

Home Affairs Committee

Oral evidence: [Implications of the UK's Exit from the EU](#), HC 494

Tuesday 31 January 2017

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[Watch the meeting](#)

Members present: Yvette Cooper (Chair); James Berry; Mr David Burrowes; Byron Davies; Nusrat Ghani; Mr Ranil Jayawardena; Tim Loughton; Stuart C. McDonald; Naz Shah; Mr Chuka Umunna.

Questions 188–328

Witnesses

I: Right Hon. Amber Rudd, Secretary of State for the Home Department and Glyn Williams, Director, Immigration and Border Policy Directorate

Written evidence from witnesses:

- [Letter from the Chair to the Home Secretary on immigration controls, 18 January 2017](#)
- [Letter from the Home Secretary to the Chair on immigration controls, 25 January 2017](#)

Examination of witnesses

Right Hon. Amber Rudd and Glyn Williams.

Q188 **Chair:** Welcome, Home Secretary and Mr Williams. Thank you very much for your time and for giving evidence to us today. Welcome to this afternoon's session.

We wanted to concentrate mainly on issues around Brexit. We appreciate that you are still at an early stage in all of the work that you have under way, so therefore a few other topics may well come up as part of that. Before we move to Brexit, given the current debates, and the discussions that I know you have had with the US Administration, about President Trump's ban and Executive order, I will start with a few questions on that.

Do you disagree with the Trump ban?

Amber Rudd: Yes, and I support the position the Government have taken; the Foreign Secretary spelled out that the ban is divisive and wrong.

Q189 **Chair:** When were you told about it?

Amber Rudd: I heard about it over the weekend, pretty much along the lines with everybody else.

Q190 **Chair:** Have you told the US Administration that you disagree with the ban?

Amber Rudd: I had a fairly substantial conversation yesterday with my opposite number, Secretary Kelly. I made clear to him the difficulties, and the response that was taking place in London and across the country that day. I sought to secure the UK's position, in terms of passport holders from here, and offered to work with him over the 90-day period that they have put in place, particularly on the ban on those seven countries, to see if I can address his concerns.

Q191 **Chair:** Have you urged them to lift the ban?

Amber Rudd: At this stage, I have made my views clear and said that, since it is a 90-day ban, I would be happy to work with him to hopefully reach a resolution at the end of that period.

Q192 **Chair:** Are you concerned about the implications for security and for extremism as a result of the ban?

Amber Rudd: We will keep all of those elements under review. They are obviously very sensitive areas. At the moment, I haven't particularly raised any additional concerns about that, no.

Q193 **Chair:** We have obviously had reports in the last few days that ISIL supporters being monitored on social media or on things like telegram messaging services are saying things like this is a blessed ban, because it helps them to increase recruitment.



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A lot of people are talking about Anwar al-Awlaki—the Al Qaeda leader who claimed that the west would eventually turn against its Muslim citizens—and are using the ban as a way to say that he was right. There are also reports of former security officers and agents warning that this is going to make it harder to combat extremism. Are you worried about that?

Amber Rudd: ISIL or Daesh will use any opportunity they can to make difficulties and to create the environment they want to radicalise people and bring them over to their side. It is potentially a propaganda opportunity for them. At the moment, we will continue to monitor what is said and to take down the sort of literature and postings that we see on the internet that try to encourage that sort of extremism. They may use this as an example, and we will continue to monitor it and take down the sites where we can.

Q194 **Chair:** Is it your concern, or the advice that you've had, that this ban provides a propaganda opportunity?

Amber Rudd: I would observe that the difficulties to the UK over terrorism are not caused by people largely coming from the sort of countries that the US has named, but from people becoming radicalised here. I would urge for our efforts to continue to be on addressing radicalisation here in the UK.

Q195 **Chair:** Do you think that this is effectively a Muslim ban?

Amber Rudd: No, it is not a Muslim ban, but people draw their own conclusions about the countries that are picked off.

Q196 **Chair:** We have seen the reports from Giuliani saying that he was asked to tell President Trump how to provide a legal Muslim ban, or how to implement this legally. The fact that it is designed with exemptions for minority religions but not for Muslims does make it look an awful lot like a Muslim ban. Given that it is being interpreted as such by a lot of people across the world, are you worried about the impact of that on both community cohesion and a fear of rising Islamophobia?

Amber Rudd: The important thing is for this Government to state that we disagree with the ban. We have said that it is divisive. It is wrong. I will continue to say that. I am sure all MPs will reassure their constituents. The sort of language that the Prime Minister has used and that I will use—this will never be our policy. We have a completely different approach to refugees and to these countries, and that will continue to be the case in the UK.

Q197 **Chair:** Have you raised those concerns about it being divisive with the US Administration?

Amber Rudd: I have not yet, except that I reflected with my opposite number on the impact that it has had in the UK in my conversation with him yesterday.

Q198 **Chair:** Have you raised concerns about the impact on the international refugee programme?



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Amber Rudd: The international refugee programme will obviously be impacted by the US taking fewer refugees, so I hope that they will reconsider their position, but we remain committed to our position on taking refugees.

Q199 **Chair:** Again, have you asked them to reconsider their position on taking refugees?

Amber Rudd: I have not yet discussed refugees with the Homeland Security Secretary, no.

Q200 **Chair:** When will you next be discussing these issues with the US Administration?

Amber Rudd: I have invited Secretary Kelly to come to the UK. Next time I have a meeting with him, I am sure I will cover a wide range of subjects. The first time, that is—I haven't yet actually had a face-to-face with him.

Q201 **Chair:** Is that likely to be in the next week?

Amber Rudd: It is unlikely for him to hot-foot it over here in that period, but I look forward to an early meeting with him.

Q202 **Chair:** Given the significant concerns that are being raised about the impact on security, the potential for ISIL and other extremists to use this as propaganda, the impact on community cohesion, the divisiveness, the impact on Islamophobia across the world, the fact that British Muslims, among others, have said that they feel fearful as a result of this ban, and the impact on the international refugee programme, do you not think you should be raising some concerns rather sooner with the US Administration?

Amber Rudd: I raised the concerns that I set out to you in my phone call to him yesterday, which was my first phone call with my opposite number in the new Administration. I will continue to raise concerns and speak very frankly to him as soon as I have the next opportunity to meet him.

Q203 **Chair:** Would it not be wise to try to have a phone conversation before the next opportunity to meet him, given that that could be in many weeks' time?

Amber Rudd: I will not divulge the details of my diary quite yet, Chairman. All I can say is that I do look forward to having that opportunity to speak to him, and we will cover a wide range of topics.

Q204 **Chair:** The problem is that given the scale of the impact of this in terms of its divisiveness and on security and so on, and given that you take all these issues immensely seriously—you take hate crime immensely seriously, and you take national security and the fight against terrorism immensely seriously—for you, as Home Secretary, not to have raised these concerns directly with the US Administration seems baffling.

Amber Rudd: As I have said to you, I have raised the response that the UK has had to the announcements that the President made over the weekend with my opposite number. I focused on looking after UK interests



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and UK passport holders, and I made clear to him the response on the streets in the UK. I have said to you and to anyone who has asked that I find it divisive and wrong, and I look forward to raising it further when I have my next meeting with him.

Q205 **Chair:** That sounds a bit like you have basically said, "A lot of people have been protesting about this," rather than, "We, the British Government, are worried about the impact of your decision on security and on community cohesion."

Amber Rudd: But I think I heard the Foreign Secretary raise his concerns yesterday when he answered the urgent question and say exactly that it was divisive and that it was wrong.

Q206 **Chair:** Do you think it is going to be helpful to community cohesion in this country for President Trump to come on a ceremonial state visit?

Amber Rudd: You are making a connection that is not yet there, certainly yet and I hope will not be. Community cohesion is focused mostly, in my experience, on local matters and national issues. In order to get a cohesive community, we need to deliver support to the community. We talk in terms of English lessons, improved housing and hate crime. My experience is that what is going on in US national politics is going to have less impact than what we actually deliver for our communities locally.

Q207 **Mr Umunna:** When President Obama came here on his state visit in 2011 and he spoke to both Houses, he said, "I am told that the last three speakers here have been the pope, Her Majesty the Queen and Nelson Mandela, which is either a very high bar or the beginning of a very funny joke." Do you believe President Trump is in the same league as the pope or Nelson Mandela?

Amber Rudd: I think even President Trump might not put himself in that particular bracket. So I doubt that very much.

Q208 **Mr Umunna:** So why are you affording him the honour of a state visit if you would not put him in the same bracket as these people who have been honoured through a state visit?

Amber Rudd: Was President Obama not referring to his opportunity to speak to both Houses in Westminster Hall, rather than an actual state visit? State visits have taken place with a wide variety of different leaders, as the Foreign Secretary pointed out yesterday.

Q209 **Mr Umunna:** But you are honouring them in affording them a state visit, which is different from, say, President Obama's last visit when he was pictured with Prince George. A state visit is honouring someone.

Amber Rudd: Yes. It is also honouring the country and the US is our strongest ally with the special relationship, which is much rehearsed.

Q210 **Mr Umunna:** But this is a different President. President Obama's state visit in October 2011 cost the FCO £400,000. Based on the policing costs for other state visits, you could take a guess that the policing costs for President Trump's visit when it comes, will be over £1 million.



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Amber Rudd: I don't know how you arrive at that number.

Q211 **Mr Umunna:** Based on FCO figures and figures that have been provided by the Government.

Amber Rudd: But you just said £400,000 for Obama.

Q212 **Mr Umunna:** £400,000 for the costs of accommodation and so on but the policing costs for a state visit of this type would exceed £1 million, based on the figures that the Met has produced. To avoid any uncertainty, maybe you could provide a figure to the Committee on how much it is going to cost to police the visit by President Trump. Would you be able to do that?

Amber Rudd: I could certainly make an estimate. I can tell you that the visit of the Chinese President cost £1.1 million, of which £800,000 was opportunity costs; that is, people being redeployed. The actual cash cost would have been approximately £300,000, which out of a Met budget of £2.5 billion does not seem a huge sum.

Q213 **Mr Umunna:** But why spend this money policing an individual, with all the added costs that come through a state visit, who has peddled hate, racism, misogyny, Islamophobia, when many people in this country would rather that money were deployed on, for example, policing our communities?

Amber Rudd: Well, he is the head of state of the USA. We have an arrangement internationally where we look after each other's head of state. If the Queen goes abroad, we expect other countries to look after her, to spend money. We think she is universally popular. There may be a few countries that might not take that view but they still look after her and spend money on policing her. That is a courtesy we afford and we expect other people to afford.

Q214 **Mr Umunna:** I am not necessarily arguing for there to be no policing for a visiting head of state but there is obviously an added cost that comes with a state visit. That is my point.

Can I just move on? In July 2016, you said that we have got to be very clear to those who practise hatred and people who target others because of their "nationality, ethnicity or religious background". You said, "Well, I have a very clear message for them. We will not stand for it." What message do you think it gives to this country's 3 million Muslims when you invite a known Islamophobe and honour him in the way that you are intending to do through this state visit?

Amber Rudd: We can hold two things in our head, which is to say to the President of the US, "We find this policy divisive and wrong"—

Q215 **Chair:** But you haven't actually said that to them.

Amber Rudd: I am sorry, but the Foreign Secretary said it yesterday several times.

Q216 **Chair:** But not to the US Administration.



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Amber Rudd: I am unaware whether the Foreign Secretary has said it face to face. Certainly he has said it several times and put it on social media, and the Prime Minister has been clear that that is her view. I expect that Washington may have noticed.

To answer Mr Umunna's question, we can hold two things in our head: to find those views divisive and wrong; and still to respect the President of the United States, and want to engage with him in the way in which we would engage with world leaders to promote the UK's interests.

Q217 **Mr Umunna:** May I move on because I am obviously not getting anywhere with you in terms of acknowledging how offensive many people will find honouring this particular individual? Anyway, turning to—this is obviously related to Brexit—the net migration figures, you and the Universities Minister believe that students should be removed from the net migration figures, do you not?

Amber Rudd: No, I do not.

Q218 **Mr Umunna:** Why is your Department withholding studies you have done into the numbers of students who come here who do not return to their country of origin after their visas expire?

Amber Rudd: This is very interesting. We started taking exit data checks from April 2015. We have got some statistics. We want to work on them with the ONS before we release them, to be absolutely certain about them, but it will take us some time. I would like to be absolutely clear that having more information would be welcome—to find out how many students are staying and how many are leaving, because that will impact on our net migration figures. We are not releasing figures that we are not sure about yet—

Q219 **Mr Umunna:** But you will release them.

Amber Rudd: When we have certainty about them, which will take some time.

Q220 **Mr Umunna:** Which will be when?

Amber Rudd: I do not know yet.

Q221 **Mr Burrowes:** The Foreign Secretary said yesterday: "I have already made clear our anxiety about measures that discriminate on grounds of nationality in ways that are divisive and wrong." How does that fit with the implementation of section 67 of the Immigration Act 2016, the Dubs scheme, which appears to have introduced a nationality criterion, rather than what I believe was intended by Parliament, which was a vulnerability-led criterion?

Amber Rudd: You are right, a lot of it was run on vulnerability. That is one of the reasons why we took a higher proportion of girls—because they were more vulnerable. We also particularly wanted to take children from countries who were likely to receive asylum—so we ensured that, wherever possible, we took the children who would be able to stay here,



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rather than ones who might be from countries to which they would be returned.

Q222 Mr Burrowes: In terms of the follow-on from the Dubs scheme—there was great effort by you and your officials to get the Dubs scheme working in France—will the scheme and the implementation of section 67 remain open beyond the end of the financial year, to answer the call of those same vulnerable asylum-seeking children in Europe?

Amber Rudd: It is still open at the moment. We are completing our assessment with local councils to find out how many we can actually take. As you are aware, the total number will depend on local councils saying how many Dubs children they can take. We are completing that work and will be coming forward shortly with the number. I will then give a report, write a letter or return to the Committee to give more information. At the moment we have not yet completed the numbers.

Q223 Mr Burrowes: I appreciate that the process may not have been completed, but in terms of the applicability of section 67, which had no time limits, surely given the work we have done that will need to be replicated elsewhere in Europe. Surely our commitment to vulnerable, asylum-seeking children across Europe remains open beyond the end of March.

Amber Rudd: It will depend on the number, Mr Burrowes. We have taken a certain number of Dubs children. We are waiting for the final number, in terms of the local councils coming back to us. It will depend on what headroom there is in addition there. I will come back with more information when I have it.

Q224 Mr Burrowes: I appreciate that this is not solely within the Brexit brief, in terms of further implementation of the Immigration Act—and you may not be able to answer all of this directly—but can you tell me when the removal plans in relation to immigrant detention will be in place, given that the previous Immigration Minister said before our Committee that they would be in place by the end of 2016? Do you have any information about when the removal plans will be in place?

Amber Rudd: The removal plans for—

Mr Burrowes: For those likely to be detained.

Amber Rudd: I see. I'm afraid I don't have that information. I don't know whether Mr Williams has any information.

Mr Burrowes: I appreciate that I have caught you off guard; you could come back to us on that.

Glyn Williams: I am not sure I have understood which provisions you are referring to.

Q225 Mr Burrowes: Within the Immigration Act, it was determined—Mr Brokenshire made a commitment to the Committee on it—that removal plans would be in place for all those detained, so that they all have a plan



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for their removal when they are actually removed. He said it would all be in place by the end of 2016.

The other point is on the immigration enforcement business plan. When will that finally be published? Again, that was planned to be published by the end of last year.

Amber Rudd: I will come back to you on that.

Q226 **Mr Burrowes:** My final question is on automatic bail hearings under schedule 10. When is that likely to be implemented?

Glyn Williams: I hope in April, in the next tranche. There are certain quite technical issues to be resolved there, but we are aiming for April.

Mr Burrowes: Okay.

Q227 **Chair:** Home Secretary, to return to some of the Brexit issues, have you decided yet whether you want us to stay in Europol and have access to its database? We heard from the police that they felt it was very important to achieve that as part of the Brexit negotiations.

Amber Rudd: Europol plays an incredibly important role in keeping us safe in Europe. It has a British chief executive. We play an important part in it. I would certainly hope that we will have an ongoing role within Europol. Whether it is full membership or some sort of associate membership will have to be part of the negotiations as we leave the European Union, but I hope it is something we will have a strong ongoing relationship with.

Q228 **Byron Davies:** On Europol, I am of the opinion that we are particularly good here in the UK on information gathering and the development of intelligence. I think we have something like 17 police officers working in Europol. Will we be able to maintain that?

Amber Rudd: It is very difficult to give a straightforward answer to that. I can put it in the context of conversations I have had with other Interior Ministers who would like us to play an active role in many of the different security measures around the EU, and Europol is one of them. I hope we will be able to continue to do that. Again, it will be part of the negotiations. We are one of the largest contributors, as I am sure you are aware, to the Europol database. I expect and hope us to have an active role going forward.

Q229 **Byron Davies:** Where do you think we will stand with the European investigation order, which is due to come in in May?

Amber Rudd: Again, my view is that it is helpful in many ways, but it will form part of discussions as we leave the European Union.

Q230 **Byron Davies:** I speak from experience of bilateral working with eastern European countries. Do you see us taking a bigger role bilaterally in some of the work we do?

Amber Rudd: We already provide some bilateral support to other countries within Europe in order to help them develop some of their



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policing capabilities, so I hope we will be able to continue to do that. The fact is that the UK security and policing area is very well regarded Europe-wide, as I know you have experienced yourself. I hope we will be able to continue that role. The indications from my European friends are that they would like us to play a role. Obviously it is not straightforward trying to work out exactly how we do that, but the main guiding principle is that it is in their interest and in our interest to make sure we do that.

Q231 James Berry: On Europol, I understand that we are the second biggest contributor of intelligence, and the biggest contributor of intelligence in some of the most critical areas. Is there not a very good case for your EU counterparts to be encouraging their leaders to allow us to remain a participant, so that they have access to this valuable information?

Amber Rudd: That is what we hope will be the outcome. In my early conversations—I was at the JHA meeting last week in Malta discussing elements of this with other Interior Ministers—their default position is, “We hope you’re going to continue to play an active role,” because of the contribution we make.

Q232 James Berry: And the same goes for the various police and criminal justice—

Amber Rudd: That is the case for many of the other data systems that help to keep us safe. Some of them are still under development, but they are going to help to catch criminals and keep everybody safer.

Q233 James Berry: To be clear, while these measures are very important for law enforcement, tackling organised crime and so on, in terms of terrorism it is our bilateral relationships with both EU and non-EU police forces that are most important here.

Amber Rudd: Those are important, but I think there are elements of development around data sharing within the European Union that will allow us to track people who will want to do us harm. So I think access to those data centres will be important going forward for all sorts of crime, including terrorism.

Q234 James Berry: One of the options for immigration post-Brexit—I am not asking you to comment on whether you would select this option—would be for EU migrants to come within the established system for non-EU migrants. If that were the case, the cap on tier 2 migrants would have to be raised quite considerably, wouldn’t it?

Amber Rudd: I will not speculate on what size of tier 2 cap there would need to be, but certainly we will look carefully at how we would support businesses in any new immigration system going forward to make sure that they could have access to the sort of people they need.

Q235 James Berry: We had the new chair of the Migration Advisory Committee in the last session, who told us what work he would be able to do—although, as you expect, he did not say what he would do until you gave an instruction. Would you consider commissioning him to project the labour market requirements before any cap is set?

Amber Rudd: We are certainly doing a lot of work across Government to ensure that any system reflects the needs of different businesses, different areas and different regions. The Migration Advisory Committee has been very helpful in the past. I cannot say exactly what our commission might be to them, but we will certainly make them part of any review going forward.

Q236 **Chair:** There was slight surprise that they had not yet been asked. When they gave evidence to us, they said they had not yet been asked to do any kind of assessment of the labour market for you.

Amber Rudd: Well, the vote only took place on 23 June. The acting Chairman, in my last session here, picked me up a little bit on the lack of preparations. We are now making sure that we are ready for any negotiations that go ahead. I am sure there will be some commissions coming soon.

Q237 **Chair:** Aren't they the experts on migration and the labour market? Given that it is several months since the referendum, for them not yet to have been asked to look at the number of EU citizens or the level of new recruitment from the EU in different sectors of the economy seems surprising.

Amber Rudd: Well, we have a lot of expertise in the Department, and I am working with that at the moment. I will be asking them to do some work shortly.

Q238 **James Berry:** Plainly, it has to be relevant to the time at which any new system applies, which will not be for at least two years. I know that NHS Employers is currently doing its own investigation at Kingston hospital in my constituency, which has 20% of its workforce from the EU, and there is a higher proportion in the local care sector. The need to hire from the EU—or from abroad, at least—is not going to go away overnight, no matter how much reskilling and training we try to do in the UK. I hope that is taken into account.

Moving on to the US, I agree with you that its policy is divisive, discriminatory and will probably be found to be unlawful. For the sake of constituents who have asked this, will you reaffirm that the change of policy in the US does not affect in any way the UK's policy to Syrian refugees, nor to visitors or people who want to obtain visas from the seven countries that have been banned by President Trump?

Amber Rudd: That is absolutely correct. Our refugee policy remains in place. You mentioned Syrian refugees. As you know, we have the target of 20,000 by 2020, and we are on schedule to deliver that.

Q239 **James Berry:** Before this policy was announced, was it your understanding that most of the recent disgraceful terrorist attacks both in the US and in the UK were domestically inspired rather than from people coming from those seven countries?

Amber Rudd: Yes, that has been our experience.



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Q240 **James Berry:** And the US in fact has very rigorous vetting procedures, if not one of the most rigorous in the world.

Amber Rudd: Yes. I am not aware of the details of the vetting procedure in the US, but I am confident with our vetting procedure here in the UK.

James Berry: Ours is also—

Amber Rudd: Ours is very secure.

Q241 **James Berry:** And it differs from President Obama's 2011 temporary ban on visas for refugees from Iraq, because that responded to an actual threat, whereas this ban doesn't respond to any threat that you are aware of as our Home Secretary.

Amber Rudd: That is correct, yes.

Q242 **Naz Shah:** Home Secretary, I have four questions for you. I will start with a national case, although it is very local to me. It is the case of Samia Shahid, the girl who was killed in Pakistan. Her ex-husband is on trial for her rape and brutal murder. She was lured to Pakistan for a so-called honour killing. I am just wondering how much you know about that, and whether you would be prepared to make representations to your counterpart in Pakistan to ensure that we continue to keep the pressure up, in terms of getting justice for Samia Shahid.

Amber Rudd: I know a little bit about it, and hearing you repeat it to me today reminds me how dreadful it was and how horrific it must have been for her family. I suggest that, if you give me the details about it, I will certainly take a look and see what I can do. I am determined to work as hard as I can to address so-called honour killings—and any violence against women.

Q243 **Naz Shah:** Secondly, we talked about the Muttahida Qaumi Movement last time you were before the Committee. It has been six years since one of its senior figures, Dr Imran Farooq, was murdered on the streets of London. We have still not had any convictions. Have you had any conversations in relation to that? I understand Pakistan and Great Britain are working together on that.

On 22 August, the leader of MQM, Altaf Hussain, made speeches in London that incited extreme violence on the streets of Karachi, in which members of the public were killed. In the past, he has used terminology such as using police officers' heads for footballs. Since 22 August, there have been no reports of arrests or charges. Why has it taken so long?

Amber Rudd: I am afraid I don't have the answer to that. I share your concern, and I will get on to it immediately and come back to you as soon as possible.

Q244 **Naz Shah:** Thank you. My next question is closer to home, on West Yorkshire police and the National Crime Agency. I don't know whether you can answer me now or later on. Organised crime in Bradford, and certainly the recent issue of the shooting that happened in Bradford and



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the arms and so on being found, has raised lots of tensions in west Yorkshire.

I want to understand, first, what is the concentration of NCA efforts outside of London, particularly around west Yorkshire? Very complex policing is needed there. Secondly, what can law enforcement do to get more out of cross-Government working when dealing with organised crime, because it really undermines community cohesion and integration? I don't know whether you have those figures, or whether you could provide them for us.

Amber Rudd: I do not have the figures; I am very happy to write back to you with them. If I may, the whole point about the NCA is that it works nationally and tries to address the issue of organised crime, working across country borders. We also have regional areas called regional organised crime units—ROCUs—that also address regional organised crime, so that we do exactly what you're highlighting and ensure that it is not just drilled down to one small area but is tackled nationally. I will certainly come back to you on the division between London and the rest of the country if we have those figures.

Q245 **Naz Shah:** So what do you think law enforcement agencies can do to get cross-Government Departments—for example, DCLG, the Home Office and so on—to work together around this issue? What should they be doing?

Amber Rudd: We work together across most issues. I have meetings with DCLG and DCMS when it is particularly relevant to cross-Departmental issues. I hope that the communities feel they are being served in that way by different Departments.

Q246 **Naz Shah:** Going back to Brexit and family and spousal visas, the rules regarding bringing over a spouse or dependant from a non-EU country are, as we know, subject to means testing. If we have a new system, and that was not be introduced for EU nationals—who would presumably no longer have treaty rights—it could create a system whereby two British citizens on the same street and in the same circumstances will be treated differently by the state. The system would therefore be open to legal challenge. Is that something the Home Office has factored in for when we are developing our route out of the EU?

Amber Rudd: The spousal visa route is one route for non-EU citizens, as you rightly say. It is not necessary in the EU currently. We will be looking at all the options, and I cannot comment further on what the EU arrangements will be.

Q247 **Naz Shah:** Can you assure us that you will be looking at that issue in particular?

Amber Rudd: I will look at that issue in particular.

Q248 **Mr Jayawardena:** Home Secretary, sadly it is true that in the recent past EU countries have suffered more from terrorism than the UK, thanks to the extraordinary work that our security services and police do day in,



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day out. As a result of that work, however, is it not true that EU countries, through Europol and other bilateral relationship, benefit more from the UK being the biggest intelligence contributor in the EU, to Europol, and through our strong relationships with the US through "Five Eyes"?

Amber Rudd: Yes, that is absolutely correct. The UK is viewed as one of the countries that has the highest levels of standards and intelligence collection compared with other European countries, but we must not be complacent about it. We are still living in dangerous times and there are plenty of people around who would like to do us harm, but I am very proud of our intelligence services and the fantastic work they do, supported by the police. We are fortunate indeed; we do share a lot of that with our European partners and we hope that we will be able to continue to do so.

Q249 **Mr Jayawardena:** So do you agree that we should all be mature enough to recognise that maintaining security for our citizens transcends any other political differences? Even Russia and the US managed this, post-9/11, so quite apart from Britain's exit from the European Union it should be possible for Britain and the other members of Europol, through relationships such as that held by the United States and Australia, to have a grown-up relationship and continue to share intelligence where it is clearly in everyone's interest.

Amber Rudd: You are right that it is in everybody's interest. There are different types of intelligence sharing around. With the "Five Eyes" we have a particular group of countries who are willing to share information with each other. With the European Union we have a closer sharing of information, based largely on geography. The Americans have access to Europol but not the same high level of access that we have. They do not sit on the board, and they have to request information rather than having automatic access. I hope for a closer ongoing relationship than they have, for instance, with Europol, in order to reflect our particular interest, in that we are in Europe.

Q250 **Mr Jayawardena:** Absolutely. When this Committee visited Europol it was made clear that the US agents there had the same access to information that the British agents did, the only difference being that they could not access it from Washington, they had to access it there. Clearly, "Five Eyes" has not been expanded because other parties do not wish it to be expanded; they want to keep that greater level of intelligence secure. Equally, given the discussion we had earlier about the new President of the United States, again we must be mature enough to recognise that these political differences must not get in the way of protecting our security. Will you confirm here to the Committee that the United Kingdom is totally committed to the special relationship, the Anglo-American relationship, and will continue to help our American cousins and hope that they will continue to help us in that and other ways?

Amber Rudd: I hope that we will be able to continue to do that, to deepen that special relationship. We provide very useful intelligence and security information to each other that keeps both our countries safe. We have a mutual respect in that respect and I believe that we will be able to continue to do so.

Q251 **Byron Davies:** The sharing of intelligence will only work, obviously, if we continue using key data-sharing measures with European countries. How do you think that will develop, with us leaving the European Union?

Amber Rudd: Ah, yes, Mr Davies, you have put your finger on an interesting challenge in terms of the jurisdiction over data. That will have to be part of a negotiation. The Americans, the example we have been discussing, have access to Europol information; they do not have full coverage from the European Court of Justice but they have some arrangements to share authority between the American courts and the ECJ. This really highlights the challenge, despite the extreme good will, of wanting to set up our arrangement with these European groups. We will have to have a bespoke arrangement, which we will be negotiating over the next few years.

Q252 **Byron Davies:** I think you are saying that it is a real challenge?

Amber Rudd: It is a real challenge, but there is a lot of good will.

Q253 **Chair:** Might that include, then, accepting ECJ jurisdiction over the access to those databases?

Amber Rudd: I hope that—well, the Prime Minister said we are leaving the ECJ. On data, there will have to be some sort of negotiation, in the same way that there is with the Americans, who do share data, but they have a different type of agreement with the European Union. We would look at something potentially similar, potentially different, but they have opened up the fact that you can have a different arrangement. The main point is that it would be the British Parliament and British law deciding on that.

Q254 **Chair:** But we have greater access currently, don't we, to the Europol databases than the US has?

Amber Rudd: Yes, we do.

Q255 **Chair:** And we wouldn't want to reduce that access, as an objective.

Amber Rudd: We would not—we would prefer not to, I agree.

Q256 **Chair:** So presumably you are not ruling out ECJ jurisdiction over those databases if that is the only way to maintain access to those databases.

Amber Rudd: You make an interesting point. I am not willing to go that far at this stage, since negotiations have not begun.

Q257 **Chair:** So if the Government end up taking a hard line on no ECJ jurisdiction, we could end up pulling out of some of those—of the direct access to those databases—as a result.



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Amber Rudd: It would depend on the negotiations that we had, bearing in mind that the European Union member states that I have spoken to would very much like us to participate, as we are one of the largest contributors.

Q258 **Chair:** If you did not have ECJ jurisdiction, presumably you would need some kind of independent body jurisdiction. What would really be the difference in principle between that and ECJ jurisdiction?

Amber Rudd: You would have to have some sort of body, I agree.

Q259 **Mr Jayawardena:** I want to turn to a slightly different area of Brexit—immigration. Can you confirm once more, just for the record and as the Prime Minister has already made clear, that it is this Government's intention to protect the status of EU nationals and EEA nationals, but we also hope that British subjects will receive the same protections overseas?

Amber Rudd: Yes, that's correct. The Prime Minister was very clear in her Lancaster House speech that she would like to move to an early resolution of reassuring everybody—the EU nationals here—that they can stay.

Q260 **Mr Jayawardena:** So the ball is in the court of the European Union.

Amber Rudd: Well, she has made that proposal. They have said: let's wait until after we have invoked article 50. We hope we will be able to move swiftly after that.

Q261 **Mr Jayawardena:** Some EU nationals have been applying for permanent UK residency in preparation for the UK leaving the European Union. Those rejected, often because of administrative errors rather than final decisions, are receiving a standard letter that suggests that as they "appear to have no alternative basis of stay", they should "now make arrangements to leave", and if they do not leave, a decision may be made "at a later date to enforce your removal". But the right of permanent residence and the requirements that apply in all EU member states and that need to be met to acquire it originate from the EU's free movement directive, and applications are refused where the requirements set out in the EU's directive are not met. So isn't it true, contrary to the press and some of the commentators that have raised these sorts of points, that actually, as we are still a member of the European Union, the Home Office is simply implementing EU rules?

Amber Rudd: We are implementing EU rules in that respect, but I am aware of that letter and I have changed the language in that letter. In your comments there, you are absolutely right: they would be fine to stay. It was an issue, in that particular case, of documentation, which has now been put right. Letters, in that sort of example, are no longer going out with that language.

Q262 **Mr Jayawardena:** That is very welcome. Could you, then, also confirm that once the United Kingdom actually leaves the European Union, we will be free to create our own, new rules to enable European Union citizens already here to obtain permanent residency as far as we see fit, subject



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to the guarantees that we also seek?

Amber Rudd: Once we have left the European Union, subject to any phasing period, as the Prime Minister referred to at Lancaster House, we will be putting in place, indeed, our own immigration policy, made by the British Parliament.

Q263 **Mr Jayawardena:** Thank you. One final question, Home Secretary. According to the Migration Observatory, most EU-born workers are not in jobs that meet the criteria for tier 2 visas—that is, skilled jobs. EU workers are, according to them, “under-represented in high-paying graduate jobs”. Some of the statistics show that EU employees are particularly prevalent in industries such as manufacturing, where they are 10% of employees; hospitality, where they are 14%; and agriculture, where they are 20%. So will taking back control of immigration from the European Union mean that actually we can, as a Government, as a Parliament, decide how we can provide those jobs for British people, to make sure that we are creating the opportunities for people to look after themselves and their families, rather than simply having an open border going forward?

Amber Rudd: I think you are absolutely right. The main point about leaving the European Union, from an immigration point of view, is that those decisions will be made here. We can have control over what decisions we make in terms of who we would like to come here and what level of skills we want them to have; and we will do that by taking careful measure of the sort of information that you have been referring to about where those jobs are needed.

Q264 **Mr Jayawardena:** So taking back control of immigration will not mean that those industries suffer, and we will still be able to change the immigration system in a way that works for Britain.

Amber Rudd: We will absolutely be guided by what works best for Britain and works best for supporting the economy.

Q265 **Stuart C. McDonald:** I have a couple of supplementary questions before I move on to immigration. In answer to Mr Umunna, you referred to research that is ongoing into student numbers and the net migration of students. You are obviously aware that one research report suggests that the numbers the Government use are inaccurate by tens of thousands. You are soon going to be consulting on student visas and student immigration rules. Can we make sure that we will definitely have access to the new numbers and the new research that has been carried out before that consultation is undertaken?

Amber Rudd: Let me be clear, I would like to have much more certain information about who comes and goes from the United Kingdom. Exit checks were only reintroduced in April 2015. The reference that you are making is correct, but it is based on a very short sample. The Home Office is now working with the ONS to try to establish what is going on—what is correct and what is not—and I want to make sure that we have the earliest opportunity to get the correct information on how many students

are staying and how many are not. We will certainly take that into account going forward.

Q266 Stuart C. McDonald: We will definitely want to see that information if we are to participate meaningfully in the consultation. Moving on to the Dubs processes, which Mr Burrowes raised, I am not sure whether you will have seen my letter in relation to Eritrean nationals. Like Mr Burrowes, I do not think the nationality criteria were appropriate at all, but if there is to be such criteria, the only reason why Eritreans do not qualify is because of the faulty country guidance issued by the Home Office. In the years before that guidance was issued the success rate of Eritrean applications was above the threshold set by the Home Office for Dubs processes. It fell below that only because of the now discredited country guidance that has been overturned on appeal. Surely, taking all that into account, it is absolutely essential that Eritrean children are now included in the Dubs process.

Amber Rudd: We regularly send out experts to have a look and to work in countries to see whether those should be countries that we return people to or not. There are some countries that go above and below the line depending on their situation, but it is absolutely right that the Home Office does that work and that some countries will feature higher up and lower down in terms of the likelihood of asylum seekers being returned there or not.

Q267 Stuart C. McDonald: But it is manifestly apparent that the only reason why Eritrean children do not qualify for the Dubs scheme is because of country guidance information that has been utterly discredited by the—

Amber Rudd: I don't agree that it has been utterly discredited.

Stuart C. McDonald: The recent country guidance case said that the country guidance was—

Amber Rudd: No, I don't think it did say that. I know that there was some disagreement about it, but actually I support the conclusions that it arrived at.

Stuart C. McDonald: Well I look forward to receiving a response to that letter.

Q268 Chair: What is the harm in having a case-by-case assessment rather than having a ban on certain countries?

Amber Rudd: It is not so much a ban. It is because when we assessed the young people in the camps, I was keen to make sure that we took as many young people as possible who are from countries where their asylum applications were more likely to succeed.

Q269 Chair: Given the issues you have and the fact that the numbers of Dubs children have still been very low, where you have a case put to you that looks as though it might be a very high case, it is hard to understand why you would give an instruction to your officials not to take any such cases simply because of the country the children were coming from.



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Amber Rudd: It will depend on other issues of vulnerability as well. You say that the numbers of Dubs cases are very low. We are still waiting for the final number from the local authorities, so we proceed with caution in terms of taking too many Dubs children too quickly, particularly as we put quite a lot of pressure on councils with the nearly 800-total children that we took from the Calais camp. Although the vast majority of those were going to families, there was still a lot of additional work for councils to do.

Q270 **Chair:** I still do not see why you would have a blanket ban, given that there may well be children that you could very easily help where all the work has been done and where they may meet all the other vulnerability criteria.

Amber Rudd: It is not a blanket ban. It is just a selection procedure.

Chair: What is the difference between a selection procedure—

Amber Rudd: It is not a blanket ban.

Q271 **Chair:** If the selection procedure says, "When you select, do not select anybody from Eritrea," that sounds very much like a blanket ban.

Amber Rudd: But we did take quite a few.

Glyn Williams: It is not nationality-specific. The criteria related to the asylum grant rates, and we said they should be at least 75%. The so-called Dubs amendment section 67 requires us to bring over refugee children. For the Syrian VPR scheme, we have the UNHCR in the region making a refugee determination for us before those children are resettled in the UK. We did not have that in Calais. We were just making on the spot assessments, not a proper refugee determination. We wanted to make sure that when we do the refugee determination in the UK, the children we were bringing over would be found to be refugees, and we would not have a situation in which we had brought children over who we then found did not qualify for asylum.

Chair: I think it would be helpful to have some further information about why this is not operating in practice as a blanket ban, certainly when you are considering other children from Greece and elsewhere as well.

Q272 **Stuart C. McDonald:** I look forward to receiving a letter and an explanation as to why Eritrean children are not refugees, because I think that is a strange perspective. In your answer to Mr Burrowes you talked about doing an assessment of the capacity of local authorities just now and then seeing where we were from there, but there are two things to say about that: first, this is not a static fixed in time thing. Capacity changes: just because a local authority has a certain capacity just now does not mean it will not have a different capacity later in the year or the year after that, and so on. In particular, the general Government would have the capacity to invest resources to create extra capacity. Secondly, given the situation in the United States, surely now of all times would be a disastrous time to start turning our backs on some of these refugee schemes. We should pulling out all the stops to carry on the Dubs scheme



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beyond the end of this financial year.

Amber Rudd: We are not turning our backs. We have been very grateful for the amount of support we have had from Scotland, which has been disproportionately high in terms of taking young people from the Calais camp. So thank you for that. I will keep your points under review. We actually have a very proud record—I think—of taking young people from Calais, and as regards the number of children we have taken under the Syrian resettlement scheme. We will continue to do that.

Q273 **Stuart C. McDonald:** Turning to Brexit: I am not going to bang my head against a brick wall about making a declaration just now about EU citizens being given confirmation that they can remain unilaterally. I will ask instead a little bit about the process for permanent residency. Mr Jayawardena referred to the letter that had been issued and so on. Would the Government also consider looking again at the application form that it uses for permanent residency applications? Because I was astonished to see it. Here is a Dutch version that is about seven or eight pages and is very straightforward, but that extraordinary thing over there is the UK version—it is about 80 or 85 pages long. It seems questionable in terms of free movement laws. Why is it so long? Is that having an effect on the number of refusals that there have been? How long is it taking for these applications to be processed, and what sort of backlog is there?

Amber Rudd: I aware that it is an 85-page form, and I have taken a look at it. But you will find that a lot of it is, "If you choose A here you need not do the next two or three pages." It is not for somebody to fill in the whole 85 pages. I am also pleased that it is recently now available online so that nobody needs to print it out like that. I can also tell you that although the numbers of applications for residency have—not surprisingly—gone up, we are still within our target for making sure that we turn them round and deliver them.

Q274 **Stuart C. McDonald:** If there is any prospect of simplifying it further than that then it would be very welcome. What about the latest Government assessment of the implications for the border between Northern Ireland and Ireland as a result of Brexit? Will it be possible to pass freely over that border without passport controls?

Amber Rudd: We will maintain it as a common travel area. The Prime Minister has been absolutely clear that there will not be a border put up, and we will find arrangements that will deliver on that. That is desirable from a political point of view for Northern Ireland and for Ireland, it has been agreed that it was wanted in principle by ourselves, by the Irish, and by Northern Ireland. We understand that the European Union will help us find a way to deliver that. Like many things, I do not underestimate the challenges, but the good will is there to try and do so.

Q275 **Stuart C. McDonald:** In terms of EU nationals arriving in the UK, is it right that the Government would not envisage a situation whereby EU nationals coming to visit would require visas in advance of travelling?



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Amber Rudd: Yes. You may be aware that the EU itself has proposed putting in place an electronic travel authority, which is largely for security measures, where everyone will have to participate and submit their information. We have said that we may look at doing that as well, but having visa travel for the European Union in the same way that we have it for other countries is certainly something we would seek to avoid in any discussions.

Q276 **Stuart C. McDonald:** Turning finally to regional or sub-state immigration policy, you have been fairly trenchant in refusing to budge on that, quite often on the grounds of complexity and integrity. Last week, the Institute for Public Policy Research told us that sub-state regional variations would be perfectly possible. The witness even went as far as saying there would be no reason for free movement of people not to continue in Scotland even if it did not in other parts of the United Kingdom. It happens in Canada and Australia. Why do you insist that your officials are incapable of operating a sub-state scheme in the United Kingdom?

Amber Rudd: I never describe my officials as incapable. We have commissioned work from the Migration Advisory Committee, for instance. They thought it would not work. They demonstrated that regional does not work in a country like ours, particularly where some of the cities attract so many people to work. There was a scheme in Scotland in 2008.

Glyn Williams: It was the Fresh Talent scheme—a post-study work scheme.

Amber Rudd: Yes, and 48% had left Scotland within a few years and gone to work elsewhere. I do not think you can insist on people staying in a certain area. In our experience, when it was tried, they did not actually stay in the area they had been asked to stay in.

Glyn Williams: We have asked the Migration Advisory Committee in the past to look at whether the evidence justifies different salary thresholds for work permits in tier 2 for different parts of the UK, and they have not found evidence to justify that approach.

Stuart C. McDonald: I get that if you think that the overall pull for Scotland is the same as for the rest of the United Kingdom. I will come back to that in a second.

Chair: We need to move on, so one last question.

Q277 **Stuart C. McDonald:** Okay, one last question. In terms of the Fresh Talent initiative, is it not the case that there was no condition on that visa?

Amber Rudd: Correct.

Q278 **Stuart C. McDonald:** So we haven't even tried it. To describe that as an example of something that has been tried and has failed is wrong. What we are looking for is something that works perfectly well in other countries—you put a condition on a visa that a person lives and works in



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that country. You have lots of people here on work permits, and the condition of their visas is that they work at a particular place. Why can't you do something similar for Scotland?

Amber Rudd: As I say, we have looked into it. We have done some work on it. I urge you to take a look at it. The Migration Advisory Committee just felt it would not work in the UK. I am basing it on the evidence rather than the good intentions.

Q279 **Nusrat Ghani:** I would like to ask some questions on terrorism and then on elder exploitation. I wanted to let you know first, because they are quite separate.

The values that we hold dear in our country mean that we do not discriminate on faith or heritage, which is why our police, our security services and our Prevent programme have been able to work hand in hand to ensure that we have fewer terrorist attacks here than there have been in Europe. The ban that Trump has put in place is not actually going to stop terrorism, because terrorism does not know borders. There is a huge amount of expertise in the Home Office. Is there any opportunity for you, going forward, to share all that expertise that has helped keep our country safe recently?

Amber Rudd: To share it with?

Nusrat Ghani: With the Trump Administration.

Amber Rudd: As I said to the Chairman at the start, I share that view in terms of this being divisive and wrong, and the sources of terrorism are not necessarily to be found where the President is looking for them. When I have my conversations with my opposite number, I will certainly take the opportunity to raise a number of subjects, and that will be among them.

Q280 **Nusrat Ghani:** When the Home Affairs Committee visited the Homeland Security Committee in Washington last year, they were very interested in the work that the Home Office was undertaking, especially the Prevent work, and how it integrated with communities. I believe that there is scope for us to share the bulk of expertise that we have in dealing with this issue.

Amber Rudd: That is interesting to know. I will certainly take that up and make sure that when I discuss it with him, I can show him the benefit of working with communities, as we do through Prevent.

Q281 **Chair:** Given the serious concerns that you have raised and the point that you made at the beginning about the propaganda risk, how long do you think it is acceptable to wait to raise those points with the US Administration or share our expertise, as Ms Ghani has said?

Amber Rudd: There is ongoing discussion with the US Government throughout all of our Departments, in terms of sharing expertise; they help us, too. Despite the fact that you have clearly had a good meeting with the Homeland Security Committee, I am sure they will be aware of the work we do on Prevent.

Q282 Chair: Will our officials and advisers then have raised concerns about this propaganda risk with the US Administration, even if you have not?

Amber Rudd: I cannot comment on that. I do not know the answer to that, in terms of whether officials have raised it with the US at the moment.

Q283 Chair: There seems to be such a huge gap, which feels very troubling, between the points you have made, which we take very seriously, and the lack of willingness to urgently raise them directly with the US Administration.

Amber Rudd: I do not share that view. The Prime Minister has made very public her comments, as has the Foreign Secretary, as have I. I do not think there is anybody who could be in any doubt about the views of the Government and our willingness to share them.

Q284 Nusrat Ghani: We know that terrorism knows no borders, and it is absolutely key that we share information on interesting individuals with our partners. Some concerns have been raised that, as we negotiate our way out of the political European Union, countries in Europol might not want to share that information with us. What assurances can you give us that we will continue to receive and share information on the movement of terrorists across Europe?

Amber Rudd: I am happy to say that the European Union has been moving closer to try to share information about terrorists through a number of data centres. Europol is one of the key ones for making sure we do that. I do not underestimate the difficulty there will be in coming to an arrangement as we leave the European Union, but there is tremendous good will from other interior Ministers to make sure that we do, because their interests are the same as ours. Nobody wants to negotiate over the issue of keeping people in our countries safe from terrorism. We want to help them and they want to help us—we all want to keep Europe safe from terrorists.

Q285 Nusrat Ghani: As Daesh is pushed back in the middle east, more extremists will want to return home. Will you share with us whether there has been a spike in activity in extremists returning home to the UK?

Amber Rudd: We are constantly watchful of that. It is one of the areas that my Department is very aware of as a potential source of terrorism. We have measures in place to ensure that we can stop them where we see them and we have strong communications with countries that they might come through when returning.

We are very clear that returning foreign fighters is a dangerous area, and I will be working closely with the European Union to make sure that we share information—and also tactics as to how to stop these people from coming back. When the European Union Justice and Home Affairs Council meets, which I attend, we often have a particular topic meeting on returning foreign fighters and how to address that.

Nusrat Ghani: Before they come back, they have to go over there. We



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do not know why each individual can be groomed to become a terrorist; the only link between people who are groomed to become terrorists tends to be the internet and social media. I was recently asked to give evidence to the Knesset on the rise of anti-Semitism online. We in this Committee have often talked about Islamophobia and how individuals can be groomed. Israel and Germany are going to put legislation in place to fine social media companies if they don't take data down. Will you share what is happening with social media companies on their involvement in keeping that data up, or in enabling extremists to groom our young people?

Amber Rudd: Yes. It is a very good question. We work closely with social media companies to make sure that they take material down. It is sometimes not clear what material to automatically take down, but we have had some success in making sure that CSPs work together to do that by default. At the moment, we are also taking down up to 2,000 per week. We think there is more that social media companies and CSPs can do, and we will continue to push them to deliver on that.

Q286 **Nusrat Ghani:** Would you consider, like Israel and Germany, fining companies when they do not take content down?

Amber Rudd: At the moment, as with child sexual exploitation, we have got them to do it on a voluntary basis, working together. They police each other and take action, and that has been reasonably successful so far, but we will keep it all under review. We also work with the Americans to try to make sure that they also take action. As we know, these sites are not necessarily located in the UK; they can be located internationally. We have a good relationship with the Americans to ensure that they also take action.

Q287 **Nusrat Ghani:** I wish to move to elder exploitation. I ask these questions because I chair the all-party parliamentary group on ageing and older people, and I work very closely with Katy Bourne, who is my police and crime commissioner. We had a big consultation last year on older people and crime, and the biggest issue was scams; we are going back to the internet, I am afraid. What extra work is the Home Office doing to ensure that individuals or gangs who are scamming older people are being tackled efficiently and quickly?

Amber Rudd: I am very aware that this is a new area of crime, which is hitting older people and vulnerable people—younger people as well—very hard. In the crime statistics that we saw recently, it is cybercrime where there has been huge growth. One of the actions that we are taking is that the College of Policing is making sure that police officers, who are usually the first point of contact, are better trained to engage with it. A lot of police training used to be on what people called traditional crime, but now I am very keen to ensure that they have the proper training to engage with any sort of fraud and any sort of internet crime. It is about awareness and about making sure that the police are properly trained to assist.

Q288 **Nusrat Ghani:** There tends to be a link with internet companies—child sexual abuse, Islamophobia, anti-Semitism, grooming people to become



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terrorists and now scams. Do you think that social media companies are just getting away with it at the moment?

Amber Rudd: I think that they can do more and that we need to encourage them to do so. I also think that banks can do more. I chair a fraud taskforce, and the banks are working with us to put in place guidance for tellers, for instance, so that if elderly people go in and ask for a great deal of cash, they stop and think again. There is a lot more that we can do to encourage people on the frontline, which is the internet but also banks and other areas where elderly people might be caught unawares.

Q289 **Tim Loughton:** May I briefly go back to President Trump? If his visit goes ahead, in whatever format, can you give an undertaking that, subject to public order and safety concerns, there will not be any suppression of free speech by demonstrators? During the visit of the Chinese President, we saw peaceful Tibetan demonstrators not being allowed to protest and some of them arrested, although none of them was charged with any offences.

Amber Rudd: I can certainly say that for any foreign visit that takes place when I am Home Secretary, we will abide by all the legal obligations, including free speech.

Q290 **Tim Loughton:** Do you acknowledge that that did not happen during the visit of the President of China?

Amber Rudd: I'm afraid that I am not aware of those details.

Q291 **Tim Loughton:** Looking at Brexit, what is the Home Office going to look like the day after we trigger article 50?

Amber Rudd: It rather depends on the negotiations during the next two years.

Q292 **Tim Loughton:** But those will happen afterwards. The day after we trigger article 50, what changes at the Home Office?

Amber Rudd: I think the changes have already taken place. I do not think that we will see a huge change from March to April this year. We have a new director in charge of EU matters; we liaise regularly with DExEU; I sit on the Brexit Cabinet Committee. Each area of my Department has somebody embedded in it whose responsibility it is to meet our EU director regularly and make sure that we are feeding through all the information we need to in order to assist the Prime Minister.

Q293 **Tim Loughton:** So you are performing now just as if article 50 had already been triggered, and it will be a seamless transition into the negotiation period.

Amber Rudd: We are certainly not waiting for article 50 to be triggered before we prepare the negotiating options and the variety of choices within a negotiation on policing, security and immigration. We will be ready when the Prime Minister moves ahead after article 50.



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Q294 **Tim Loughton:** So on that basis—on immigration, say—you are now in a position to give us your best-case scenario of what you think a deal could look like for the status of EU citizens in the UK and how we deal with customs checks if we come out of the customs union, for example.

Amber Rudd: On EU citizens in the UK, all I can say at the moment is what the Prime Minister has said, which is that we would like to reassure them and secure their status as soon as possible. We have to wait until article 50 has been triggered. We are preparing options for what that might look like, but I would not want to share those here, because I want to give the Prime Minister a free hand to do her negotiations.

Q295 **Tim Loughton:** Without compromising the Prime Minister's position, what is your best-case scenario of what we end up with in those two eventualities?

Amber Rudd: It depends what she wants to achieve.

Q296 **Tim Loughton:** Well, you must have a best-case scenario.

Amber Rudd: There are a variety of options. I don't know which is the best-case scenario. It will be up to the Prime Minister.

Q297 **Tim Loughton:** What happens to those 1.5 million EEA nationals who have United Kingdom national insurance numbers but do not currently reside in the UK, for example?

Amber Rudd: Mr Loughton, you are trying to draw me on elements that I am not going to comment on today—

Tim Loughton: That is what we are here for.

Amber Rudd: Indeed. There is a lot of work going on. There are a wide variety of options for the EU people who are here, for the EEA people, for the different varieties with or without national insurance numbers, and we are looking at all those options.

Q298 **Tim Loughton:** Well, that doesn't tell me a lot. Let's take the scenario of coming out of the customs union and a problem that we already have now. We had evidence from various representatives of the haulage industry recently. They estimate that if we come out of the EU customs union, the number of declarations and transactions each year is likely to increase by some 300 million. Some 40% of UK trade by value from the EU comes through lorries, and there were complaints about the customs checks that we have now. There was one extraordinary example from a large haulier who has a depot close to Tilbury, so that is their customs check depot. That depot closes at 4 o'clock in the afternoon and it takes at least an hour to have just the simplest of checks, so if their lorries do not get there by 3 o'clock, basically they have lost a whole day. Why is that happening now? Why do we have these extraordinary, Victorian hours of working when surely we should be much more flexible to be able to accommodate the trade that is happening now—notwithstanding the huge amount of additional checks that may be required if we come out of the customs union? It is not working now, is it?



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Amber Rudd: I am not familiar with that particular example. I am certainly happy to look at it, but I note that some people see an empty chamber in the House of Commons and comment, "Why aren't MPs in there?" Who knows what else the customs officials are doing if they are not actually maintaining the warehouse you mention? But I am happy to look into that and come back to you.

On the customs union, I do not underestimate the difficulty there will be for some people if we leave the customs union. The Prime Minister has said that she has an open mind on our arrangement within the customs union; she has not ruled out having some sort of arrangement within it. I would point out that there are elements of change in our border and customs controls that are working very much to our advantage in terms of technology, that should enable us to make changes when we leave the European Union, in different areas—both with border and in customs—that I hope will help to simplify the sort of process that you describe. For instance, on e-gates, in 2010 every passport was pretty much checked by hand; we have just announced we have just passed the 100 million mark of e-gates checking passports. There are a lot of electronic developments.

Q299 **Tim Loughton:** Sure, but I was actually talking about lorries coming to Tilbury. Do you not think it extraordinary—and is it not perhaps a little odd, given that the evidence on this point was given to this Committee in public and would no doubt have provided part of the briefing to you today—that a major customs checking depot does not operate after 4 o'clock on a business day during the week? And that is now, before we get to any additional pressures from Brexit. Do you not think that that is a bit odd?

Amber Rudd: I don't know what else they are doing. Perhaps they are all doing checks from a different office. I have not seen that example, but I am happy to look into it.

Q300 **Tim Loughton:** May I ask about another issue of shared concern, given that you and I share a channel coastline. When we had a previous security Minister in front of us, he promised us that the Home Office was carrying out a review of small ports and airports, particularly with concerns, as we have seen in Sussex and elsewhere, about small boats coming into small harbours, and even just on to beaches, with illegal immigrants. What happened to that review and what additional security measures are being taken now? Do you think, post-Brexit, that it is going to be easier or harder to deal with that problem?

Amber Rudd: I think that one of the advantages of Brexit will be that we will be able to make different choices about border security. The review is ongoing: we are doing a review particularly on the maritime element. As for other activities that have taken place to help secure and really convey information along the borders, we have an initiative called Operation Kraken to encourage civilians, sailing clubs and the boating industry to pass on information when they are concerned. Sometimes they call their MPs, which isn't as useful, but we have communicated to them all that we



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will centralise that information if they can share it with us, which we found relatively useful.

Q301 Tim Loughton: On the subject of students and representations from the Russell Group of universities about the very high level of EU students, particularly on science and computer science courses—on postgraduate maths courses, I think something like 24% of them are EU students—again what is your best-case scenario of how those students will still access our universities for our benefit in the future, and of how that might change?

Amber Rudd: Those discussions have yet to take place. In terms of EU students, I think the number compared with non-EU students is relatively low. I think it is incredibly important that our students will be able to access European universities, just as they in Europe can continue to access ours, but the terms of that have yet to be discussed.

Q302 Tim Loughton: May I ask you something, Mr Williams, to justify your bus fare here, as we have been more on the Home Secretary? You have been the head of migration policy in the Home Office for most if not all of the time when the Government's policy has been to reduce net migration to the tens of thousands. I think that is right, isn't it?

Glyn Williams: Yes. I became head of migration policy in 2010, and head of immigration and border policy.

Q303 Tim Loughton: So almost simultaneous with the Government's policy on reducing net migration to the tens of thousands. What is your explanation for why it has patently failed?

Glyn Williams: Because EU migration has gone up very significantly during that period. We have actually brought down non-EU net migration, but EU we have not, because of free movement.

Q304 Tim Loughton: Even if you stripped out all the EU migration so that there was no EU net migration here, the non-EU net migration figure would still be appreciably ahead of the tens of thousands, would it not?

Chair: One hundred and eighty-nine thousand, to be precise.

Tim Loughton: Thank you, Chair.

Glyn Williams: Yes, but we have brought it down compared with where it was in 2010, for non-EU.

Q305 Tim Loughton: But the target set by the Government, wisely or unwisely, was tens of thousands within the lifetime of the Parliament. You are at the sharp end of delivering that and presumably you were tasked to deliver that. What is your detailed analysis of why your Department has failed to deliver that or anything like that?

Glyn Williams: We have delivered very significant reforms on all the legal migration routes into the UK—tier 2, workers, students and family—and those visa numbers coming in have gone down appreciably. Levels of



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abuse, particularly in the student routes, have very much been brought under control.

Q306 Tim Loughton: At what point in the past six years did you say to the previous Home Secretary and perhaps this Home Secretary, "You're joking if you think we can achieve this. You had better change your target or change your policy"?

Glyn Williams: I never said that, because—

Q307 Tim Loughton: Why not?

Glyn Williams: I do not think that these things are written in stone. If you go back to 2013, which does not seem that long ago, we actually brought net migration down to 175,000—at that point it was coming down. What has changed is that European immigration went up very considerably from 2012 or 2013 onwards.

Q308 Chair: But non-EU migration has also gone up since then.

Glyn Williams: Work migration from outside Europe has gone up, but quite gently. We have not reached the cap of 20,700 for tier 2. We do not cap intra-company transfers, which have gone up. We have brought in further reforms over the last year—in fact, we are still bringing them in now and next April. That will address some of that rise in tier 2 and bring it further under control.

Q309 Tim Loughton: But with respect, Mr Williams, and taking account of all those additional considerations that are not capped, the target was not, "You should try to get to a figure that is around 75% above the tens of thousands by a specific point and then it can start going upwards again." The target was a sustainable reduction in the net level of migration from EU and non-EU combined to the tens of thousands. You were the official in charge of delivering that policy. At some stage, you must have had frank conversations involving coffee and no biscuits with the Home Secretary or other Ministers within your Department to tell them that that policy was not deliverable and either that policy or the target needed to be changed. At what junctures did those conversations happen, and if they did not, why not?

Glyn Williams: I think what nobody foresaw was the very significant rise in European migration. I think that was not at all foreseen in 2011-12.

Q310 Chair: I think we are going round in circles slightly here, because it is clear that non-EU migration has significantly increased, and non-EU migration is twice the target that you have for net migration in total. Can we just bring the Home Secretary in on this? You have a target which is, for net migration, into the tens of thousands. Is that part of your objective in the EU negotiations—in the Brexit negotiations?

Amber Rudd: It remains a Government target over a period of time; so we have said it remains in place—tens of thousands—but it will take some time.

Q311 Chair: But you have currently what projection to reduce the non-EU



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migration from 189,000 to below the 100,000 mark—or below the 50,000 mark, perhaps, which is probably where you need to get it to if you want a balance between EU and non-EU and still meet your target?

Amber Rudd: One of the areas where we need more information is the area I was being asked about earlier, which is on students. We have over 200,000 students from non-EU that come to the UK each year. I think that is a good thing, but we need to be clear that the people who come here who do not have a right to stay then leave, and I hope that the information that we will start to collect will be able to verify that.

Q312 **Chair:** Do you think that would get your non-EU numbers down to, what, 50,000?

Amber Rudd: I am not going to speculate on the actual number; I am just going to continue to make sure that we do deliver a reduction in it.

Q313 **Chair:** So you have over 150,000 in terms of EU net migration a year. What are you trying to get your EU migration down to in order to meet the target?

Amber Rudd: I have not separated them out and targeted each group separately.

Q314 **Chair:** Given that you have had this target, as Mr Loughton says, for nearly seven years now, you would accept, I think, that anxiety about immigration has grown during that period. Do you not think that persisting with this target is causing anxiety to grow?

Amber Rudd: No. I think it is important to show that the Government is determined to reduce it.

Q315 **Chair:** Even though your figures have gone up.

Amber Rudd: The figures have plateaued over the past year. You might be interested to know that in terms of EU migration, on the last set of numbers 82,000 people from the EU came here to look for work. I cannot anticipate what the final decision will be in terms of the negotiation on immigration, but that might be an area we would want to look at. The fact is, once we leave the EU we will be able to make those decisions ourselves; 82,000 people coming to look for work is a large number.

Q316 **Chair:** The Government are going to set out a White Paper shortly, we understand. In a lot of the areas we have asked you about you have said very little about what the actual detail of your objectives is, never mind where you think the final negotiations will end up. Do you expect to have any Home Office content in this White Paper?

Amber Rudd: I have not seen a draft of the White Paper yet. I hope the Home Office will have an opportunity to feed into it.

Q317 **Chair:** So you are not involved. The Home Office is not drafting a section of the White Paper.

Amber Rudd: I have not been involved myself in the drafting of the White Paper at the moment.



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Q318 Chair: Parliament has got to make some decisions about article 50 in the course of the next two weeks. There is, as you know, understandable concern that we have not yet had the White Paper in order to do so. Will you be able to provide Parliament with information on whether or not you want to stay in Europol, whether or not you want to stay in these key databases, as part of that White Paper?

Amber Rudd: It will be up to DExEU to decide what is in the White Paper and what the areas covered are.

Q319 Chair: But will you have made a decision in time, if the White Paper is published in the next few weeks?

Amber Rudd: A decision on?

Q320 Chair: On whether you want to be in Europol.

Amber Rudd: I am sorry if I have been unclear. I think it is clear that the UK gains an advantage by being in Europol; that is how we would approach any negotiations. The final outcome of the negotiations will depend on how the EU approaches it as well.

Q321 Chair: I see. So it would be part of your objectives to be in Europol and to have the full continued access to the databases that we have now.

Amber Rudd: It will depend on what the EU says on the other side, but it is absolutely our objective to ensure that we continue to have the closest possible relationship with the Europeans on all matters to do with security that keep us safe and keep them safe.

Chair: Home Secretary, you have been very generous with your time. We just have a couple of follow-up questions, if you just bear with us for a few more minutes.

Q322 Byron Davies: Just a small question. You talked about the boating community earlier. General aviation currently experiences a favourable customs and border control regime. Can you assure us that that will continue?

Amber Rudd: I am afraid you will have to expand on that question; I have not quite followed it.

Byron Davies: Light aircraft flying to France and to Spain—that sort of thing—and then coming back to the UK have a favourable arrangement with customs and border control whereby they are able to come in by giving just a few hours' notification to the authorities.

Amber Rudd: It sounds like it is very convenient for both sides of the Channel, so I hope that we would be able to negotiate something satisfactory.

Q323 Chair: On the customs union point, the evidence we heard from witnesses was that they could not imagine how, if we were outside the common external tariff—as the Prime Minister has said we will be—it would be possible to avoid having customs clearance checks at the border,



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presumably at Dover, Tilbury and in Northern Ireland. Can you see any way to avoid customs clearance checks and border checks if we are outside the common external tariff?

Amber Rudd: I am afraid I would have to come back to you on that. We hope to have the type of border that the Prime Minister described as “frictionless” as far as possible, but that will be part of the negotiation.

Q324 **Chair:** But if we had a different external tariff—for example, on manufactured goods from the States—from the rest of the EU, surely either we or the EU would need to impose some checks on the goods that were passing through, between Dover and Calais, that might have originated in the US, because there would be a different external tariff.

Amber Rudd: I just think that you are approaching it in a way that is, “Either you’re in or you’re out.” The Prime Minister has said that she wants to negotiate a bespoke agreement, so it will depend on the policy.

Q325 **Chair:** Okay. It might be useful if you send us some further information on that, because on the common external tariff, the Prime Minister said that she wanted to be out.

Amber Rudd: She did, but she then said that she has an open mind about what the final arrangement will be on customs policy, which is set by Treasury, as I am sure you are aware.

Q326 **James Berry:** Mr Williams, may I come back to the application form that Mr Stuart C. McDonald held aloft a few minutes ago? I have seen it a number of times in my advice surgery in the last few months—more times than I care to, given the circumstances. One of the cases was a constituent who happened to have been born in Italy—her mother was Italian—but had lived in Surbiton; she had done her entire education from nursery through to university in the UK, yet she had to fill in the form and provide a huge amount of data, bank statements and so on. Would you consider looking at a different route, or a different route within that form, for people who can prove that they have completed five years of education in this country?

Glyn Williams: I think as we move towards Brexit the Home Office will want to review all its systems. Processing permanent residence—they are not applications, but requests for certification, because we do not grant permanent residence; we certify that someone has it under the directive—has been a relatively niche area of activity for the Home Office, if I can put it that way. As we move towards Brexit, when it is likely to become a much bigger area of activity, we will want fully digital systems, automated links with HMRC, employer databases and so on, so that we can do these things in a more streamlined way.

Q327 **Naz Shah:** My question is not quite a supplementary one; it is something I thought of, and then I thought I would take the opportunity to ask you while we have you here. Home Secretary, last week we had the pleasure of hosting an event with Bradford College celebrating the highest ranking BME police officer in the whole of Yorkshire and Humber. The chief constable was present and reiterated her commitment. The officer, Mabs



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Hussain, is the chief superintendent in Wakefield. In his speech, he said that while it was lovely for him to be recognised, what was important was that we needed to get to a place where it was normal for BME officers to be at that rank. Last year, when the current Prime Minister was still Home Secretary, she commented on police diversity, and indeed our report's findings last year were very scathing of what was happening nationally. What has the Home Office done since our report in terms of police diversity?

Amber Rudd: I share your view and the officer's view as he described it on how much better it would be if we did not need role models in that way because there was equality by default at the top. I will continue to push for making sure we have a diverse police force and fire service as well. I will do it by making sure that I raise it at every opportunity with the people who do that recruitment—with the senior officers, with HR and with the College of Policing. I think we can do so much more, and I look forward to working more to deliver on that, because it is still a very disappointing outcome.

Q328 **Nusrat Ghani:** May I take you back to midday today, when the Chamber was at capacity for my ten-minute rule Bill, which I must point out is co-sponsored by seven members of the Home Affairs Committee? The Bill states that we should prohibit the use of the term "honour crime" in Government publications and extend extraterritorial jurisdiction to domestic violence and aggravated murder. I think you heard the roar of support from all sides of the House. Can you tell me, Secretary of State, whether you support my Bill in principle?

Amber Rudd: I did hear the enormous support for your Bill and I know that you went to visit the Minister yesterday. The principle of making sure we have the right naming and the right support for women who are victims of any sort of crime is one that the Home Office supports. We are slightly concerned about the proposal you have put forward, because our understanding is that the NGOs and the Victim Support groups around it are less supportive than you would like, but we should look at this more carefully with you.

Nusrat Ghani: Thank you.

Chair: I think there is only area we have not managed to cover on the Brexit-related evidence, which was the pressures EU citizens face currently. If I may, I will write to you on that with some further questions, so as not to take more of your time now.

Mr Williams and Home Secretary, may I thank you very much for the time you have given us this afternoon? It has been immensely helpful. I urge you to put as much information into the White Paper as possible on these important issues around security, immigration and customs. I also urge you to consider again some of the points you made at the beginning of our session. You gave some very strong answers about your concerns about President Trump's ban but were, I think, unconvincing on how long you might then wait before raising those with the US Administration. I urge



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you, in the circumstances, to reconsider that and see whether you or your officials are able to raise those concerns directly with the US Administration in the meantime. Thank you very much for your time. We appreciate it.