

European Scrutiny Committee

Oral evidence: [Departmental scrutiny: Home Office: Asylum reform and other scrutiny-related matters](#),
HC 1029

Wednesday 22 February 2017

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Members present: Sir William Cash (Chair); Alan Brown; Kate Green; Craig Mackinlay; Chris Stephens; Michael Tomlinson; Mr Andrew Turner.

Questions 1 - 36

Witnesses

[I](#): Mr Robert Goodwill MP, Minister of State for Immigration, Home Office; Kenny Bowie, Principal Private Secretary to the Home Secretary, Home Office.

Examination of witnesses

Witnesses: Mr Robert Goodwill MP and Kenny Bowie.

Q1 Chair: Good afternoon, Minister. Thank you for coming. I am going to make some preliminary comments, which are that today's evidence session mainly concerns your department's handling of the Commission's asylum reform package.

As you are doubtless aware, this Committee has taken keen interest in the migration and refugee crisis. How the EU adapts its existing framework of laws—the common European asylum system—to respond to the crisis will have potentially far-reaching legal, political and humanitarian consequences. We currently have seven legislative proposals under scrutiny, which deal with different aspects of EU asylum reform.

Our proposal today is to understand how and why the Government failed to schedule timely opt-in debates on these proposals. By the time the debates took place, the opt-in deadline on five of the seven proposals had already expired. To borrow from Oscar Wilde, missing one opt-in deadline may be regarded as a misfortune; missing five looks like carelessness, maybe even negligence.

This feeds into a wider concern, which we have already raised with you in correspondence, about the Government's willingness and capacity to engage constructively on scrutiny following the EU referendum. We had Sir Ivan Rogers in to see us a few weeks ago and he had some interesting things to say about that when he gave evidence earlier this month. We will come on to these wider concerns in a moment. The Brexit implications of certain measures that we have under scrutiny, particularly the reform of the Dublin rules and the Commission's proposal for a European travel information and authorisation system, we will come on to later in our evidence session.

My first question to you, having set out that scene, is this. When you wrote to us in January you acknowledged that the late scheduling of the opt-in debates on five of the seven EU asylum reform proposals meant that "the opportunity to influence the Government's initial opt-in decision has passed". In 2011, the previous coalition Government put in place arrangements "to ensure full transparency and accountability of opt-in decisions". Does the Government's failure to schedule timely opt-in debates on these important proposals make a mockery of their commitment to full transparency and accountability of opt-in decisions?

The only explanation you have offered for the delay is, as you put it, "pressure to debate government business which means opt-in debates cannot be scheduled as quickly as we would like". Our earliest opt-in debate recommendation was made in June, the latest in early September. What precisely were the pressures that made it impossible for the



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Government to schedule debates before 15 November and 19 December? Debates relating to European Union documents are Government business. Why are you not ensuring they are treated as such?

Mr Robert Goodwill: Thank you, Sir William. First of all, could I thank you for inviting me to come and apologise personally for the shortcomings that there have been in the way we have engaged with this Committee? We take the scrutiny of EU business very seriously, as outlined last year by the former Minister for Immigration on 20 April and the Permanent Secretary on 11 May.

I absolutely understand your concerns in relation to the Department's scrutiny performance and I accept that on many occasions the department has fallen short of standards for scrutiny. The Committee plays an important role in scrutinising the Government's approach to EU efforts on crime, terrorism and immigration, and sees the fact that we must do better. Indeed, on the occasions when I have appeared before European Committees I have apologised on each occasion for delays and, indeed, on one occasion where, because of an oversight by business managers, the matters had already been voted on the previous night before the discussion took place.

The remaining business, I am pleased to say, for the Committee has now reduced from 44 to two items. When the current team took over responsibility for scrutiny last summer, there were 44 dossiers on which your Committee was awaiting clarity, either in the form of an explanatory memorandum or follow-up correspondence. This has reduced to just two items now, and we are in regular discussions with your Clerks to update them on progress.

In terms of pressures on Government, I am well aware that any excuses I come up with are likely to be inadequate, and I do not want to get into "dog ate my homework" territory, but you may recall that following the referendum and the unexpected—to some, Sir William—result of that referendum, there was a lot of business in the in-tray of the Government. At the same time, there was a reshuffle with a new team in the Home Office, including me, who had not previously been engaged in this portfolio. Then we were straight into the summer recess. The workings of the European Commission do not take account of British parliamentary timetables.

I understand that there were particular problems when I came into the role as Immigration Minister. I am pleased that we are now well on top of the backlog and, indeed, there are four outstanding debates, which we also need to address the timing of.

Having previously been part of the usual channels, I know it is quite difficult to schedule Government time, particularly in the light of the fact that more time is now allocated for Back-Bench business. Therefore, it does tend to squeeze the time. I know as a former Whip that it is not popular with colleagues to table business on Tuesdays and Wednesdays



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after 7 o'clock. Some of the other timings can be quite difficult, but certainly we understand there are four outstanding debates, which we are keen to table and have debated. We will be working with the usual channels across Government to ensure that that can happen as soon as possible.

Q2 Chair: I have to say that, when Sir Ivan Rogers appeared in front of this Committee, he said that he was concerned that there was not a sufficient focus on many matters. You as a former Whip, I know only too well, have a lot of experience of the manner in which business can be handled. It is also true to say that the House frequently rises a lot earlier than it used to do. Frankly, I have listened to what you say; I hear the fulsome nature of your apology, but I have to say that we have a function to perform, which we will do diligently and rigorously.

It is not good enough and, if you have staff who are catching up because of the factors you mentioned before, now we are in February, that really has to be firmly in the past. I would say to you quite emphatically that, if people cannot get up to speed in the timescale that is required in the national interest, particularly having regard to matters such as asylum, which are right at the heart of all the human rights legislation, questions relating to Dublin, the issues of how we deal with immigration and all those extremely important and highly significant matters, then somebody is going to have to take the can. If it means that some people will have to be moved around and others replaced, then I am afraid that that is the message I have for you.

It is no good coming and giving apologies every time we meet you. It has to result in action. I will offer this as a final warning from this Committee. I ought to warn you that, in the past, when people have run up against this Committee on a number of occasions, there has even been a change of Ministers, but I am not suggesting that in this case. It has become a matter of significant concern for the Committee.

Mr Robert Goodwill: Thank you, Sir William. I am not sure if that was a promise or a threat, but I will take it in the spirit in which it was intended. I have a couple of points about that. In terms of the occasions when the House has risen early, it is not always possible to predict when that might happen. It is down to individual members to decide whether they want to contribute to a debate or not, and sometimes when Lords amendments are being considered it is not clear how many amendments are likely to be debated and what the timescale for that would be, so it can be difficult to try to predict that.

In terms of the other points you make, Sir William, you are absolutely right; we need to do better. I will stress again that the work that is ongoing within the Home Office, preparing our position for some of the negotiations following the triggering of Article 50—some of the work that was not anticipated because of the result of the referendum—is very important. While I would not want to suggest that it is acceptable to have



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delays such as we have had, there have been some unique reasons for that to particularly happen.

I repeat my apology again. Certainly, we are working very hard on the backlog. Indeed, there is an explanatory memorandum in my office ready for me to look at when I get back, so that is something else that we will mention.

Speaking not only as a former Whip, but also as a former Member of the European Parliament, I understand how important it is that this legislation is properly scrutinised, although, to put that into context, a number of the matters that will come before you were matters where we have consistently not opted in over the years. Therefore, it would have been understandable, I hope, by this Committee that the position the Government would take was unlikely to be contentious, albeit after still going through the procedures across Government to ensure that we had the write-rounds and the necessary agreements across Government.

Chair: I have one final point before moving on to the second question. I would just like to make the point that, with respect to the issue of the position that is adopted through UKRep into COREPER, you may have seen that we had an exchange with Sir Ivan Rogers, who is well placed to look at that. Recently we had the ports regulation, where the Committee prevailed, if I may say, in insisting that the Government ought in the context of Brexit to oppose that legislation by voting against it in COREPER and to give reasons for that.

There are issues that we will be looking into in the context of this extremely contentious and highly significant area of asylum, where some people—and I would be one of them—would be thoroughly relieved when we have managed to dispose of this legislation and we can do things on our own terms within our own Westminster jurisdiction, and you and your department will not need to be troubled with it any further. From that point of view, I simply move on to the second question. I will ask Craig Mackinlay if he would like to put that one to you.

Q3 **Craig Mackinlay:** I will not continue Uncle Bill's telling-off too much, but I am sure, if somebody had asked me on 1 January last year, I could have told you which way the result was going to go on 23 June. During the first opt-in debate on 15 November, which covered the Dublin IV regulation, Eurodac and the EU asylum agency regulations, one of our colleagues, Mr Rees-Mogg, suggested that it must have been a tough decision for you because you had agonised over it for so long, to which you responded that you did not need to agonise over the decision; it was a fairly simple one.

If it was such a simple decision and you had come early to that decision, as to the Government's recommended approach to that debate to take place on 15 November, why were the papers only submitted to the Public Bill Office on Friday the 11th, so barely a working day before? The question is: why were you not able to give at an early stage, if it was an



easy decision, the Government's view on those three regulations to be discussed at that 15 November debate?

Mr Robert Goodwill: The reform of the common European asylum system includes seven individual proposals, all of which contain a vast amount of detail and are highly technical. My officials and I are committed to ensuring we provide the Committee with accurate and helpful responses, and I am keen to take the time in doing this. Sometimes, unfortunately, that may mean missing a deadline. The proposals also raised a number of complicated issues that required consultation with other government departments, legal advisors and other partners. That means we do require more time in some situations to consider these issues.

Publication of these proposals coincided with the referendum, with a change of ministerial team at the Department, as I have said, including my appointment as Immigration Minister, and with scrutiny of these proposals taking place over the summer recess. As the Leader of the House, Mr Lidington, pointed out last month, the Brussels timetable does not take account of parliamentary recesses, and therefore it makes scrutiny somewhat more challenging.

In terms of the debates, I know that the debates on the first and second packages of the asylum proposals have now taken place, on 14 November and 19 December respectively. I apologise that, by the time of the debates, the opt-in deadlines had passed for five of the seven measures, but the key measures, which are Dublin and Eurodac, which the Government have been clear are the most relevant in terms of the national interest, were debated before the opt-in deadlines. No one was surprised that the other measures in there were not ones that we wished to participate in.

The fundamental overarching consideration that the Government give these measures is how we protect our national sovereignty and ensure that we have control, which is something that, as we move into the Brexit negotiations, will also be at the forefront of all our minds, I am sure.

Q4 **Alan Brown:** Just to echo that on one level, you touched on how important this subject matter is. I and my colleague might go in a different direction from you going forward.

Chair: For the benefit of those who are watching, this is because you are members of the Scottish National Party. I just wanted to get that on the record, because this is being recorded.

Alan Brown: Thank you, Chair.

Mr Robert Goodwill: If somebody is from Scotland, there is a pretty good chance they are from the Scottish National Party.

Chair: That could be the case. They may sit together, but that is about as far as it goes.



- Q5 Alan Brown:** It is a very important subject matter. It seems that there are two aspects to the opt-in debate, to be honest. There is not scheduling the debate in time, before a decision was made by the Government. There is also the fact that the Committee recommended that the debates be held on the Floor of the House. The Floor of the House clearly gathers more attention from the wider public, it is more amenable to Members and it places more importance on it. For me, there are two aspects.

In terms of responsibility for the timing of the debate, Minister, you said you take full responsibility for the fact that we had to exercise our opt-out before we had this debate. While you have given some excuses and reasoning, could you just confirm what full responsibility means in the context? More importantly, how are things going to be done differently going forward, with regards timely debates and debates on the Floor of the House, before opt-in or opt-out decisions are made?

Mr Robert Goodwill: I have already made the point that we have reduced the backlog, if that is the right word, from 44 to two reports. We have four outstanding debates and we are working with the Leader of the House to see when those can be scheduled. In terms of the first one, we may need to ask for a little advice from the Committee, because its title is "free movement for EU citizens", but this is not necessarily in the context of Brexit and the referendum. This was in the context of a Commission communication on abuses of free movement. It was not legislative. It might be helpful if the Committee would maybe give us a little bit of help in how we might want to prioritise these particular debates.

- Q6 Chair:** You have fortunately asked me a question that I am very happy to answer in this context. I think I am right in saying this goes back to January 2014.

Mr Robert Goodwill: 2013.

Chair: It is even earlier. It really is, to our mind, outrageous. This issue, if you go back to that point in time, was of immense significance. It remains so, but at that point in time it was hugely important, because it was all part and parcel of things that were going on in the EU. Then we had the influx of the 1 million refugees who came in as a result of Angela Merkel ripping up the Dublin agreement and allowing people in, which is highly controversial and politically extremely sensitive. Let us put it no higher than that.

The idea that we should not have had a debate on the Floor of the House on that issue since January 2013, and here we are in February 2017, is really monstrous. I simply put it in that context. Perhaps that helps you to understand why it is still there and we still regard it as something that should be debated.

Mr Robert Goodwill: I was just trying to put this debate a little bit into context, because at the time it was not a legislative proposal. It was



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before we had seen some of the very large movements of people across Europe, and it was in connection, as I say, with a Commission communication on abuses of free movement. Of the three outstanding, one is on the EU-Turkey co-operation agreement. It was referred in May last year, but the other two are fairly recent and, indeed, I will write in response to let the Committee know.

Q7 Chair: I just make the point that, in my own case, for example, I have been on the Committee for 32 years. We learn by instinct things that are really important, I would suggest. This Committee is particularly focused on this and on European issues. When we see something like free movement and we can see the tectonic plates moving, that is why we want a debate on the Commission communication. If that answers your question—I hope it does—we were anticipating that it was going to lead to a lot of trouble, and it certainly did.

Mr Robert Goodwill: If I could just help the Committee a little further, the particular debate on that communication had no bearing on the migrants and Frau Merkel's comments. This was to do with particular abuses, such as the Surinder Singh sham marriage situation. It was a specific area of abuse of free movement. It was not a general communication.

Q8 Chair: No, but I simply make the point—and we do not need to go into every aspect of this in detail—that the question of free movement is a very important question. It lay at the heart of the Cameron failed negotiations, for example. It is a matter of intense importance politically, not only in this country but also in the rest of Europe, as a generic question. I accept that it predates the Angela Merkel influx, but what I am saying is that this Committee was aware of the sensitivity and importance of the issue of free movement. Therefore, we want to have a debate, albeit it was only in the form, at that time, of a Commission communication. Let us leave it at that, as we have made the point and I think you understand it. Now we still have it as an outstanding issue. Nonetheless, we have other matters that we need to get on to today.

Mr Robert Goodwill: I suspect, Sir William, it would be a matter for Mr Speaker to decide whether the debate on this specific issue, which was quite limited in its extent, could be extended to more wide issues during that particular debate when it is scheduled.

Chair: We are not going to get the opportunity to know that unless and until we have the debate scheduled on the Floor of the House.

Mr Robert Goodwill: That is a good point.

Q9 Mr Andrew Turner: We have had to wait six months for an initial response to our report on the first phase of EU asylum reform proposals—the Dublin IV, Eurodac and EU asylum agency regulations—despite making clear that it should have been provided in time to inform the opt-in debate. Why did it take so long? What precisely were the pinch



points?

Mr Robert Goodwill: As the Committee will be aware, the Government decided not to opt in to the proposed Dublin IV regulation and will remain in the Dublin III regulation, which will be able to run in parallel with any new proposals.

I have to say to the Committee that progress on agreement, particularly in terms of relocation of asylum seekers and migrants across Europe, is not moving very quickly. I am sure the Committee will be aware that different member states have vastly different views on that particular one. In terms of the progress within the Commission and within member states, it is very slow indeed. Therefore, I suspect that is partly why we do not see a likelihood of a very quick agreement. Indeed, it may well be that we are no longer in the European Union when that particular measure comes into force.

The Government maintain their position that we support the existing principles of the Dublin regulation. We do not agree with the redistribution mechanism as part of the revised Dublin regulation. Dublin, as it stands currently, prevents asylum shopping and reinforces the first safe country principle. Redistribution does not, and the Government are absolutely clear and I am absolutely clear on that fundamental principle of first safe country claims.

Q10 **Mr Andrew Turner:** Was the delay either because of providing you with the information you needed to respond to us or in the handling of that information within your own private office?

Mr Robert Goodwill: There is no excuse in many ways for not bringing these matters forward, but we did see how slow progress was within the member states and the Commission. As such, therefore, we did not expect that there would be any likelihood of an early agreement, which meant we prioritised matters for discussion. For example, Eurodac is something that we want to make progress on, so that was something we scheduled first. As I say, we have made progress in reducing the number of outstanding matters; we are now down from 44 to two. I will guarantee—that is a strong word—to the Committee that we will not let things slip in the same way again. Some of the factors—the referendum, the reshuffle and the timing of the summer recess—are things that we should be able to now not take into account.

Q11 **Mr Andrew Turner:** I heard your answer a moment ago, yes. Why did you not provide a progress report ahead of the December Justice and Home Affairs Council?

Mr Robert Goodwill: Our reading of the situation was that it was unlikely that much progress would be made. A number of member states have been very vehement in their opposition to a mandatory relocation mechanism. Other member states have been far more accommodating. The view taken was that it was unlikely any progress would be made.



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Q12 **Mr Andrew Turner:** I have a further question. How many hours per week were used for debate here in, say, 2016 and how many hours were used per week in 1987?

Mr Robert Goodwill: I would not like to even hazard a guess. I know that, when I arrived in Government in 2010, there were many more debates scheduled by this Committee, which is a very positive move, but it has meant that more time has been needed. At the same time, as I mentioned earlier, the Backbench Business Committee is now scheduling more business, for example on a Thursday, which makes it more difficult to schedule this business. I know how unpopular it is with colleagues to schedule business on a Tuesday and a Wednesday evening, when many people have parliamentary duties outside this House that have been arranged well in advance.

Mr Andrew Turner: Perhaps you could give me an answer to the question.

Mr Robert Goodwill: I will certainly ask my officials to have a look at those times.

Q13 **Chair:** Could I just ask a final one on that? Did the Government endorse, oppose or abstain on the partial general approach on Eurodac?

Mr Robert Goodwill: What was our position?

Q14 **Chair:** Did the Government endorse, oppose or abstain on the partial general approach on Eurodac? Do you not know?

Mr Robert Goodwill: We will have to get back to you with exactly what we did. I did not attend Council on behalf of the UK Government.

Q15 **Chair:** This is really part of what I was saying earlier. To take up the precedent of the ports, if there is a reason for taking a position in the national interest, then we are saying to Government—and Ivan Rogers, for example, accepted this principle—that, where we have an objection, we register it and we vote against, if necessary, during the course of the movement towards Brexit, because otherwise we get into a very difficult situation, which is that we are going along with the consensus behind closed doors, which does not reflect the Government's position and the national interest, which is reflected by the Brexit outcome. I will leave it at that.

Mr Robert Goodwill: Eurodac is a very important tool to have access to biometric data on people of interest. We hope that, even after we have left the European Union, there should be continuing co-operation in order to combat terrorism and other types of criminal activity, as well as illegal migration.

Q16 **Kate Green:** Our Standing Order requires us to report our opinion on the legal and political importance of each document we examine and, where appropriate, to report on any matters of principle, policy or law that may be affected. External stakeholders and experts can help to inform our



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scrutiny, not least by ensuring that important matters of principle, policy or law are properly and fully examined. It is hard, Minister, for me to think of a more reputable external authority in this field than the International Rescue Committee. Can you explain why you initially specifically refused to respond to the concerns that the IRC raised with us on the proposed EU resettlement regulation?

Mr Robert Goodwill: There have been shortcomings. I have explained them before. I have given my commitment to try to improve the way we respond to calls for information with the papers that you need and the opinions and positions that we need to give you to enable you to carry out your work. As I have said, we are improving our performance, but I appreciate how intolerable some of the situations have been, given the delays.

Q17 **Kate Green:** Are you saying that the failure to respond to the concerns initially raised by the IRC was an oversight, rather than a deliberate wish not to answer the points that they were making to us?

Mr Robert Goodwill: On that specific issue, unless Mr Bowie has any additional information, I will look into it and find out exactly what the case is.

Q18 **Kate Green:** You responded to us eventually, but initially, although it was specifically asked about in correspondence from the Committee, I think I am right in saying we received no comment from you at all.

Mr Robert Goodwill: I will certainly look at that. The International Rescue Committee is one that we respect and work very closely with, as we do with a number of international organisations. We would always seek to respond to them as timely as possible. If it was due to an oversight or some mistake, then I will apologise, but I will find out exactly what happened and get back to your Committee, Sir William.

Q19 **Kate Green:** I welcome what you say about wanting both our work and yours to be fully informed by external experts. What assurances can you give the Committee that the Government are now listening to external stakeholders when developing their position on new EU legislative measures?

Mr Robert Goodwill: Not only do we listen to external stakeholders, but I have regular meetings with groups, particularly NGOs, involved in the refugee field and with UNHCR. I was in Jordan at the end of the summer, meeting with many of the international organisations and ensuring that we continue to work with them productively to help some of those people in most need.

Q20 **Chris Stephens:** Minister, if we can continue with the theme of parliamentary scrutiny, can you tell us if the Government have published a ministerial written statement notifying the House of their decision not to opt in to the proposed EU resettlement regulation, which you will be aware is aligned with the commitment made in the code of practice of



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parliamentary scrutiny on opt-on decisions?

Mr Robert Goodwill: I will ask Mr Bowie to answer. He is Scottish, but not a Scottish nationalist, or not that I know of. He may be.

Chris Stephens: I would hope he is politically neutral in his position.

Kenny Bowie: I am indeed. That written ministerial statement should be with the House very shortly, in the coming days.

Q21 **Chris Stephens:** If I can ask another question just tied to that, Minister, we continue to hold under scrutiny a proposed regulation concerning the security features of resident permits issued to third-country, non-EU nationals. Although the Government have decided not to opt in, it took you more than two months to inform the Committee of the decision. Yet again, the Government appear to be in breach of the code of practice on parliamentary scrutiny on opt-in decisions. Do you have an explanation for that, Minister?

Mr Robert Goodwill: I would just repeat the point I made earlier about needing to get write-rounds across Government, to get a number of agreements in place. It is something that we apologise for. Sometimes, there are quite ambitious targets. It is a very complex dossier. As I am sure members will know, it is about technical standards for documents and, as such, requires a lot of work to ensure that we understand the particular aspects as they may affect the UK. As I said, the decision then was not to opt in, so that is a decision that I hope the Committee would be content with, albeit taken on the information within the dossier and the work we have put in, as opposed to a decision taken in haste and without full consideration.

Q22 **Chris Stephens:** Our concern, Minister, is that those are two examples that we have raised that are in breach of the code of practice on parliamentary scrutiny. Do you understand the frustrations that we would have, as parliamentarians, that a code of practice like that has been breached by you or the Government?

Mr Robert Goodwill: I absolutely understand, and I repeat my apology for any shortcomings that I or my department may have shown. I have put those into context to some extent, but I understand that we have made considerable progress in improving our performance and we will continue to do so. I hope that you will not have to call me before this Committee again in similar circumstances.

Q23 **Chair:** I am very glad to hear that, because I am now going to move on to what the Leader of the House had to say with respect to the Home Secretary, and it is this. When the Leader of the House, Mr Lidington, gave evidence to us last month, he said that the Government "did not do what we ought to have done" in handling the EU asylum reform package, and that he would be happy to take up this question of JHA scrutiny with the Secretaries of State concerned, to ensure the commitments entered into by the Government are delivered.



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Bear in mind that Mr Lidington, Member for Aylesbury, is the Leader of the House and was the Minister for Europe. He is peculiarly well qualified to make a judgment as to how these matters can and should be handled in the context of the European issue as a whole. Has the Leader of the House spoken to your Secretary of State to remind her of the commitments the Government has made to the House on enhanced scrutiny of opt-in decisions? Do you know?

Secondly, what steps have been taken and systems been put in place to prevent the recurrence of similar lapses in future? You are sitting here now and you have been in for the best part of 40 or 50 minutes, and we have had one apology after another. We have heard that things will improve. We have heard that in the past, and then we had the breaches. It is almost recidivist in nature.

Can I simply say that the matter has now moved beyond that to the Secretary of State as well? Even the Leader of the House has said that he thought he ought to speak to the Secretary of State. Can we just get this completely clear? I hope, in line with what you have just said, that we do not ever have to have an experience of this kind again. Can you answer my question? If you can, has the Leader of the House spoken to the Secretary of State, to your knowledge, and what is the outcome?

Mr Robert Goodwill: The short answer to that question is that actions speak louder than words. I intend, through our future conduct, to ensure that you do not have occasion, Sir William, to call me before this Committee in the same way. I am absolutely on the same page as the Leader of the House. I saw the comments that he had made to the Committee and we very much agree. I am regularly in dialogue with the Leader of the House. I am not sure whether there has been a meeting between the Home Secretary and the Leader on this specific issue, but certainly I am in regular touch both with the Leader of the House and, through the usual channels, with those who work together with the Leader to schedule debates.

- Q24 **Chair:** Can I ask, finally on that subject, that you give me a commitment now that, after this session has taken place, you will speak to your Secretary of State about it and impress upon her the seriousness with which we regard this matter? Also speak to the Leader of the House, to remind him, in case it had passed his notice, that we are expecting to have an outcome. Furthermore, the content of what has been discussed in this Committee must be conveyed to both of them, so that we can all be on the same page and then move forward, in a constructive and hopefully untrammelled situation, into the future.

Mr Robert Goodwill: I am happy to comply with those suggestions, Sir William.

Chair: That is very kind of you. Thank you very much.

- Q25 **Alan Brown:** As a further extension of what you have been touching on, the Committee is looking to get confidence that the department will not



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fall short on its scrutiny obligations going forward. Minister, in your letter of 11 January to the Committee, you confirmed that adequate resources are in place to fulfil your scrutiny obligations. Just to repeat, we are looking for a guarantee and confidence going forward that that is the case.

I would also put it in the wider context. We know that, following the EU referendum, there has been a whole new department set up in terms of exiting the EU. There was a White Paper last week about training sessions and training academies needed for negotiations. Within the wider Government, there is clearly much pressure on resources, so we need the commitment that your department has adequate resources going forward.

Mr Robert Goodwill: Mr Bowie might be able to comment more effectively on deployment of resources within the department.

Kenny Bowie: The department certainly has enough resource to do this. We brought in, a couple of months ago, more dedicated staff to work specifically on scrutiny in recognition of the problems that there have been. You will appreciate that that has taken some time to come through because of the way recruitment processes work. We have also moved responsibility for EU scrutiny out of the European team and into our parliamentary team in the Home Office, because the parliamentary team clearly have a much better feel for the importance of Parliament. I know they are in regular touch with the Clerks here. I believe there is a good relationship that goes on there.

Just to reassure you, the Home Secretary herself takes this incredibly seriously at her weekly Ministers' meeting. She has a standing item on the agenda, which is to look at engagement with Parliament and our general performance in this. That is something that she has spoken to me as her Principal Private Secretary about on countless occasions, and something that she places great importance on.

There is also a weekly assurance meeting, which is chaired by the Principal Private Secretary to the Permanent Secretary, which keeps the department on its toes and makes sure that we are doing this. That is reflected in the fact that, over the last six to eight months, we have made considerable progress on this. We are not at all complacent about the need to do more, but we hope that the good progress that we have made can be continued and can be built upon.

Alan Brown: The new Home Secretary has shaken up the Department, as it were.

Kenny Bowie: We have made changes to reflect the concerns that have been passed back to us and the Home Secretary's desire to have a good working relationship, not just with your Committee but with Parliament more generally.

Q26 **Chair:** Can I ask you a question, Mr Goodwill? Do you take part in the



discussions of the kind that Mr Bowie has just referred to? Is it a kind of prayer meeting where you discuss these questions, and are you in agreement with what he said? I take what he says to be true and accurate, but are you part and parcel of that when those meetings take place?

Mr Robert Goodwill: We have regular prayer meetings, as you describe them, for all the Ministers. As to the delivery of priorities set by Ministers and policies to be implemented and delivered by Ministers, we rely on the Permanent Secretary and his staff to ensure that the correct resources are deployed. As Ministers, we do not micromanage resourcing within the civil service, but we expect that that will be managed in a way that delivers on our priorities. I have no reason to believe, having heard what you have just heard, Sir William, that you will not have confidence that that can be delivered.

Chair: It sounds encouraging. I have to say that, but the proof of the pudding will be in the eating. By the way, just to mention, I have been on this Committee a very long time, as I have said, and we have historically had a lot of trouble with the Home Office over a very long period of time; I may even say decades. I am regarding this session as the crunch point, because we will go ballistic if it does not work better next time round. Do not be taken in by the smile on the face of the tiger, because I can tell you that we have reached the point where we really cannot accept this any longer.

I very much take account of the fact, which I had not realised, that you are her personal Private Secretary. That is also good news. You are a very senior Minister. We are, on the face of it, really getting somewhere. I am taking your word at this moment at face value, and we shall watch it like a hawk.

Q27 **Michael Tomlinson:** Minister, moving on slightly from that, you will be aware of the UK's Anti-slavery Commissioner and the conclusions in his report of 2015-16. I am going to quote from it: "There is strong evidence that the migration crisis is being used by human trafficking networks to target and exploit the most vulnerable". In that conclusion, he called for urgent action to tackle a number of key priorities, which were summarised within that report.

Your colleagues and fellow Ministers have said that you have commissioned "private advice" from the Commissioner, based on his visits to Greece and Italy. Why is the Government so reluctant to share the main findings of the Commissioner and to provide a clear and open indication of what he has said and how the Government intend to respond to the recommendations?

Mr Robert Goodwill: By happy coincidence, I am meeting with the Commissioner next week, so I will be in a better position to respond. I have to say that one of our major priorities is stamping down and preventing modern slavery and the exploitation of people who are being trafficked. I was in Nigeria during the summer, and heard from the



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Nigerian officials and Nigerian Ministers how the whole exploitation process starts in countries like Nigeria and other African countries, and leads people through very dangerous journeys across the Mediterranean and into, in many cases, modern slavery, sweatshop labour or indeed worse, as we know. We take this very seriously.

I know the former Home Secretary had it as one of her priorities, and therefore I am sure the Prime Minister is continuing to press on this. The current Home Secretary also takes this very seriously. Preventing some of these dreadful abuses, the sort which it is hard for most people to imagine in a modern, civilised European Union country, is something absolutely on our priority list.

I was at Heathrow Airport recently, working with the Border Force, who were there to identify people who may be potential victims of modern slavery coming through the e-gates, to ensure that they can be picked up. We take this very seriously. Indeed, the rollout of the e-gates for 12 to 18-year-olds was only done when I was convinced that measures to spot people in the queue area who may be in that category were well in place and were robust.

Q28 Michael Tomlinson: Minister, thank you for that. You are absolutely right to mention the Prime Minister. It is part of what she stood for in terms of modern slavery, but that makes it even more puzzling as to why the Government should even be perceived as reluctant to share those findings, the results of that and what the response from Her Majesty's Government will be to those recommendations. You say that you have a meeting next week. Does that mean we can expect that imminently thereafter?

Mr Robert Goodwill: Following the meeting, we will be in a better position to respond to those points and discuss some of the areas where we might want further clarification.

Chair: Would it be helpful, in the line of your questioning, if we asked the Minister to perhaps just write a letter to us after that meeting has taken place?

Michael Tomlinson: Chairman, that would be very helpful. Thank you.

Mr Robert Goodwill: Yes, certainly. I will copy that letter to you as well, Sir William.

Chair: Thank you very much. That is very kind of you.

Q29 Kate Green: I would like to go into a little more detail about the existing Dublin rules and the changes that are now being discussed by the European Union. The UK has been a net beneficiary, under the existing rules, in that we transfer more asylum seekers to other member states than we receive from them. I quite understand that you have been and will be unwilling to speculate on the nature of the UK's participation, if any, in the Dublin system once we leave the European Union. It is at



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least possible that there would be some wish to participate in some aspects of the system in the future, and doing so would present us with a number of challenges.

First of all, do you accept that any future agreement on UK participation in Dublin post-Brexit is very likely to be based on the Dublin rules in force at the time of exit, which may well include some form of fairness and financial solidarity mechanism to share responsibility for asylum seekers more equitably?

Mr Robert Goodwill: The Dublin III arrangement worked very well. As you say, historically, we have been net exporters of people in terms of family reunification. If you look at last year with the Calais clearance, the majority of the 750 children who came from France, 550 of them, were under the accelerated Dublin process, so that worked very well. One of the problems that we had in the run-up to the clearance was that unaccompanied children would not claim asylum in France. That is the first step towards an application under the Dublin process. I am not going to speculate as to what the outcome of any Brexit negotiations might be, but it is absolutely clear that we look forward to working closely with our European partners in addressing some of these problems that face us all.

Q30 **Kate Green:** I am very glad you particularly allude to the issues around unaccompanied children and family reunification, because clearly, if we leave the EU without some sort of agreement in place to participate in the Dublin arrangements in relation to those matters, there will be no mechanism going forward to reunite unaccompanied, asylum-seeking children elsewhere in the European Union with family members in the UK. Members will feel all the more acutely concerned about this in light of the decision, in the last few days, that the Government have taken effectively to close the Dubs scheme. What is the Government's thinking in this area? To what degree are Ministers regarding decisions about the closure of the Dubs scheme in the context of ongoing relationships and our participation in the Dublin arrangements?

Mr Robert Goodwill: The way that we work closely with our European neighbours following Brexit in terms of all these issues will be central to the negotiations. I am sure the Government will be working hard to get the best deal possible for the British people and deliver on the result of the referendum. It would not be helpful to speculate further about how the negotiations might unfold, particularly as we are not yet sure what the position of the European Commission might be at any early stage of negotiations. While it is tempting to speculate, it is probably not the time to engage in that type of speculation.

Q31 **Kate Green:** Mr Tomlinson alluded a few moments ago to the advice that has been received from the Anti-Slavery Commissioner, but there is a particular obligation on the Government, irrespective of whether we do so through Dublin or through any other measures, in international humanitarian terms, particularly in relation to children, to secure their best interests and wellbeing. Are you concerned at all that this



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uncertainty about our future ability to participate in Dublin on terms that work for the UK could put that moral and, indeed, legal obligation to children under any pressure?

Mr Robert Goodwill: We certainly do not support the new recommendations being brought forward under Dublin to have a mandatory redistribution scheme. As I have already said, the Dublin arrangements work very well in terms of family reunification.

The primary concern that this Government has is helping people in region. The 20,000 families, including children, we are bringing across from Syria and the countries around Syria, and the wider scheme for 3,000 children and their families from the wider Middle East and north Africa area, are central to our objective of not only helping those most in need, but also removing some of the pull factors that encourage people to enlist organised criminals and people traffickers to make hazardous journeys across to Europe. I am absolutely convinced that our approach in terms of helping those people in the region and the schemes we have in place are the right way to move forward.

Q32 Kate Green: I appreciate what the Government are doing in relation to children in conflict regions. Children who are in Europe, irrespective of how they have made that journey, are entitled to the special protection that they enjoy as children too, but I note what you say, Minister. As the UK has not opted into the proposed Dublin IV regulation, and if in the post-Brexit world we want to have some kind of continuing engagement with the Dublin arrangements, how much leverage do you think the Government will have to resist any changes coming down the tracks that would make it more difficult for us to participate in Dublin post-Brexit?

Mr Robert Goodwill: Central to our negotiating position is to secure the best deal for the United Kingdom. The Dublin mechanism has worked well from everybody's point of view. I hope that, as the negotiations take place, we can come up with some measures that will be acceptable to people who understand the importance of this issue.

Q33 Alan Brown: To move on to another subject, the Committee has been scrutinising the Commission's proposal to establish a European travel information and authorisation system. For many UK nationals who do business, visit family and go on holiday to countries within the Schengen area, a requirement to obtain a visa travel authorisation before they depart will be one of the more immediately felt consequences of Brexit, one which many probably thought might not happen. There was a bit of a black and white argument in the EU referendum. Many on the leave side said that would not happen, but it is definitely a possibility.

Minister, if I go to the clichéd phrase that the Government have been using, that you will be seeking the best possible outcome for British people during the Article 50 exit negotiations, will that best possible outcome mean visa-free access to the Schengen area?



Mr Robert Goodwill: Many UK citizens are aware of the ESTA system that operates with the United States for people travelling there, which is a good way of enhancing security, getting to know more about the people before they arrive in your country and hit the Border Force there. The European Union are looking at their own scheme, and we are looking closely at their proposals. No doubt, as you have said, we will be seeking to get the very best deal and seeing how any scheme the European Union may introduce can be used to enhance our mutual security.

Q34 **Alan Brown:** In that case, do you see the best possible deal meaning that UK nationals will need a visa before they go to the Schengen area, or are you looking for some reciprocal arrangement? What is that best possible outcome?

Kenny Bowie: First, for clarity, the ETIAS scheme is not quite the same as a visa scheme. They are two slightly different things. In fact, it would only apply to non-visa nationals, in all likelihood. In the way that we do not necessarily require visas to visit the United States, but we do require an ESTA to go there, it is that same sort of system. Sorry, that is just a point of clarity on that.

Mr Robert Goodwill: Many of these schemes are not journey-specific, so once you have your ESTA you can then make those journeys. It is important that, as we negotiate with our European friends, we can get the best possible deal, and we need to take account of developments, such as this, that they may be working on.

Alan Brown: If we go back to the ESTA comparison, an ESTA still takes time. It costs money and it is something that people have to repeat. It only lasts—

Mr Robert Goodwill: Some can last for 10 years. I am not quite sure where the European Union are on their proposals, but, once you have registered, the ESTA could last for 10 years. Indeed, this is all about enhancing security, ensuring that you know as much as possible about the people who are going to travel before they travel and, indeed, ensuring that the people who are not of interest to us get the minimum disruption at the border, but the people who are of interest get the scrutiny and, in some cases, are denied boarding.

Q35 **Alan Brown:** Again, I go back to the best possible outcome. Clearly the rights UK nationals have when they go to work in the Schengen area, visit family or go on holiday mean they do not need any visa or ESTA system. What is that best possible outcome that the Government seek?

Mr Robert Goodwill: We are at a very early stage of the EU potential scheme and we will see how that develops. As I say, British people are now used to the US ESTA scheme and, therefore, we view with interest how the European scheme might develop and what similarities and differences there may be to the US scheme.

Q36 **Chair:** You are working on the assumption that an ETIAS will be



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necessary.

Mr Robert Goodwill: The European Union are looking at proposals for this. With 27 member states, it may take a while for them to come up with a scheme, but in principle this type of scheme is generally there to help enhance security and to get to know as much as possible about the people who are intending to travel. It is not just flights; it could be people using ferries or other border crossings into the European Union. As I say, we will not be members of the European Union and it will be impossible at this early stage to speculate on the effect this might have on British citizens or other third-country nationals.

Chair: By a remarkable coincidence, we have completed the session as the Division bell is going. Thank you very much indeed, Minister.