

Public Accounts Committee

Oral evidence: [Immigration Enforcement](#), HC 407

Monday 13 July 2020

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Members present: Meg Hillier (Chair); Gareth Bacon; Dame Cheryl Gillan; Peter Grant; Shabana Mahmood; Gagan Mohindra; Nick Smith; James Wild.

Gareth Davies, Comptroller and Auditor, National Audit Office; Tom McDonald, Director, NAO; and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1-108

Witnesses

I: Matthew Rycroft, Permanent Secretary, Home Office; Shona Dunn, Second Permanent Secretary, Home Office; Tyson Hepple, Director General, Immigration Enforcement, Home Office.



REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

Immigration enforcement (HC 110)

Examination of witnesses

Witnesses: Matthew Rycroft, Permanent Secretary, Home Office; Shona Dunn, Second Permanent Secretary, Home Office; Tyson Hepple, Director General, Immigration Enforcement, Home Office, gave evidence.

Q1 Chair: Welcome to the Public Accounts Committee on Monday 13 July 2020. We are here to examine how the Home Office goes about its immigration enforcement, through a directorate with several thousand staff that costs around £400 million a year. Its job is to prevent abuse of the immigration rules, to track those who abuse those rules, and to increase compliance with immigration law, including by removing people from the country. Immigration Enforcement sets out a number of criteria for how it will measure its success, including removing people and focusing on people who would do this country harm. We want to probe what those aims are, how well it is achieving them and what success looks like for the Home Office in this respect.

We have previously looked at immigration, most recently around Windrush, about which we were critical of the Home Office's ability to manage its own systems and we will ask some questions around that. I welcome our witnesses today. Matthew Rycroft is the permanent secretary at the Home Office—welcome, Mr Rycroft. Shona Dunn is the second permanent secretary at the Home Office. Tyson Hepple is the director general for Immigration Enforcement. I think you have been doing that job for two years now, Mr Hepple. Is that right?

Tyson Hepple: That is correct, Chair.

Chair: You were recently made permanent in that position.

Tyson Hepple: Yes, a couple of months ago.

Q2 Chair: Thanks to you and Ms Dunn for joining us today. I want to kick off with you, Mr Rycroft, on the emergency services network. Just to recap, the Committee has had your predecessors in around nine times on that subject. Can you give us a quick update on where you are at with the new communications network for our emergency services?

Matthew Rycroft: Thank you, Chair, for the opportunity to meet you all in my new capacity at the Home Office. Your reports on the emergency services network are required reading for any new permanent secretary at the Home Office—thank you very much for all the advice and recommendations that you have given us so far. I think it is fair to say that it is has been, in the past, a troubled programme, but it has turned a



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very significant corner—there has been a reset—and the programme is going at full throttle now to deliver the essential upgrades to the emergency service network that our emergency services so clearly need.

We cannot carry on with the existing Airwave contract forever. It would clearly not be good value for money for the taxpayer if we were to run two parallel systems for a day longer than is absolutely necessary. We are determined to crack on at pace and ensure that we can hand over a fully functioning system to the emergency services as soon as possible.

Q3 Chair: When you say as soon as possible, have you an approximate date? The date has slipped many times already.

Matthew Rycroft: It has slipped many times indeed—you are right—but the next very big moment will be when the next proper product is available in the second quarter of 2021. We are aiming for 2023 for the full programme, but we will go ahead only when we and our partners in the emergency services are absolutely sure that the new system works, as it is too important and genuinely life-saving to have risk in the system. That is why we need to be progressive with it.

Q4 Chair: We may well call you back on this in the autumn, but before we move on, one of the big questions for the emergency services was about the financial pressures of taking on that new system and buying all the kit. As time has gone on, that has become more of a pressure as they have had to invest in old kit while waiting for the new system to come into place. With covid-19, there is huge pressure on everybody's budgets. How will you address those financial concerns, or is money no object on this issue?

Matthew Rycroft: Money is always an object, Chair.

Chair: Good.

Matthew Rycroft: You will be glad to hear that the police representatives and others who will be receiving the emergency services network kit in future have made very clear to us that they cannot be asked to keep on taking slices out of their budgets to pay for the new technology as well as the existing one. We are working with them on the finances. In the long run, we need a better system that has a greater reach across the country than the existing one, including for 5,000 km of roads where it is not currently possible to call 999, but will be with the new system; on the London Underground; and up in the air. There is a very significant business case, business requirement, for a new and better system. It does cost money, but we are determined, as I said, not to be a day longer than necessary running or paying for two systems at once.

Q5 Chair: There has already been plenty of time spent paying for two systems. You have had your gentle opening, Mr Rycroft; we will surely call you back to probe that matter in more detail in due course.

I just want to check on the extensions of visas as a result of covid. They were extended first to 31 May and then, recently, to 31 July. Can you just give us an update on whether there is likely to be any other extension?



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Have you had any feedback about problems as a result of that? People perhaps still can't travel home because of the pandemic.

Matthew Rycroft: You're right that we have worked very closely with those cohorts of visa holders to ensure that they have been able to have extensions at a time when it would have been extremely difficult for them to seek those extensions or, indeed, to return home because of covid. Perhaps I could invite the second permanent secretary, Shona Dunn, to come in to answer the question more fully.

Shona Dunn: Thank you, Matthew; thank you, Chair. As you say, we have this extension in place up until the end of July. We have been watching the requests carefully; there have been many thousands of requests, which we have dealt with. We are looking carefully at the position going forward, and I think an announcement will be made shortly. I don't think we have a lot of data to suggest that we will necessarily need to extend it further, but I will confirm that shortly, Chair.

Q6 **Chair:** So you are not having any further blanket extension. Is there any prospect that you will be looking at individual cases and seeing whether any individuals need an extension?

Shona Dunn: We will absolutely be looking at all the information that has been coming in while we have been operating the extension. It is not our intention at the moment to provide any further extension. We will of course continue to look at more information that comes forward on a case-by-case basis, but we are not at the moment intending to do a blanket further extension.

Q7 **Chair:** You say, "on a case-by-case basis". I have been around long enough and seen enough immigration cases to know that it only takes one slip bureaucratically for someone's future prospects of ever coming back into the country to be really challenged, or for them to be completely barred. How good are your systems to make sure that you don't have any mistakes that then mark someone's record for the rest of their life?

Shona Dunn: That is an entirely reasonable question, Chair, given that, as you say, we have many hundreds of thousands of decisions going through our system monthly. As you rightly say, in the past some of our data systems have not been up to keeping track of that. We will take, as we have done throughout the covid pandemic, a very careful approach whereby we make sure that we make ourselves available to anyone who wishes to talk to us who feels that they are not being given the support that they need. And if there are good reasons why someone cannot leave and we can see that, we absolutely will make sure that that is captured on our systems.

I am sure we will come to this later in the session, but as you know, we are moving very rapidly through the digitalisation of our systems and going towards e-visas and the introduction of Atlas, to give us a much better grip on that data. I am confident that everyone who comes to us



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needing help will be dealt with appropriately, and we will make sure that our systems are updated.

- Q8 **Chair:** Will people have access to their own records? Very often, as some of us on this Committee know from our own case load, mistakes are not apparent to the individual until years down the line, when they may apply for another visa or something. Will people be able to see what the Home Office has in its records, to correct any mistake at an early stage while there is still living memory of it?

Shona Dunn: If something arises that does not seem right to an individual, then, as we get our records on to Atlas, it will be, as you know, a great deal easier for us to be able to interrogate that and make sure it is corrected. Of course if anyone comes forward with concerns about their status or about the records on them, we will absolutely be able to look through the data and attempt to correct that. I totally appreciate the background to these questions, Chair. I know we have had difficulties with this in the past. I am not suggesting for a moment we have resolved all those difficulties, but we are moving to a much better place and, particularly in response to covid-19, being very person-centric in supporting people and will continue to be so.

Chair: We would love to go into that more, but time does not allow, so I will ask Shabana Mahmood to come in on the issues around Windrush and the update on that. Ms Mahmood—and could Mr Wild stand by, please?

- Q9 **Shabana Mahmood:** Thank you, Chair. I would just like to get a quick update from our witnesses on issues relating to Windrush. What progress is being made on payouts, both in terms of pace and size of payout? Mr Rycroft, perhaps you could update us.

Matthew Rycroft: Thank you very much, Ms Mahmood. I wanted to start by underlining, as the Home Secretary has to the House, that we accept in full the 30 recommendations that Wendy Williams gave us in her brilliant report on the lessons to be learned from the Windrush scandal, and we are busy implementing them right now.

The compensation scheme is an extremely important part of righting the wrongs from the past, but it is complex work—and it is slow work, I am afraid to say. We are speeding up where we possibly can, we are putting extra resource into the team doing the casework and I am glad to say that we have now offered over £1 million of compensation. We will keep going. I think the Committee will see that as time goes on the journey of the cases through the system will accelerate, because there will be precedents set that we can then follow, but at the moment every complex case is also the first time that we are setting the policy. That is why, I am afraid, it has taken rather too long for some of the claimants to receive the compensation that they deserve and in many cases desperately need.

- Q10 **Shabana Mahmood:** Thank you, Mr Rycroft. Obviously, the longer that all of this takes and the more that we have media stories of people who have been through real trauma and suffering still waiting and still being messed around by the system, that knocks confidence in the whole



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generation of people caught up in the Windrush scandal and it will go to the efficacy of your own scheme. What are these complexities? And when you talk about “resource”, are you talking about people? Are you talking about expertise or skillsets? Please tell us what practical steps you are taking to make speedier progress.

Matthew Rycroft: Yes, we are talking about people—each and every one of these cases is a real person, and it is a real life, and real lives are complex. The scheme requires us to go into quite some detail about their employment record, their benefits records and so on.

We have a dedicated team of staff, who are working really diligently and very collaboratively behind the scenes with each individual claimant, to ensure that they are getting the maximum that they deserve. Sometimes, that extra bit takes a good chunk of time. In those cases, they know they will get a certain amount, but getting the full amount might require further work. So, we are making sure that we are speeding up by having additional people in the team providing the caseworking, and cracking through some of these quite tricky policy issues about precisely how to compensate for errors and indeed a scandal that goes back, in some cases, many decades.

Q11 **Shabana Mahmood:** What is the scale of the progress that you are hoping to make? Obviously, I welcome your commitment to doing that. What might we see in autumn, or, say, by the end of the year, to demonstrate how much additional progress you have made? What sort of targets are you working to internally?

Matthew Rycroft: I am not going to set out targets now, either in terms of the number of cases that we are able to process by then, or amounts of money. Suffice to say that, as I said before, as things progress I think we will be able to accelerate as once we have set a policy in a new area, we have to follow it elsewhere. I do not know if Ms Dunn wants to add anything to that, as she follows it even more closely than I do.

Shona Dunn: I would concur with Mr Rycroft—we are absolutely certain that we should not set targets to drive the way we address this issue, because it is so critical that we give every case the full consideration and the maximum support that we possibly can.

It is probably worth saying, as Matthew mentioned, that as we learn and as we go through the many different types of compensation that we can provide through this system, we are speeding up considerably. So, the number of cases that we are now dealing with and pushing through to an interim payment or a final payment is accelerating very rapidly. We expect that acceleration to continue and we want to be in a position to get as many payments out the door as possible over the coming months.

So we will not issue ourselves targets—it is definitely quality over quantity here—but particularly given the age of some of the individuals in the cohort, we recognise how important it is that we are putting every effort possible into moving it forward as fast as we can. As Matthew has said, it has not been fast enough so far, and we must correct that.



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Shabana Mahmood: I remain somewhat sceptical that we will see that faster progress without some sort of target. I think, Chair, we will return to these themes at future hearings.

Q12 **Chair:** I think we will. Can I just point out—you might want to comment, Ms Dunn—that in the figures I last saw you had sent out paperwork for about 15,000 claims, and circa 10% of people who received that documentation submitted a claim? As Ms Mahmood highlighted, that is quite a low number. Is there more you could be doing to encourage people to return their paperwork? Have you any insight into why people are not doing that?

Shona Dunn: I think there are a number of things that we can, should and aim to do to support people in that regard. As you know, we have a contract with Citizens Advice to support people where they need documentation moved forward. The Home Secretary also recently announced a half a million pound community support fund, which would bring forward proposals to support people in getting their paperwork in and ensuring they are able to claim the compensation they deserve.

This goes beyond the point you make, Chair, but we also know that we have to continue extending our outreach. We absolutely must continue to seek out and encourage those who may be eligible for the Windrush compensation scheme to come forward. There are a number of different ways in which we are supporting people to come forward and aiming to make that as easy as possible, and we continue to look for new ways of doing so. The recently introduced Windrush cross-Government working group is made up of a number of people who can hopefully help us continue to find ways to reach out to communities and support people coming forward with their paperwork. We are completely committed—

Q13 **Chair:** So more grassroots-up, less top-down.

Shona Dunn: Both, in terms of talking to the cross-Government working group about what we can be doing in addition to the things we have already done to encourage people to come forward, as well as using the outreach programme we have in place to encourage people to come forward. As I said, if there are other ways in which people need support with that paperwork, we will absolutely put those in place.

Chair: I am sure some of us have cases we can feed into you. We have many more questions on that, but, as Ms Mahmood says, we will no doubt return to that with our sister Committee, the Home Affairs Committee.

Q14 **James Wild:** I would like to ask about the situation in Leicester and reports in *The Sunday Times* about claims of modern slavery and people in clothing factories being paid £2 or £3 an hour. Mr Rycroft, was the Home Office aware of these issues through the Gangmasters and Labour Abuse Authority or any other agencies prior to these reports?

Matthew Rycroft: We have been working closely with our operational partners and the GLAA on the allegations from Leicester for some time, including before the main story in *The Sunday Times* eight days ago. We



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are now working very closely at both national and local level to ensure that there is a robust response to the possibility of modern slavery events taking place there. There are ongoing investigations which I will not comment on now, suffice to say that we are also working with our national and local partners to ensure there is a joined-up response and that the whole of the system is focusing on the possibility of any of these allegations being true.

- Q15 **James Wild:** When the deputy mayor of Leicester was asked whether the conditions in factories were an open secret, he said, "You call it an open secret. It's just open." So you are confirming that enforcement action by the NCA and others was under way before the reports in *The Sunday Times*.

Matthew Rycroft: Investigations have been going on, yes.

- Q16 **James Wild:** Okay. Are you confident that the same thing is not happening with vulnerable people being exploited in other cities and sectors?

Matthew Rycroft: No, we cannot be sure of that. We are working, similarly, with national partners such as the National Crime Agency and local partners in other parts of the country to follow up any allegation and any evidence. There are all sorts of different parts of the country where these sorts of concerns arise. The covid pandemic has been in one sense an opportunity for the police and other law enforcement agencies to understand in a bit more detail some of what has been going on. There is a lot of work going on in some other parts of the country.

Chair: Thank you. Last one, Mr Wild, then we need to move on.

- Q17 **James Wild:** The final one from me, Mr Rycroft. There was a consultation in July last year on bringing together into a single enforcement body some of the many agencies who are charged with dealing with these issues. Are you able to give an update on where those plans are and when we might expect an announcement?

Matthew Rycroft: We are working closely with our colleagues in the Department for Business, Energy and Industrial Strategy who lead on that very issue. They are talking about the legislation that will be needed. Certainly from the Leicester experience, I think the sooner the better. We are encouraging them to crack on as fast as possible. In reality, we are talking many months from now, but there are things that we can do in the meantime so that all of us together can crack down on any of these allegations.

- Q18 **Shabana Mahmood:** Mr Rycroft, I want to ask about the use of hotel accommodation for asylum seekers as temporary accommodation during this pandemic. Why hasn't your Department consulted with local authorities before taking over hotels in their areas?

Matthew Rycroft: Ms Dunn might want to comment on this one as well, but let me say first of all that we have consulted. Sometimes we have had to decide.



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Q19 **Shabana Mahmood:** In Birmingham there was no consultation whatever, and I believe that their experience is not unique.

Matthew Rycroft: There was discussion. In the end, we have a requirement and the power to direct local authorities to provide this sort of accommodation when it is available and when it is needed.

Shona Dunn: As Mr Rycroft said, there will of course be times, and the outset of covid-19 was certainly one of those times where the Government felt it had to move quickly. Because of the arrangements that we were putting in place to protect people coming into the asylum system in the context of covid-19, we knew that demand for those services would go up substantially, and we needed to move rapidly to ask our service providers to put the rooms and the beds—

Q20 **Shabana Mahmood:** Apologies for interrupting. I have no doubt about that. That is a statutory requirement. It is completely right that that is done, but I wonder about the definition of “discussion” that you and the permanent secretary are working to. It seems to me there was no discussion whatever. Discussion implies that you would pick up the phone to a city council leader and say, “We are thinking of taking over this hotel. Are there any issues that we should be aware of?” They would then tell you yes or no. That has not happened. It has not happened in Birmingham, and it is my information that it has not happened elsewhere. So why is that not happening? Do you not consider that such a conversation would be a positive thing to do before moving asylum seekers into hotel accommodation in our city centres?

Shona Dunn: Ms Mahmood, if you have particular issues about conversations around particular hotels that did not happen, I am happy to look at those.

Q21 **Shabana Mahmood:** I have been writing to your Department non-stop and I have had very few answers, so I would like you to explain why the discussions have not happened, because we can take it as read that they have not happened.

Shona Dunn: I was about to say that I have a great deal of information about many conversations that did happen, and many conversations that resulted in service providers not moving ahead with hotels or certain elements of accommodation where there was a concern about that in a local area. There certainly were many conversations that happened with many local areas both through the existing partnership arrangements that are in place and more directly as a consequence of what we needed to do rapidly. It was absolutely the Department’s intention, and service providers’ intention, to do that in co-operation with and in discussion with local authorities, and in many cases I believe that that happened.

Q22 **Shabana Mahmood:** Of the 30 local authorities or so that you say are providing these additional 4,000 spaces, how many were consulted and how many were not before hotels were taken over in their areas?

Shona Dunn: I believe it is 37 local authorities where we took 53 additional hotels and 3,300 additional beds. As far as possible, in all



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circumstances, I know the teams would have been attempting to have conversations. I do not have a list of the conversations that happened with each one of those local authorities, but I know that there were very many conversations with local authorities designed to determine, in partnership, what the right approach to this should be. I am very happy to look at particular instances and the questions that have been raised, but I am absolutely aware of many conversations that took place.

- Q23 **Shabana Mahmood:** Okay, thank you. I will make sure that I reiterate the concerns from Birmingham and elsewhere that I personally am aware of. Are similar conversations happening with the police before hotel accommodation is taken over?

Shona Dunn: The partnership arrangements with local authorities and the conversations that we have with local authorities absolutely take into account any views of other local partners. I am not aware of conversations that have occurred at a national level.

- Q24 **Shabana Mahmood:** Once again, I would imagine that the police are really quite important local partners. They will have intelligence about concentrations of vulnerability in particular areas, which could be to the detriment of the asylum seekers who are being housed in such a way. Those conversations are not happening. Will you undertake to make sure that they are?

Shona Dunn: As far as I am aware, they are— Well, I know that they are—

- Q25 **Shabana Mahmood:** I can tell you that they did not happen in Birmingham.

Shona Dunn: If conversations are not happening, I will absolutely undertake to make sure that they do happen through the partnership arrangements that we have in place.

- Q26 **Shabana Mahmood:** I shall, again, write to you. Until I informed West Midlands police what was happening in Birmingham, they were not aware of it either. Unfortunately for you, there have been two very big failings in my own patch that I have been able to put to you today, but they are not unique experiences. Are you concerned that some areas are being asked to take a larger burden than others? Birmingham, for example, is providing 11% of the 4,000 bed spaces that you said are needed. What are you doing to spread the load in this area more fairly across the country?

Shona Dunn: I think, Ms Mahmood, that inevitably—some considerable thought was given to this in the run-up to responding to the covid pandemic issue—a balance must be struck between spreading the load and working with local authorities that have both the requisite amount of capacity and the established working relationships that could be brought to bear. Consideration was absolutely given to how that burden could be spread, but there was a desire to make sure that we were putting asylum seekers in places where services already existed and where established relationships were already in place.



Q27 Shabana Mahmood: Although that, Ms Dunn, went against the correspondence that you shared with local authorities, which initially indicated that it was highly unlikely that you would see concentrations in London and other large cities precisely because of the covid risk and the fear that covid would have a bigger impact on some of our biggest cities, so you were going to try to stay away from them. However, you have got away from that, and you failed to provide the additional services or the money to pay for them to help the people who are now being housed in basically large-scale HMOs in our hotels. It is a failing on both counts, isn't it?

Shona Dunn: There will always need to be a balance struck between trying to spread the load and making sure that we were able to move rapidly in order to be able to support this population. The critical thing here is that, throughout, the Government have sought to move as fast as possible to support this population as well as possible and in line with what was needed in the context of covid-19. That was a very significant challenge that we absolutely needed to respond to. I think that the concern would have been had we not responded to that and then found ourselves in a position where we were not able to support asylum seekers coming into the system; we would have had some very significant issues there.

Chair: We recognise that this is a challenge. I think it is something that we may pick up at a later date. We have had evidence from others across the House about the importance of that communication locally, which Ms Mahmood highlights. I turn now to Dame Cheryl Gillan, as we move into the main area of our report.

Dame Cheryl Gillan: Thanks, Chair. Mr Rycroft, welcome. I have a simple inquiry about the machinery of government and how things are working, because the NAO notes in its Report: "The Department splits responsibility for managing the flow of people in and out of the UK between...UK Visas and Immigration...Border Force...and Immigration Enforcement".

Isn't there another part of Government in this equation, the border delivery group, which has just switched from HMRC to the Cabinet Office and changed its name to the border and protocol delivery group? Why was that change made, and has it meant anything to you in the Home Office, in practical terms?

Matthew Rycroft: Thank you very much for the question, Dame Cheryl. You are right that there are various parts of the Home Office and, indeed, of Government outside the Home Office, all of which have a shared interest in a smooth and well-functioning border. Now that we have left the EU and as we go through the transition period, we are redoubling our efforts working across the Home Office and with those partners to ensure that we can put in place arrangements for what could be the best border possible—the best border in the world in a few years' time. In fact Ms Dunn oversees the parts of this Department that have a direct interest in the border, so the three organisations that you mentioned, plus a group of



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policy officials, and then there are lots of cross-Government arrangements, including those chaired by the Chancellor of the Duchy of Lancaster overseeing the Cabinet Office, including the border protocol delivery group.

Q28 **Dame Cheryl Gillan:** Were you consulted at all about that change to the machinery of government?

Matthew Rycroft: Well it was happening just as I personally came into the Department, but I was certainly aware as I joined that it was imminently happening, so yes, there were discussions, including involving the Home Secretary.

Q29 **Dame Cheryl Gillan:** And did you have a view on the change?

Matthew Rycroft: I think that we were very happy with it. We worked effectively with the BDG when it was in HMRC and, from everything that I have seen so far, we are working equally collaboratively and in a joined-up way with the newly named group in its new home.

Q30 **Dame Cheryl Gillan:** As we get closer to the final date and the final deal about Brexit, are you satisfied that you have the right structure in Government to deal with the issues and challenges that you face because of this change to our relationship with the EU?

Matthew Rycroft: We have been working on it for a long time, certainly many months and indeed years before I started in the Department. Obviously it is a top priority now to ensure that everything is ready by the end of the year and the end of the transition period. Whenever there are arrangements that are less than perfect, we improve them.

Q31 **Dame Cheryl Gillan:** Has it meant any changes in practical terms? Perhaps I can address that to Ms Dunn, as she is in charge of borders.

Shona Dunn: In terms of practical arrangements as a result of changes in governance or machinery of government, no, it has made no practical difference at all. We worked extremely closely with the BDG when they were in HMRC; the same officials are essentially leading that team as they were when they were in HMRC and we had extremely good relationships then. We feed in, on a very regular basis, all our interests and the position of the Home Office and our various assets in the overall management of the border. That team is extremely respectful of our expertise and of our needs, and those are very fully reflected, so I have no concerns and there has been no practical change.

Q32 **Dame Cheryl Gillan:** That is good, because I know that BDG has brought in several new senior personnel, including the technical director of Future Borders and the Future Borders programme director. So you are working essentially with new people as well.

Shona Dunn: We are, but there are many individuals in BDG, and now BPDG, who are the same individuals we were working with before. As I say, the Home Secretary's interest in this is extensive. She is very closely involved with all the cross-cutting discussions with the Chancellor of the



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Duchy of Lancaster and with the Chancellor, both of whom also have a significant interest in this. There are new personnel but I have no concerns whatever about our ability to operate it effectively across Government.

Dame Cheryl Gillan: Thank you. I wish I could be as certain of everything as you are.

Chair: An interesting time for a change just as there was a change of leadership at the top of the Home Office, but we will leave that there for now. I am going to turn to Peter Grant MP to continue on the NAO Report

Q33 **Peter Grant:** I want to come first to Tyson Hepple—good afternoon, Mr Hepple. Your mission statement, your reason for existing, is to reduce illegal immigration and the harm it causes. How do you define harm in that context?

Tyson Hepple: Thank you to the Committee for inviting me here today. There are many different types of harm that we deal with in Immigration Enforcement. There is the harm that is caused to victims and to society by the crimes committed by foreign national offenders. There is the crime committed to society and victims, very vulnerable people, by organised crime groups.

There is also the harm caused to the UK economy and business by unscrupulous employers employing people illegally and, therefore, undercutting legitimate employment. Harm is also caused to taxpayer-funded public services by people using or attempting to use them illegally. There is a range of harms that we have to deal with.

The point I picked up from the National Audit Office Report is whether we are doing all we can to be consistent with the way that we deal with risk, threat and harm. I have asked my national tasking board, which is the body that decides on the operational proprieties for Immigration Enforcement, to do a piece of work on whether we need greater consistency on the way that we define harm.

It will always be the case that the harm to a victim of a crime or a person being trafficked, and the harm caused to the UK economy by bogus businesses undercutting legitimate ones will always be different. We will always need several definitions of harm, but where we can bring consistency, I am keen to do so, and I have already asked my national tasking board to do just that.

Q34 **Peter Grant:** I want to pick up on one aspect that you mentioned, namely, the impact on public services of providing services at cost to people who legally should not be receiving them. How much is that costing the UK public sector now?

Tyson Hepple: I do not have that figure with me, I am afraid. It does suggest that we need to be better with immigration enforcement and at measuring outcomes, rather than inputs and outputs. Again, that has been picked up in the National Audit Office Report.



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We are doing a lot of work with our analysts to assess the contribution that Immigration Enforcement and the Home Office more widely is having in this space, around how much money we are saving the UK economy by preventing people from coming into the country and by removing people who are here illegally, as well as—as you said, Mr Grant—around the sanctions in the compliant environment.

There will be various component figures about how much money we have saved in benefits, for example, but we do not have the global figure. Again, that is some of the work that I want to do coming out of this Report.

- Q35 **Peter Grant:** I have been an elected politician of one sort or another since 1992, and I cannot remember a time when immigration has not been a very heated political debate. A lot of the debate has been around the claims and counterclaims about the costs to public services of illegal immigrants being a burden on local authorities and the NHS. Why is it that 25 or 30 years later you are no further forward in being able to identify the scale of that problem?

Tyson Hepple: I think we are further forward, because we have started a piece of work to do just that—to try to understand the impact that enforcing the immigration laws is having on the economy and society. There are many layers to this, which is why I think it is a complex piece of work, but I cannot account for what went on over the proceeding 23 years.

Over the last year or so, we have stepped up the extent to which we want to use analysis and evaluation and we are working hard internally to try to come up with exactly those types of figures. What are the savings in the cost of crime? What are the savings of disrupting organised crime groups? What is the cost to the taxpayer of public services being used by those here illegally?

- Q36 **Peter Grant:** When you referred to victims in relation to illegal immigration, I think you were referring specifically to those who become victims of crime through organised crime gangs and so on. Do you have any measure at all as to the harm being suffered by people who are here illegally but who are also victims, who have been illegally trafficked or whose uncertain immigration status makes them vulnerable effectively to extortion and blackmail? Do you have any information as to how many people who are technically illegal immigrants are actually victims as much as offenders?

Tyson Hepple: Again, I do not have that data. The data that we tend to collect and analyse when it comes to organised crime groups is the number of disruptions we make and whether we are having an impact in terms of minor, moderate or major disruptions of organised crime groups. What I have not got is the granularity of data about how many victims of those groups are in the country illegally. Clearly, we want to work with our partners in the National Crime Agency, to disrupt as many of these groups as we possibly can. We have had some success over the last few years,

because of the impact that is having on people who are vulnerable and who are victims of crime themselves.

One thing I have been clear about in Immigration Enforcement, since I became director general, is how we respond to vulnerability within the system. This is not just about immigration outcomes. It is also about the fact that we deal with vulnerable people. We are probably one of the agencies that refer most people to the national referral mechanism. For example, if we encounter somebody in an illegal working visit, we will have one mind for their immigration status, but, if we think they have been trafficked into the country and they are a victim of an organised crime gang, we will also refer them into the national referral mechanism, even if that does not have any impact on my immigration data.

There has been a bit of a tilt in terms of the way that we consider these things. The rights of victims and of vulnerable people are very much part of our priorities at the moment.

Q37 Peter Grant: Ms Dunn, how many people are currently in the United Kingdom illegally?

Shona Dunn: As the Report makes clear, we know that right now we cannot estimate that population effectively. That is frustrating for all of us. As a consequence of recent and ongoing conversations with the Office for National Statistics, we know that they agree that this is an extremely difficult number to try and arrive at.

You referred to reading in the Report that Immigration Enforcement has worked on an approach to try and define the level of demand, in various respects, on their system. They have identified that figure to be between 240,000 and 320,000. That is not an attempt at an estimate of how many people may be in the country illegally. We will continue to talk to others about whether it is possible to get to a figure for that that we could rely on. We have been talking to the ONS about undertaking some potential pilots, but it is an extremely difficult number to arrive at, with any security.

Q38 Peter Grant: Do you have any indication, in either numbers or percentages, as to how many people came here legally and have become illegal immigrants since then, possibly because they forgot to renew their visa, as opposed to the number who deliberately came here as illegal immigrants in the first place? Can you give us any indication as to the scale of both of those?

Shona Dunn: One of the interesting points that the NAO Report makes, is the need, and indeed the plans, to get to the point where we are able to look at that data end to end, more effectively and to be able to place more reliance on it.

At the moment, we know that there are gaps in the data. We do not have a reliable estimate. We know largely the numbers that come into the country and we know, to a degree, the numbers that leave. Many of the modernisation programmes that we have in hand at the moment will move



us to a position where we will be able to get clean, digital status for everybody that comes into the country, so we will be able to join the dots between whether we engage with them out of country in getting a visa, at the border, in country or when they leave again. We will be able to join those dots as our systems develop, as border crossing comes online and as the European travel information and authorisation system comes through. We will be able to join those dots, but right now there are a number of gaps in that overall end-to-end digital and paper trail.

Q39 Peter Grant: Do you have any indication as to what proportion of current illegal immigrants are actually doing any harm to society, apart from the fact that they are here illegally?

Shona Dunn: I will hand back to Mr Hepple in a moment, but we know—on the basis of the work being done in Immigration Enforcement, to look at the different cohorts that they engage with, to cleanse that data and to do away with duplicate records, in order to make sure we have a single understanding of all those people that Immigration Enforcement engages with—how many people we have some contact with, whether because they are reporting to us or because we are engaging with them for some other reason. We have those figures, and I am sure Mr Hepple can talk in more detail about them.

Tyson Hepple: In terms of harm, I would claim that being in the country illegally and possibly using public services is causing some form of harm.

Q40 Peter Grant: Mr Hepple, you say “possibly”. I am trying to find out what is evidential fact here, as opposed to possibilities or speculation. I have accepted that if someone is here and doing anything illegally, that of itself is a harm. What I am trying to find out is, from the very widely varying estimates we have of illegal immigrants within the UK just now, how many could be turned into legal immigrants today and would not do any harm for the rest of their time here, and how many of them we really need to deal with because they are potentially going to cause us harm. Can I get any indication of how many illegal immigrants are here who are never going to cause any harm to anybody for the rest of their lives?

Tyson Hepple: Given that definition, it is probably the vast majority. The people who we will interact with who cause the most harm, apart from the people who are running organised crime gangs, are those who are foreign national offenders, who we have a statutory responsibility to seek to deport. However, I would have thought the vast majority of people who are in the country illegally do not cause that type of high-end harm, but clearly harm is being caused to the wider economy, as you have said.

Q41 Peter Grant: No, I said that some of them may be causing harm to the wider economy. Some of them, even though they may be here illegally, are contributing to the economy quite significantly. I am trying to establish whether the people who are responsible for upholding the public interest in relation to illegal immigration have enough information to hand to be able to make decisions as to who is causing harm and who is not.



Can I come back to the question about someone who is here illegally, but other than that is not doing any harm to anyone? One of the replies a few minutes ago seemed to suggest they were not a priority for the Home Office. Does that mean that if someone has perhaps overstayed a temporary work visa, but is not doing any harm, is contributing more to the economy than they are taking out and is not getting in trouble with the law, you are going to allow them to stay on the basis that they have not done any harm while they have been here, so why not let them stay?

Tyson Hepple: No. Part of the work we have been doing has been to not only better define the demands being placed on Immigration Enforcement over the next 12 months, which is the figure the second permanent secretary gave, but to better understand the current cohorts of people who my staff, my people, should be working with. We have taken the overlapping cohorts of people we had previously—those illegal immigrants who have not caused any other harm but were part of the migrant refusal pool, the pool of failed asylum seekers and those who are foreign national offenders—and put all of those together into a single cohort so I can ensure the people within my operation are making the right interventions with the right people at the right time.

People who are here illegally will always be of interest to Immigration Enforcement, and we are improving the way in which we deal with all the people who are caught within our system. The defined data set, as we call it—the collection of people who we feel are of interest to immigration enforcement—also includes people who are not instantly removable or against whom enforcement action will not be taken because, for example, they have further applications in the system or have legal proceedings under way. However, rather than losing touch with them as we may have done in the past, and pass the person's case back to UK Visas and Immigration and then wait for it to come along in a period of time, we now have our reach into UKVI and are watching what is going on in the courts, so as soon as somebody is illegal again, we are able to make the right intervention with them.

Q42 **Peter Grant:** Thank you. Can I come to the permanent secretary now? Welcome, Mr Rycroft; I understand this is your first appearance in front of the Committee in this position. How do you propose to go about managing Immigration Enforcement when you have absolutely no factual information to hand to tell you how big the thing that you have to manage is, what parts of it are potentially bad and what parts of it are completely harmless? How can you possibly deliver an effective service without that simple, basic management information?

Matthew Rycroft: Thank you, Mr Grant. It is not true that we have no management information; in one sense, we have too much but not of the right sort. The National Audit Office in the Report before us today has very helpfully given us a roadmap to improve that management information. As Mr Hepple and Ms Dunn have said, we have been working very closely with the NAO and with the Office for National Statistics in order to get a clearer baseline from which we can measure progress or otherwise in successive years.



We have some information, but we are all saying that the quality of that information is not good enough, partly because it is just inherently difficult to measure something that is hidden and partly because in the past we have not necessarily been focusing on the types of measures that would allow the, frankly outstanding, colleagues in Immigration Enforcement to do their job with effective prioritisation. It is that that Mr Hepple is focusing on at the moment: improving the prioritisation by putting the level of harm being done at the top of that prioritisation framework, and then making decisions accordingly. I do not fully agree with the assumptions in the question, but we are seeking to improve the management information.

- Q43 **Peter Grant:** Can I just say I am a qualified accountant, and I am only too well aware that you can give somebody lots of numbers but it does not necessarily create information, so we will maybe agree to differ slightly on that one. If we look at the four categories of harm that Mr Hepple mentioned earlier on, I have not asked about them individually, but let us say that for now we do not have any really helpful, up-to-date, meaningful information regarding their scale. When do you expect to be able to confirm to the Committee that you have reliable indicators of the scale of harm under each of those categories?

Matthew Rycroft: We already have a way to measure the harm being prevented. For instance, every time a foreign national offender is deported, or removed from the country, we can measure the amount of harm that is being prevented by the fact that they are no longer around. That is one type of measurement, but I absolutely accept that that is measuring the amount being prevented rather than the total. This is going to take a long time. There are no magic answers out there; if there were, our predecessors would have resolved this a very long time ago. As the Office for National Statistics and the National Audit Office have said in this Report and in our discussions with them, it is a very difficult area to get effective measurement.

- Q44 **Peter Grant:** You talk about measuring the harm prevented when someone who has committed an offence is removed from the country. Is that not assuming that the offending behaviour would have carried on? Although it is not within the scope of this inquiry, is it not also part of your responsibility at the Home Office to run a Prison Service that rehabilitates people, so that by the time somebody comes out of prison you should expect them not to commit any crimes again? It seems to me that you are contradicting one of the objectives of another part of your responsibility if you are assuming when you remove a foreign offender from the UK that they would have carried on offending had they been allowed to stay. That assumption is not reliable, is it?

Chair: Of course, it is another area of Government rather than the Department, but you get the general gist, Mr Rycroft.

Matthew Rycroft: Yes, I was going to say that it is the Ministry of Justice, obviously, that owns the Prison Service and the prison system, but we do work incredibly closely with our colleagues in the Ministry of Justice



and others across the whole of the criminal justice space in order to be as joined up as possible.

- Q45 **Peter Grant:** One final question to you, Mr Rycroft, because I know that quite a few other people want to come in. We have spoken about the wide range of estimates that are out there of the scale of illegal immigration. We have established that there isn't reliable evidence on the scale of harm caused by illegal immigration. How concerned are you about the consequences of people being able to produce potentially wildly inflated estimates of illegal immigration and getting them accepted in the public consciousness as being fact rather than simply speculation?

Matthew Rycroft: It is a very good question. I think that everyone who is doing their best to put estimates out there is doing it with the best will in the world. They all want to get to a number, which we would all be very interested in. So I don't have any criticism to make of those organisations in terms of their efforts. It is just that from our perspective, and on the basis of the evidence that we have got, we don't think that any of their efforts are fully reliable. So we are very happy to work with them, to listen to them about how they have come up with their estimates and then, as we keep on saying, to work with the Office for National Statistics, the National Audit Office and others in order to carry on improving our ability to do measurements in what is an extremely complex area.

- Q46 **Peter Grant:** An organisation such as Migration Watch, who are regarded as reputable in some quarters, estimates illegal immigration at well over 1 million, and the most recent estimate from the Home Office—and I appreciate it is quite a while ago now—is somewhere around half a million. Are you concerned about the hostility not only to immigrants but to anybody who might be an immigrant and looks like they might be an immigrant; are you concerned that that hostility within society is likely to be inflamed if people are regularly quoting figures for illegal immigration that are two, three, four times higher than what the real figure should be? Is that something that concerns you?

Matthew Rycroft: As you yourself said, at the beginning of your line of questioning, Mr Grant, for all of your years in politics, the question of migration has been a politically sensitive one, and we know that in the Home Office we are operating on issues which are divisive in this country. Our job is to help build a country which is safe, but also one which is fair and prosperous. All of us in the Home Office, all 36,000 civil servants, all the ministerial team—everyone here—we are all seeking to do that in different ways. Immigration Enforcement, which is the subject of today's discussion, plays a role in that, and a very valuable role, but all sorts of other people play complementary roles as well.

Peter Grant: Thank you. I may want to come back in later, Chair, but I appreciate other people want to come in.

- Q47 **Chair:** Mr Grant, I should warn witnesses, is always one to watch when he comes back for a second time, so be careful what you say. Tell us the honest truth—but he will pick on everything.



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Can I turn now to Shona Dunn. Ms Dunn, you have got a very broad range of issues to deal with in Immigration Enforcement. I want to cover the issues around clandestines who enter illegally, those who are legally here who then lapse and then the things that go wrong around Windrush. How do you balance those things? We have talked a lot about harm and how you measure harm, and Mr Hepple talked a bit about that. What is the driving force day to day when you set your plan for the next six months or year? How do you determine which of your resources go where?

Shona Dunn: As you rightly say, Chair, the breadth of responsibility within Immigration Enforcement itself is very wide. When you add to that the breadth of responsibilities within the other aspects of the borders and immigration system and when you add to that the contribution we make to the delivery of cross-Government objectives working with other Government Departments, that is a question that we ask ourselves pretty much every day. There are a number of different ways in which we go about this, of course, to make it manageable. We of course make plans that drive our resource allocation at the beginning of each year. Some of the judgments that Mr Hepple makes in-year between the various aspects of his responsibilities he and I will discuss on a very frequent basis, and he will discuss with Ministers on a very frequent basis. Those judgments are not just judgments within Immigration Enforcement. Those judgments are increasingly judgments which are across-system. So, Mr Hepple will tell you, and indeed the Report reflects the fact, that he will from time to time redirect some of the excellent officials within his own area to support other parts of the Department.

Q48 **Chair:** That is partly why I ask you. I will ask you again in a slightly different way, but then go to Mr Hepple. You take some resource sometimes, as the Report highlights, to the border, to provide support at the border—the English channel—when the cutters were doing work there, to support the other teams on small boats crossing the English channel. So you are moving staff over; but that means that then the core work that you set out—you say every day you are having this discussion, you are setting plans ahead—is bust by having to suddenly deal with what is a Border Force issue, effectively. So would you say that you do cover all of that or would you say your main focus ought to be, or you would like it to be, in an ideal world, in-country immigration enforcement, rather than stopping clandestines coming in?

Shona Dunn: I wouldn't, Chair, place one of those things over the other. They are both necessary and they are both essential—

Q49 **Chair:** I am not saying that they are not both necessary, but as immigration enforcement, Border Force is there to make sure that the border is controlled, isn't it? Does it not feel a bit galling to have to offer up resources to that bit of the system, when you have plenty of work to be done with people who are already in the country?

Shona Dunn: I would say not, Chair. The reason I would say not—Mr Hepple will absolutely come in on this—is because we see the question of



how to manage immigration into this country and in-country as a single system. Therefore, there absolutely will be times—and I will look out very carefully for the kind of territorial holding on to resources that would prevent us from acting on significant priorities, which have a major impact on our ability to manage the system overall. Personally, one of the things that I have been asking from the borders, immigration and citizenship system in the last 18 months or so, since I have been here, is a stepping up in terms of that flexibility, cross-system thinking and cross-system working, and our ability to be able to deploy resources against challenges as they arise. That does not mean, of course—one of the issues that we are talking about here highlights this very strongly: because of the dearth of information in some aspects of the activities that the immigration force undertake, I am not able, as yet, to make a day-by-day judgment about whether deploying resources from one part of the system to another will deliver a very different unit cost outcome. That is something that we need to continue to work on, and that is regrettable.

Q50 Chair: Thank you. That is what I was driving at.

Perhaps I can turn to Mr Hepple. How do you know that the work you are doing in your team, which is a big team—there are 5,000 people or so—is actually helping to prevent people from entering the country illegally? How do you know that is effective? How do you measure that? Can you give us some practical examples of something you have done and how you can measure its effectiveness?

Tyson Hepple: Very happy to, Chair. The example I would give you is the work that we do overseas. I have teams in 35 countries who work with foreign Governments and foreign law enforcement to help tackle organised crime there. They also work with airlines and airports to train people in how to spot counterfeit documents and to prevent people who want to come to the UK to claim asylum from actually boarding the plane. The latest figures for the last financial year show that we stopped 10,400 people boarding planes with illegal documents. I think the NAO Report talks about this prevention work actually providing better value for money than some of the in-country work that we do. But I am really proud of the work that we have been doing internationally, working with lots of foreign Governments. I can give you a figure for how many people we have prevented, and we aim to prevent 60% to 65% of people who want to board planes with counterfeit documents. We are succeeding in that.

Q51 Chair: Can I ask about that? That is something that has been going on for some time—immigration enforcement officers working overseas. Are there any countries where you would like to have either some staff or more staff and that are causing problems, in terms of the number of people who enter the UK illicitly or with false papers?

Tyson Hepple: I think probably European airports are being used as a staging post. We are finding that some people who want to come into the country illegally using the air route will use France, Germany and Spain as staging posts, so we work particularly closely with the Governments and border forces there.



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Q52 **Chair:** But under Dublin II, they can be returned quite quickly. If they arrive in the UK on false papers and they are picked up at border control, they can be returned quickly to the country that they came from, can't they—while we are still members of the EU?

Tyson Hepple: It's a more difficult process than that, because the Dublin regulations are quite constrained about the amount of time we can detain somebody, and we have only six months from having got the other state to take ownership of the case. We have also found over the last year or so that people whom we are trying to return to other countries, and who are trying to claim asylum here, can be particularly disruptive, or they put in other barriers to prevent them from being removed—whether those are protection barriers such as claiming to be victims of modern slavery, or other forms of legal barriers. Actually, it has proven quite difficult to return people to other European countries, which is why the prevention and having people overseas in the way we have done may well—

Q53 **Chair:** You have raised a really interesting point there, given that we are—well, we are not even members of the EU now; we are in the transition period. By the end of December, we will no longer have any of those arrangements in place with Europe. Are you proposing to have Immigration Enforcement teams in European airports—in EU airports?

Tyson Hepple: I do not see any reason why that would change. I think that the relationship that my officers have with local law enforcement in particular is very strong—

Q54 **Chair:** Can I just be clear? How many have you currently got working in the EU and how many more do you think you may need once transition ends?

Tyson Hepple: I think that we are talking at slight cross-purposes, Chair, because when I talk about Dublin, I am thinking about people who have come to the UK who we are trying to return to France or to Germany, whereas the people I have got posted overseas are preventing people from coming to the UK in the first place.

Q55 **Chair:** Sorry—maybe we have been talking at cross-purposes, but I think I know what I am driving at. You are saying that a number of people come from the EU. While we are members of the EU, we have an arrangement for return, and you have talked about legal barriers—people might say legal rights—but it is not straightforward, exactly as you say. However, once we leave the EU, do you want to see some of your teams based in main EU airports in EU capital cities, for example, to try and stop people with false paperwork coming to the UK. Do you want to extend your network into the EU?

Tyson Hepple: I think that will have to be a discussion I have with the second permanent secretary when it comes to how I allocate my resources going forward—

Q56 **Chair:** Are there any legal barriers to that once we leave?



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Tyson Hepple: Not that I am aware of; that has not been raised with me. Clearly, we will want to negotiate returns agreements with other European states, but the people we have got posted overseas post-transition period has not been raised with me as a problem.

Q57 **Chair:** Okay. Ms Dunn, can I just turn to you then, because it is quite a big policy issue—well, it is the practical issue that I am raising and not the policy. You have heard what Mr Hepple said. Are you having discussions with EU member states about posting UK Immigration Enforcement teams in their countries and in their airports to try to prevent illegal entry into UK on false papers?

Shona Dunn: No, I don't think we are, Chair. As you know, we are focused at the moment, through the negotiations on leaving the EU at the end of the transition period, on the arrangements that we can put in place to replace the Dublin arrangements. We will no longer be in Dublin; we will no longer be able to use Eurodac, for example. So, we are absolutely focused on and have been clear publicly that we want a different arrangement for that type of family reunion, and that is what we are focused on in that space. But this is obviously a question we can return to at a later point.

Q58 **Chair:** So, at the moment Mr Hepple is saying that there are people who come through Europe now, when we have an arrangement with Europe; those people will still try once the transition period is over. So, you are telling me that at the moment you are still in discussions about these issues. You are focusing on family reunion as a priority, rather than on stopping—maybe I misunderstood you.

Shona Dunn: As I think we said earlier in the year, we would like to put a replacement arrangement in place with the EU, to be able to replace arrangements under Dublin. That is subject to part of the ongoing negotiations and we will see where that comes out, but we do not have an outcome to those negotiations yet. That is our ambition; that is what we have said we would like to achieve. We will see where that goes.

Q59 **Chair:** But just to be clear, if that was not to happen and you wanted to have officers out there—I forget what they are called: passenger information and assistance officers. I remember that from my time there. They are in other countries. If they were to be put in Europe, you would need to have some legal agreement with each individual member state to do that, wouldn't you? So, how much time would you—wouldn't you need that?

Shona Dunn: I imagine that would be correct, Chair; I imagine that we would either need an arrangement with the EU overall, or we would need an arrangement with each individual member state. To the best of my knowledge, we are not at a level of discussion that has taken us to that point yet. We are focused, as I said—

Q60 **Chair:** You have told us you are not at that point yet—we get that. We get that you cannot speak for the negotiations in detail, because obviously there are people doing those negotiations. But what I am



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driving at, really, is that there is not much time left to sort out this out now. We are in July already, and this is 31 December. We could see more people coming clandestinely on illegal papers through Europe.

Shona Dunn: There are absolutely countries that are a greater priority—France and Belgium in particular—but there are some others as well that we would want to prioritise. But it is absolutely our position at the moment that this is part of the negotiations and we are seeking to go to the EU to enter into a different arrangement with us after our exit from Dublin. That is the focus of the discussions so far. I am sure you are right that, if we ended up in that position, we would want to move quickly to put different arrangements in place, and that would require detailed discussions with either the Commission or individual member states.

Q61 **Chair:** I am playing through my head some of the political promises that were made, but that is not your responsibility in policy, so I will leave that for now.

I turn back to Mr Hepple. What are you doing about people who are illegally in the UK, however they got here, with some clandestinely and some overstaying visas? According to the NAO and some of the evidence we had, some of the intelligence-led work, where you go and raid workplaces, for instance, is at a lower end of the intelligence than it has been. Could you talk us through how you deal with intelligence that comes in, how and why you particularly target workplaces, and what your data is on how successful that is in rounding up people who are here but should not be?

Tyson Hepple: Our process for gathering intelligence will come from a number of sources. We may gather intelligence from partner bodies such as the GLAA or the National Crime Agency, but we also receive a lot of information from members of the public and our own teams—I think that is between 60,000 and 80,000 pieces of information a year. When a piece of information or an allegation comes in, it is screened by my teams within 48 hours, who judge it for quality and whether there is any risk of harm to an individual, before we decide on whether it becomes one of the higher-end types of intelligence, which we call levels 1 to 4, or the less high-quality intelligence, which is levels 5 and 6.

It is levels 1 to 4 that are particularly important in terms of forming national campaigns. If we are deciding to do a national campaign against illegal working, as you mentioned, for example, for construction sites or in the retail sector, it will be bringing all that intelligence together—all that information from the public and partners—which will form the decision on whether we decide to do a week of activity, for example. It will be up to the immigration compliance and enforcement teams to decide whether they wish to task themselves with the other information. As the Report says, that varies depending on which part of the country we are in. For the London teams there is more intelligence than there is for some of the other teams around the country, although I think it is very important for us to maintain a UK footprint.



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But every piece of intelligence and information we receive is not wasted; it is put on our single intelligence platform, which means that when other information comes in, we use a data analytics tool called entity search, which can search a billion items of data within a few seconds. That will start to allow us to put a richer intelligence picture together, based maybe on a public allegation received some months ago. So we are an intelligence-led organisation. As part of our transformation of the intelligence function, we have decided to separate the way in which we deal with intelligence, with that higher end of material forming a richer intelligence picture that requires a lot more work, and then the lower level.

Q62 Chair: You talk about a week of action. How much of this is about signals to different parts of the workforce, industry and people who run human traffickers and illegal businesses? How much are you measuring the numbers of people here illegally, and possibly doing this country harm, who you find through those routes? How do you balance those two?

Tyson Hepple: I think it will depend. For example, if we receive a number of allegations about illegal working in building sites in a part of London, and we triangulate that with some of the information we receive from partners about the illegal working situation in that part of London, we would then bring that together and ask our intelligence officers to come up with an intelligence package and, through the national tasking board, that will inform whether we do the week of action or not. Clearly, we will want to demonstrate some results, because we will want to deter scurrilous employers from employing people illegally, and to discourage people from being employed illegally, but it will be based on intelligence. The work we do is based on intelligence. We do not go on fishing expeditions, if that was the question.

Q63 Chair: You talk about discouraging businesses from employing illegal workers. You collect information about how many people you have caught doing this. Do you then measure, later down the line, whether one area where you had intelligence—I am reading that positively, because the NAO Report says that intelligence-led results are dropping—that led to some results has a longer-term impact on that sector of business where people might have been employed illegally, including trafficked people, such as car washes or nail bars? How do you measure that?

Tyson Hepple: Before something is tasked by the national tasking board to become a priority for Immigration Enforcement across the UK, there has to be a proper, agreed evaluation strategy. We have increased the volume of evaluative analysts within Immigration Enforcement over the last year or so. What we absolutely do not do is have a week of activity based on construction sites, for example, and then just look at the numbers of people we have arrested or not arrested. There will be a proper evaluation, and we will feed that into how we go about such operations in the future.

Q64 Chair: I want to move on a bit to the issue of data generally. I think I will turn to Mr Rycroft on this one. We know from the Windrush situation that data is imperfect. In fact, Ms Mahmood and I are particularly aware of



how poor data is from our own caseload. When surgeries open again, I offer you an open invitation to come and visit either of our surgeries, to see the reality on the ground, which has surprised Home Office officials in the past. We very often see that information is imperfect. How long will it be until data is better? We heard about Atlas earlier, and we know things are changing, but how long will it be until you are confident that the data you have on who is here is good enough?

Matthew Rycroft: First, Chair, thank you for the invitation. I would love to take you up on that; it sounds very interesting. I suspect that our efforts to perfect the data will probably be continuous. I doubt that there will be an end point when we can come back to the Committee and say: "Job done. We now have 100% perfect data on everything that we want to measure." I suspect that it will be a continual journey. However, I think that the baseline that we talked about earlier will be an important moment for the Department, because we will be able to come back on the back of that. I have been very struck, when working with the NAO and the ONS in this space, by the complexity of measuring things that are illegal—it is not to be underestimated. We will keep going and working with them, but I don't think that there is a nirvana—

Q65 **Chair:** But with Windrush, these were people who were legally here. We know that several thousand—more than 100,000—other Commonwealth citizens could be affected by this. I think we guesstimated that it would be around 160,000. I say guesstimated, but it was a bit more than that; it was based on figures, with the work of the National Audit Office contributing massively to that. Yet your Department is refusing to trawl through and support and go to those people and check with them whether they are being discriminated against because they do not have the right paperwork, even though they are legally here. How far have you got with that? Are you, as a new permanent secretary, willing to go and look at the impacts of not proactively seeking out people who may be caught up in this, as many British citizens from the Caribbean were?

Matthew Rycroft: Absolutely. The direction of travel for the Home Office, in terms of our culture, needs to be to open up and to get much more used to working with and listening to the communities who we are working with, even if—particularly if—they disagree with us or have not had a particularly strong, positive view of the Home Office in the past. We absolutely need to be reaching out to them.

In terms of the non-Caribbean Commonwealth Windrush issue, Ms Dunn might like to comment, but we are also reaching out to those communities.

Q66 **Chair:** Do you have any practical examples of how you are reaching out? Last time we looked at this—Ms Mahmood touched on it at the beginning—we were dismayed that there was not a reach out through some of the newspapers or other media, for example, that specifically target certain different national groups from the Commonwealth.

Matthew Rycroft: We have been trying out various different ways of engagement, including obviously, through lockdown, doing things virtually.



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I do not know if Ms Dunn wants to jump in, or we could write to you with further details, but I think there are some good examples.

Q67 **Chair:** Okay, if you could perhaps write to us with more details on that.

I want to turn to other groups of people who are here legally but are on the edge of becoming illegal. I will perhaps come to you and Mr Hepple. There are examples of people who have arrived in the country as young children and their immigration status was not formalised for a number of reasons, often down to cost—if you have a whole family to pay citizenship for, you probably do not do that. They then often do not realise until they get to the university point. You will remember that, a few years ago, there was a big issue there, where a lot of work was done to try to support those young people through universities. They are on the edge. It does not take much, if a 16-year-old gets into a small scrape, or a teenager has a problem—certainly once they are over the age of 18 that can really cause them problems. Suddenly they are here illegally because they will not get citizenship, yet they have never lived, more or less, in any other country; they may have been born here or they may have come here as toddlers.

Where do you rate them in your ranking on immigration enforcement? I am aware that we are straying into policy here, but that is currently the policy of this Government. Do you consider the implications for those people in the work that you are doing and you are leading?

Matthew Rycroft: Mr Hepple might want to answer in detail, but suffice to say that that is an example of an issue we were talking about earlier in terms of joining up between the Home Office and the Ministry of Justice and, indeed, others across the whole of this part of the public sector.

Q68 **Chair:** I just saw a letter from one of the Ministers in your own Department, Victoria Atkins, with Chris Philp—I think he is in the Ministry of Justice. It said that on disclosure and barring, you are now looking to step down juvenile—not convictions—warnings, sorry, the phraseology has changed over time, much quicker so that those young people are not affected long term. That could still, I think, if I read it right, affect their immigration status. Am I right on that? I am not sure whether you will be able to answer that right now.

Matthew Rycroft: On the Minister, Minister Philp is also a Minister in the Home Office. One way that we do the joining up is through joint Ministers, so we have some Ministers who are joint between the Home Office and the Ministry of Justice and others who are joint between the Home Office and the MHCLG. Mr Hepple, on the more specific issue?

Tyson Hepple: When it comes to immigration enforcement, clearly, we are not looking to trip people up as it were. If somebody would have the right to be in the country if only they had come to us or to UK Visas and Immigration sooner, clearly we would take that into account in any interaction we had with them.

What I would say in answer to the question, though, is that after the Windrush scandal, my colleagues at UK Visas and Immigration, or if



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somebody were to breach the immigration enforcement system, have put in place a lot more opportunities for face-to-face encounters and face-to-face interactions. One of the big lessons for me of Windrush was how there was very little face-to-face interaction with those who were caught up in the system and those who were trying to explain whether they had a right to be in the country.

I think that would be a positive benefit of what has happened over the last two years. There will always be opportunities for people to put forward representations. Even at the high end, if they were to go on to commit a serious crime, there is always an opportunity to put in representations where the issue can be considered in the round.

Q69 Chair: In terms of your priorities, you have talked about people who do harm—obviously, that will mean criminals, people who have committed serious offences and people who are trafficking, and you want to look at trafficked victims because they are having harm done to them. In the pecking order, where do people who have just not regularised their status, perhaps because they were children when they arrived, which is one end of the scale, rank in your enforcement activity? How much time would you spend on them?

Tyson Hepple: I do not think they would be a particular priority. For them to come into the enforcement system, we would have to encounter them—either having had some intelligence about them or encountered them in an intelligence-led operation—or they would have had to come through the visas and immigration system and had a negative decision somewhere up the line.

I would hope that they would not come into the enforcement system until there had been some other interaction with the immigration system beforehand, and at that point—further upstream, I would hope—a discussion could be had about their status and whether they had a right to status in the UK. We have put an awful lot of checkpoints in the system over the last two years exactly to prevent people being caught up in it who should not be.

Q70 Chair: So, to put it in more fruity terms, you are not seeking them as low-hanging fruit because they are people with a footprint and a home and are easy to find? You are not looking to deport them or ask them to leave voluntarily because they have crossed a line meaning that, despite their years of residency, they are—according to the law and the policy that your Department and the Government uphold—strictly illegal or unlikely to be granted citizenship, and could lose their residency rights?

Tyson Hepple: No. They would not be a priority if it were a relatively minor crime, because harm is a big indicator in what we do. Clearly, if they did not have status to be in the country and committed a crime that led to a 12-month or a four-year prison sentence, I am bound by the 2007 Act—

Q71 Chair: I recognise that you are bound the law and the policy of the Government who you serve. Finally, Mr Rycroft, before I go back to Ms



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Mahmood, I think we were all heartened when the Home Secretary announced that the Wendy Williams recommendations would all be taken into account, but it has been a very long and sorry saga. What are your priorities now? I think we can cross off the digitisation—or not cross it off, because it has a long way to go, but we have covered that. What other priorities are there for you as a Department in supporting people who have a legal right to be here and not to be caught up in the tragedy that has befallen the Windrush generation?

Matthew Rycroft: There is a whole programme of work to ensure that we follow up each and every one of the 30 recommendations in Wendy Williams' excellent report. It was very hard-hitting and a difficult read for some of my colleagues in the Department, but I have been very glad to see that they have been very undefensive in reading it, taking it to heart and acting on it. We must make sure that we do not just turn it into a box-ticking exercise; we must tick the box of each and every one of those thirty recommendations, but we have to do something much more than that, as well. We have to change the whole culture of the Department. She was only a millimetre or two away from declaring the Home Office institutionally racist—neither I nor anyone else in the Department wants to be a part of that—so we need to make sure that we really get under the skin of her recommendations and understand the scale of the transformation that is needed.

That goes back partly to the openness point that I made earlier and to really reaching out to the people who are most affected by our policies and operations. Internally, it also means listening to people on the frontline; normally when something goes wrong, such as with the Windrush scandal, it was not that no one knew what was going on, but that the people who did know did not feel as though they had a voice to raise their concerns and challenges.

Q72 **Chair:** Actually, I have to say, Mr Rycroft—we will give you the beginner's disadvantage on this one—it was raised with the Home Office a number of times, and loads of MPs raised individual issues that were not picked up at the Home Office.

You talked about Wendy Williams going slightly shy of describing the Home Office as institutionally racist. What are you doing to improve the monitoring of the racial impact of your approach to immigration enforcement, to ensure that you are not just racially profiling but using proper intelligence?

Matthew Rycroft: We are absolutely not doing racial profiling, obviously; we are ensuring that for every new policy or new operation, we are fulfilling our public sector equality requirements—

Q73 **Chair:** Can you talk me through what you mean when you say that you are fulfilling public sector equality requirements? We know that there are impact statements for lots of things attached to policies. I think that they have waned a lot over recent years—under different Governments, I have to say; that is not a party political point at all. What do you do when you look at the equalities impact assessment, particularly around race and



ethnicity? Can you walk us through what you might do?

Matthew Rycroft: We are working with the Equality and Human Rights Commission on exactly that. As you know, they have the power to come in and work with the Department on that, and they have asked to do so in relation to the issues that Wendy Williams was looking at, so we will be working with them, in the coming weeks and months, on exactly that to make sure that we are fulfilling our obligations and, if we are not, putting in place mechanisms to turn that round, as part of our response.

Q74 **Chair:** Can I ask, about your top team in the Home Office—that's you, directors general and heads of agencies—how many are not white?

Matthew Rycroft: It is a very small proportion. Only one member of my executive committee is from a black, Asian or minority ethnic background. When you look at the Home Office as a whole, the total proportion of black, Asian and minority ethnic staff is actually 24%, which is the highest of any Government Department, which is good. We have a very effective networking tool, which—

Q75 **Chair:** But where are they working? Which level are they working at?

Matthew Rycroft: When you look at seniority, you see that the proportion trails off dramatically. In the senior civil service, only 7.4% are from a black, Asian or minority ethnic background. So we have a huge amount to do, but we have already committed to some actions to begin to put things right and to begin to give every single member of our staff the opportunity to fulfil their potential. That goes to the performance management system, the talent management system, the promotion system, representation of people from a black, Asian or minority ethnic background on our boards, committees and so on, our outreach to schools, universities and other communities—all sorts of things.

Q76 **Chair:** Can you tell us, in your own words, what you think the benefit would be if you had a more diverse team at the top of your Department? And I say, "your Department"; you could say the same for any Whitehall Department. What do you think the benefits would be?

Matthew Rycroft: The business case for diversity is so clear: you would have better decisions, better leadership and better governance. I and all my colleagues are totally committed to doing that. As I say, we have put our name to some very specific actions that we are taking already as a result of the Windrush report, plus of course the Black Lives Matter movement, after George Floyd's tragic death. This is a big issue for our country as a whole, a big issue for our society, and it is the biggest issue for our Department.

Chair: Thank you. We could go into that more, but I am going to hand over to Shabana Mahmood MP.

Q77 **Shabana Mahmood:** I want to talk through some issues around operational performance, primarily with Mr Hepple. Which of your activities would you say has the biggest impact on reducing the size of the illegal population?



Tyson Hepple: Thank you for the question, Ms Mahmood. We approach this using a balanced scorecard of prevention, compliance and enforcement, and the extent to which those make a contribution to reducing the size of the illegal population will depend. As I said at the beginning of this session, we are doing a lot more work to try to work out what the impact of our interventions is at the moment, but if you ask me to highlight the areas of our activity that provide a particular benefit to the UK, I would say the work that we do to deport foreign national offenders, where I think our performance has remained strong, and also the work we have been doing to disrupt organised crime gangs. I think over the years we have been measured too much in terms of the overall number of returns we make; the balanced scorecard, which we are refining, is probably the way forward.

- Q78 **Shabana Mahmood:** It is a pretty damning indictment across the NAO Report. I am thinking in particular of paragraph 3.14 and the way in which you operate—not being able to show whether one action has led to a particular outcome, the isolated way in which you view the interventions that you make. I appreciate what you have said about the scorecard that you are using for your interventions, but this does make it difficult to assess exactly—you have just said that returns alone are not the best measure, but actually, in raw numbers terms, that is probably, in the public’s mind at least, the very best guide available.

Tyson Hepple: Yes, but there is a lot of work that we are doing to improve that situation and, to return to our business rules programme, which is where we have defined the overall number of people of interest to us in a much more consistent way—I think the way we can use that to ensure that our caseworkers are doing the right work at the right time, according to factors such as harm, knowledge of whereabouts, removability and vulnerability, will move us forward in terms of efficiency.

I completely accept the findings and the analysis in the NAO Report that sometimes we can appear as if the blocks of work being taken forward in particular areas are almost exclusive, but there are examples of where the overall immigration enforcement machine does work together well as a seamless whole. There are examples where we work well with our partners in the border and immigration system, and the challenge for me is to use data and to use our transformation in order to ensure that that is more often the case.

- Q79 **Shabana Mahmood:** Such examples were quite thin on the ground in the National Audit Office Report. I would be interested in more detail on that if it was available. A cynic would say that the way in which you are now defining people of interest, as you say, makes it more targeted and also reduces the overall number of people that you are dealing with. I am interested in that because the number of returns, to go back to that, has plummeted. Why is that?

Tyson Hepple: There are some positive reasons why the number of returns has reduced since 2015, in particular. If you look at some of the immigration routes that were most abused over the last few years until



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relatively recently, such as some of the student routes, successive Governments have closed down more than 1,000 bogus colleges, and those would be people who were from countries where we could remove to. They tended to be relatively young, which meant that they did not have a lot of family ties in the UK, and also they tended to be willing to leave the country voluntarily, having been accounted for by us.

So we have cleaned up the immigration system to some degree on some of those routes. Also, the historical backlogs that have been in the immigration system, which I am sure members of the Committee will remember, have also gone. There is greater compliance at the front end of the system.

In terms of why the return figures are not higher still, we are also seeing an uptick in the number of protection claims being made by people who are brought into the enforcement system, particularly among those who are making asylum claims in detention. Last year, we released 6,600 people who claimed asylum when they came into detention. Some of these people will have been in the country for a number of years. I think the obligation is to claim asylum as soon as you arrive in a safe country, but people were claiming asylum when they came into detention. So there are elements of the system that are slowing down as a result of that, and clearly we need to work with our policy colleagues and with our Ministers on how we can deal with that.

Q80 Shabana Mahmood: I will come on to asylum claims and the point at which they are made, especially in relation to detention, in a minute. Am I to understand from your answer that before we had the policy changes around students, the numbers of returns were much higher before 2015 because it happened to fall by the student route and the gaps that that presented, and that since then those policy changes have meant that the numbers overall are smaller? It does not seem to ring particularly—I can understand what you are saying, but the overall numbers of people requiring return are still quite high. Are you still trying to return lots of people and cancel them? It does not seem to account for all of the reasons why your returns are plummeting.

Tyson Hepple: I should have been clearer. There are three reasons. One is greater compliancy in the immigration system. Cohorts of people who we would have removed previously, or who would have returned voluntarily, are no longer there because the big backlogs have been cleared. Also, the legal framework has changed over the last few years and we have had to adapt the way that we work because the courts have decided that we need to change some of our practices. “Detained fast track”, I think it was called, had to come to an end in 2015 because of a ruling by the court. And we are finding that there are greater uses of protection routes, particularly when people come into detention, which means that we can no longer detain them because there is not a realistic prospect of removal within a reasonable time period.

So I think it is all three of those, to be honest, plus some of the dampeners that we have put into the system after Windrush to make sure



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that we are spending more time face-to-face talking to people about the life-changing decisions that we make. So there is a whole basket of factors. My job working with my team is to try and work out in all of that whether we are being as efficient as we can be, given what I would call challenging headwinds.

- Q81 **Shabana Mahmood:** The number of voluntary returns, as was mentioned, has fallen. That is your desired outcome for removal. Is the decrease in the financial package available a reason for that fall?

Tyson Hepple: It may be. You must bear in mind that people who have entered the country clandestinely will have given a lot of money to their traffickers to get into the country, so the package we have at the moment may not be attractive. We are doing some analysis and evaluation about whether that is the case.

When I came into the role, immediately after the Windrush scandal, I put a lot of attention into trying to change the way in which we focus on voluntary returns. Clearly, if you look at the numbers alone, I have not been very successful. There is another issue around compliance further upstream still applies here. Students in particular were more likely to go for voluntary return than other people for the reasons that I have stated.

I have also re-wired my system to some degree, so that my enforcement teams, which are out in the community visiting people, can have conversations about voluntary returns. We have also transformed the reporting sectors where people come to maintain contact with us, so that, again, my people can have a lot more conversations with those who are reporting about whether they wish to return voluntarily. There are wider atmospheric factors that are proving really challenging here, but we need to keep going.

- Q82 **Shabana Mahmood:** I appreciate all of that. The conversations do not appear to be wildly successful, if the numbers are decreasing. You say that you are evaluating whether the fall is due to the decrease in the available financial package to about £1,000 or £2,000 from something like £4,000. What is the timescale of that evaluation? What are you doing? When will you report on what impact that has had?

Tyson Hepple: I hope that will be over the next few months. I think it is fairly urgent for us to understand the factors that are holding people back from applying to leave voluntarily.

- Q83 **Shabana Mahmood:** A few months could mean anything. By September or October will we have the results of your evaluation? Will we know that the decrease in the financial package has had an impact on these voluntary returns?

Tyson Hepple: I would hope that it will be in that timeframe.

- Q84 **Shabana Mahmood:** What impact will the UK's departure from the European Union have on your agreements to remove foreign national offenders?



Tyson Hepple: At the moment, we have a series of prison transfer arrangements that are linked to the European Union. As the second permanent secretary was saying, in terms of normal returns, those will be part of the ongoing negotiations.

Q85 **Shabana Mahmood:** I am interested in foreign national offenders, because you have been more successful in deporting foreign national offenders and there is an EU dimension. Apart from prison transfer arrangements, are there any other barriers that you need to specifically overcome?

Tyson Hepple: I will have to check, but I think a lot of this is done bilaterally. A lot of the arrangements that we have with individual EU member states are done bilaterally, rather than through the European Union and the Commission. But I will check that point.

Q86 **Shabana Mahmood:** What effect has covid had on foreign national offender returns?

Tyson Hepple: There has been a reduction, as you would expect, because the number of scheduled flights has been considerably reduced. We have been able, however, to run a series of charter planes that we rent for the day, through which we have been able to remove around 330 foreign national offenders, many of them directly from prison, to other parts of Europe. We have not needed to use force in any way to achieve those returns. There was a great deal of compliance on the part of the individual who wanted to return home. We have used that opportunity to charter individual planes to deport around 330 people.

Q87 **Shabana Mahmood:** How many flights have been chartered?

Tyson Hepple: Since covid, we have done seven.

Q88 **Shabana Mahmood:** Have they all been to Europe?

Tyson Hepple: Yes.

Q89 **Shabana Mahmood:** So 330 foreign national offenders, all European, were returned to their various European countries on seven flights.

Tyson Hepple: Yes. We have done a much smaller number of—

Q90 **Shabana Mahmood:** I was about to ask how many you have done outside of Europe.

Tyson Hepple: Very few, because we would have used scheduled airlines. There has been a small number that we have been able to remove to other countries, but clearly as the number of airlines opening back into business is starting to grow we will be able to take other opportunities. I think the last few months have shown us the success of running charters in this way, particularly in the way that we have been able to remove foreign national offenders straight from prison, which circumvents the need to use immigration detention at all.

Q91 **Chair:** Can I just chip in on the point of foreign national prisoners going



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straight from prison, because it has been a knotty issue? Too often in the past, paperwork was not got together and it was difficult getting the passports sorted to remove people straight from prison. That is one of the reasons they ended up in immigration detention, which as you say was certainly less than ideal and caused challenges. What has changed practically that you have learned from that will make it smoother for someone who is a criminal in our prisons and should not be in the country going straight out at the end of their sentence? Will you be able to replicate that post covid?

Tyson Hepple: We start earlier in the sentence now. We start to do deportation action within nine months of the end of the sentence, and we are looking to push that so that we can make those interventions as soon as we can. Clearly, there are opportunities for people to put in legal barriers. I will write to the Committee with the figures, but we are getting better—

Q92 **Chair:** What I am interested in is whether there is anything particular around covid. You indicated that it may have got a bit more efficient because of covid, so could you write to us with anything that has practically changed as a result of covid? We are always keen to see where the Home Office will be learning lessons about this, because there is a huge benefit to not having people in immigration detention for a raft of reasons.

Tyson Hepple: Very happy to. We are absolutely determined to learn the lessons from the last few months.

Q93 **Shabana Mahmood:** Mr Hepple, you said in an earlier answer to me how sometimes asylum claims being made later in the day can frustrate your attempts to remove people from this country. What are you doing to understand how that comes to pass? I understand that some of it is just people grappling for anything that they can in order to get a delay so that they can just play for time, but what are you doing to try to learn from that and to try to head those problems off earlier, so that when you get to the point of return you can be more successful?

Tyson Hepple: We can look at the policy and the legal framework, which clearly is not my responsibility. Is that in the right position in terms of preventing people from claiming asylum at the very last minute? I think the percentage of people who are actually granted asylum having made the claim in detention is very small.

I struggle with this one. There is a reference to it in the NAO report, almost as if we have a conversation with somebody a bit earlier about whether they are going to claim asylum before we seek to detain them and then they claim asylum at that point. I am struggling with what else we could do in order to draw out that somebody needs to claim asylum, if they are not just doing it in order to thwart the system. I will continue to think about how we might do that.

There may well be issues like whether there are factors, and whether we can use what we know—particularly about asylum claims with particular



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countries—on whether somebody is more likely to have a valid asylum claim before we detain them, or whether we try to draw the claim out then. What I think would be difficult and problematic would be if we were asking people, “Are you going to claim asylum if we detain you?” because they may still say no, we may then detain them, and they may then claim asylum. If there are factors, data and intelligence that we can use to try to prevent that from happening, I would be keen to do that.

- Q94 **Shabana Mahmood:** That is certainly how I read the thrust of those references in the National Audit Office Report. The issue is data and whether you are analysing what you are learning from the cases where late claims and late judicial challenges are made. Obviously, the lack of that data prevents you from making such an analysis. Is that an undertaking that that is something that you are going to take forward, in order to try to bear down on the number of late asylum claims?

Matthew Rycroft: Absolutely. We have quite a lot of data when it comes to the types of claim that people from certain countries make in detention, but I am very happy to make that commitment.

- Q95 **Shabana Mahmood:** Do you know the number of late asylum claims made in detention that are then successful—prove to be true claims—versus those that are clearly bogus or designed just to try to frustrate the system and play for time?

Tyson Hepple: I have not been able to get a reliable figure. Can I write to the Committee on that? I think I have got a figure for the number of people whose claims are turned down at initial decision, but the information that I have not been able to get in time for the Committee is what the percentage is after people have appealed, and I think that’s the most important figure—the figure for those who have been through the appeals process. Can I write to the Committee on that? My suspicion is that it will be a small percentage, but I am not going to pluck a figure out of the air.

- Q96 **Shabana Mahmood:** Mr Hepple, you also mentioned as one of your activities that you think make a bigger difference to the numbers of illegal people in this country is the work dealing with organised crime groups. On what basis are you assessing that your strategy for organised crime is working? What sort of numbers and data can you give us to stand up the fact that, second to what you are doing on foreign national offenders, this is one of your success areas?

Tyson Hepple: Forgive me: although I have the Report in front of me, I can’t remember the page number. But there is a chart, a figure, in the Report—

Chair: We can get that from the National Audit Office. If they can send me a message, I can let you know, so carry on, Mr Hepple, and I will just interject.

Tyson Hepple: I thought I had memorised the figures in the Report. There is a figure—



Chair: Figure 8, on page 31, in part two of the Report.

Tyson Hepple: Thank you. That shows the number of minor, moderate and major organised crime disruptions that there have been over the last five years, and you will see that the total number of disruptions has gone up considerably. I am really proud of that; I am really proud of the work that my teams have done to do that. There is a year in that figure—from memory, I think it may be 2017, '18 or '19—where the number of major disruptions is higher; it is in the 70s, but that was to do with the fact that some long-running investigations came to fruition in that year. Major disruptions can take a number of years to come to fruition. But the total number of organised crime disruptions shown in the figure is something that I am very proud of.

Q97 **Shabana Mahmood:** I appreciate that, Mr Hepple, but again, with regard to figure 8, the National Audit Office Report, at paragraph 2.16, says: "For five years, the Department has increased disruptions year on year but has not increased the proportion of more major disruptions...The Department told us the more minor disruptions achieved could have a lasting effect but could not evidence this." What I am driving at, given that assessment of your work, is this. I appreciate that you are saying that this is one of your success stories and you are proud of what this figure shows, but it is a little bit difficult to have some confidence in this assessment.

Tyson Hepple: There are probably two points I would make. The first one is that I think the total number of disruptions for the last financial year, because the Report, in figure 8, only goes up to February—I think it's 51 major disruptions. So apart from the outlier a couple of years before, for the reasons I have said, I think our major disruptions have stood—but we have had a much bigger number of minor disruptions in particular.

The other thing I would say is that we don't go looking for major disruptions. Quite often it takes a number of minor disruptions to put together the overall jigsaw, so that you can then start to disrupt and to remove some of the big players in an organised crime group. So we don't deliberately target minor disruptions because we think they are easier. In one big operation we have run over the last few years, we have had a total of 30 disruptions, and it was only when those had started to build that we had the major disruption. Also, major disruptions depend to some degree on court sentencing—and I don't think the courts have been operating at full capacity for a while—and also requisition of assets. If we are allowed to take money out of the gangs, that will disrupt them in quite a major way.

Q98 **Shabana Mahmood:** I can understand that a number of minor disruptions might then lead to a major one, because you are obviously gathering intelligence and picking things up, but that is exactly the sort of thing that I would have thought you would have been able to evidence to the National Audit Office when they were preparing their Report and looking into this with you. I am just wondering why you have not been able to provide evidence—some data, some stats and some key



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examples—to the NAO in order to show that some of these minor disruptions, taken together, have actually had a more lasting impact and effect. The NAO Report finds that you couldn't evidence that assertion.

Tyson Hepple: We should have done better at trying to put our case across. We signed off the Report—the Report is accurate—but we probably did not express ourselves as well as we could have done.

Shabana Mahmood: That is an interesting explanation. I haven't heard that explanation in all the time I have been on the Public Accounts Committee. I am glad you are not resigning.

Chair: I wonder whether I can perhaps bring in Tom McDonald from the National Audit Office, just to explain from the National Audit Office's point of view what you have read from that last exchange.

Tom McDonald: I suppose that what we were looking for was some evidence that there was either a theory of change—some sort of view that if you do x, then y will follow, which supported the notion that more minor disruptions could have achieved a lasting effect, so looking at something ab initio—or, after the fact, they assessed a number of these cases and said, "Looking at some of these minor disruptions, they show that they can indeed have the kind of effect that we're after." We did not see either of those.

Q99 **Shabana Mahmood:** Finally, I want to return to the discussion I had with Mr Hepple around asylum claims and late asylum claims being made. Have you made any assessment of the availability of good-quality legal advice much earlier in the process? Would legal aid and support have an impact by helping you bear down on the number of late claims and root out any that are bogus, if you provided better-quality legal advice earlier in the process? Is that an assessment that you have made?

Tyson Hepple: It is not an assessment I have made. If I may, can I put that in the basket of looking at the whole issue, as flagged up by the NAO, of whether there is anything we can do to prevent late asylum claims by having conversations with people before they are detained? I think you are right: the issue of legal advice will play into that, clearly. People have access to legal advice when they are in detention, but there may well be an issue. That might be one of the factors, and the bit of intelligence that we can use is the availability of legal advice at that point in the process. I am very happy to use that in further context, to answer your earlier question.

Q100 **Chair:** On that point, I wonder whether—access to legal advice has been a long-running and knotty issue—this is something that is on your radar, Ms Dunn.

Shona Dunn: Yes, Chair, it is on our radar in a number of a different respects. It is on our radar from the perspective of the quality of legal advice that people can source—the quantity of legal advice out there that is actually helpful to people. Exactly as Ms Mahmood has been discussing with Mr Hepple, it is a question of, when you look at all the sticky points in



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the system, what it might be that would unstick them. Mr Hepple has talked about a whole variety of different things, because it is absolutely incumbent on us, as the NAO has said, to look at those points in the process where it may be things that we are not doing or—

Q101 Chair: This is not a new discussion. Has there been any evaluation of the cost of getting people access to good legal advice at the first stage, rather than of the cost of having them go through the system, possibly being detained and having enforcement action against them if it is a very serious matter? Have you looked at the balance—the cost of one versus the cost of the other—and at whether you would actually save money if people have better legal advice up front?

Shona Dunn: We have not looked in recent times, to the best of my knowledge—although I will absolutely confirm this. We have not gone back to reassess policy decisions that Ministers made in the past about where legal advice is and is not available, or about funding requests for legal aid—

Q102 Chair: It is not about whether you have gone back to look at policy decisions in the past, it is just that, if you are looking at ways of streamlining the system, one of the challenges, which some of us see in our surgeries, is of people who have been hanging in the system for a long time in the hope that they will eventually get status. Actually, sometimes, they do not hear from anybody that they have a hopeless case, that they have reached the end of the line legally and that there was never really much chance of them getting legal status. There are bad lawyers out there, or people who call themselves lawyers—not all—who give false hope and take vast sums of money from people to do that, so people get into hock with other people.

Shona Dunn: Absolutely.

Chair: So you have the human misery and the hopelessness, and those people sometimes have families, which creates lots more challenges for everything from immigration enforcement to them in their lives and all the way through the system. That is all costly in human terms and in cash terms. Have you ever done an analysis of whether, if those people had better advice and were told, “Really, you’ve got no hope now,” or indeed, that they had a good case, they would get settled, earn money, get sorted quicker and become fully contributing members of society in terms of tax and so on? Have you done any of that analysis recently?

Shona Dunn: I think we do know that that is the case. One of the lessons that we are learning across the board and in the context of Windrush, and it is one of the things that is covered in Wendy’s report, is that we absolutely need to refresh our research and evidence base across the whole of the borders and immigration system.

There are gaps in our evidence base that we absolutely must plug, but I think we are pretty confident, on what we know today, that there will be people who are, as you say, being exploited by bad legal advice or actually deliberately wrong legal advice. We absolutely want to do something about



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that. There is an active conversation with Ministers around some of those issues that affect our ability, or people's ability, to move their cases through the system.

Ministers are also absolutely interested to look again at how we make sure that we support people to make good choices on their routes through the immigration system, rather than be left to work out what the right answer may or may not be for them. So there are a variety of issues that we are actively discussing in that context.

Q103 Chair: One of the long-term aims of the Home Office, for more than a decade at least, has been that individuals could contact a Home Office caseworker and talk to them directly about their case, but I do not think I have ever heard an example of the Home Office responding directly to a constituent. They usually respond to their solicitor, often not to them, which is why some of us have very large caseloads.

I think Ms Mahmood and I are in the top six customers to the Home Office in terms of immigration. We are happy to help our constituents, but actually that seems like a remarkably inefficient way of dealing with things, and quite costly to you, as it adds lots of steps to the process. Is that something that you have looked at—cutting out the middle person, the solicitor or the MP, and dealing with the constituent direct?

Shona Dunn: I think there is a difference between the Department putting itself in a position where it is effectively offering de facto legal advice versus the Department putting itself in a position where it is coming at its services from a much more people-centred starting point. The Department is getting to a point where, as Mr Hepple has described in the case of Immigration Enforcement, we are doing a lot more face-to-face interaction with individuals, particularly where cases are complex and lives are complex and we need to engage with that to support a more streamlined journey through the immigration system. That is absolutely something that we are looking at how we do. I am not sure that that would get to the point where that replaced independent legal advice—

Q104 Chair: No, sorry, I was not suggesting that you replace independent legal advice, but if someone needs a simple query or a copy of their record, they are things that they go through solicitors for and pay solicitors for, and some unscrupulous solicitors will make many such inquiries, even weeks apart when they are not going to get an answer, just to take a payment for each activity. It is exploitation as well, but actually, some of it would just make life a bit quicker if, on the simple things, you could respond direct.

Shona Dunn: Exactly right. One of the things that we are looking at, as I say, in the context of Windrush and the ongoing modernisation of our systems, is how we get to a place where we can give people, particularly where there are more complex factors at play, more direct engagement to help them to navigate in a more streamlined way through the system.

The task with the bulk of simple cases has to be automation and self-service. That is also part of the journey that we are on. If we can get to a



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point where we are more successful in terms of automation and self-service, some of those issues will fall away. Often, where people are using legal advisers, they are already in a slightly more complicated bucket than the simplest cases. In those cases, it is incumbent on us to work out how we can smooth their navigation of the system.

Chair: Thank you.

Q105 **Peter Grant:** I have a couple of final questions to Mr Rycroft. A major theme of this session has been us asking you to provide information and evidence, and the Home Office often not being in a position to provide that. I accept that you are working very hard to make that information available.

I searched through some online dictionaries. One defined a word as "A preconceived opinion that is not based on reason and actual experience." Collins online dictionary defined the same word as "An opinion formed beforehand, especially an unfavourable one based on inadequate facts." Those are definitions of the word prejudice. We could change the word "opinion" in those definitions to "actions" or "policy decisions". Do you feel comfortable knowing that by continually acting without adequate up-to-date evidence, you may leave yourselves open to the charge that the Home Office has been acting on prejudice, rather than on genuine evidence?

Matthew Rycroft: I am determined to ensure, Mr Grant, that we do not act on prejudice and that we do act, wherever possible, on evidence and data. We are all in this together in seeking to improve, with the NAO, the ONS, yourself and other Committee members, our ability to measure the things that will allow us to continually improve the Immigration Enforcement system inside the Home Office.

None of our inability to give you the data you are asking for is because we have the data and we are choosing to hide it from you. It is because it is not possible, at the moment, to measure those sorts of things. We want to be able to measure them. We are as frustrated as you are that it is not possible in this murky world to measure the sorts of things that would allow us to have a much clearer day-in, day-out assessment of our value for money and our prioritisation. That is why we are determined to work with those organisations and with yourselves to improve that.

Q106 **Peter Grant:** I accept that point, but you have not been able to provide us with some of the information today not because it is too hard to get hold of, but because for one reason or another the Home Office did not think it was important enough to try to collect it in the past.

I think that you mentioned, in relation to the Windrush inquiry, that it had come very close to saying the Home Office was institutionally racist. Would it be unreasonable for someone reading the NAO Report, following the evidence you have given this afternoon, to conclude that the Home Office and Immigration Enforcement system were institutionally prejudiced?



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Matthew Rycroft: I think it would be unreasonable. I do not think that is what the National Audit Office is saying at all. I think that the Report is saying that we have made a decent stab, we are moving in the right direction, we are seeking to get the sort of evidence that we all want in order to make these decisions on the basis of fact, and they are encouraging us to go much further and we are determined to do so.

Q107 **Peter Grant:** I have one final question for Mr Rycroft. Earlier, in reply to one of my questions, you commented that the Home Office, in its entirety, wants to make the UK a welcoming place for people to immigrate to legally, or words to that effect. That was something that I am sure we can all support. Why is it, then, that the entire performance reporting framework for the Immigration Enforcement system makes no mention whatsoever of making the UK a welcoming place for people who come here legally and in compliance with the law?

For example, there is nothing that says that there is an objection to ensure that innocent people are not wrongly targeted and do not fall victim to harassment, even because misconceptions and prejudices about immigration become prevalent in society. Why is there nothing in the objectives of the Immigration Enforcement system that identifies the fact that they need to be part of making the United Kingdom a welcoming place for people who want to come here legally and legitimately?

Matthew Rycroft: We will be part of that. Just this afternoon, the Home Secretary has been setting out details of the future immigration system starting at the end of the transition period on 1 January 2021. A very significant part of that is precisely to provide that sort of welcome to talented people from around the world.

Q108 **Peter Grant:** But do you have any plans to make that a specific requirement of the way in which Immigration Enforcement operates, or are we going to have a situation where everybody else talks about welcoming immigrants, but part of the Home Office does not have that anywhere in its mission statement, its statement of agendas, or in the performance framework against which the service and each of its employees will be measured? Do you not see that as a gap in the setting of objectives for that service?

Matthew Rycroft: Actually, this is part of the Windrush report follow-up. First of all, we need to set a mission, a vision and some values for the Home Office as a whole. We then need to make sure that the mission for Immigration Enforcement and all the other parts of the Home Office that sit alongside it cascade from that.

Peter Grant: Thank you. No more from me, Chair.

Chair: Thank you very much, Mr Grant. I thank our witnesses very much; as I think you gather, there are areas here that we will be probing in future, time permitting. We look forward to having you back in on the emergency services network at a convenient point, Mr Rycroft; I hope your positivity about the outcome of that is well founded, because we will certainly be digging through that. I thank you very much, and add my



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welcome to you to that of Mr Grant: it is your first time in front of this Committee as permanent secretary to the Home Office, and we look forward to seeing you all again at some point in the future.