



HOUSE OF LORDS

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The EU Sub-Committee on Home Affairs

Inquiry on

THE EU ACTION PLAN AGAINST MIGRANT SMUGGLING

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Questions 52 - 63

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10.30 am

Witnesses: James Brokenshire MP, David Smith and Richard Quinn

Members present

Baroness Prashar (Chairman)
Lord Condon
Lord Cormack
Baroness Janke
Lord Jay of Ewelme
Baroness Massey of Darwen
Lord Morris of Handsworth
Baroness Pinnock
Lord Ribeiro
Lord Soley
Lord Wasserman

Examination of Witnesses

James Brokenshire MP, Immigration Minister, Home Office, **David Smith**, Deputy Director, Border Force South East and Europe Region, and **Richard Quinn**, Director of Criminal and Financial Investigations, Immigration Control.

Q52 The Chairman: Good morning, Mr Brokenshire, Mr Quinn and Mr Smith. As ever, we are grateful for your time. You are pretty familiar with the format of our proceedings. This session is being televised—not live but it will be webcast live. You will be sent a transcript, and if there is anything you wish to correct, let us know. If there is anything you want to amplify after you have read it, please feel free to do so. I know how busy you are and we are grateful for your time. I will start by asking you about the scale of migrant-smuggling in the UK and how this has changed over time.

James Brokenshire MP: Thank you, Baroness Prashar. We appreciate the opportunity to debate what is clearly a highly topical, relevant and important issue not just for the UK but for other European partners, and the need to have the overview from the EU and the UK but also beyond the shores of Europe of how we are responding to the challenges of the smuggling of people, how a lot of the criminals involved view people as simply goods or commodities, and how we are seeing a change—with organised crime groups moving into people-smuggling from the smuggling of drugs, tobacco and various other commodities. From the outset, there is that change of seeing organised crime groups seeking to diversify into this appalling new line of illicit business, and how that manifests itself. If you look at the near position on our juxtaposed controls in northern France, last year we foiled nearly 40,000 attempts to cross the Channel illegally. Between April and July alone, more than 30,000 attempts have been detected. That breaks down into two key components: people who have travelled to northern France opportunistically to try to make the journey across, trying to stow away in lorries; and a separate cohort that will be supported in some way, where people will be seeking to put them into vehicles, into lorries, in a more organised fashion. Some of these may be more sophisticated than others and some of the concealments that Border Force have been discovering have been quite shocking in terms of the potential risk to the people being stowed away in refrigerated lorries and other containers. It underlines the extent to which some of the criminals out there are prepared to put people's lives at risk simply to make money, which is why the approach that we are taking in the UK, as well as the EU initiatives, is so important.

The Chairman: The numbers you gave are in relation to France and the situation in Calais, specifically.

James Brokenshire MP: Yes

The Chairman: What about other smuggling, people coming on to the boats and so on—the wider smuggling situation?

James Brokenshire MP: The main challenge remains from the juxtaposed controls, on the basis of the volumes of people trying to gain entry into the UK. We are vigilant about issues of displacement and whether there is a movement to other ports across Europe; I am in discussions with the Belgians and the Dutch, for example. Some isolated detections have taken place at different ports, but we have not seen displacement in a significant way. But it is absolutely something that we are very vigilant about, recognising that with the security measures that we have put in place around northern France, and how those continue to evolve, we could see a movement to other adjacent ports, in France or in other neighbouring countries. We have not seen that to any material extent to date, so I would not want to give the Committee the impression that this has suddenly become an expansive position in that way, but we are alive to that risk, which is why we are setting up our discussions and our relationships—very good relationships, actually—with the Dutch and the Belgians in particular, and the agreement that the Home Secretary signed on 20 August really cements some of that very good practical co-operation with the French authorities.

The Chairman: What has been the scale and success of the prosecutions?

James Brokenshire MP: On prosecutions, you can certainly look at this in a number of different ways. For example, we have figures for prosecutions for offences under the Immigration Act, which can be linked to migrant-smuggling, so that can cover a range of different issues such as sham marriage and illegal working, so that once someone has been facilitated in, offences may have occurred in that way. The numbers that we have on prosecutions for those offences increased from 303 to 405 between 2013 and 2014, and so far this year there have been 215 prosecutions.

You can also look at this in other ways: for example, in respect of disruptions of organised crime groups that are linked to organised immigration crime—some of that facilitation activity. Last year, UK law enforcement disrupted more than 170 organised crime groups involved in that form of criminality, and that is work between Immigration Enforcement, the National Crime Agency and other agencies. Again, to give another complexion to this, we have something called Operation Groundbreaker, which is an intelligence cell based at what is known as the Joint Border Intelligence Unit, which brings together Border Force, Immigration Enforcement, UK Visas and Immigration, and the National Crime Agency. It also receives inputs from some of our colleagues in Europe, and has a link into Europol and some of the intelligence fusion that is taking place there. Between January and August this year, 48 convictions resulted from Operation Groundbreaker. As I say, it is about how you want to look at the challenges that we face and the action that we are taking, both in-country and looking at some of the cross-border elements, and obviously then how the work of the National Crime Agency and the work of the task force further evolves in taking disruptions away from the UK, as well as the focus that we continue to have on prosecutions and action being taken within our border.

The Chairman: Do your colleagues want to add anything about prosecutions? No?

Q53 Lord Soley: I want to ask about strategy. I have listened to your answers and you have given considerable detail about small parts of it here and there. You are faced with the biggest

crisis in migration and refugees in Europe since the Second World War, and I am struggling to see what the Government's overall strategy is. You must be involved in discussions about that strategy. I do not expect dots and commas in every place at the moment, but what is your overall strategy in the face of this crisis?

James Brokenshire MP: This evidence session has been largely looking at the smuggling aspects of this. In that context, we want to see action taken at every level, hence the creation and establishment of the new task force led by the National Crime Agency to look at ways in which we can interdict and disrupt all steps of the equation, from source countries through transit to our border, across Europe and into the UK. That is the end-to-end approach that we judge to be necessary, working with our European partners and bilaterally with individual countries, and in support of that the National Crime Agency is deploying officers to countries along those routes.

The question that you are highlighting goes beyond that very high-level approach on the criminal aspects and the smuggling aspects to the flow of people, which is where our aid efforts and regional development assistance to a number of key countries are highly relevant. Europol, the National Crime Agency and others are doing work on, for example, the use of new technology—the internet—to give false hope and false messages to a lot of the migrants who are seeking to come to Europe, and disrupting that. It is also about having a strong returns and processing mechanism for when people arrive on the shores of Europe, so that humanitarian protection can be offered to those who, absolutely, are in need of it, who are fleeing persecution and war.

At the same time, there is a cohort that is coming here for a better way of life, and we need to ensure that that is disaggregated and that those who want to come for those reasons are returned. That is what underpins our hotspot support—the mechanism in some of the key receiving countries to ensure that that processing is there. Equally, that is allied to the very firm action that we want to take and are taking against the smuggling networks. It is multifaceted. Seeing the solutions beyond the shores of Europe, we have our diplomatic efforts to work towards a more stable Libya, on the southern Mediterranean route. Obviously we need to find ways—diplomatic and others—to bring about an end to the ongoing conflict in Syria so that people have a strong Syria that they can return to, and ultimately to deal with the flows that we are seeing from that area of conflict at the moment.

Lord Soley: I understand that, and that is helpful. Is there a document somewhere that pulls the strategy together? You are absolutely right, we are investigating smuggling, but as you will know, and as you have indicated, it is all mixed up together. One boat might contain refugees and it might contain smuggled people or trafficked people; there are a number of differences. I am still not convinced that the Government have an overall strategy about which you can say, “This is the overall strategy into which this bit—smuggling—fits”.

James Brokenshire MP: We have before the Committee today the EU document dealing with smuggling. That links up with the CSDP—the Common Security and Defence Policy—leading to interdiction in the Mediterranean using naval assets. That has complementarity around it. Obviously, we are working with European and other partners. The Prime Minister has made statements, for example, on how we want to use the Valletta conference to bridge the European Union with African Union countries in order to deal effectively with migratory flows and criminality issues. If you look, as a document of record, to the bilateral agreement that we reached with the French Government over the pressures in northern France, you will see the different mechanisms that we have identified on security for the external border, good co-operation between law enforcement and border agencies—

Lord Soley: Are these all together in one paper anywhere? I have listened to the Prime Minister's statements. It is evolving, I understand that; I am not asking for anything cut and dried. A lot of people would look at British policy and says that it is basically, "Pull up the drawbridge and get under the bedclothes". I know it is not, but there is no document that says, "This is our strategy. This is where we are working. This is where these things fit in it". I am puzzled by that, because you get the feeling that the Government are still just reacting all the time. I agree that you have to just react to a crisis such as this when it happens, but you also have to evolve a strategy. It is that which I am looking for and not finding.

James Brokenshire MP: I think the strategy is there to reassure you, absolutely, and informs the approach that we are taking within the EU; it informs the statements of the Prime Minister, and how to deal with the upstream issues overseas on how we create stability. Indeed, it includes: the work that we want to see on establishing reception centres in certain parts of Africa, again to stop the flow; seeking to provide stability in the border areas leading into the Mediterranean, which is why the work in Libya matters; the external Schengen border; the hotspots proposal, which we support, to see that you get effective and speedy processing; clearly, the work that we are doing in the Syria region through our £1 billion of aid investment, and some of the resettlement work that we are supporting there; as well as good intelligence co-operation and collaboration. All those building blocks are absolutely there in framing a strategy. Whether or not we have put that down in a document of record is one thing, but absolutely we view this in a strategic sense rather than some sort of piecemeal tactical sense. I understand why you make the point, but that is absolutely not the approach that we are taking.

Lord Soley: I do not think I am the only person in the country who would like to see a strategy somewhere.

Q54 Lord Jay of Ewelme: Perhaps I can bring us back to smuggling. You talked about the importance of bilateral contacts with the French, the Belgians and the Dutch. I would be interested to know, in addition to the bilateral contacts—which are clearly crucial, particularly around Calais—what value the Government see in EU activity more broadly in dealing with smuggling issues. It is that link between the bilateral and the EU that we are looking for.

James Brokenshire MP: I do see real value in EU co-operation. I went out to Europol a few weeks ago to have a meeting with Rob Wainwright, who I believe gave some evidence to you just before the summer, to work through how Europol has been developing its intelligence fusion work, this joint operational team—JOT Mare—that has been put together to put the whole intelligence picture together. So there is an important role for the EU on co-ordinating a response. That may, for example, lead to the establishment of joint investigation teams. If you have a piece of intelligence that may touch on certain European partners, using the existing Europol mechanisms you can set up a JIT to be able to investigate that. That is absolutely what we are doing. You have a co-ordination function that may then lead to action being taken or work that may be bilateral or trilateral between individual member states. I suppose I see it in that context.

There is also the work on the external Schengen border, the work that FRONTEX is doing to assist and co-ordinate that, and how we then use the debriefing material to enrich and feed into the work that Europol is undertaking to fuse that intelligence to give us the strongest picture possible in order to take action. I reassure you that our Joint Border Intelligence Unit based down in Kent is linked into the intelligence work that Europol undertakes, so there is a good exchange of intelligence between the two. We are one of the most significant contributors of intelligence into JOT Mare. We are doing our utmost to encourage other EU

member states to do all they can because it is through that enriched picture that we have the strongest means to be able to take action and to disrupt.

Lord Jay of Ewelme: So you see a sort of organic link between the bilateral contacts which you have and the broader EU activity?

James Brokenshire MP: It is complementary but is part of a strategy that is looking pan-EU down to more individual crime groups that may get identified or intelligence that points to links between, say, two countries. Therefore, it is how you can move up and down through that process of intelligence-sharing, and indeed the outcomes or outputs that that intelligence may generate for you. I see it in that way, and that is why I think Europol does have an important role in this. Clearly, the discussions I had with Mr Wainwright were about how we move forward from intelligence fusion to further outcomes and further action being taken from some of the really interesting and important intelligence that is now being generated as a consequence of that work.

Q51 Lord Morris of Handsworth: Minister, have the Government assessed how this area of co-operation will be affected if the UK was to leave the European Union?

James Brokenshire MP: I do not necessarily want to get involved in a wide EU debate. In the past, we have had discussions in this Committee and others about, for example, the JHA measures, the opt-out and the activity that the scrutiny of this Committee provided on the value that certain mechanisms within the EU can provide. I have spoken here today and previously about the role of Europol and how we use things such as the European arrest warrant very positively and helpfully. But that is not to say that such work could not be undertaken from outside the EU. There are different ways in which you could do that, using some of the mechanisms and structures. That is probably one for another day and possibly a separate evidence session on the pros and cons and the ways in which you could either piggyback on or use certain European mechanisms outside as contrasted with the benefits of being inside. As I say, I could probably give quite an extended answer on that, but I am sure there is a broader debate to be had on justice and home affairs, on the benefits that we obtain from some of the structures and mechanisms that we are party to. I know that law enforcement and other colleagues will have their own views about some of the legal issues that can arise and what could be achieved through engagement and discussions with the European Union outside of it. But, in the nicest way, that is probably one for another day.

The Chairman: Thank you. Baroness Massey. You can ask your supplementary and your own question.

Baroness Massey of Darwen: The supplementary question that I want to ask on the first question concerns your use of the word “stability”, when you talked about aiming for stability in places such as Syria, which of course we all wish for, together with international co-operation. We know that stability could take years and year and years. In the meantime, there is a real crisis here, which is this push-pull factor that we have talked about so much in relation to trying to get people to back to state countries. Are we in danger of being overtaken by events here, thinking about the long-term impact but not dealing effectively with the short-term impact?

James Brokenshire MP: I think that is why the paper that you are considering as part of the Committee’s scrutiny matters, because it is about the short term, or one aspect of it—disrupting the people smuggling. Indeed, some of the announcements that colleagues in defence are making and the meeting today with European Defence Ministers in Brussels over the deployment of further naval assets support that very direct action against people smuggling.

We need to focus on how we stop the flows from places around Syria and in the Syrian region. That is why the Prime Minister has spoken very clearly of the need for further aid investment by other countries around the world. We have obviously made significant efforts to support the camps in the region around Syria because of the conditions that people are living in. Our aim is to give hope and provide education. The additional £100 million that has recently been announced as a further commitment takes us up to a total of £1 billion, the largest amount that we have contributed to any crisis. Yes, it is about providing drinking water and food—those very basic things—but it is also about supporting education. Funding of about £20 million is for education in Lebanon and to make sure that 120,000 children inside Syria receive education. That provides some of that stability and is a building block.

The Chairman: I think we need to move on to another question, otherwise this could go on and on.

Q52 Baroness Massey of Darwen: Let me ask you a different question. We know that the Government are not engaging in some of the elements of the agenda on migration—for example, proposals on reunification and resettlement. Will this affect/prevent a comprehensive EU approach to migrant smuggling?

James Brokenshire MP: We do not think that it will. We have not supported the relocation mechanism because our judgment is that it does not provide protection to those who need it or return for those who do not. In some ways, it takes attention away from that. We agree with a lot of elements of the EU action plan. There are certain elements that we do not agree with, but I do not think that that detracts from the general practical measures that are taking place in respect of people smuggling. There is work around JOT Mare and Europol, action has been taken in the Mediterranean, and some practical steps are being examined around, for example, the use of social media and the internet. Some very good, practical steps are now being taken, and I certainly do not see that the approach that we are taking to some of the other issues that are being debated at the Justice and Home Affairs Council detract from work that is not just being talked about but is actually happening. Much of this is about the practical and about taking those very important steps not simply on intelligence but on action against the smugglers.

The Chairman: Do you think that could also have a negative impact on co-operation from the other member states? There is a kind of overall EU programme. Do you think that the fact that we do not co-operate fully in other areas would have a negative impact on the other member states?

James Brokenshire MP: You could probably make that broad point in respect of a lot of justice and home affairs matters. We are not party to a number of things that we have decided to opt out of. However, I do not think that that detracts from the emphasis that we give to practical support, co-ordination and co-operation, which, having the European brief within the Home Office, I have advocated since virtually the first European Council meeting that I attended back in 2010. There is a strong sense of what the UK can offer. We want to collaborate effectively with our partners. As I have already indicated, we see benefit in working through the EU structures. We are contributing, and will contribute, a great deal to some of the practical work that absolutely supports combating the smuggling that is taking advantage of vulnerable people.

Q53 Lord Wasserman: That just leads me to ask how much we are actually spending on EU co-operation against people smuggling: that is, spending in terms of finance and how many human resources you need—how many people, if you like—in that EU part of the programme.

James Brokenshire MP: I am sure that my colleagues from the Border Force and Immigration Enforcement will be able to talk in practical terms about some of the contributions that they are making. A monetary number is quite difficult to give, not that I wish to obfuscate or not respond to the question directly—I would not treat the Committee in that way. For example, some of the work of the National Crime Agency across the board has benefits and clear merits in confronting and combating smuggling. It is not necessarily ring-fenced as support that we are providing to the EU. We have obviously put personnel into Europol. The scaling up of the 90-strong task force is intended to support that end-to-end approach, and therefore you could say that it is supporting some of the European actions that are taking place on the border. It is quite hard to monetise it and say what proportion of the NCA's budget is ascribed to that. I think that Rob Wainwright said—I saw it reported somewhere—that around a third of the groups involved in organised immigration crime are involved in other forms of activity as well. You are looking at drugs and other forms of organised criminality, so it is quite difficult to disaggregate it. If I may, I will ask my colleagues from Immigration Enforcement and the Border Force to talk about some of those direct contributions, which may be helpful.

Richard Quinn: In Immigration Enforcement I have responsibility for the crime team. There are in the region of 500 staff, with a mixture of police officers and immigration officers with police powers. Our budget is £28 million. I will react to the intelligence that comes from the Joint Border Intelligence Unit. As that intelligence increases, clearly I will assign additional resources to it. I have a dedicated team in Dover that deals with border referrals, where, through its detections, we have seen an increase in the numbers. That clearly increases the resources that I put into tackling what was referred to as border referrals, and then it is a case of identifying the OCGs—the organised crime groups—that operate throughout the United Kingdom and which use Dover or any other port as a gateway into the UK. As I said, my budget is £28 million. Like the Minister, I cannot say what percentage of that budget I assign to people smuggling, but the resources that I put in are significant.

David Smith: From a Border Force perspective when referring to the wider EU work, the UK Border Force supports the work in the Mediterranean. We have placed officers in the intelligence fusion cell in Italy. We are also supporting the wider debriefing of migrants across Europe through FRONTEX. In addition, we have placed officers in the National Maritime Information Centre, which deals with the maritime threat to the UK. More specifically I can cover what we are doing in Calais with the investment programme there and the plan of works, if that would be helpful.

Lord Wasserman: How many do you have in Italy?

David Smith: I do not have the exact numbers with me.

Lord Wasserman: Are there five or 20? Is it a small group or quite a large group? Three people can make up a team. Twenty-five is a more impressive number but may not be necessary.

James Brokenshire MP: We have two cutters in the Mediterranean, which are the Border Force's contribution to the search and rescue operation but also to some of the intelligence work. There are debriefers linked to that as well. The numbers for the intelligence cells are likely to be small, because that is effectively about intelligence co-ordination and linking things up. It perhaps gives a sense of some of the deployments that the Border Force is supporting in the Mediterranean, as well as of the debriefing and intelligence work that is taking place. We can certainly provide the Committee with some further granularity, if that would be helpful.

Lord Wasserman: It would be very useful for our report if we could say that there is a major effort here and that it is costing this much, or if could say that we were disappointed with the size of the effort because it was costing so much less.

James Brokenshire MP: Of course.

Q54 Lord Cormack: Minister, when you came before us last time, we talked about the fact that HMS “Enterprise” will replace HMS “Bulwark”, and you tried to reassure us on that. I gather that this morning there will be an announcement in the House of Commons—it has already been on the radio—on deploying HMS “Richmond”. I wonder whether you can put us in the picture and bring us up to date on precisely what this contribution is going to amount to and what you are hoping to achieve from it.

James Brokenshire MP: Lord Cormack, I well remember your questioning and our discussion about HMS “Enterprise”. I tried to explain the different role that HMS “Enterprise” was playing as part of what is known as EUNAVFOR Med—the EU naval force in the Mediterranean, in the parlance that the EU tends to use for some of these activities—to give us a better operational picture and intelligence on the smuggling networks and activities that were taking place. You questioned me at the time on the need for continued support to rescue those at sea. I can certainly identify an example where HMS “Enterprise” intercepted four small vessels and safely brought 453 people aboard. It also supported an Italian-led EU mission—“Enterprise” was supporting it rather than actually doing the rescuing—that rescued around 4,400 people in a single day. It is being tasked for some of those activities in rescue and support of the broader mission on that front, as well as the intelligence work that I spoke to previously.

The Common Security and Defence Policy approach has four phases. Phase 1 is the “understand” phase, the initial phase that we are engaged in. Phase 2 consists of operations to seize smugglers’ vessels on the high seas or, if Libyan consent and a UN Security Council resolution can be obtained, within Libyan territorial waters. That is obviously the phase that we are starting to move towards as part of the Defence Ministers’ discussions that are taking place today. Phase 3 would extend to more coastal interdictions and activity in Libyan territorial waters but, again, only with Libyan consent and a UN Security Council resolution. Ultimately, phase 4 is withdrawal, because the mission has been completed. That is the journey that we are on, and the offer of further military and naval support is part of that activity, with the offer of HMS “Enterprise” to join the EU mission off Libya part of that further stepping up. Obviously, this is being led by MoD colleagues and is subject to further discussion between European Defence Ministers today.

Lord Cormack: Can you say a little more about HMS “Richmond”?

James Brokenshire MP: Of course. HMS “Richmond” will be offered to provide further support to the mission that I have described. It has some additional surveillance and reconnaissance capability, including the ScanEagle unmanned aerial system, which can cover vast areas. It is that type of support and activity that “Richmond” is able to offer. Ultimately, we cannot tolerate having criminality on the shores of the EU and we judge it is appropriate to use military assets to support the European mission that I have described and which “Richmond” is intended to further enhance—alongside “Enterprise”, which will remain in the Mediterranean—as we start to move through the different phases.

Lord Cormack: Will “Richmond” deploy drones?

James Brokenshire MP: It has the ScanEagle aerial system that I spoke about. Therefore, it is intended that that could be utilised as part of its mission.

Lord Cormack: What is the timescale? Is it going to be put there indefinitely or is it there for a defined period?

James Brokenshire MP: It is intended to move to the Mediterranean. It is currently down in Suez, I understand. It is intended to join the mission for an initial period of two months. It is then a question, obviously, of how things are developing. In the same way, we had tasked “Enterprise” to remain in the Mediterranean until September and that is now being extended as well. Obviously, we keep under close review the activity and the development of the overall programme.

Q55 Lord Soley: On the law enforcement side, if the captain picks up a boat that has someone on it who is believed to be involved in smuggling, he destroys the boat, but then—leaving aside the refugees or migrants he has rescued—does he take the suspect to Italy or another EU country or will they be brought back here to be charged?

James Brokenshire MP: Should the mission apprehend suspected migrant-smugglers and traffickers, whether that is in the scenario you describe or there is a direct interdiction of a vessel that is suspected to be about to facilitate—which may be another scenario, and certainly some of the intelligence that we are drawing together is seeking to identify those vessels in that way—they would be taken to the nearest safe port in Europe as directed by the operational commander, in the same way that the vessels that are being deployed for rescue are under the operational commander’s direction as to where they come back through. Therefore, the expectation would be that prosecutorial action would take place in that country.

Lord Soley: Your expectation is they would be charged in that country and the court case would take place there? Are you aware of any such cases taking place anywhere in Europe? I understand that you would not collect the figures on that; I am asking simply if you are aware of it.

James Brokenshire MP: I am not aware of that action at the moment in Europe, but that is because we are now entering the next phase of this programme—more interdiction and executive action—building on the intelligence picture. This will lead to prosecutions and legal cases being advanced. So the main reason I am not aware of that is because we are now moving to a further phase of this programme.

Q56 The Chairman: Minister, have you made any assessment of the shift in the policy from rescue and search to a more intelligence-led approach? Has it made any difference? Have you been successful?

James Brokenshire MP: From the discussions I have had with Europol, for example, some very useful and actionable intelligence is being generated through JOT Mare and the fusion that is taking place. Indeed, some of that is coming back into the Joint Border Intelligence Unit for action that may be taken through that mechanism, but it is also leading to the establishment of joint investigation teams between different countries. There are currently five formal joint investigation teams under the umbrella of Eurojust to tackle organised immigration crime, and a further two joint investigation teams are due to commence in October between the UK, France and Belgium. It is leading to practical action, and it is also identifying the use of social media and the internet, in a very fast way, to sell—and I use that term advisedly—false hope and false messages, but also the ability for people to try to make links into the people-smuggling networks and some of the absurd and disturbing packages that people-smugglers are trying to put out there to entice vulnerable people to make the journey, sometimes trying to use statements of European and other leaders in a skewed way to try to present a particular case, which is giving us a much clearer picture of some of the challenges

and some of the networks. We will need to put more capability in place, for example for financial investigation. It is certainly part of the task force's work to have financial investigation capability there, to track and trace the money linked to this, albeit recognising that working in some of the jurisdictions beyond the shores of Europe is challenging and not straightforward.

Q57 Baroness Pinnock: So far, Minister, we have been talking mainly about enforcement. Some of our witnesses have pointed to the fact that the creation of safe and legal routes may divert opportunities for migrant-smugglers. What is the Government's view on that?

James Brokenshire MP: We would say that there is little evidence that providing opportunities for what would be relatively small numbers of people to travel legally from source countries would have a significant impact on the very large numbers of people who are prepared to travel illegally to the EU. Rather, we see this in terms of issues of resettlement and vulnerability, hence the Prime Minister's recent announcement. We think it is better to prioritise those interventions upstream in countries of origin and transit to reduce the need for migrants to leave their countries of origin or move through a safe country. The Khartoum process, which was launched at the end of last year, bringing together EU and African Union states, is intended to advance that, as well as some of the regional development and protection programmes. We see that as a much more fruitful and positive way of dealing with it, and we are not persuaded by the benefits of what we think would impact only on a relatively small number of people.

Baroness Pinnock: What you are saying does not reflect the current situation. The Khartoum agreement does not actually deal with the current huge movement of people, from the Middle East in particular, towards Europe. If we are to concentrate on tackling the vicious and dangerous business—which is what it is—of smuggling people, would it not be more humanitarian to create safe, legal routes for people fleeing war, particularly in Syria and Iraq?

James Brokenshire MP: My view is that we have to be very careful not to take decisions that might make matters worse. Sometimes you can be led down an approach that may see you taking the wrong decision for the right reason, if you see what I mean. If you are talking about vulnerability, that is where the resettlement programmes make sense. That is where aid absolutely makes sense. I am not convinced that some new legal routes would provide the answer or prevent the smuggling; they may actually facilitate greater smuggling to some of those areas or camps; it may be twisted by social media as presenting new ways that you can come to Europe. It is quite a dynamic situation that we find ourselves in. Therefore, when it comes to the actual impact of what is proposed by this concept of new legal routes—when there are existing routes into the EU, there is resettlement from camps in other areas—is this providing an answer? I am just not convinced that it is. Equally, that could be misinterpreted and used by others to facilitate more smuggling and, sadly, put more lives at risk. It is that value judgment that we assess, and we judge that there are better, more effective ways to deal with those issues.

The Chairman: In your view, what are the most effective safe and legal routes?

James Brokenshire MP: I think it is the work that we are doing on the resettlement programmes. We need, by putting aid and investment into the area around Syria, to try to stop more people putting their lives at risk. As the Prime Minister says, our work trying to provide that stability in the region has stopped several thousand people who would otherwise have left the region. That is the first thing I would say. For those who may be vulnerable, we should look at resettlement as the mechanism to achieve the support that they need.

The Chairman: But who has the responsibility for these resettlement camps? The conditions in these camps are not so good. Say you are resettling people in Lebanon: who is looking after them in Lebanon in terms of education, support, water and all that?

James Brokenshire MP: The UNHCR is taking the lead role as the agency on the ground. Obviously, UK aid is being provided very directly to the UNHCR to support that activity in Jordan, Lebanon and Turkey. That is the mechanism that we use and the counterparty that we work very closely with, as well as some other NGOs. The work that we are now doing to scale up our vulnerable persons relocation scheme involves working with the UNHCR to identify those who are the most vulnerable and in need and cannot receive that support in the region. We see those mechanisms as being the way forward.

Lord Jay of Ewelme: You said that you thought that creating safe and legal routes could in some sense encourage smuggling. I do not quite understand that. Surely if genuine refugees are better able to go through a safe and legal route into the EU, that will reduce the scope for those people getting on to smuggled boats and dying en route. I do not see the logic of how it would encourage smuggling.

James Brokenshire MP: When I see some of the social media commentary on this in some of the chat forums that are being used by the smugglers to entice and encourage people to put their lives at risk, things are being presented in ways that are not intended, such as statements—by whoever—which the smugglers will repackage and rebatch. If you were to say, “There are now safe and legal routes”, I am pretty sure the smugglers would seek to present that externally to those en route as, “Europe is now welcoming more people and there are new routes for you to come—this is the means by which to do that”. So it provides a further angle for that exploitation of vulnerable people. That is against, as I see it, the evidence not being there for what that would do for the large movements that we are seeing. Any mechanisms that you might seek to adopt would affect only a relatively small number of people. I am trying to see how that solution answers the question that is being proffered. My concern is how it can get misinterpreted and manipulated by the traffickers and therefore lead to greater exploitation.

Lord Jay of Ewelme: But would it not help to separate the genuine refugees coming from a war zone from those who knew that they would not get in through that legal route, so then you have the economic migrants who are going through the smuggler? It helps in that differentiation, which is such an important part of this.

James Brokenshire MP: That is why there needs to be much greater focus on reception at the EU border, on making that separation, on seeing investment in countries such as Greece, Italy or Hungary, going into get that processing right, and to telegraph a message to those who are not entitled to humanitarian protection that they will be returned. That is why we have put such a heavy emphasis on returns as part of the reception arrangements that take place. That is the most effective way to do it and where the focus should lie, rather than looking at a number of other solutions that may be proffered for very laudable reasons but are detracting from the here and now of getting that processing done and ensuring that those who need protection are getting it quickly and that those who are not are being returned.

Q58 Baroness Janke: In some of your evidence, Minister, you have put forward a number of practical suggestions about safe routes. We might expect an overall strategy to incorporate a number of different measures—for example, expedited family reunion, separating, as Lord Jay said, the humanitarian cases through, for example, humanitarian visas and other ways, as well as the use of third countries in processing legal routes. Have you considered any of these, and might this be part of some emerging overall strategy?

James Brokenshire MP: We are certainly considering the flow and some of the movements that we are seeing across, for example, the continent of Africa. We are considering what steps could be taken, for example, to establish centres in certain parts of Africa, although we would probably take a slightly different view on the purpose of those centres as being to combine the provision of information, local protection and resettlement opportunities for those in need through resettlement arrangements. However, we see the potential benefit of dealing with some of those flows by providing alternative opportunities for migrants currently seeking to make the journey to Europe, with potential third-country safe returns for those who are not entitled to humanitarian protection. That, I think, needs to be considered very carefully, but there is a role for establishing centres. Niger has been advanced by the EU as a centre that could be used initially to combine this information and provide support in that way.

I suppose that I have reservations, which I have outlined, about further legal routes. Smuggling is facilitated not simply across the Mediterranean; it starts a long way back down the chain, and therefore we need to be aware of the potential risks that may be involved. However, I think you are right to identify the benefit that could be attached to providing centres in north-mid Africa to stem some of the flow and to ensure that people have some support and the information that they need.

The Chairman: Baroness Janke, would you like to ask your own question now, as we need to move on?

Q59 Baroness Janke: My question goes on to ask how the human rights of migrants are being protected. I would like to introduce into that the fact that we are constantly hearing that other countries which are accepting refugees and migrants are very aware of the contribution that they make, in terms of skills and talents, to aspects of life in those countries. In addition to human rights, what sort of work is going on across the board to look at these movements and at how people might positively contribute to European countries and particularly the UK?

James Brokenshire MP: There are a couple of points there. To my mind, the best way to ensure that those in need of protection receive that support is to identify them quickly at the EU external border and to quickly give them access to an asylum process. That is absolutely why we fully support the EU's proposals on hotspots, and indeed it is why we have provided practical support through the European Asylum Support Office with the deployment of personnel. We stand ready to do more in support of the hotspots initiative to make sure that humanitarian protection is offered at the earliest possible time.

Equally, I would slightly flip on its head your question about the effect that people travelling to Europe may have on Europe. One thing that I worry about is the movement of people from some African countries northwards to Europe, when they may be really important in providing support, knowledge and intellectual capital for the further development of their countries. As part of the regional development programmes, we need to consider—and we do—how we ensure that the incentives are there. Here, I am talking about people who are making the journey not to flee war but to get a better way of life. We need to consider how we stem that flow through our continued focus on regional development so as to provide stability in those countries, rather than have people make the journeys at the outset.

Baroness Janke: But are not many of those people—potentially people who may contribute by bringing skills and capabilities—fleeing war? A lot of our evidence seems to suggest that there is an inability to distinguish between, for example, people in need of humanitarian relief and asylum and people who are termed economic migrants. That is one of the major difficulties that we face with the growing numbers of people who are coming.

James Brokenshire MP: This comes back to my desire to see speedy processing and to ask what we can do to support other member states. Indeed, some member states are adhering to their basic responsibilities in relation to humanitarian protection. You can look to other countries beyond the UK in that way.

As we touched on in a previous evidence session, the flows of people that we are seeing from various routes differ in their make-up between those who are fleeing war or are in absolutely genuine need of humanitarian protection and those who try to make the journey for a better way of life. If you look at the eastern route through Greece, the majority are Syrians fleeing the conflict. If you look at Libya and the southern Mediterranean route, the balance is very different, with people coming from across the continent of Africa to make the journey northwards. However, it still comes down to the need to ensure that people are processed quickly and that we look beyond the shores of Europe at camps in Africa to stem the flow. We also need to look at regional development aid so that we can identify where support may be needed. Equally, when people come to the EU border, we need to ensure that we have the practical facilities in place to process them quickly and to provide help and assistance where it is needed quickly.

Q60 Lord Condon: Minister, we would like to develop a better understanding of the role of the organised immigration crime task force. We have been told that, when fully operational, it will have about 90 people. How many will be immigration staff and how many will be border staff? What are you hoping they will achieve, and how will you be able to make a judgment about how effective they have been? What sort of performance criteria do you hope will be in place?

James Brokenshire MP: I saw the transcript of your session last week, to which the National Crime Agency gave evidence, and I know, Lord Condon, that you asked those questions on that occasion. The vast majority of the contribution will come from the National Crime Agency. I will obviously let colleagues from the Border Force and Immigration Enforcement talk about the specific contribution that they are already making and what they intend to contribute, in large measure because I see this as being about confronting and combating organised immigration crime, where the National Crime Agency has the national lead.

From the reports that I am starting to receive and will continue to receive, I will expect to have a clear picture of the intelligence, which is certainly growing rapidly, so as to identify not simply, for example, the routes that are being taken but the methodologies, the type of criminality involved and the sorts of flows of money and other supportive items that facilitate these movements. This, again, leads into things such as vessels and so on. Therefore, I will want to see the disruption of more organised crime groups linked to organised immigration crime. Obviously the National Crime Agency can flex resources up and down in relation to the issues that it is dealing with. The 90-strong task force should not be seen in isolation, because it can draw on broader NCA resource and the specialist resource that resides around it. The Prime Minister's emphasis, and mine, is on tackling organised immigration crime from its source through to transit to the UK and, as with other forms of cross-border criminality, on interdicting, taking action and disrupting it wherever the opportunities present themselves.

Lord Condon: Are any immigration or Border Force staff being permanently deployed to the task force?

Richard Quinn: Yes, in the region of 20 staff in Immigration Enforcement, including intelligence and investigators, so there is the small asset of an investigation team in that task force of 90.

Lord Condon: Are they being relocated in any way, or will they remain in their home bases?

Richard Quinn: They are being relocated, so I have relocated resources to the investigation team. But, as the Minister says, this is on top of what already exists: the sizable asset that I have in Immigration Enforcement. This also goes to the fact that the revision of the tasking process is about making sure that we are working jointly together, that we are prioritising, but more importantly that we are reacting to the intelligence that we hope to gather—that there is an operational outcome rather than just gathering the intelligence—and that we then evaluate the impact that we have had as a result of some of that disruption or arrests. It is about how quickly we do that rather than lengthy investigations where there are quick opportunities. Sitting beyond that is also how we work with other government agencies, so this is not just the task force but policing, HMRC and DWP internally.

Lord Condon: Mr Smith, are any Border Force staff permanently deployed to the task force?

David Smith: Yes, there will be. From an intelligence support perspective, we will be putting officers into the task force as well. In addition to that—

Lord Condon: Sorry, you say that there will be. So they are not there yet? There will be some Border Force—

David Smith: No, they are already working to support the task force.

Lord Condon: Sorry, to support the task force, or to be part of it?

David Smith: They are part of the task force. In addition to that, it is important to recognise that we support, and have been supporting, the work of the task force. An initial task force was set up in 2014 under Operation Groundbreaker, which has already been discussed, initially to focus on the criminality in northern France and human smuggling there. The Border Force has been supporting that agenda over the last year and several months, which will be enhanced as part of the task force work, and we will continue to support it. Therefore we will interdict targets that are provided by the task force in northern France following that enhanced intelligence product.

The Chairman: How do your agencies co-operate with other member-state authorities bilaterally and at EU level?

David Smith: I will start with northern France. We have a very well-established relationship with the French, obviously at the political level but also at the official level and locally at operational level. We meet regularly as part of our bilateral co-operation. We share strategic and tactical intelligence via those high-level meetings. We also have structures in place already through the joint border intelligence unit, which has been mentioned previously, and through the joint operation and control centre in Calais, which has been in place for several years. Under the most recent ministerial joint declaration, there is an agreement and a commitment to enhance that joint co-operation with a new joint operation control centre, probably to be situated in Coquelles. It is likely that there will be two elements to that. One will be tactical operational co-ordination; the other will be intelligence and criminality-based co-ordination to tackle organised crime. That work is ongoing. It is not fully formed yet, but it will be very shortly, and it will be implemented as soon as possible.

The Chairman: And at the EU level?

David Smith: At the EU level is the current co-ordination through JOT Mare, through FRONTEX, through the new intelligence fusion cell in Italy. That co-ordination is very good and effective and is in place, predominantly with my investigation colleagues, but intelligence sharing is a fundamental part of that.

Richard Quinn: There is an appetite, following the Minister's visit to Belgium, Holland and France, where we are working with our counterparts in law enforcement, not just at strategic level but at tactical level. We mentioned the seven joint investigation teams, which we are running. That manifests in good operational working and the sharing of intelligence, and there is flexibility in where we may lead some of that investigation. Actually, the better judicial outcome is for the Belgians and the French to lead it, so there is real flexibility and joint working rather than being protective or working in silos, as well as the faster sharing of intelligence. For example, we recently supported the French in an operation where our officers worked with the French in France, and vice versa where we conducted arrests in this country, with the French or the Belgians alongside us.

Q61 Lord Ribeiro: Minister, how is the UK response to migrant smuggling co-ordinated? I ask that because we have heard varying accounts from our witnesses, some of whom felt that there was a plurality of actors across national and international areas dealing with operations and intelligence gathering, and others who felt that the whole thing was a bit of a mess. We heard evidence last week from the NCA, which felt that in the UK at least it seemed to be well co-ordinated. Would you comment on that?

James Brokenshire MP: Obviously you took evidence from the National Crime Agency last week, and I think Tom Dowdall is very well placed to give you that sense of how the NCA is linking up all our response to organised immigration crime. Obviously the NCA has the power to task and co-ordinate. That is one of its functions around serious organised crime. As we have also heard, the Border Force and Immigration Enforcement have embedded resources into the NCA's National Intelligence Hub and threat desks to ensure that we have an effective join-up, because obviously some of the things that the Border Force might be seeing at the border may involve practical intelligence and operational issues of the kind that David has alluded to. We have, for example, an embedded person in the Police Aux Frontières joint control centre at Coquelles, so that we see some very real on the ground-type activity. It is important that that is fed into and co-ordinated so that we have that enrichment and fusion of intelligence, which can then be tasked out if it points to operational intelligence packages that require further investigation and can then be taken forward either by the NCA or by Immigration Enforcement, for example. Mr Quinn's team will be absolutely engaged on some of the intelligence product that is being generated, as he has alluded to, with the criminal investigation teams.

The work of the task force is intended to strengthen that further to give us the more end-to-end intelligence picture that we do not completely see at the moment, which is why the task force is being established, is under way and is already starting with its secondments into Europol, Sicily and elsewhere: to give us that picture. So I do see that fusion of work between our agencies to support action against organised immigration crime. From a European law-enforcement standpoint, Europol has the lead co-ordination role, as it has had in other spheres as well. Indeed, FRONTEX, at the external borders, through some of its debriefing and the actions that the Border Force is supporting, again links into this. I am sure that more can be done, and we would encourage other European partners to step up resources and arrangements in a similar way to the way we are doing that. I think there would be real benefit from that. Europol and FRONTEX would gain from that as well.

The architecture is there, but we are all stepping up and seeking to do more on this not just to create better intelligence but to take action off it.

Lord Ribeiro: What criteria are you going to use to assess success?

James Brokenshire MP: As I think I said in response to Lord Condon, I want to see more organised crime groups being identified and more work being tasked out so that they are disrupted. I alluded to the statistics from last year for the period 2014-15, which showed 170 organised crime groups involved in organised immigration crime being disrupted. It is a question of seeing more of that work. I could easily say, “Let’s look at the numbers here. Do we see an increase in numbers?”. Actually, I think it is more nuanced than that. Some groups will be more harmful than others. You can look at this in simple number terms, but as we get better intelligence, targeting the groups that are doing the most facilitation or creating the most risk to those who are being transported will give us a much more nuanced picture and enable us to go after the groups that are causing the most risk to the UK and indeed to the people whose lives they are putting at risk. It is that sort of approach that I am expecting the task force and this work to be able to take.

Lord Ribeiro: On the one hand you are working very collaboratively with the French, the Belgians and so forth, but are you inviting any of them to come here?

James Brokenshire MP: Yes, into the joint border intelligence units. There have been—a phrase that is used in intelligence—“injects” into that intelligence from those countries’ law enforcement operations, and I absolutely welcome that. The work that will flow through from the agreement that we signed with the French Government in August absolutely envisages us having that pooling of resource, because it matters and makes sense. Indeed, we are also looking at what further work we can do with the Belgian and Dutch authorities, and the Director-General of the Border Force, Sir Charles Montgomery, has visited both Belgium and Holland to further enhance our already very good practical arrangements. But certainly seeing how those things can add value and how we can deepen those relationships further is something that we keep under very close review.

Q62 The Chairman: This is the final question from me. The action plan states that the Commission intends to review the facilitators’ package in 2016. What changes would you like to see, if any, in that review?

James Brokenshire MP: It is interesting, because this builds on, I think, the original 2002 framework that was established, which aimed to strengthen the penal framework to prevent the facilitation of unauthorised entry, transit and residence. Obviously we wait to see what the Commission might say when this is put forward in proposals next year. I think we would encourage the EU to consider further disruption options concerning money flows, for example. This is an issue that I want to be seen as a greater priority, because I find it absolutely immoral and unconscionable that we have groups out there that are making significant sums of money by putting people’s lives at risk without caring what might happen to them. So going after the facilitation and the money flows is something that we would like to see: how we can go after the assets of smugglers.

The other element that I would point to is the use of social media. It is starting to become a lot clearer how that is being harnessed and used to sell false hope and put people’s lives at risk. We need to look in a practical and collaborative way at what structures might aid that. So I suppose at this early stage those would be two of the thought processes that I would put into the mix, but obviously we stand ready to consider the proposals when they are released next year.

The Chairman: Thank you very much indeed. We have run over time, but as ever we are grateful to you and your colleagues for accompanying you. As I said at the outset, if there is anything that you want to amplify or any further information that you want to give us, we will

be very grateful. The information about resources that Lord Wasserman asked for would be very helpful.

James Brokenshire MP: Definitely. Thank you very much.