year has been very problematic. Everybody has accepted it. You have heard the comments from my colleagues. We have a problem to solve and we had better start now.

Q75 Paul Flynn: What are the main gaps? How can they be filled?

Peter Cullum: As I have said, the main gap first of all, in our view, is the Schengen agreement that is dealing with the free movement of legitimate EU citizens. It has elements within it about the control of illegal immigration, and member states can close their borders. France did it in 2011, Denmark did it at roughly the same time, but it was temporary. The reason why it was temporary—we believe—is because culturally at the time Europe believed that any attempt to control illegal immigration was somehow a criticism of Schengen. We know that the new Commission has now come to our international association and said they wish to discuss in detail issues about illegal immigration, because they recognise now there is a big problem to solve. If we think we have a problem, go to Germany where they are getting a quarter of a million people seeking asylum. So it is a Europe-wide problem that I think all stakeholders need to be engaged in.

Q76 Paul Flynn: If Calais becomes migrant-proof, it becomes so secure, will the problem then move along the coast to the longer crossings?

Peter Cullum: Again, you are falling into the trap of saying, “If we do something here it will just move”. Yes, it will but the point is you need a system-of-systems approach in order to make sure the system is as solid as it should be. Schengen envisaged that the external EU border would be secure. The question is: if that does not happen, then an awful lot of free movement is compromised and we end up where we are in Calais.

Q77 Paul Flynn: You say this is a trap, but if we secure just one port, there are a whole range of other ports that people can use. If they manage to breach the security, it does not matter whether they are on the ferry for an hour or for three or four hours. Isn’t that—

Peter Cullum: With respect, Mr Flynn, it is not an absolute. The idea is if we say nothing can be done, as the mayor suggested, then that is obviously not what a lot of other people think is necessary now. I would agree with them. The point is that Calais does have a genuine problem. No one would dispute that. The question is how do we best solve it. The mayor says, “We don’t think fencing is any use”. Okay, maybe she is right but let us look at what else is on offer. We know the Home Office has done a lot this year. We know they have been busy over the past few years. We have been quite active. Our compliance rates have gone up. So we feel we are playing a part. If everybody can play a similar part, we might be in a better space.

Chair: Mr Flynn, one final question.

Q78 Paul Flynn: I find it difficult that no one can spot it: the lorry drivers were blamed for possibly being the bad people, but no one has any suggestion of who the bad people are. There are certainly migrants coming across and they have a sort of package deal. They pay a lot of money in their own country and they are brought across here. We know that exists, and part of that occasionally is coming across the Channel and they even come other ways.

Peter Cullum: I would agree with you entirely but—

Paul Flynn: Who are they at Calais? Who are the people—

Peter Cullum: I think the Home Office has some information they may wish to share with you.

Chair: We will ask the Minister when he comes.

Peter Cullum: Indeed.

Chair: Thank you very much.

Q79 Mr Winnick: In your letter, Mr Keefe, you state what I suppose is obvious, namely, that the situation in Calais is appalling. Can I ask the three of you: have you been over to Calais and seen the situation for yourself? Presumably you all have?

Tim Reardon: Yes.

Mr Winnick: Mr Keefe?

John Keefe: In fact I live very near Calais, so I see it on a daily basis. The migrant camps are extremely poorly put together. They are in undesirable parts of the town, often near to motorways or to main access. They are designed as short stays giving the easiest access possible to the routes through. The conditions that people live in there are appalling. That is why I have put it in. I have heard people referring to them as among the worst refugee camps they have seen in the world. I have not seen a huge number of refugee camps, I am very glad to say, but they are certainly dreadful places.

This is why I think we take the view that we take, which is that fencing is useless because fencing simply displaces the problem. They are waiting for trucks to slow down near them. We think that trucks should be kept flowing and that would stop them being able to get on. The other part of the solution I am afraid is one that is massive. It relies on work being done in-country; it relies on work being done upstream at the Mediterranean border, in the rest of the European countries that are linked to Calais. If we put a barrier around Calais, the problem will not go away. The problem will only be solved elsewhere.

Q80 Mr Winnick: The mayor of Calais, when she was giving evidence, said in effect, “This is a British problem and it is not one for us”. She went on to explain why in her view the British authorities should be more active. It is a question of a blame culture: who is to blame? Obviously the position of the UK is known to you: firm immigration controls and people cannot come here. Because they have a very, very strong inclination, even sometimes at the cost of their lives, to come to Britain: are you critical of the French? Mr Keefe, what you have said implies that more could be done, considering the description you have given. From the point of view of the French and the situation in this particular town, with its limited facilities and funding, presumably, from central government, do you think more could be done, Mr Reardon?

Tim Reardon: First, I feel, as an industry, we would not wish on the burghers of Calais what the burghers of Calais are currently suffering. It is horrible. I certainly would not want it anywhere near where I live, and I don’t envy them that whatsoever. It is also quite clear that the migrants are not in Calais because they want to be in Calais, or because they are ship spotters. They are there because they want to cross the Channel and come here.

The tackling of the problem is clearly going to require a collaborative effort between the British Government, the French Government and Governments in other countries to whom—

Q81 Mr Winnick: But you believe at the moment it does not exist, presumably?

Tim Reardon: There has been a recent Anglo/French ministerial declaration committing to such a collaborative effort. The building of the fence, which Mr Flynn referenced, is part of that but it needs a much bigger solution than that, as Mr Keefe has identified, which begins to tackle that problem at source and at various stages en route. It does not simply wait until the problem manifests itself in Calais.

I sometimes liken the issue in Calais to the homeowner who is concerned about a drip from his kitchen ceiling and keeps repapering the kitchen ceiling. Sooner or later he is going to have to fix the roof if he wants to stop that drip appearing, and the issue at Calais is pretty similar. Calais is where it manifests itself, but Calais is not where the problem begins and it is not ultimately where the answer to it lies.

Q82 Mr Winnick: Obviously it is not where it begins and people do not risk their lives in order to go to Calais—it is better than perhaps where they are but obviously the aim is to get to Britain if they possibly can—so do the three of you take the view that, insofar as it is anywhere near a solution, it is necessary for far greater co-ordination between the two countries, fellow members of the EU?

Tim Reardon: Most definitely.

Q83 Mr Winnick: Mr Cullum, what do you think the two Governments can do, which they are not doing at the present moment?

Peter Cullum: That is tricky. First of all, I would not alter what has been said before. I think there has always been collaboration between the British and the French, but as I have said before there seems to be a cultural difference in the relationship with Britain having its own system of border controls, which I think is now changing. I was at meetings in 2007 and 2008 where the French were promising all sort of things, and to be fair to them if they are called out they go out and deal with the problem. I think the problem this year has been that, while the intensity of the problem is the same as in previous years, the duration has been longer and, therefore, there comes a point where they may not be able to provide the continuing presence that we would expect. I think that is really the difference. It is a difference of degree. I don't think it is a difference of principle, but my colleagues may have other views.

Chair: Thank you, if we can have a brief answer because we do need to move on. Mr Keefe?

John Keefe: I think the collaborative approach is the only way that this is going to be solved. I don't think we can get around that at all. The issue still needs to be addressed further.

Chair: Yes, we will explore this with other colleagues. Mr Reardon?

Tim Reardon: I agree entirely, yes.

Q84 Michael Ellis: The prime responsibility for managing the situation in Calais has to lie with the French, surely? It is their territory. We British haven't controlled Calais since Tudor times, as I pointed out to the mayor. In her grandstanding attempts with the media, she has attempted to point it towards the British, but the reality is the French signed the Schengen agreement, which created an open border situation. We British did not sign that and the situation that they have is largely of their own making, so the prime responsibility for managing the situation has to lie with the French. Do you agree with that assessment?

Peter Cullum: I would.

Michael Ellis: You would, Mr Cullum?

John Keefe: No, carry on; I will take Mr Cullum's answer to that.

Michael Ellis: I heard one clear "yes" but I did not hear other clear yeses or nos.

Chair: Do you want to respond? I know it sounded like a speech but it was actually a question.

Michael Ellis: Well, I will leave the speeches to you, Mr Chairman.

Chair: Mr Keefe?

John Keefe: I believe there is a clear responsibility for the French to deal with the issues that happen on their territory. There is a requirement, though, for a collaborative approach, because we must not forget that this border crossing that we are talking about is one of the UK's important trade routes. The amount of business that goes through Calais, Dover and the Channel Tunnel is immense in terms of the UK's economy, and for us simply to write that off, and say it is down to the French to manage it, is perhaps a little unwise.

Tim Reardon: Security in Calais, as anywhere else in France, is a French responsibility but the problem is being made worse by the way in which the UK border control is operated. If those vehicles were not stuck in a queue by a border control that is operated extremely slowly, the migrants would not have the ability and the opportunity to jump on to them as they currently do.

Q85 Michael Ellis: So where are the migrants mostly intercepted, do you know? What is the exact location in which they are mostly intercepted?

John Keefe: The truth is that they are intercepted in a variety of different locations. Usually on board trucks or trying—

Michael Ellis: In Calais?

Tim Reardon: —in Calais or trying to break into the port across one of the fences, where they are swept up either by local security or by the police.

Michael Ellis: In France?

Tim Reardon: In France.

Q86 Michael Ellis: So it is sometimes private security officers or the French police authorities under their jurisdiction. Do you know what happens to them after they are caught?

John Keefe: They are removed and they are then released back into circulation.

Q87 Michael Ellis: Would you have any recommendations for how you think the process could be speeded up, because one of your concerns might well be about the delays in the system, which would cause a knock-on effect in a very busy port location?

John Keefe: Indeed. I will just project forward a little bit as well because we are dealing with a situation today with today's traffic numbers. For reference, we carry about 1.5 million trucks a year. We expect that to grow to about 2 million trucks within the next 10 years. The capacity at the border is one of the most important aspects of maintaining traffic flow and the speed of that flow, and so finding ways of managing the border, such that the flows can be maintained—whether that is by introducing extra resources that, in the current climate, we do not believe anybody has the money to pay for or whether it is by an intelligent use of automation—we think that there is a lot of scope for improving the way the border is managed in the future.

Michael Ellis: Mr Cullum, did you have any observations?

Peter Cullum: Only one, which is that Calais is branding itself as a new western European logistic centre, which may provide the argument for Mr Keefe's numbers. If they do not get that right, which includes transit traffic across the Channel, then their branding exercise will fail.

Q88 Michael Ellis: So as far as their claims are concerned about being an advanced processing location, they have to keep up with their own claims and make sure that the latest facilities are available to process individuals quickly.

Peter Cullum: Well, it is a joint effort and, therefore, it has to be matched. Whatever the French do, an equivalent amount must be done by the British to ensure the traffic flows to which Mr Keefe and Mr Reardon refer.

Q89 Lorraine Fullbrook: I would like to ask particularly Mr Cullum and Mr Reardon: do you have these problems at any other ports?

Peter Cullum: Yes.

Lorraine Fullbrook: As bad as Calais?

Peter Cullum: Again, it is intensity and duration. The Greek port of Patras is notorious as a bad place to go to, and it is made worse by the way in which you check in. You have to leave your vehicle in order to go and get a ferry booking. So you leave your vehicle in a car park there—a truck park. You go through a barrier. You go and get your ferry booking. You come back, by which time your truck is in heaven knows what state, and the clandestines do seem to have quite considerable access to the port itself. So Patras is bad. The rest of Europe: eastern Europe is a bit of a problem but they manifest themselves at the ports. As I say, Patras is a particular bottleneck. Calais is one. I cannot think of any other—Brindisi possibly—one that readily comes to mind for us. I would say Calais and Patras are probably the worst.

Lorraine Fullbrook: Mr Reardon?

Tim Reardon: Absolutely, Mr Cullum is spot on. Calais is the only place—it is very much significantly worse in terms of ports that face the UK. The problems that you see at Calais are not replicated to anywhere near the same extent at any other French port or indeed at Belgian or Dutch ports. Yes, there are occasional migrants trying to use those other corridors but Calais is overwhelmingly where the issue is focused at the moment.

Peter Cullum: There is a reason for that, which is the frequency of the ferries. That is a major draw to any migrant flow.

Q90 Lorraine Fullbrook: Can I ask which trade organisations on the UK side and the French side you collaborate with?

Tim Reardon: We deal with all parts of the UK Government. The Department for Transport is our sponsoring department, but we work closely with the Home Office and all its agencies and parts.

Q91 Lorraine Fullbrook: What about trade organisations?

Tim Reardon: What kind of organisations do you mean, sorry?

Lorraine Fullbrook: Do you work with French ferry operators on the other side and the equivalent of French long haulage operators?

Tim Reardon: Yes, absolutely.

Peter Cullum: There are two major French trade associations for us. We deal with both of them. There is an international association, the International Road Transport Union. I am an officer of that association. It has an office in Brussels. Its main office is in Geneva and we deal with them. That deals with everybody across all the member states because member trade associations are in all the member states. So this is an issue which affects us all.

Q92 Lorraine Fullbrook: Mr Reardon, that is the same for the ferries as well?

Tim Reardon: Absolutely. My organisation represents French ferry companies as much as it represents British ones.

Q93 Lorraine Fullbrook: So what have those organisations done to take their case to Brussels about the Schengen border arrangements not working sufficiently for UK trade ultimately?

Tim Reardon: Our European umbrella association is in pretty constant discussion with the European Commission on the functioning of the Schengen area and the Schengen regulatory regime. Fundamentally, this is an issue of how individual European countries discharge their obligations, and in that instance the answer does not lie in Brussels, it lies within the capitals and other decision-making centres within those other European countries.

Lorraine Fullbrook: Mr Cullum, would you say that was—

Peter Cullum: Not quite but similar. When this problem first manifested itself, our international association did provide guidance about combating illegal immigrants. At the time it was mainly on the channel ports and in Italy. Since then of course things have moved on. They have just renewed their activity on this. It was discussed at the last Brussels meeting only a month ago. The Commission has been engaged with them to try to see what needs to be done, and as I said this year in particular in Calais, but also in the rest of Europe, the numbers involved have become so significantly large that other countries believe that, rather than just passing it on to the border countries—like Spain or Greece or Italy or indeed ourselves—they all have a part to play. We will have to see how well that develops because I think it is a matter, as Mr Reardon said, of political will. There is a lot to deal with here and political will is important.

Q94 Dr Huppert: We talked a bit about the short and long-term solutions. Mr Keefe, your letter—and I think your president's letter said something very similar—talks about two long-term solutions, one being a concerted effort among European Governments to stop migration at source, and the other is for European Governments to accept genuine asylum seekers at the first point of entry in the European Union. I assume—and disagree if you wish to—that you would all agree that those are the long-term solutions that we need to achieve. I see not. Have you had much response from the French Government or the British Government, or anyone else, about actually trying to implement those two policies?

John Keefe: We are in constant discussions with both the French and the British Governments about this. They are engaged, they assure us, in seeking long-term solutions and in distant places

as well. We have not yet seen the impact of that in reducing the numbers of migrants currently in Calais. We believe that there is good work being done, but it has not yet had an impact.

Q95 Dr Huppert: Certainly the French have one of the slowest asylum processes and with one of the lowest success rates, which leads me to suspect that they are passing people on who they should be accepting, to try to push them towards the UK. Does that fit with your experience?

John Keefe: I cannot answer for the French security forces but there are certainly a lot of alleged asylum seekers in Calais.

Tim Reardon: It is our experience, Dr Huppert, that a good number of these migrants that we see around Calais, and occasionally on our ferries too, are not looking to claim asylum either in France or in Britain. They are looking to come here, be here and work here. As an illustration, when these individuals are encountered on board the ship they frequently ask to be taken back to Calais and returned to France, rather than be brought to the UK and put into the asylum processing system. They would rather remain outside the system altogether, go back to France and try to have another go at getting into the UK properly, out of sight of officialdom so that they can enter the labour market, which they cannot do once they are caught in the asylum system.

Q96 Dr Huppert: As I am sure you will know, the Border Force has, I think, seven positions with juxtaposed controls in France and Belgium: Calais, Dunkirk, Coquelles, Paris, Brussels and Lisle, and Calais again for foot passengers. Do you think those overall are beneficial and what consequences would it have for all of you if they were closed?

John Keefe: Our service is a high-speed service with very short crossing times. The overall benefit of having juxtaposed controls has been to enable customers to conduct all of the administrative requirements at a border before their journey. Meaning that once their journey is over, they are free to leave, so the administrative process and any queues that might be associated with it are kept on to one side at a time. In the context of a half-hour crossing, that has thus far been beneficial.

Tim Reardon: They have similarly been enormously beneficial for the traffic that travels by ferry as well. The problem in Calais at the moment is bad. The problem prior to the introduction of juxtaposed controls in 2004 was significantly worse, and one could reasonably expect it to recur if the control configuration is returned to what it was.

Peter Cullum: Yes, the industry now lives—as it has lived for some years—on just-in-time delivery. The margin of delivery schedules is plus or minus 30 minutes. If you miss that, you are not paid. It is pretty ruthless stuff. Therefore, anything that keeps the flow going, as we have said, has to be beneficial and anything that would reduce it has to be bad for our people.

Dr Huppert: That is what I thought you would all say. Thank you.

Q97 Chair: Would you describe the situation in Calais at the moment as a crisis situation, Mr Reardon?

Tim Reardon: At particular times it is. There are a large number of migrants there—1000-odd the mayor said—who are waiting to try their chance with the traffic. When the traffic is busy and it is

backed up from a slow UK border control, there is a crisis point, because there is a significant volume of traffic there that is exposed and vulnerable to attack or encroachment or to migrants breaking into vehicles.

Q98 Chair: We have seen pictures of lorry drivers being surrounded by migrants begging to get on to the lorry. We have seen people putting their lives at risk trying to get on ferries as they were leaving, with some of your members having to hose down those who are trying to get on. These are terrible scenes. Is this the ultimate level or do you think it could get worse?

Tim Reardon: We sincerely hope it won't. The problem is a factor of how many people there are congregating in Calais trying to break in, and we had a discussion earlier about fences. Ultimately the problem is the number of people, the weight and volume of people and the intensity of their desire to break through.

Q99 Chair: We were told by the mayor that people were prepared to risk their lives, to die, in order to come to the United Kingdom. Do you think that that is the case, having seen these reports, having watched what is happening?

Peter Cullum: I think it would be a mistake to treat each of the illegal migrant groups as the same. They have different motivations. Some are very well organised. Some are very poorly organised. Some fear the arrival of winter because they have no plan B. Others do not worry about it because they have a logistic backup. So I think you have to be more discriminating. You cannot treat them all as one group.

Q100 Chair: Mr Keefe, when would it be the time to close Eurotunnel in terms of the number of people trying to jump into Eurotunnel? Would there be a time when that would have to close because of this migrant crisis?

John Keefe: The only time that it would be necessary to close the tunnel would be if migrants got through to the railway part of the business. The problem would be that for safety reasons we would have to shut the railway services. Shutting the railway services does not just impact the shuttle service. Of course it impacts Eurostar and we would end up with the direct consequences of the migrant problem in Calais in London, because St Pancras would be gridlocked.

Could this get any worse in Calais? It potentially could. The situation today is largely contained to the truck community. The truck-driving community is a professional transport market. As we have heard, trucks come from as far as Patras in Greece, from Italy, from the south of Spain. Many of them have travelled elsewhere outside the borders of Europe, and they are familiar with the ups and downs of the transport industry in general. As we approach winter, as we approach the Christmas holiday getaway period, and as we have increasing numbers of migrants in Calais, one of the most significant risks is that it starts to overflow on to the passenger market. There are large numbers of passengers travelling over the Christmas period. The consequences of migrants being around static flows of passenger traffic on the return during the Christmas holidays could be an escalation, and one that many people would think is a step too far.

Q101 Chair: You are clearly telling this Committee that the measures that have been adopted so far—the £12 million, the fence, all this collaboration—all that will mean is that there will be more problems for you?

John Keefe: The slower the flows through the border and the more queues there are on the motorways, the more opportunity there is for migrants to climb on to vehicles and the more attraction there is for migrants to come to Calais and try to get through. We are absolutely firm that improving the flows of traffic, keeping the traffic moving, keeping it off the motorways, is the only thing that we can do at Calais. I stress that it is only at that tiny point of contact. We believe that the rest of the action has to be upstream.

Q102 Mr Winnick: The mayor of Calais was more or less adamant that the motivation of a large number of those people desperate to come to Britain was to receive benefits. When it was pointed out to her it was £36, her response was, “Well, they wouldn’t know the value of money.” Would you accept that the overwhelming desire to come to Britain—which they cannot do because obviously our immigration control regulations are what they are and this is what the public want here—is to work? Yes, or no, really.

Peter Cullum: To be fair, I do not think that is a relevant question because, for us, it is the attacks on our drivers that focus us, and they are UK citizens. I have just opened my UK passport that says that they have the right to protection of the host member state, and that is what we expect, no more, no less, particularly when you consider that most truck drivers now coming to the UK are not British nationals anyway. Other Governments should be involved as well.

Chair: Indeed. Mr Keefe, a quick answer.

Mr Winnick: The motivation for people wishing to come here.

John Keefe: We have seen this problem at the beginning of the century when the Sangatte centre was opened, and we saw it disappear in the 10 years in between. The most significant factor in this whole migration crisis that we are seeing in the intolerable conditions these people live in in their own countries. Where they seek to go to after that might be a matter of language; it might be a matter of choice, but the driving force is not benefits in the UK, it is the intolerable conditions at home.

Tim Reardon: I would agree with what Mr Keefe has said.

Q103 Lorraine Fullbrook: Mr Cullum, I know you said a system-of-systems approach is the best approach, but to sort this problem out with the traffic flow— particularly coming up to Christmas and then we will be into Easter not long after that—how far out geographically do you need to go to keep the traffic flowing?

Peter Cullum: Put it this way: we have members who will not let their drivers stop within 200 kilometres of Calais.

Lorraine Fullbrook: Wow.

Peter Cullum: We have other members who will not let them stop within 100 kilometres of Calais, and there are some who refuel in Calais. Each does it for different reasons. They are not trying to be perverse but the pressures that are on them mean, “Today I have to refuel in Calais. Tomorrow I am not going to stop within the previous 200 kilometres.” It does vary. I would make the point also that it is not security or traffic flows. It is both. You may need fencing to ensure the traffic flows. You certainly need the traffic flows. Security may help. But again if you do not look at it as a total logistics problem, you are not going to solve that.

John Keefe: We agree that many of our haulier customers are telling their drivers not to stop within 200 kilometres. I agree again, we need border security. There is no argument about that, but one of the ways to ensure it would be to increase the flows.

Chair: Do you agree?

Peter Cullum: Yes, we do.

Chair: Thank you. The Committee will be visiting Calais in early December to see this for ourselves—yet again, because some of us have been before. But thank you very much for coming today to give evidence. Please would you tell us the results of your pilot study? We are very keen to know that we are going to be able to have full exit checks by the end of this Parliament. Thank you for coming.

Examination of Witnesses

Witnesses: **James Brokenshire MP**, Minister for Security and Immigration, **Mandie Campbell**, Director General, Immigration Enforcement Directorate, and **Sarah Rapson**, Director General, UK Visas and Immigration Directorate, gave evidence.

Q104 Chair: Minister, Sarah Rapson, Mandie Campbell, thank you very much for coming to give evidence to this Committee today. As you know, this is our usual three-monthly look at the immigration department and the work of the Home Office in respect of these matters, so although we have specific questions to each one of you, members of the Committee might want to raise other issues. We have a division at 4 o'clock, so we will adjourn at that time and come back at 4.15pm. Thank you for coming.

Can I start with you, Minister? I do not know whether you heard the Home Secretary on the "Today" programme on 10 November—I am sure it is compulsory listening for all Ministers in the Department—but when it was put to the Minister that the Government would not reach its target of net migration, she stated that that was a comment by the Prime Minister rather than a commitment. Is that now the case? Is it now the case that the commitment made by the Prime Minister was actually only a comment?

James Brokenshire: We are very clear as a Government that our focus is on bringing net migration down to sustainable levels, from the hundreds of thousands to the tens of thousands, and so I know that in appearing before this Committee I have always made that point pretty clear on each occasion and that absolutely remains our focus.

Q105 Chair: Yes, that is not of course an answer. I am pretty clear that my focus every Saturday is to make sure that Leicester City win the Premiership—

James Brokenshire: I do not know how you are succeeding on that.

Chair: —and it might not happen. I am asking you specifically, because this is a serious matter—

James Brokenshire: Of course.

Chair: —and this is a serious Committee, and we ask you the question: are you going to meet that commitment? Of course you aim to bring it down. Nobody doubts your enthusiasm, your dedication. I am sure you recite it every morning when you get up, and in all conversations with Mrs Rapson and Mandie Campbell you talk about bringing it down, but are you going to get to that target by the end of the Parliament?

James Brokenshire: We obviously stated, at the start of this Parliament, our aim and objective to see that net migration was reduced down from the hundreds of thousands to the tens of thousands, as you rightly have said, Mr Chairman. I recognise—and as I think I have said over several months—that because of the increase in net migration from the EU that reaching that objective is much more challenging now. So I would certainly say it remains our focus, but we recognise that it is much more challenging because of the pressures from EU migration.

Q106 Chair: So what you are telling this Committee today is because of EU migration the Government are not likely to reach their target. Do you still want it to be an aim? Is it still your focus? It is what you say every morning when you get up. However, as the Home Secretary told the “Today” programme, it is more difficult. You are saying it is more challenging, but can I take it that in fact we are not going to reach that target?

James Brokenshire: I would not put it in those explicit terms, Mr Chairman. I would say, as I have done, that it makes it much more challenging to reach that level because of the pressures and the growth of EU migration that we have seen over the course of the last 18 months, and I think that that has been reflected in the figures that the Committee will be well aware of. So I would frame it in those terms rather than perhaps the terms that you did.

Q107 Chair: Right. Of course you must choose your own words and we are very grateful for that, but I think that that is an indication that, though it is an aim, it is unlikely to be met.

James Brokenshire: It is going to be challenging to meet that because of the issues that I have highlighted, but it is very much our aim and our objective to reduce net migration from the hundreds of thousands to the tens of thousands because that is how we view sustainability. When you look at the long-term 30-year trends—and the fact that, when you go back to the pre-1998 period, net migration had never been higher than 80,000—yes, it is challenging, but our focus absolutely remains on reducing migration to those levels.

Chair: As someone who is a safe pair of hands, I recognise that that was a bit of wriggle room that you have given yourself and we accept that.

Q108 Paul Flynn: The number of asylum seekers in receipt of financial support in Newport—my constituency—is 391. The number in your constituency, or in Bexley, is 33. The number in the Home Secretary’s constituency is one. One, 33, 391. Why is that?

James Brokenshire: I think in part because of the dispersal arrangements that surround asylum, and I suppose the historical situation that we have seen with various councils and the agreements that have been reached taking asylum applicants into their areas. You can look at all of the dispersal arrangements that are in place, which—

Q109 Paul Flynn: I will accept that point. You refer to a time when there were 80,000 migrants coming in. At that time, the proportion that came to Newport was 0.67%. In 2010 it was 0.78%. Now it is 1.4%. Another way of putting it is that Newport takes seven times the number of asylum seekers as the average, and why should that be?

James Brokenshire: Again it comes down to arrangements—

Paul Flynn: If you are going to give me the same answer, I will go on to another question.

James Brokenshire: Well, it comes down to arrangements and agreements with local authorities. I am not trying to in any way duck or move away from the question you offer, Mr Flynn, because it is important that a number of local authorities are bearing their load and taking their responsibilities and actually dealing with that. Other local authorities are not doing so in that same way. That is why we have those discussions through our migration partnerships.

Q110 Paul Flynn: So the reward that the Newport people have for being very accommodating, being very welcoming, very hospitable, to migrants was to dump a Mr Giwa on the city. As you know, I had a letter this morning. Strangely enough, I have been waiting since September for the letter and a reply came this morning about Mr Giwa. Mr Giwa is from London. He was convicted as a gang leader and served a long sentence. At the end of his case, the judge said, “This man is a threat to society and should be deported”. He wasn’t deported. He was dumped on Newport and he has been there for many months. In the summer, he was arrested in a children’s park in Newport in possession of illegal drugs. What do you say to that? Are you proud of your record on Mr Giwa?

James Brokenshire: Obviously, Mr Flynn, we have exchanged correspondence and, rightly, as a constituency MP, you have flagged this case and I would certainly want to see this man removed from our shores. One of the challenges—and I am sure that we will come on to it in discussing foreign-national offenders—is this issue of documentation and identification of what nationality that individual is. In that particular case, that is still an issue of which nation is prepared to accept that man back.

Chair: Indeed. We will be coming on to that.

James Brokenshire: So I absolutely recognise your frustration and exasperation at seeing this man within your community. I would like to see that man removed as well. It is these obstacles to removal that we often have to deal with and why we as a Government are working at a number of levels—through the Foreign Office, through high commissions—to make those points in respect of the redocumentation of individuals back to their home states.

Q111 Yasmin Qureshi: In response to what the Chair was asking about setting a target for how much you are going to reduce migration down, you said what I think everybody says, which is, “We are trying to control migration”. But the truth is that the Prime Minister knew when he made those comments that that was not going to be fulfilled. He knew that it was just basically a PR exercise. Sadly, all politicians say, “We are going to do this,” but the truth of the matter is that it is impossible to say, “We are going to reduce migration by so much”. It is always a case of trying to ensure that you reduce it, but no one can ever be precise about the figures. Isn’t it about time the Prime Minister and maybe the Government admitted that what they said was in fact wrong?

James Brokenshire: It may not surprise you, but I do not accept the characterisation that you present. The reason that I make the point in the way that I do is about having a sustainable,

controlled migration system, and when we look at what has happened on migration from outside of the EU we have reduced net migration to levels that have not been seen since the late 1990s—in other words, we seek to return to those longer term trends. The issue is the speed and rate of change because prior to 1998 net migration had never been higher than 80,000. Since 1998 it has never been lower than 140,000. That puts pressures on our public services. It also puts pressures on job and worker issues, which we have touched on in this Committee—low-wage and low-skill issues—and also it has impacts on well-integrated communities simply because of the speed of change that we are seeing. So that is why for me it absolutely does matter in terms of that sustainable process and seeing a migration system that is controlled, as we have done in relation to non-EU migration.

Q112 Ian Austin: Minister, all opinion polls show that immigration is one of the issues that the public are most concerned about. They also show that there is a collapse in trust in Westminster and Whitehall's ability to deal with it. Do you think that having promised to get it down to the tens of thousands, but net migration is standing at 240,000, that is likely to increase or diminish trust in Government's ability to deal with this issue?

James Brokenshire: I think it is underlining the challenge that any Government has, and the fact that it is complicated and multi-faceted, and for some to simply say, "We will have almost no migration," that does not cut the mustard. It really does not.

Q113 Ian Austin: This is nonsense. This is absolute nonsense, and your failure, your refusal to say what everybody in the country knows to be true—which is that you have missed this target and you have absolutely no chance of hitting it—diminishes and corrodes trust, not just in you and your Government but in the ability of any Government to deal with this issue. The ludicrous language you use, "sustainable levels", the impenetrable bureaucratic nonsense that you just read out from the briefs you are given makes the whole situation much worse. You should accept the truth and you should talk about it plainly because, if you don't do that, nobody in Britain is going to believe a word that you or anybody else says about this issue.

James Brokenshire: Mr Austin, that is your view. I have been very plain on a number of occasions—

Ian Austin: You haven't at all.

James Brokenshire: —in saying that I think that the levels of net migration, those coming in versus those going out, are too high. That is—

Ian Austin: Are you going to hit the target, yes or no?

James Brokenshire: —why we have made the controls that we have. I have answered—

Ian Austin: If you are being plain about it—

James Brokenshire: I have answered your question.

Chair: Order. It is difficult for the Hansard writers when people talk over each other.

Ian Austin: I have asked a very clear question.

James Brokenshire: I have said that it will be challenging to reach the net migration target because of EU migration but our focus absolutely remains on seeking to bring that down to sustainable levels, for the very good and just reasons that I have explained—the pressures on public services, on the job issues and actually the social justice issues that reside around this. It is a complicated issue and I think sometimes by trying to pin it down to binary decisions or discussions over this, actually that does not reflect the reality of the complex system that we have.

Q114 Ian Austin: Does making the targets, which cannot be hit, increase or diminish trust in Government?

James Brokenshire: I think having a target that sets an objective for Government is absolutely right, to show the aim and ambition and focus of this Government in reducing net migration down from the unsustainable levels, uncontrolled levels under the last Government.

Chair: I think the Minister has made that position clear.

Q115 Tim Loughton: Can I just ask the Minister: is it realistic to have net migration targets, because the Government has limited ammunition for deterring people from coming into the country or stopping people coming into the country? There is very little a Government can do about stopping people leaving the country who want to leave the country if it is a not rather nice place to live, so we could end up with a scenario where we are losing a lot of people we would like to keep in the country, for whatever reason, but we are bringing in a lot of people that perhaps do not contribute much to the country. So why is there this focus on net migration figures rather than the actual immigrant numbers coming in?

James Brokenshire: I think because it is important to recognise that if you have population growth linked to migration that does put pressures on public service, on our hospitals, our schools, those things that I think people are rightly concerned about. Therefore, the speed and rate of change of your population growth linked to net migration, and your ability therefore to invest in infrastructure to be able to meet that, is a relevant focus. But I think there are elements. You can look at the flows in and out. One point that the Office for National Statistics, for example, has focused on, I think quite usefully, is on the issue of students, which I am sure following on from the conference we will come on to—

Chair: We are coming to that, yes.

James Brokenshire: On the last figures, 140,000 students were coming in and only 50,000 leaving and that has an impact on your infrastructure, your public services. So it is that overall pressure that I think it is right to be able to focus on.

Q116 Chair: Thank you. I think that we need to make progress. Let me sum up what you are saying. It is still the aim of the Government to bring net migration below 100,000; it will be challenging to do so. We all understand the word “challenging”. We have seen “The Thick of It” so we understand this jargon, just as it is challenging for Leicester city to win the Premiership this year. However, we are grateful for that clarification.

Let us move on now to talk about Calais—because we have just taken evidence on Calais—and then we will move on to other issues. The Government are spending £12 million in order to try to deal with what has been described as a crisis in Calais. Can you break down that £12 million?

James Brokenshire: I cannot give you an analysis on the individual sums that are allocated because of the continuing discussions, but I can certainly give you an indication of the sorts of issues that we are looking at.

Chair: Tell us the main headings for the £12 million.

James Brokenshire: The main headings are obviously in respect of the fencing, the security of the port itself, the immediate work that is taking place to put the first phase of fencing up, which should be completed by the end of this month and further fencing around roads and other aspects of the roads into the port of Calais. Also, infrastructure improvements at the port, because I am very clear it is not simply about putting up barriers. It is about ensuring that we have effective flow through the port of Calais and, therefore, increasing the number of Border Force control booths from 10 to 14, making sure that they are relocated further into the port to allow further space. Also, expansions of the coach hall as well to speed up processing times there, and we are all—

Q117 Chair: That is very helpful. Is any of this money going towards the new migrant camp?

James Brokenshire: No. We are not spending money in relation to—

Chair: So that is just the French?

James Brokenshire: The French authorities have obviously said that they want to spend money on that but our funds are not going to that purpose.

Q118 Chair: A chunk of this is related to the fence that we had in Newport?

James Brokenshire: It is in terms of physically putting it up and putting it there.

Q119 Chair: Right and the fence has arrived with great ceremony?

James Brokenshire: Yes, it has, and the fencing is going up as we speak.

Q120 Chair: Excellent. In time for the Select Committee hearing no doubt.

James Brokenshire: No. The work started about a week or two ago and it is due to complete by November, but obviously I am delighted that we have this Select Committee to focus on this at this time.

Q121 Chair: Indeed. Eurotunnel have told us today that fencing is useless and the Mayor of Calais said, “Fences make everybody laugh. It will just push the problem back a few metres”. She is right, isn’t she, because it does not stop people getting on to lorries, does it, if you want to jump on a lorry and you are waiting in a queue? We have just heard very compelling evidence from those who are there. I assume you still have not visited Calais, unless you have done so in mufti.

James Brokenshire: I have not been to the port of Calais since our last conversation, Mr Vaz.

Chair: You have not.

James Brokenshire: But on this point on the fencing, fencing and protective security arrangements around ports do matter. It is about the integrity of the port, which I also accept, which is why I made the point about flow through the port, speeding up the traffic and the investment there, and also fencing that can be placed along some of the routes into the port.

Q122 Chair: You do not accept the view given to us today that all the fencing will do is shove the problem over to Eurotunnel where there would be a risk that individuals will then start jumping on trains? You do not accept that? This is not going to happen.

James Brokenshire: There has been investment at Coquelles, which is where the juxtaposed controls for the Eurotunnel centre are, in terms of fencing and other protective security arrangements already. Obviously we remain vigilant as to any issues that may be shown elsewhere, but there has been investment that has taken place at Coquelles.

Q123 Chair: Are you familiar with what is happening in Melilla?

James Brokenshire: At—

Chair: Melilla.

James Brokenshire: No, I am not.

Chair: Do you know where it is?

James Brokenshire: No, please inform me.

Chair: Right. Melilla is a Spanish colony in Morocco, and they have put up a fence around Melilla. The *Daily Mail* posted a video of people climbing over this fence and as they got to the other side the response of the Spanish police. Could I urge you to look at what is happening there, because it is very similar to the situation in Calais? Nobody doubts the good intentions of the Government and the large amount of money that is being spent on these improvements, but if you look and see what is happening in that Spanish colony, people are climbing over the fence because, as soon as they get on to the Spanish part they can then claim asylum. Fences do not always work, Minister.

James Brokenshire: That highlights one of the important benefits of our juxtaposed controls as well—the fact that people are returned to France and that the fencing is a protective arrangement around the port, but there is a broader issue here on migratory flows through Europe, where people are going from North Africa, through the southern parts of Europe to the northern European countries. It is important to view it in this broader context, as I think I have said on previous occasions, and look at those migratory flows more generally.

Chair: I am sorry to stop you here. We are going to adjourn and return. Thank you.

Sitting suspended for a Division in the House.

On resuming—

Q124 Chair: I shall resume the session. You were just completing your sentence, or was it completed?

James Brokenshire: I will treat that sentence as completed, Mr Chairman.

Chair: Excellent. In conclusion, what you are telling this Committee is that you think the £12 million that you are spending is enough to satisfy those who believe that more needs to be done in Calais, that it will address the situation that some have described as a crisis, that it will deal with the issue of fencing that some have said, including the Mayor of Calais, will not be effective and that things will now get better?

James Brokenshire: In summary, it is a joint endeavour between ourselves and the French Government to secure the port of Calais, to improve the flow through the port, to have a shared working on organised criminality and our law enforcement agencies being able to deal with the organised immigration crime, and also to work at EU level to deal with the migratory flows.

Q125 Chair: I understand that, but that is the process. You seem to be answering a different question. I understand the process.

James Brokenshire: It is all part of the same strategy and, therefore, the funding supports that.

Chair: No, I am not asking about strategy. I am asking about outcomes. You do not spend £12 million of taxpayers' money and not expect an outcome, do you?

James Brokenshire: Correct.

Q126 Chair: Otherwise you would not be Minister for very long. The outcome of spending £12 million is to make things better; the situation will improve.

James Brokenshire: Yes. We are making these changes to improve the whole position at the port of Calais—

Chair: So we expect an improvement?

James Brokenshire: —in conjunction with the French authorities.

Q127 Chair: Those in the road-haulage industry who are concerned about their lorry drivers, those in Eurotunnel who are concerned that people might end up on the tracks, those who are in the ferry industry who are concerned about the safety of those who work in the ferry industry, and the passengers, they will feel a marked difference because of the £12 million you are spending?

James Brokenshire: It is not simply the £12 million. It is the work in association with the French Government, because clearly we are talking about French soil. Therefore, that is why I frame it on the joint endeavour that we have with the French authorities and the agreement that was reached between the Home Secretary and Bernard Cazeneuve. It is obviously for the security of our truck drivers, which I do take very seriously and have discussions with the Road Haulage Association on that very subject. Obviously a lot of that security away from the port resides with the French authorities, which is precisely why we maintain that link with them.

Q128 Chair: Indeed. You have no plans still to visit Calais to see these matters for yourself?

James Brokenshire: I have no current plans, but obviously I keep this under review.

Chair: We can promise you we will supply a disguise if you need to do so. I know that was one of your concerns when we last spoke, when I told you that I was going.

Q129 Mr Winnick: Minister, is there any later development on the question of the sea rescue operation? Britain is no longer participating in the scheme that existed for some time. When is Britain's involvement going to end?

James Brokenshire: To be clear, Mr Winnick, the Mare Nostrum, which I think is what you are referring to, was an Italian search-and-rescue operation in the Mediterranean. We did not have any involvement in that operation nor did member states. What we have said—and all member states together said this—is that as interior ministers we believed that arrangement needed to be phased out because it was not assisting the overall situation and we were seeing, sadly, more deaths in the Mediterranean. There is a new arrangement in place, which is called Operation Triton, which you may have noted, which is co-ordinated through Frontex, the EU agency for external borders. That has obviously been put in place and is, therefore, ensuring surveillance and monitoring of the external EU borders. That is currently scheduled to continue for at least two months, but obviously this is constantly being reviewed in terms of the future of that operation.

Q130 Mr Winnick: How far do you recognise the concern that has been expressed internationally as well as in Britain that the change could put in danger lives that up to now have been saved as a result of the arrangements that have discontinued?

James Brokenshire: Of course I hear the message that some have given around this but, in examining this—28 member states have looked at this, so it is not simply the UK that has come to this conclusion—the stories from those rescued, indicating that the traffickers were exploiting the increased chance of rescue by sending out unseaworthy boats unable to make the full journey, have underlined the fact that it was creating a situation where more people were putting more lives at risk. Obviously, if there are boats that are in distress that are being detected then rescue would be put in place to see that a boat in distress was picked up.

Q131 Mr Winnick: But the people who organise this—human traffickers, gangsters, people whose only concern is to make profit otherwise they would not have been doing this—they will not be telling the passengers of the change that has occurred. They will not be warning them that it is quite likely that their lives will not be saved as previously. Presumably those who go on these boats, for reasons that we all know, will have no knowledge of the changes that have taken place.

James Brokenshire: Obviously we, as EU member states, have underlined this very clear position that we take and how Operation Triton is now in place and how, if boats are identified by that, they would still be rescued. People will not be left to drown where there is that detection. It is a different format that is being operated because of the simple fear that more risk was being taken. There is this communication that we, the EU and the Italians are seeking to underline in terms of the methods that are now being adopted.

Q132 Mr Winnick: The cynical attitude adopted by some is that it amounts to “If these people want to risk their lives so be it, and if they drown so be it.”

James Brokenshire: No. I certainly do not take that point of view at all and I think it would be wrong to characterise it in that way at all. What we want to see is fewer people making that journey. That is why it has to be part of an approach looking further away from the shores of Libya; looking to the Horn of Africa, looking to other countries where those flows are coming through, to take action there. It is interesting. The Italians are hosting a conference at the end of this month, something called the Khartoum Process, which is about drawing in a number of the states together to act in this way. Certainly as a British Government we are supporting this process and, indeed, I hope to attend that conference at the end of this month.

Q133 Dr Huppert: You spoke about spending £12 million on what is essentially a short-term fix in Calais. What are you doing to try to see a long-term solution to the problem?

James Brokenshire: The £12 million is obviously over a three-year period and is intended not just as security but to transform the port itself, as I have tried to explain. I think it is that longer term objective, looking beyond the shores of the EU—the very points that I have sought to highlight in response to Mr Winnick’s question—where I think the EU itself needs to take that external view. I think the External Action Service of the EU needs to do more to influence outside of the borders of the EU, recognising the pressures that EU member states are seeing. Again, it is important to understand that we have this visible manifestation in Calais of migrants who are seeking to get to the UK, but the country that is bearing the greatest pressure at the moment is Germany, which is forecasting an asylum intake of over 200,000 this year.

Q134 Dr Huppert: Mr Keefe from Eurotunnel, in his letter to us, gave two suggestions, one of which was to get more European Governments to accept genuine asylum seekers at the first point of entry to the European Union. Is that something you are seeking to get agreement on around European countries?

James Brokenshire: I think that highlights the approach in relation to the Dublin convention where those who are in need of humanitarian protection should claim that in the first country that they arrive at; equally, working with those countries that may be receiving to ensure that fingerprinting and identification of individuals that are arriving is undertaken. That is what you could describe as an important capacity issue that those countries should be doing more on. That is something that, equally, we press on. You are right on upholding the Dublin convention, which we certainly do, and that those who are fleeing persecution should claim in the first country that they arrive in.

Q135 Dr Huppert: You were asked yesterday by Sarah Teather whether you would come and give evidence to our inquiry about immigration detention and you made it clear that you were not prepared to come and give evidence. Can I perhaps ask you three questions now and you can give that and I will pass that on to the inquiry? The first one of these is: Home Office policy and guidance states that detention should be for the shortest possible time, used sparingly and, where possible, alternatives should be used. How well do you think the Home Office is complying with this?

James Brokenshire: I think there have been improvements. I am not saying that it is a perfect situation. I think there are certainly steps that we do need to do more on and Mandie Campbell may equally wish to add to that from her very direct operational perspective. I think there is a focus on ensuring that detention is used for the shortest time as possible and that that policy objective is adhered to; that we are using detention where there is the realistic prospect of removal; and that we are minimising that time period. I certainly do not want to see people sitting in immigration removal centres for extended periods of time because I do not think that does anybody any good.

Q136 Dr Huppert: Unfortunately we do not have all that much time. There is much more we could discuss if you came to the inquiry, but there is lots of international evidence that countries that detain fewer people and detain for shorter periods have higher rates of being able to return people because they do not gain the right to stay in the country, for example. Given that international evidence, why does the UK move the other way and detain so many people?

James Brokenshire: Well, I think we have seen, as we have already discussed in terms of some of the migratory pressures that we have seen over that time, that we have a clear view on the use of immigration detention as part of that removal process. Different countries may take different views and different aims in respect of this, but I think detention provides an important part of the removal process. As I have said, I want to see that used effectively and efficiently and some of the challenges we have had over recent years have been about litigation. They have been about the numerous claims that stop people being removed and, therefore, that is why the Immigration Act has been brought forward to deal with this multiplicity of different appeals that could be lodged; 17 reduced to four. Therefore, I think that will certainly assist in having a more effective situation and also translate into reduced time within detention.

Q137 Dr Huppert: Lastly, the inquiry has heard evidence from psychiatrists and ex-detainees over the lack of suitable mental health care in immigration detention. NHS England has now taken over. Have you had conversations with them to make sure that all health care workers are given the appropriate training on those specific health needs for detainees?

James Brokenshire: Again, I may bow to Mandie Campbell on that specific point, but NHS England has taken over this responsibility and I do place significance on ensuring that the welfare of those in detention is properly supported and that it is an efficient and appropriate setting and where there are those health needs, whether that be on mental health or otherwise, that is provided to the appropriate standard.

Chair: Thank you. Shall we just hear from Mandie Campbell?

Mandie Campbell: Just to confirm that, we are having regular meetings with NHS England about exactly this and wider general health care. As an example, NHS England have appointed Central and North West London NHS Foundation Trust to be the responsible provider for the Colnbrook and Harmondsworth detention centres and they are a specialist mental health foundation trust. That is an example of them taking that responsibility very seriously.

Q138 Dr Huppert: Thank you. We will make sure that the transcript goes over to the inquiry and, Ms Campbell, if you would like to come and give evidence you would be very welcome as well.

James Brokenshire: I should say that we have provided written evidence to the committee, but if there are further questions then we would be very pleased to respond.

Chair: Thank you. I am sure Sarah Teather can fight her corner very effectively without us getting involved.

Q139 Michael Ellis: On the issue of net migration, do you not think it is a bit rich for one Labour MP after the other, earlier on in this session, to criticise this Government for not getting immigration down fast enough when they had a policy of untrammelled immigration during their 13 years in power?

James Brokenshire: I do agree with what you have just said, Mr Ellis, because net migration obviously had the impact of adding around 2.5 million during the time of the last Government and we have had to make changes to the visa system to deal with a number of the abuses that were very clear. In respect of students—again we will no doubt come on to this— but the fact is that at that time students who could not speak English were arriving at our borders to go to bogus colleges, and officers on the frontline could do nothing about it.

Q140 Michael Ellis: I just thought you should have the opportunity to put that record straight. Now, I want to ask you about someone called Julien Blanc who, it is reported, wishes to enter the United Kingdom and who, by all reports, is an obnoxious individual who has already been refused entry to Australia, so it is reported. What will be the action of this Government, if you can speak towards an individual case? If not, what do you have to say about the provisions of the Immigration Act 1971, which allows a Home Secretary to make a judgment that a person is not conducive to the public good in this country?

James Brokenshire: Mr Ellis, in respect of this individual, I am obviously familiar and have looked into this matter and I find his views utterly repugnant and I think his misogynistic perspective could promote an abusive view of relationships. It is not this Government's stance, or indeed previous Governments' stance, to comment specifically on a matter of exclusion. All I can say in respect of this case is that we condemn all behaviours that run contrary to our shared values. The Home Secretary may decide to exclude an individual who is not a British citizen if she considers their presence in the UK is not conducive to the public good, and you can see from the record of the Home Secretary how seriously she takes her responsibilities.

Q141 Michael Ellis: You mean she has done it before and she could do it again. Is that what you are saying?

James Brokenshire: She has taken a very clear and robust view on a number of cases and, therefore, we do look at these issues very closely.

Q142 Michael Ellis: I know you are keen to talk about students and I would like to ask you about that because the Chairman of this Committee organised a seminar at Regent's University in October, which I believe was the largest of its type organised by a Select Committee in this Parliament. What I wanted to ask you in particular was about the issue of students and the perception that is promulgated in some quarters that international students are not welcome in this country. Do you have anything to say about that?

James Brokenshire: Can I firstly thank the Committee and the Chair for the opportunity to speak at the Home Affairs Select Committee conference that was organised a few weeks back. It provided a good opportunity to bring various different people from the sector together. At that conference I did make it crystal clear that the UK remains open to attract students to our world-class institutions; students who are able to speak English, able to support themselves and have a sponsor that obviously complies with the rules. We have a large number of fantastic institutions that I am pleased to support.

Q143 Michael Ellis: But is it right that there are fewer students coming from India, to use one country as an example?

James Brokenshire: We have seen declines from students in India. You are right to say that, but so have Australia and the United States. What we have seen, though, are increases in students from other parts of the world, particularly countries like China and Brazil and Malaysia. Therefore, when you look at the overall number of applications for tier 4 student visas to our universities over the last year, that has gone up and I am very keen to underline to the international community that we welcome international students to our institutions. At times the sector talks the issue down, and I want to underline that I am working with the Minister for Universities to make sure that some of these misperceptions over our visa system are corrected.

Q144 Michael Ellis: Just briefly, you are saying that the numbers from individual countries may be fluctuating but the numbers overall are up in terms of applicants?

James Brokenshire: The number of visa applications is up and there is also some other reporting not just from the Home Office—and I hope to point you in the right direction on this—but from HEFCE and others that equally show that enrolments have increased. It is a perception that somehow everything is getting worse. For the university sector we are seeing increases and for the Russell Group universities it is up by about 8% over the course of the last year.

Q145 Chair: We need briefer answers, Minister, otherwise we will be here until 7.00 pm and I know you have other things to do, as have Ms Rapson and Ms Campbell, and we will be coming on to you with direct questions. You have not seen Mark Field's excellent article on ConservativeHome, the website, which is entitled—

James Brokenshire: I have briefly seen it, yes.

Chair: —“Our immigration policy on overseas students is harming British interests.” You do not agree?

James Brokenshire: No, I do not.

Q146 Dr Huppert: Following on from that, I do not know if you have had a chance to look at comments by Simon Walker, chairman of the IOD, but he has been extremely critical. Why do you think he is also so critical of your policy?

James Brokenshire: I genuinely find it quite strange that people have fastened on to our visa system because I think we have a very attractive offer to students here in the UK, and I do not see the evidence that our visa system is decreasing the number of applications. I think there is a

positive message that we can give around the processes that are undertaken, the way in which we conduct this and indeed the potential to work as a graduate afterwards. I absolutely maintain that our offer remains world-class, remains competitive and we are seeing students increasing in number in terms of coming to our universities.

Q147 Dr Huppert: You think the Institute of Directors is wrong or you have not got the message out to them? Why do so many bodies disagree?

James Brokenshire: This constant narrative that some have been putting across that is saying, “It is the visa system that is the problem; this is the issue in the UK”, is harming our prospects. I think we need to go out there and sell the benefits of coming to study in the UK, underline that we have a clear system for our students and the UK is a great place to study.

Q148 Chair: You made that very clear at the seminar. Thank you for coming to that seminar. Ms Campbell, on foreign-national offenders—the operational side as opposed to the policy side for the Minister—the NAO report said that the number of foreign-national prisoners released from prison without consideration for deportation since 2006 was 151. However, in information you have given to this Committee that was not the figure that was originally given to us. Do you have the figure as to how many foreign-national prisoners have been released from prison without consideration for deportation?

Mandie Campbell: The National Audit Office were originally, as part of their inquiry, given an incorrect figure of 263.

Q149 Chair: By whom?

Mandie Campbell: By the Home Office. That was picked up in the factual accuracy checking part. It was part of a huge amount of data that was given to them, but when we did the factual accuracy checks that was picked up and we provided the figure of 151.

Q150 Chair: But that is different from the figures you have given us in the past.

Mandie Campbell: The National Audit Office said that in the time available they were not able to reconcile that with the figures provided to the Home Affairs Select Committee. We have been through all of the figures. I think part of the difficulty with the reconciliation is that we only started to provide data to this Committee on a regular basis from financial year 2012-13.

Q151 Chair: That is not correct. Lin Homer and I sat down for many hours in my office when I tried to introduce her to the pie chart and this had started in 2007 to 2008.

Mandie Campbell: We certainly provided information to this Committee before that. We did that on the basis of—

Q152 Chair: Anyway, that is the history. Do you now have the right figures?

Mandie Campbell: The right figure is 151. I can account for all those figures in relation to two letters that were sent to the Committee—

Q153 Chair: No, we accept that you now say 151. That is fine. We do not want the history of it now that we know that is the figure, albeit not the figure you gave us. Can you help us with the 58 foreign-national prisoners who are assumed to be dangerous who have absconded from the community? Do you know where these 58 are that are mentioned in the National Audit Office's report? Do you know where these people are?

Mandie Campbell: That is a different set to this 151.

Chair: Yes, I do know that. I am asking you a different question.

Mandie Campbell: Okay. Of that figure, that relates to just over 600 individuals who—

Chair: No, I do not want to know that. I want to know about the 58. Do you know where these 58 people are?

Mandie Campbell: We do not currently know where they are.

Q154 Chair: You don't. What is being done to try to trace these people—you are head of enforcement—because it is a worry to the Committee and Parliament that anyone should abscond and we are told by the National Audit Office that one in six foreign offenders living in the community have absconded? We clearly all want them to go out of the country, but we are worried that they are living in the community somewhere.

Mandie Campbell: Of course, as am I.

Q155 Chair: What are we doing to trace them?

Mandie Campbell: A large percentage of that group are offenders who have been at large from a very long time ago, since before 2009. We set up an absconder-tracing team, a specialist team, in 2009. Since that point, over the five-year period, 1,280 individuals have absconded.

Chair: Sorry, how many?

Mandie Campbell: Since 2009, 1,280 have absconded. There were some that had absconded before that. We have located 1,148 since 2009.

Q156 Chair: But where are they? Now that you have located them, are they still here or have you got rid of them?

James Brokenshire: A percentage of them have been removed.

Q157 Chair: What percentage?

Mandie Campbell: I do not have that percentage here, but some of those individuals will have regularised their stay because they will have submitted an application and that would have been considered and a decision may have been given to—

Q158 Chair: I think what the Committee would like, which is what we were used to in the past, is some good figures and statistics, not just to the National Audit Office but also to the Select Committee since we are scrutinising you every three months. You are saying that out of the 1,148 that you have located, out of the 1,280 who have absconded, a percentage, but you cannot tell us how many, have now been allowed to remain in the UK?

Mandie Campbell: A percentage will have been allowed to remain in the UK.

Chair: We do not know how many that is.

Mandie Campbell: I can write to the Committee with that information.

Q159 Chair: Do you know how many?

Mandie Campbell: I do not have that information here.

Chair: No, not here but do you know? Does somebody know in the Home Office?

Mandie Campbell: We will have that information.

Q160 Chair: That would be very helpful if you could tell us how many have been given leave to remain and how many have now left the country, because that is what we are very keen on. The Government is keen on it. Parliament is keen on it. My maths is not brilliant. If you take 1,280 and deduct 1,148, do you get 58? Mr Loughton is a former Minister in the Department of Children. He knows very well that that does not add up.

Mandie Campbell: The difficulty with the 1,148 is that it does not directly apply to all of the 1,280 because some of that 1,148 figure will be individuals who absconded before 2009 that we have detected since.

Q161 Chair: But we are still looking for the 58, who we will call the missing 58.

Mandie Campbell: We are.

Chair: We know that, out of the 1,148, some are staying and some have gone. We do not know how many but you are going to tell us by Friday, please.

Mandie Campbell: Okay.

Q162 Chair: What do we say to the NAO's overall assessment of the removal of foreign-national offenders? Uppermost in the mind of the Prime Minister—I know because I have questioned him many times on this—and Ministers over the last few years is they say that very little progress has been made. What do you say to that on an operational level? We will come to the Minister about the policy.

Mandie Campbell: Foreign-national offender removals peaked in 2008-09 and then fell year on year until 2011 when they started to rise again. What we have seen over that period is a 28% increase in foreign-national offenders submitting appeals, and often multiple appeals, against removal. As the Minister said, the recent Immigration Act has enabled us to reduce the ability of

foreign-national offenders to appeal and, in certain circumstances where they are able to submit appeals on the basis of human rights, the Act enables us to certify that claim and to remove them from the country to appeal from abroad.

Q163 Chair: Basically you are saying the reason why very little progress has been made is because those who stay are going through the appeal system and, as a result, have stayed longer. Is that right?

Mandie Campbell: A large percentage of them have submitted appeals, yes.

Q164 Chair: Minister, from your point of view, the aim of the Government is—we do not have to restate it; we all know you want them all out as quickly as possible. There seems to be a difficulty in removing people from the EU, and 10% of those in our gaols at the moment are from Poland. That is the top country as far as the EU is concerned: 1,000 out of the 10,600 foreign-national prisoners. What I find difficult is, as far as the European arrest warrant is concerned, we move very fast on this and we have obviously opted back in. Irrespective of one's views, that is what the vote was last week even though we have another one tomorrow or the day after. What are we doing about saying to Poland, "We are currently keeping 1,000 of your citizens in our gaols? We would like them out. We are helping you on the European arrest warrant", because Poland is the country that sends us the most numbers of warrants of all the countries in the EU. Why are there still so many EU citizens sitting in our prisons?

James Brokenshire: When you look at the 5,100 and compare that year on year, you will see that there has been a rise in the number of EU citizens that are being removed within that component. There is more to do, I grant you, but the proportion of EU within that has increased. Clearly we are looking at all options to see that removal is speeded up, as Mandie Campbell has said. If I may say just very briefly—I appreciate I will be précised—there is for those outside of the EU still the documentation issue. I would not want the Committee to think it is simply about the appeals. It is about that and also the reduction in voluntary returns. That has diminished over time as well.

Q165 Chair: We know the difficulty in countries like Algeria. We know your predecessor went to Algeria in order to try to get the Algerians to take their citizens, but what we cannot understand is Poland, Ireland and Jamaica, the top three countries. Why is it taking so long as far as EU countries are concerned? Surely this is something that you can sort out with your counterpart at an EU summit.

James Brokenshire: There can be legal obstacles that are put in place in respect of that, as you will well appreciate, Mr Chairman. It is always looking at how we can speed up that process: we had Operation Nexus, looking back through to policing and arrests, comparing databases of police and our immigration service as well. We are constantly challenging ourselves and you are right to press me and others in relation to this, as I press my officials, as we do also across Government. Certainly the Foreign Office Minister, David Lidington, takes the responsibility over our relationships with the EU and is raising these issues, and we have lead Ministers with responsibility for each country as part of our action plan. I think Ms Campbell may have wanted to say something further on the EU side.

Mandie Campbell: On the number of foreign-national offenders who are now removed to European countries, around 45% of our removals from last year were foreign-national offenders. Large numbers of people from all of those nationalities are removed. A number of those people you refer to, Chair, are people who are still serving custodial sentences and obviously we cannot remove them until they come to the end of their custodial sentence.

Q166 Dr Huppert: Can I turn to the role of the independent chief inspector who has been doing a huge amount of work? I presume you would agree that he has done a fantastic job in his role?

James Brokenshire: Yes.

Q167 Dr Huppert: It used to be that he would produce his reports and then he would publish them about one month later, which gave adequate time for everybody to have a look. Since January, the Home Office has taken control of the publication dates and there seem to be ever-growing gaps between when he submits the report and when they are published. Why is that?

James Brokenshire: To take us back to the Home Secretary's written ministerial statement from January, that was intended to ensure that the approach complied with the Borders Act 2007, so to ensure that the Home Secretary laid those reports before Parliament. Thus far this year we have seen the publication of 14 reports to date, which is more than we had during the course of last year. We have had 10 at this stage during the course of this year and seven of those have been published in fewer than eight weeks, but I do accept your premise on the need to improve the process on this and that is precisely what we are doing with the inspector and also, because it is the laying of written ministerial statement, that obviously has to be agreed through the No. 10 machinery as well.

Q168 Dr Huppert: There are currently five that are more than a month old. There is one on Operation Nexus that was submitted in June, so about five months ago. Is it just that it is so embarrassing that you do not want to see it published? If not, how could it possibly take five months to find an opportunity to publish an independent report?

James Brokenshire: These are detailed and thorough inspections that do need proper consideration and the Home Office is considering the right response and necessary operational activity, but we do aim to lay these reports as soon as possible because I absolutely expect the scrutiny of the inspector. I think he has done a very good job to respond directly to your points and, in the same way that I accept and welcome the scrutiny of this Committee, it is important that we have that as well.

Q169 Dr Huppert: Five months seems to me wholly unacceptable, but I also note that you started the policy of publishing them all in batches. In fact on the day of our conference, when obviously there would be a quite a lot of news about immigration, four of his reports were published on that day. Now, a cynic would say that if you wanted to try to avoid the media being able to look at any reports you would publish them all on the same day when there was something else going on. If that is not the case, why are you batching them all up so there is less opportunity for people to comment on each of the reports?

James Brokenshire: As I have indicated, we do recognise this issue of publishing in good time and ensuring that we have the appropriate permissions to lay written ministerial statements through

the Government machinery. I think there is a need for improvement on that front and that is certainly something that we are taking forward internally within Government and also with the inspector.

Q170 Dr Huppert: Can you give us a commitment on when the Operation Nexus report will be published? Has the Home Secretary has finished reading it?

James Brokenshire: No, I would certainly expect that to be published before the end of the year.

Dr Huppert: Within seven months of it being submitted?

James Brokenshire: As I say, we are looking to have that published as quickly as possible and I hope I have given that commitment in saying it will be by the end of the year.

Q171 Dr Huppert: One last very brief question. He has been a very independent inspector. Can you give us an assurance that you will try to find a replacement who is equally independent?

James Brokenshire: He is the independent chief inspector by that very name and, as you know, we are going through a recruitment process as we speak in respect of that. I look forward to recruiting an independently minded, robust individual.

Chair: Can I reemphasise what Dr Huppert has said? We want these reports published as quickly as possible. They help you in the job that you do and they also help this Committee.

Q172 Michael Ellis: Minister, I just wanted to ask about this advance information on foreign criminals. It is obviously important that we do what we can to improve the exchange of information in relation to other countries in advance of convicted criminals coming into the United Kingdom because there have been issues, including in my constituency. Specifically, how will joining the Schengen Information System II assist in receiving information? I would also like you to address the issue of Germany because it is my understanding that Germany has particular issues with data protection, which might have hamstrung or precluded the supply of advance information. Can you say anything about that?

James Brokenshire: On the Schengen Information System, which we wish to join as you will be aware, that will allow access to a system that will give us, for example, 35,000 alerts relating to European arrest warrants and, therefore, will further strengthen our knowledge of those who may be seeking to cross our border. On this issue of advanced passenger information and the issue that some European countries have with their data-protection legislation, to take Germany in particular, I think there is a growing recognition of the utility of advance passenger information in terms of this challenge that we all face in respect of travelling jihadists. The German Government is currently putting legislation through their Parliament to address that.

Q173 Michael Ellis: You say Germany is going to legislate to address the issue so that they can supply advance information?

James Brokenshire: Yes. They are currently legislating. Obviously it is their parliamentary process that they are going through, but the intent is to enable that more effective sharing of advance passenger information because of some of those—

Q174 Michael Ellis: We now get 35,000 bits of information, did you say, from the new system? Is that what you said?

James Brokenshire: What I was referring to was the alerts that are posted on the Schengen Information System II. There are 35,000 alerts that relate to European arrest warrants. There are also 40,000 alerts that relate to missing children. There are a number of different additional factors and elements that come into it, which is why we have felt for so long that joining the Schengen Information System would add positive benefits.

Q175 Mr Winnick: The question of backlogs, Ms Rapson, is an issue that always comes up at these hearings. As I understand the situation, the number has continued to grow, particularly in the increase from the first quarter to the second quarter of the current year. What is the reason for that? I am referring to the temporary and permanent migration pool.

Sarah Rapson: Thank you, Mr Winnick. The number at the end of the first quarter in this year was 88,000 in both temporary and permanent migration and it is now up at 96,000, so it has grown. There are a couple of reasons for that. First, we have included in there for the first time 6,000 dependent applications, which we were not previously counting. In the interests of being fulsome and transparent about the work, we have put some additional cases into that pot. During June, which is the last month of that quarter, we also lent some case-working capacity to Her Majesty's Passport Office to help out with the operational processes over there, which is a good sharing of case-working resource. Also, a small proportion of those were cases on hold following the cheating that we found in the English language testing system, so we put some of those student applications on hold. I almost dare not say it, but all of those cases, if they are straightforward, are within service standard. If they are in temporary migration they are within eight weeks and in permanent migration they are within six months. I was very confident in being able, for example, to share some resource with the Passport Office because the management information I have tells me that we can do it and stay within those timelines.

Q176 Mr Winnick: Minister, when you were being questioned by the Chair and others of my colleagues, you said about bringing down immigration, which has not happened, from hundreds of thousands to tens of thousands. When we look at the backlog, we are continuing to talk of total numbers of hundreds of thousands. Am I not right? You have the figures before you.

James Brokenshire: I know we have had this debate before, Mr Winnick, about what is a backlog and what is within service standard because, inevitably—

Mr Winnick: I think the ordinary person understands what a backlog is.

James Brokenshire: Well, inevitably, when you have a significant number of applications flowing through the system, you will always have what we would describe as work in progress; therefore, the applications that are there, that are being processed and progressed through the system in the normal way. That is the day-to-day nature of the business that UK Visas and Immigration operates and why we have those clear standards that Sarah Rapson has identified in terms of what can be expected.

Q177 Mr Winnick: But you do not dispute that we are talking in numbers of hundreds of thousands? I am not suggesting for one moment the situation was in any way better before

responsibility fell on Ms Rapson and probably the figures are somewhat reduced, but you do accept that is the situation regarding hundreds of thousands?

James Brokenshire: Well, we process hundreds of thousands of visas every year, so absolutely.

Q178 Mr Winnick: They are cases that have not been settled. Whichever definition of backlog you want to use, Minister, they are cases that are in abeyance.

James Brokenshire: Well, there are cases that are being processed in the normal way in the same way that, if you, as a Member of Parliament, received correspondence from a constituent, you work through that and process it. Therefore, there is a process that UK Visas and Immigration do in accepting an application, examining it, making a decision and issuing a visa in that respect in the customer service standards that are expected and set down.

Q179 Chair: As you know, we have specifically said in reports—and we are coming on to service standards in a minute with Mr Loughton—we do not accept some of your definitions. You just extend the time for completion. What Mr Winnick has referred to is that we have produced reports over the last seven years about the backlogs at the Home Office. We know this is not what this Government has done. It is a historical issue and they have started to go down. If you take credit for the fact they are going down, you have to accept that there is a backlog.

James Brokenshire: It is a question of looking at each of the different components of this because I think you can talk about permanent and temporary migration and you can talk about our older live cases unit and some of those more historical cases, and how we have worked through those. Sarah may be able to update you further in respect of that. All I am saying are different elements, and conflating and congregating them all together does not give a clear picture on either the age or the nature of some of that information.

Q180 Mr Winnick: Indeed not, Minister, because there are various designations that the Home Office use: live assigned cohort, live immigration cases, foreign national living in the community, migration refusal pool, number of cases still to be loaded on to the computer, temporary and permanent migration pool. So all these various designations are given, though I must say, as I have mentioned previously, it would be better if somehow or other they could be put in one or two categories at the most.

Can I put this to you, Minister? You cannot be surprised that constituents come to my surgery, because I am sure this happens up and down the country, and say, “I have been here since 2002, I have been here since 2004, and I do not know where I stand”. Indeed, the Government’s response to our last report on this issue said, “For many of the older cases, the Government may not be able to grant leave or be able to remove the person.” So there is a sort of limbo situation. I do not see how it helps in any way the controversy over immigration because I assume that, unless they are foreign offenders, they are not going to be removed after they have been in this country for 12 or 14 years. Can’t we try to resolve so many of these cases and accept, since these people are not going to leave after 12, 14 or 16 years, they might as well be given permission to stay here permanently and work?

James Brokenshire: I am afraid I am not convinced by—

Chair: Can you give us a quick answer to that.

James Brokenshire: I am not convinced by the concept of an amnesty, which I think is what you are alluding to. There will be a cohort of people who have claimed humanitarian protection here who are not entitled to it but, because of the state of the country that they would need to be removed back to, there are obstacles and barriers that prevent our removal of them, but I do not think the solution to that is to give some sort of amnesty in respect of them. Chair, I do not know whether it may be helpful, though, on some of the older cases to provide an update.

Q181 Chair: A very quick explanation would be appreciated.

Sarah Rapson: We have talked before in this Committee about the older live cases and when UKVI was created there were 41,000 of these pre-2007 asylum and migration cases. I made a commitment that we would have made a decision on all of those by the end of this calendar year and we are on track to do that.

Q182 Chair: How many are left to make a decision?

Sarah Rapson: I can give you the June 2014 figures and, of course, it has moved on since then. At the end of June we had about 10,000 left to make a decision on and it is a far smaller number now.

Q183 Tim Loughton: Ms Rapson, could we come to service standards? On the face of it, the service standards appear to have changed between Q1 and Q2. Why?

Sarah Rapson: The previous set of service standards was not particularly helpful for those people applying against the different routes. One of the service standards had something like 65% of people get a decision in a particular amount of time and I took the view very strongly that meant that you did not know whether you were going to be in the 65% or in the 35%. We refreshed the service standards in January. The quarter data you have is the first time we have been able to report fully on it and I think gives a far more transparent perspective on, "If you are straightforward, you will get your decision in a particular amount of time", and we now need to continue to report against it in that way. We have had some positive feedback as well about the transparency and the clarity of this new way of measuring from customers.

Q184 Tim Loughton: Given the whole point of the service standards is to improve transparency and predictability and clarity, as you say, I do not think we were told about it; so we are comparing apples with pears.

Sarah Rapson: The previous Immigration Minister did write to the Select Committee in advance of us doing it to say this is what we were doing.

Q185 Tim Loughton: In the last quarter 2 data that you provided, the NAO report had given a figure for processing within eight weeks in quarter 1. You have given the figures for processing in quarter 1, but in quarter 2 the amount of claimants processed within eight weeks you gave as unknown, which does not strike me as an improvement on clarity in the new regime.

Sarah Rapson: There is a good reason for that, which is that some of the service standards, particularly in permanent migration, are six months and so we have yet to report on the

beginning of March plus six months, which would take you to September. In our next set of data you will get the Q2 numbers.

Q186 Tim Loughton: There will be no known-unknowns in the next quarterly—

Sarah Rapson: You will get the next quarterly set of numbers and you will be able to compare. They are in the next couple of weeks, I think.

Q187 Tim Loughton: They will not say “unknown” within them?

Sarah Rapson: No, we will have the answers to that, but it is about the length of time for service standards.

Q188 Tim Loughton: Can you specifically comment on the non-straightforward cases, which is what we seem to have an awful lot of in our surgeries.

Sarah Rapson: Yes.

Q189 Tim Loughton: In the NAO report back in July it said that these cases are not defined as backlogs. They are not monitored through management reports. What incentive is there and what information is there to show how well these non-straightforward cases are being rehabilitated into becoming straightforward cases and then processed through the system where we can see it much more transparently?

Sarah Rapson: We do monitor the proportion of cases that are straightforward and not straightforward. It is not an attempt to put some cases over here and forget about them at all. I have the numbers for the last quarter. I can share with the Committee what the proportions of those were, and the Home Office’s executive management board, which looks at the immigration system, has taken management information to see what cases are being allocated and where. The other thing I would say is we also have the performance team, which is outside of UK Visas and Immigration but in the Home Office, to double-check what we are doing because it is as much in my interest to make sure that we are doing these cases properly as everybody else’s.

Q190 Tim Loughton: What is the actual incentive, though, to bring non-straightforward cases into the mainstream, given they fall outside a lot of these scrutiny remits, other than what you may or may not be doing within the department itself? Certainly it seems to me, in some of the complicated, non-straightforward cases that I get in my surgery, it is taking an interminable time to get a response as to when they might be dealt with, let alone dealing with them. What is going to improve the situation given that they are not monitored in the way that the other immigration figures are?

Sarah Rapson: Mr Loughton, I think it depends on what kind of case it is. The cases that are marked as non-straightforward in the normal permanent and temporary migration cohort that we have just talked about, those people will have had a letter from us saying that they are not straightforward but we will still commit to dealing with their case in a particular amount of time. The incentive there is to keep the total numbers of work in progress down. I care about the fact that it is either 88,000 or 96,000 in temporary and permanent migration. But also, in the older

cases—and maybe that is what your experience is of—the feedback I have just given on the older life cases and the fact that we will make decisions on all of those cases by the end of the year may go some way to resolving some of those matters.

Q191 Chair: Here is an example, which I will pass up to you, of a Commonwealth high commissioner who has been waiting for four years for his passport to be returned, a simple document. This is what Mr Winnick was talking about. For four years he has been waiting for these documents and he has written in. We all have many examples of letters going to the Home Office. You were appointed to improve customer service. I think it has been improved, Sarah Rapson, and you have had some very good people in your team, like Lisa Killham and Robert Carolan, who respond very quickly, but the problem is in the vast majority of cases there is still delay. It is cases like that when someone has waited just for a passport that there is a problem, so I hope you look into these very carefully.

Sarah Rapson: I will look into that.

Mr Winnick: Minister, in order there should not be any misunderstanding, you talked about amnesty. I am not interested in amnesty and people who should not be in Britain should be told accordingly. All that I am asking is that we try to end a situation where people are in limbo. They are not entitled to stay here legally, neither is any action being taken to remove them probably because of the number of years they have been here. That is the point I am making, nothing to do with amnesty or anything of the kind.

Q192 Chair: Thank you for clarifying that. Let us move on. We have seen reports that some of your providers for asylum seekers have been put in hotels. Some were living in the Queens Hotel in Crystal Palace, others in the Grand Hotel in Folkestone, which may not be as grand as the title suggests, and 30 of them have been put in the Premier Inn whose slogan is “Everything is premier except the price”. Sarah Rapson, the Committee wrote to you before these contracts were given out to say, if you take away your suppliers and place it in the hands of Serco and G4S, all they will do is subcontract and, at the end of the day, it will cost more. Are you monitoring this? I do not want an answer as to why all these people are in hotels today but taxpayers’ money being paid to put people in the Premier Inn is not what the Government wants, not what Parliament wants and I think not what you want. Do you have a grip on what these people are doing?

Sarah Rapson: The COMPASS contract is saving the Government money. This predates me but we are paying less through those contracts than we would have been otherwise. Many of the subcontractors are the same organisations as previously. As I understand it, that was quite a deliberate move so there wasn’t disruption for people who were in accommodation and in the local areas. That is not to say there are not some challenges currently with G4S and with Serco in making sure that they have sufficient accommodation to be able to house people.

Q193 Chair: Indeed, because putting them in hotels, even as classy as the Premier Inn, is not what we want, is it?

Sarah Rapson: The contract is quite clear that they can put people in hotels but in exceptional circumstances.

Q194 Chair: I am sure you did not have a chance to see the article in *The Independent* on Yarl's Wood—you might have done—and a quote from a woman inside Yarl's Wood who said, "To Serco, we have a price tag; we are part of a million pound business deal. Our pain is Serco's profit." Are you conscious of the fact that there are a lot of people in Yarl's Wood who do not need to be there, but it is merely because of the delays in processing cases that they are still in there?

Sarah Rapson: I will probably let Ms Campbell comment on Yarl's Wood but I—

Chair: Would you like to comment very quickly on that?

Mandie Campbell: At Yarl's Wood, Serco does not have any responsibility for the processing of the cases.

Chair: No, I know that. You do.

Mandie Campbell: Yes, that is right.

Q195 Chair: Why are we not doing them quicker to get them out?

Mandie Campbell: Clearly our intention is to get people out of detention and out of the country as soon as possible but, as I have explained previously, unfortunately large numbers of people have been putting in multiple appeals. There are also the problems with documentation that the Minister has referred to and a lot of people are there because they will not co-operate.

Q196 Chair: But please read that article and please consider what has been said. Minister, finally, on sham marriages, we are very concerned about this. We produced a report to ask that registrars be given the power to refuse notices and refuse ceremonies because of the large increase in the number of sham marriages. We know you are concerned about it. Are you going to try to give these registrars more powers? The Registrar of Manchester has sent us a very a detailed letter, which I will let you have.

James Brokenshire: I would be very interested to see that.

Q197 Chair: I will give it to you now. He says they do need the power to say no and he has given specific examples of people coming before him who have clearly not met and they are still having to be married because the law does not allow them to say, "Sorry, I can't marry you".

James Brokenshire: Thank you for that letter and I assure you I will read the representations that you have received in respect of this closely.

Q198 Chair: Can we look at these powers for registrars? We are very concerned about this.

James Brokenshire: You will know that, under the Immigration Act, we have recently legislated to be able to extend the time period. In other words, if you are getting married and there is an immigration advantage, we are able to require that that notice period be extended to up to 70 days to enable proper investigation to be undertaken. Now, that will come into force shortly and, therefore, that will give immigration enforcement officers, working with the registrars, a much clearer mechanism to be able to challenge this. We are seeing an increasing number of arrests.

We are seeking an increasing number of referrals from the registrars, which I welcome, under the new powers under the Immigration Act, but I am very clear that people should not be using sham marriage as a way of trying to get an immigration advantage into this country.

Q199 Lorraine Fullbrook: Minister, a recent UCL report found that EU migrants between 2001 and 2011 have made a net contribution to the UK of £20 billion. Do you agree with this report?

James Brokenshire: I made a number of comments at the time in respect of the report, saying, for example, that it does not measure the time period where we have seen a significant increase in EU migration, which has been over the last 18 months. In terms of measuring a period where we have seen significant growth, this report does not do that. I think it is fair to say that clearly if you have people coming to this country to work there will be tax benefits. In other words, if they are paying tax, that gets paid into the Exchequer and, therefore, you can view it in that manner.

What the report does not do is highlight the pressures on public services, something that I talked about at the start of this session. Therefore, I am not sure that it is sufficiently wide enough to capture all of these issues, although it is notable that it did obviously ascribe quite a significant value—I think it was around £118 billion—in respect of the cost that non-EU migration had had. When you look at a snapshot, it is a question of where in that journey that migrant has been; whether they are moving from a contributing phase to a non-contributing phase, because obviously they are relying on public service benefits.

Q200 Lorraine Fullbrook: Yes, absolutely. Given the Government's restrictions on claiming welfare benefits and the recent ruling by the European Court of Justice in favour of restricting economically-inactive migrants to welfare, what plans does the Government have to further restrict benefits to EU migrants?

James Brokenshire: I think this is a very good and positive court judgment from the European Court and, as you will probably know, we have taken steps to restrict welfare benefits so that we now have, as of the start of this month, a three-month qualification period. Then work-related benefits can only be claimed for a three-month period and at that time there has to be a reasonable prospect that that individual then is able to secure employment, otherwise those benefits would stop. I think it is a very positive judgment in underlining the steps that we have taken, but clearly we are keeping these issues under review in terms of what further steps could be taken in the future.

Q201 Chair: You signed the contract to give Teleperformance a partnership with the UK. They have not started in a number of countries. I think in Nigeria they could not start on time. There has been an extension to the previous provider in Russia. They could not start on time. I think in Kenya that is also the situation. Are you looking at penalties against Teleperformance for not providing the service that you contracted them to provide, Ms Rapson? You can write to us with the detail but just, in principle, are they getting penalties for not starting?

Sarah Rapson: In the markets where they had not started—they have now—the contingencies that we put in, either the incumbent supplier, VFS, carried on with the service or in one case we carried on. It was an in-house service. Teleperformance have borne the costs of that.

Q202 Chair: Right, but presumably when they apply and bid again for their contracts you will know that they have not performed in respect of what you wanted.

Sarah Rapson: I think broadly they have performed. Transition is always difficult, but throughout the—

Q203 Chair: Yes, but the taxpayer should not have to bear the burden of this, should they?

Sarah Rapson: The taxpayer has not because Teleperformance have, as I said, recompensed the costs both for us in UK Visas and Immigration and also in VFS and overall performance in Teleperformance is improving.

Q204 Chair: Would you keep an eye on that because the Committee is concerned.

Finally, Minister, from me, on e-Borders and what was happening in Calais apart from the crisis in Calais: the Government's other commitment, given to us again by Sir Charles Montgomery, was that we would have exit checks by April. We have seen the letter from Eurotunnel in which they say they have requested further information. They want to work with the Government and we want to make sure that there are full exit checks. If you look at a country like Malaysia or other countries like South Africa that have people being checked in and out and Saudi Arabia, I know we are bigger than all these countries but are you looking to see what could be done to try to make sure that this is put into effect by that time?

James Brokenshire: We are working very closely with Eurotunnel, the Dover Harbour Board and the operators at Dover in respect of the crossings of the channel to see that we have an effective mechanism in place that gives us the advance passenger information or gives us the passport details that are taken at point of exit to be able to provide us with better information on who is leaving the country, to inform our work around over-stayers and elsewhere. I can certainly assure this Committee I have had regular meetings with those organisations and will continue to do so, so that we are able to deliver on that objective of exit checks by April of next year and in a practical way that is as efficient and effective as possible.

Q205 Chair: I know the Government got its fingers burnt, not necessarily on this one but the last one as well, with Raytheon and the whole issue of technology, but the Committee has received representations from a number of suppliers who supply to other countries. We will send them on to you so you can have a look at them because we are very keen to make sure that exit checks are in place by the end of March or April as you want.

James Brokenshire: Well, there is the border-systems portfolio programme that remains ongoing for our different computer systems that deal with advance passenger information. We are working with those port providers as to the solutions they will put in place at those individual ports and points of exit to ensure that then feeds into those systems as well, so that we have the detail we need to then interpret and extrapolate to assist us in our activities on securing the border.

Chair: Mr Flynn has a final question. I am sure he is not going to provoke the Minister.

Q206 Paul Flynn: In “Alice in Wonderland” a place I believe I have been dwelling for the last hour, Humpty-Dumpty said, when he was asked about a word, “The word means exactly what I choose it to mean; no more, no less”. It is like backlog. Backlog, however long it can stretch and however mountainous it becomes, is always work in progress. In answer to the first question you used the word “challenging” five times and what you really meant was, “I haven’t got a hope in hell of solving this; of course we won’t meet our targets”, but you describe it as challenging. The question is: has the Government decided to attempt to solve their problems by constructing an igloo of self-delusion and hiding in there?

Chair: The question is: do you live in an igloo?

James Brokenshire: No.

Chair: Thank you very much. That concludes this session.

James Brokenshire: Thank you.

Chair: Thank you very much for your help and we look forward to receiving our next set of data.