

## Home Affairs Committee

Oral evidence: [Home Office Delivery of Brexit: Immigration](#), HC 421

Tuesday 21 November 2017

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Members present: Yvette Cooper (Chair); Rehman Chishti; Preet Kaur Gill; Sarah Jones; Tim Loughton; Stuart C. McDonald.

Questions 82–246

### Witnesses

I: the right hon. Brandon Lewis MP, Minister for Immigration, and Patsy Wilkinson, Second Permanent Secretary.

## Examination of witnesses

Witnesses: the right hon. Brandon Lewis MP and Patsy Wilkinson.

Q82 **Chair:** I welcome the Immigration Minister and Ms Wilkinson, who are giving evidence to us today. We are very grateful for your time. We want to cover some of the issues around the Brexit proposals, proposals around the existing immigration system operation, and Brook House, to feed into a series of different inquiries. Can I start by asking you some factual questions about the Brexit arrangements you have planned? When do you plan to start registering the 3 million EU citizens?

**Brandon Lewis:** First, thank you for inviting us to do this, this morning; that works for us, too. It is a pleasure. I think this is my first Home Affairs Select Committee appearance since I have been in the Home Office, so it is really good to have a chance to come and have a conversation.

**Tim Loughton:** No pressure.

**Brandon Lewis:** Yes, absolutely: no pressure there. In terms of the settled status of European citizens who are here, obviously we are dependent on that stage of the negotiations completing so that we can move forward, but the intention is to do it later in 2018.

Q83 **Chair:** So you are waiting for that bit of the negotiations process to complete before you can finalise the arrangements.

**Brandon Lewis:** Yes, because until that part of the negotiations is complete, we have not yet agreed exactly what we are able to do. That is part of the current negotiation around EU citizens' rights. The simple part of that is whether people continue to have the right to stay in the UK, and we have been very clear that we want current EU citizens who are here to stay. They play an important part in our communities and our economy, as you know, and we want to do that and get on with it.

Once that stage of the negotiations is complete—as the Prime Minister outlined in her open letter a few weeks ago, we are within touching distance of that side of the deal—we will start doing much more communication with that group through various avenues of social and digital media and direct correspondence, to outline to them what we are planning. The intention is that the administrative system that people can use to do that will start in the second half of 2018.

Q84 **Chair:** If there is not agreement on that and there are delays, so it is not agreed in December, do you expect your registration process to also be delayed?

**Brandon Lewis:** Not necessarily, no. The process of getting that system in place has already started. As Committee members may have seen, we have publicly outlined that we are working with user groups, so people



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from the European Union are involved in exactly how that system will work. We are very clear that we want this to be a really simple, swift system. My intention is that it should have some similarity, in terms of speed and ease, to the way that people can now renew their driving licences. We are working with those user groups now.

The process of designing that system and getting it in place has already started, but we cannot start physically registering people before the deal is agreed. Once that part of the deal is agreed, we can get on with communicating with those people and finish getting that system in place. Even if things were delayed—it depends what the delay is, obviously, but a short delay would not necessarily delay the registration process's start day. I am still optimistic that we will get that part of the agreement before Christmas.

- Q85 **Chair:** Do you expect to recruit entirely new staff to do this registration work, or do you expect to move some of your existing staff from other parts of UKVI?

**Brandon Lewis:** We have some flexibility within our team at UKVI. We have already recruited around 700 staff to increase the UKVI headcount, to deal with leaving the European Union and the processes and work we are doing around that. We already have offers out to another 500 people, whom we would expect to start by the end of March to April 2018. That will give us an increased headcount of around 1,200 staff, part of which will be to deal with this process.

- Q86 **Chair:** Only partly, not all—so they are going to be doing other things as well.

**Brandon Lewis:** Some of the work around leaving the European Union goes beyond just dealing with the settled status. There is the whole future immigration system we are working on as well. The majority of that work will be around dealing with over 3 million EU citizens who are already in the UK and whom we want to get that settled status through to.

The way the system will work—this is already in the public domain—is that people will have a two-year grace period. The people who are here already and have completed five years' residence in the UK will be able to apply straight away for settled status, but will have two years in which to do it, so they will not need to do that on day one of the system going live.

Equally, there is a separate group of residents who are here already but have not been here for five years. If they are already here, they will be able to stay for five years, to then gain settled status. The process of taking the 3 million to 3.5 million people through, depending on how many apply for settled status, will happen over a period of time from when it starts.

- Q87 **Chair:** And you anticipate that period of time being two and a half years. Is that what you are planning for?

**Brandon Lewis:** No, it could be much longer than that. The people who have been here already for five years will have two years' grace. We



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expect to have all those people processed within two years of whatever the cut-off date is. People who are here before the cut-off date but have not been here for five years can stay for five years. In theory, if somebody came in three weeks before the cut-off date, the process for them to settle would be four years, 11 months and a week down the line. There is that timeframe.

- Q88 **Chair:** Will the people who have not been here for a full five years have to apply for some other kind of status—a temporary status? As I understood your documents, you expect them to have to apply within the grace period for a temporary status.

**Brandon Lewis:** Yes.

- Q89 **Chair:** So they will have to apply for that. From the point of view of your casework system, you will be expecting up to 3.5 million applications in a two-and-a-half-year period.

**Brandon Lewis:** In that sense, yes.

- Q90 **Chair:** Some of them will be for settled status, and some will be for a temporary status.

**Brandon Lewis:** And it will be ongoing after that, but yes, initially.

- Q91 **Chair:** But you effectively have an additional 3.5 million applications in a two-and-a-half-year period.

**Brandon Lewis:** Yes, assuming that everybody takes that up.

- Q92 **Chair:** How many caseworkers do you think you need in place to do that?

**Brandon Lewis:** As I said, we have recruited 700 people to UKVI, and we have another 500 coming through between now and April next year. I think that those jobs are already out.

**Patsy Wilkinson:** Yes.

**Brandon Lewis:** So 500 people will be starting between now and April next year, and at the moment we are confident that those extra 1,200 staff are what we need.

- Q93 **Chair:** You currently have 6,500 staff in UKVI. How many applications do you deal with at the moment a year?

**Brandon Lewis:** As in total applications?

**Chair:** Total immigration and asylum applications that you have to deal with a year.

**Brandon Lewis:** I can look the figure up, but it is in the millions.

**Patsy Wilkinson:** I think that across all the different kinds of applications that UKVI processes, it is about 3 million, but these are very different kinds of applications, with different levels of complexity.

- Q94 **Chair:** Of course. So, ballpark, you currently deal with around 3 million



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applications a year, and you have 6,500 staff. If those 3.5 million additional applications are evenly distributed, you could expect, for that two-year period, about a 50% increase in the number of applications coming in, but you are only proposing a 15% increase in the number of staff. Do you think that is enough?

**Brandon Lewis:** At the moment, we assess that it is, but it is also important to take Patsy's point and bear in mind that there is quite a big difference between what the teams are working on at the moment, and what the settled status process will be. At the moment, as Patsy said, the teams are working on quite a wide range of casework, including some cases that are quite complex and require an awful lot of work to process. Obviously it is a different approach. The current approach taken by the caseworkers involves looking at the application that somebody puts in, and taking a decision on whether we will grant status. As a country, we decide whether somebody has the ability to get status to remain or come into the UK.

The settled status that we are offering requires a different approach. We will be granting status. There will be a criminal records check, but the intention is to grant status. There is a different cultural approach. It is also a different system. As colleagues outlined in Home Office questions yesterday, less than 1% of cases go beyond our service level agreements because of their complexity. This system is quite different; it is much simpler, because if somebody is already here, we will grant them status. It is not a lengthy process.

From the point at which somebody goes on to the computer and spends a few minutes putting in the details that they need to put in, to us granting settled status, will not take months. We are looking at a couple of weeks for someone to have confirmation from the Home Office that they have settled status. It is a much simpler, lighter-touch system than the process currently in place for most of the applications that come in, particularly from non-EU countries. It is a very different system.

Q95 **Chair:** Are you expecting it to be simpler than the EEA permanent residence card application?

**Brandon Lewis:** Yes.

Q96 **Chair:** There is, I think, a three or three-and-a-half-month wait to get the permanent residence card. Would that be an acceptable wait?

**Brandon Lewis:** No. As I said, with settled status, I want a system in which somebody who completes their part of the process hears from the Home Office in a couple of weeks.

Q97 **Chair:** You are also proposing to have an appeal system in place. The current free movement appeals delay is 45 weeks, and the overall delay is 52 weeks on appeals. What time period do you expect to have on your appeals?

**Patsy Wilkinson:** First, there will be an administrative review that is open to applicants who have not been successful, and that is designed to be



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quick. We have not pinned down the exact timeline, but we want to ensure that if we need to correct simple caseworking errors, we do that very fast, before anyone needs to go to any other legal routes.

- Q98 **Chair:** So this is an entirely new system, completely different from all your current systems. Other than the DVLA, which is in a different Department, have you modelled it on any other system or application process in the Home Office?

**Brandon Lewis:** Yes. When I talk about the DVLA, that is obviously the front end. I want the user interface to be really simple. We are basing this scheme around three very simple stages of test: first, the verification of the applicant's identity; secondly, a security check; and then confirming that ongoing residency.

For the back side of that—the administrative side, internally—we are not developing and designing a new IT system from scratch. We are using known structures and systems that are used by the Home Office and in working with HMRC and the DWP, so we know that they have the resilience and robustness to deal with the processes. The bit that is fresh and new—although DVLA is using it—is the user interface. I am very clear that we want to make that really simple, intuitive and quick for people.

- Q99 **Chair:** And you are confident that the DVLA system will fit with your existing computer and IT infrastructure.

**Brandon Lewis:** I don't want to get too far down the rabbit hole. When I say the DVLA system, I was purely using the example of the driving licence. I personally renewed my driving licence online recently, and I know that it is a very easy system. You go online, and literally a few minutes later you are finished and waiting for the new driving licence to come through. My point is that I want to have a system that allows the user to go online, fill in their part of it and send in the evidence that they need to send in, so their bit is done very simply and quickly.

- Q100 **Chair:** Is this part of the replacement for the casework database, or is it something new?

**Brandon Lewis:** No, this is different from the casework, in the sense that this is about working across data that we have in Government already. Where possible, we are just looking to confirm an individual's residence and whether they have been here, and doing a criminal record check.

- Q101 **Chair:** When do you expect your computer systems to be in place, so that you are able to start testing them?

**Brandon Lewis:** The team is working with the user groups at the moment to see exactly how that system will work, and what it will be. The final system obviously depends on the final agreement as part of the negotiations, in terms of what we are asking for and looking at. I expect to have that IT system finished and in test in the first part of 2018.

- Q102 **Chair:** When you decided to take on the 700 and then the 500 additional staff, was that assessment of staffing based on your calculation of how



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many staff were needed, or was it based on the money you had been given from the Treasury, with you having to manage within that budget?

**Patsy Wilkinson:** It was very much based on the analysis we did of the likely volumes—it is hard to predict completely—and therefore the number of staff we might need to manage those volumes. It was only after that analysis, which we continue to update, that we engaged with the Treasury on precise funding, and secured the funding this year.

Q103 **Chair:** So you are confident that you won't need to draw any additional staff away from any of your other casework operations to fulfil the new Brexit system and obligations.

**Patsy Wilkinson:** Our starting point is absolutely that this is a new service, and that it is in addition to all the other services we continue to provide.

Q104 **Chair:** As part of this process, will EU citizens' rights be subject to continued ECJ jurisdiction?

**Brandon Lewis:** That is part of the negotiations, and that part of the negotiations hasn't concluded yet.

Q105 **Chair:** Does the UK Government rule out any continued ECJ jurisdiction over EU citizens' right?

**Brandon Lewis:** As tempting as it is to go further, I am afraid I am going to repeat that that is a matter for the negotiations, and that part of the negotiations hasn't concluded yet.

Q106 **Chair:** However, the Government has ruled out various other things as part of the process. Given that this has been reported in the papers today, has the Government ruled out ECJ jurisdiction over EU citizens' rights, or is that still subject to negotiation?

**Brandon Lewis:** As tempting as it is to comment on the newspapers, I would not go any further than saying that it is a part of the negotiations that has not concluded yet. As soon as that part has concluded, I will be able to respond more widely to that.

Q107 **Chair:** So we should conclude from that that if it is still subject to the negotiations, it hasn't been ruled out.

**Brandon Lewis:** You can conclude from that that it is subject to the negotiations, and therefore I am not going to comment any further until that part of the negotiations has concluded.

Q108 **Chair:** In the detail of the circumstances in which you would deny somebody settled status, you have a requirement relating to criminal record checks. What level of criminal offence would prevent somebody getting settled status?

**Brandon Lewis:** Again, we still have not finalised the negotiations on EU citizens yet, so I cannot answer that fully. It is one of the things we still have to look at, because there is obviously a difference between the EU threshold and the UK threshold for non-EU citizens. We have not





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concluded that part of the negotiations yet, but I hope that we will do so fairly soon—as I said, hopefully before the end of this year. The only other reason we would potentially deny somebody settled status would be if someone applying for settled status did not have a right to it—somebody trying to abuse the system, claiming they have been here for five years when they have not, or potentially claiming to be an EU citizen when they are not.

Q109 **Chair:** Sorry, can you clarify that?

**Brandon Lewis:** If you are asking what type of applicant could be refused, depending on the level agreed, there is obviously a criminality check. My point is, to give you a complete answer, the only other group of people who could be—

Q110 **Chair:** I see. So this is in addition to the criminality check?

**Brandon Lewis:** Yes. Separate from the criminality check, the only other people who I can envisage being refused would be people applying who should not be applying—people who have either not been here five years, or who are trying to apply, claiming to be an EU citizen, but are not—that is, people trying to game the system.

Q111 **Chair:** If you have somebody who the Home Office assesses is trying to, as you say, game the system, or is not eligible, will they be able to remain in the UK while they appeal?

**Brandon Lewis:** Again, it depends on the situation. There will be a number of different groups of people. If somebody is an EU citizen and is in the UK, but has not yet fulfilled their five years, then obviously they have the right to stay, because they are allowed to apply to get to five years. Somebody who is not an EU citizen but is claiming to be one would be committing fraud, and we would look to deal with them through the normal immigration routes, which means they would be liable to removal.

Q112 **Chair:** So even where somebody has an appeal, and the Home Office may have made an incorrect decision—you would accept that that could happen, given the number of appeals that get overturned—you would still deport somebody in advance of their appeal?

**Brandon Lewis:** We can deport people in advance of an appeal, because you can appeal from overseas, but it depends on the individual case. It is difficult to answer that question, because it depends on the case and the circumstances.

Q113 **Chair:** In your technical note, you seem to suggest that EU citizens would be able to remain here while they appeal.

**Brandon Lewis:** Yes. Let me be clear: I did specifically say that this is somebody who is not an EU citizen, but is claiming to be one.

Q114 **Chair:** But if that is the issue on which they are appealing, and their appeal is that the Home Office has got it wrong in claiming that they are a citizen from outside the EU when, in fact, they are an EU citizen, you still plan to deport them?





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**Brandon Lewis:** No. As I said, we look at each case on an individual basis. In the case of someone who has a reason to claim to be an EU citizen, and believes that the system has got it wrong, it is likely that we would allow them to stay.

Q115 **Chair:** Now I am not clear what your position is. You seem to be saying that maybe you might allow them to stay, maybe you will not allow them to stay. That is really uncertain for people who are applying to a Home Office process when, as you will appreciate yourself from the more than 100 EU citizens who were told they had to leave the country, the Home Office makes mistakes.

**Brandon Lewis:** There is a difference. First, the reason it is difficult to give you a blanket answer is that cases are looked at on an individual basis. Most cases are unique, by the nature of being individuals from different backgrounds. There is a possibility that somebody who has a clear background of being a non-EU citizen with a non-EU passport and all the evidence to back that up, who is clearly trying to game the system, could be liable for removal. Obviously, if somebody has a case background where it is clear that there is a dispute and an issue to consider, and they have a good case to make for their position, we would look at that in a different way. That is why it is quite difficult to give you a blanket answer, because these cases are looked at on an individual basis.

There was a mistake made on the 106 cases, and the moment it came to our attention we dealt with it. We are very clear about the fact that it was a mistake that was not acceptable. We made contact with all 106 on that day—I contacted them directly within 24 hours as well—and dealt with that. But, again, all those 106 cases were people who had made applications that were not complete or not correct. They should not have been open to getting a letter asking them to leave, but they were going through a process where they had had an issue.

Q116 **Chair:** You are conceding the point, however, that the Home Office makes mistakes. It makes mistakes, there are some reports from UKVI of 10% errors in one system and another percentage of errors in others, and the amount of appeals that are overturned is still troublingly high for the Home Office. Given those circumstances, are you still saying that you want EU citizens to have confidence in the Home Office to decide the circumstances in which they can stay here while they appeal and the circumstances in which they will be deported while they appeal?

**Brandon Lewis:** On the basis that we deal with about 10 million applications and decisions for UKVI and passports every year, I think that UKVI has a good case to be able to give people confidence that the system works. That is why it is important that we look at cases on an individual basis. We are very clear that every case is unique and that in some cases we will take a different view based on the unique situation of that given case. Given that we deal with 10 million applications and processes every year, there is a very good track record of success, yes. There is also a good record of appeals that we win.



**Q117 Chair:** Had your response to that question been to recognise that the Home Office makes mistakes but to say that, actually, it is okay because we are putting in a whizzy new system that will be different and therefore there will be additional safeguards, it might have been more reassuring. Instead, you suggest that, actually, we have to just be confident in the Home Office's future decisions because you are confident about its past record, and we should be in the way it is currently operating. I think that you will testify, from the number of letters you probably get from MPs, that MPs do not have the greatest confidence in the Home Office's casework capacity and the way in which it makes decisions.

**Brandon Lewis:** With due respect, the comments I made a few moments ago are being taken out of the context of the comments that I have already made, which were that the system that we are looking to develop is a very different cultural approach—that is the point you are making about whether we are doing things differently. There is a presumption that we will grant settled status, so that is a different approach.

Equally, it is right to give confidence to people by making it very clear that we are taking this system and making sure that the user end is a very simple and efficient system that people can understand and use quickly, and that it is robust, based on tested systems that we already use in Government. At the same time, I have already said that if we get things wrong, it is right that we deal with them when we are aware of them. The 106 is a very good example because as soon as we became aware of the problem on that Thursday—I remember this clearly because I was in the office—we said clearly, "We've got this wrong. This shouldn't have happened." We contacted all 106 that day, to deal with the issue. We wrote to them so that every single one had a note from me the following morning, but they had been contacted by the team that very day to deal with the issue. So yes, absolutely: if we get things wrong, we need to deal with that, learn from it and move forward.

However, we can say to people that they can have confidence in the system that we are developing for next year not just because of the resources we are putting into it but because it is a different approach, which presumes that we are granting people status.

**Q118 Chair:** You might not even know that you've got it wrong until the appeal goes through, by which time someone has been deported.

**Brandon Lewis:** No, if you look at the way we will run the system, one reason why our team, who will be going through this process, is working with the user groups that include the 3 million and others is to make sure that the system we put in place is a good, robust system that delivers for them and that they can understand. We also make sure that we have the ability for people to liaise with our teams to make sure that we get it right first time.

As we get into next year, we will be much clearer about exactly what that process will be. Once this stage of the negotiations ends, we want to be very proactive about how that system will work and what it will be. As I



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said, that is a system that will be worked on and developed not just using technology and systems we already have—we know that they are robust and resilient—but a user interface that works in a way that has been gone through with user groups. The people who will use the system will have been involved in designing it and will have confidence that the system can work for them.

Q119 **Chair:** Will you expect people to submit their passports when they apply?

**Brandon Lewis:** I think it is too early to go into that—it depends potentially on the negotiations, but I am not particularly expecting people to have to put their passports in. We are looking for EU citizens to show that they have been here for five years or whatever time they have been here, which is not necessarily a passport issue.

Q120 **Chair:** If people do not have settled status or temporary status granted initially, will they still be able to work while they are appealing, or will they not be able to work or rent properties?

**Brandon Lewis:** At the moment, they will be able to stay here and work because we are still part of the European Union and have full free movement.

Q121 **Chair:** But after March 2019?

**Brandon Lewis:** We are looking at having a transition of potentially up to two years. Again, the details have not yet been decided.

Q122 **Chair:** But if somebody has their temporary status refused during this process, in that two-year grace period, would you expect them still to be able to carry on working?

**Brandon Lewis:** The full details will depend on where the negotiations on the final agreement end up later this year.

Q123 **Chair:** When do you expect the White Paper to be published?

**Brandon Lewis:** Soon.

Q124 **Chair:** Before Christmas, or after?

**Brandon Lewis:** I would like to publish it before Christmas.

Q125 **Chair:** But you are not guaranteeing it will be published before Christmas?

**Brandon Lewis:** I have said consistently for some a period of time that I want to publish the White Paper before the end of this year, and that has not changed.

Q126 **Tim Loughton:** It would be a brave Minister who said that no mistakes happened in his Department. I am sure they even happened in the DWP in your time, Chair. Can we fast forward to 1 April 2019? The hangovers after Liberation Day are wearing off. I am a Belgian citizen who has not been to the UK before. I arrive at UK Immigration, supposedly to visit my daughter who is at university. What process will I have to go through and



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how will it change?

**Brandon Lewis:** That will depend partly on where we go with the negotiations. If you are talking about April 2019, that could well be in the transition period and we have not got to that stage of negotiations yet.

I will take it in three phases. Phase 1 is where we are today with full free movement. Phase 2 is the transition implementation period, which we are looking to negotiate with the European Union. Phase 3 is the post-implementation period.

Q127 **Tim Loughton:** Let's fast forward to phase 3. I know where we are now and we do not know about transition. Ultimately, we are in the brave new world, what do you expect and hope that the situation will be for me as a Belgian arriving at Heathrow.

**Brandon Lewis:** For part of the answer to that, I am afraid I am going to have to ask for your forbearance and patience until we publish the White Paper, which will give wider detail ahead of the Immigration Bill early next year. If I take the question very literally and you are coming to visit your daughter or family at university, I would like to think you would be able to do that in the same way as any other tourist who comes to visit on a short-term basis and have a very good, fast experience of coming through our excellent Border Force at Heathrow airport.

Q128 **Tim Loughton:** So there will be no special channel, I will be alongside everybody else from any other non-EU country. Will I have a lower threshold of checks than somebody coming in from the other side of the world in order to prove that I am only coming here for a short visit as a tourist, rather than to take up a job, or whatever?

**Brandon Lewis:** I have not committed to whether you would be using a different route, or anything like that, at Heathrow. Obviously, we have not yet got to that stage in the negotiations and I have not yet published the White Paper about what those processes will be. When people come into our airports and our ports, we do 100% checks with their scheduled routes.

I am personally keen to give more people faster processes through airports. That is why I am keen on developing how we use e-gates to give people a much quicker experience. From leaving the aircraft to getting into a car or transport away from the airport, the experience should be as smooth, easy and fast as possible. I am not going to claim that I can control baggage control, but if you have hand luggage I want to make that as quick and smooth as possible.

The actual process and exactly what we do and how people work is going to have to wait until we are further down the road with negotiations and the publication of the White Paper.

Q129 **Tim Loughton:** You raised the question of ports. Do you envisage that there is going to have to be a beefing up of immigration security, certainly at channel ports? I do not just mean Dover, I mean ports such as those in my constituency, Shoreham harbour, where we have boats



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coming across from the continent and where immigration checks, to all intents and purposes, are completely invisible.

**Brandon Lewis:** We are recruiting some extra staff into Border Force. In terms of people coming through the border—particularly with scheduled flights and the way that the Border Force works, based on intelligence work, across the ports—the differences in the processing of how we deal with people, regardless of where we end up with the European Union, are quite marginal.

It does depend on exactly where we end up in negotiations, what the agreements are and what the deal is, but we actually still currently have to process people through the airport. Whether they use an ID card or passport, in terms of physically having to deal with people, does not make a huge amount of difference. Arguably, a passport is even easier because more people with passports means you can use an e-gate.

Q130 **Tim Loughton:** When we had John Hayes in front of this Committee some time ago, when he was the Intelligence Minister, we asked him about security at our borders. At that stage, he told the Committee that the Home Office was conducting a review into security and immigration procedures at small ports and airports across the UK.

That came as something of a surprise to the Committee. I think it also came as something of a surprise to the Home Office and we have not seen the results from it subsequently. Was he wrong or right? Have we missed a report? Is it work under way? Clearly, it has greater ramifications now that Brexit is going to be happening.

**Brandon Lewis:** We have a new approach to how we deal with ports—Operation Kraken being a good example of that—and how we work across our ports, using the intelligence-based approach as well as the checks we do, in particular obviously with scheduled flights and things like that.

Working across different agencies and with local communities has shown some great success recently as well. Just a few weeks ago, working across agencies, NCA and local police forces allowed us—we got some quite good coverage—to crack down on arguably one of the larger people-smuggling groups and criminal gangs, working across Europe and with our colleagues in other European countries. In terms of how border security works more generally, that is always kept under review.

Q131 **Tim Loughton:** A final question. You have talked about the additional personnel being taken on to deal with applications in the run-up to Brexit. Given that we could have a quarter of a million EU passport holders appearing at our borders post-March 2019, who would otherwise not be scrutinised as closely as non-EU citizens, what additional personnel do you envisage having to take on to deal with that influx of EU passport holders, now subject to greater checks?

**Brandon Lewis:** Obviously, it depends on what we end up doing as part of the final decision. Some of the details will be clear once we publish the White Paper and get through those stages of the negotiations. We are recruiting more Border Force staff; we have circa 300 staff at the moment.



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As I said, it does depend on what the final agreements are. We are processing literally tens and tens of millions of people through the ports already every year. Whether somebody comes through with an ID card or a passport does not make a great deal of difference in how we process them.

Arguably, if we are taking more people coming through with passports, it gives more opportunities for more people to use e-gates, which is obviously more efficient. An e-gate takes an average of about 15 seconds, if you put your passport in correctly—I will hold my hands up; I have got that wrong myself—rather than going through a desk, which takes on average about 90 seconds. Arguably, using passports makes the system quicker.

**Q132 Rehman Chishti:** Minister, looking at the issue of UKVI and the tribunal system, one of my concerns as a Member of Parliament—others may comment on their own experiences—is the massive delay in getting a response for a constituent who is anxious, distressed and needs certainty and an answer. I accept that there are complex cases and straightforward cases. What is the reason for the extensive delay that one experiences? Linked to that, you said you have to deal with 10 million cases. How many are complex and how many are straightforward? Do you have adequate resources to deal with that?

**Brandon Lewis:** Yes. As I learned yesterday, I think it is 99.5% of our cases that are dealt within the service agreements that we have in place. A very small percentage go beyond, and generally that will be because—I am happy to admit, following the Chairman's lead and Mr Loughton's comment—there are occasional mistakes. We have to deal with those as soon as we are aware of them, to try to deal with them and fix them. Actually, I have always said to colleagues, if they think there is an error, they should approach me and we will dig into it and get to the bottom of it. But generally, in the cases that take longer, we will let the applicant know that it is going to take longer, and it will be because it is a complex case. A very good example was raised with me yesterday on the Floor of the House by a Member—a Scottish Member, actually—and I said I would speak to them, because there are some very detailed, complicating factors in that case. At face value, as we often see in cases raised in the press, a case could look very simple and straightforward, but when we look at it, and the detail of it, there is some complexity there. We have to deal with complexity that is not always in the public domain. That would generally be why.

**Q133 Rehman Chishti:** I know the Department mark cases as non-straightforward. In relation to non-straightforward, complex cases, just to get the scale, there are 10 million cases overall. What percentage of that are non-straightforward, complex cases?

**Brandon Lewis:** If we take it on the basis that we deal with 99.5% of all cases within the service level agreement, it is that roughly half a per cent.

**Q134 Rehman Chishti:** In terms of the service agreement and complying with





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that, you then come to the tribunal system. When you have the president of the immigration bench, Mr Justice McCloskey, criticising the Home Office for “slavishly appealing” decisions that there is little hope of overturning, would you agree with him?

**Brandon Lewis:** No. We appeal cases where we think we have a good reason to appeal them.

Q135 **Rehman Chishti:** In relation to the good reason to appeal, and you said earlier that you win many as well, how many decisions from the lower tribunal are appealed to the upper tribunal?

**Brandon Lewis:** I don’t have those figures in front of me at the moment. I will come back to you on that.

Q136 **Rehman Chishti:** On the reverse side of that, in terms of the success rate—not the number that go to upper tribunal—you say you win many. When cases get appealed from lower tribunal to upper tribunal, what percentage do you win?

**Brandon Lewis:** Again, for the details I will have to come back to you. I am quite happy to write back to the Committee.

Q137 **Rehman Chishti:** If you don’t have the figures and the percentage—I accept that these are detailed figures—the president of the Immigration Tribunal, who sits on this day in, day out, could be right when he says that the Home Office slavishly appeals cases when it ought not to be appealing them.

**Brandon Lewis:** No. As I said, we will take a view about appealing a case based on whether we think it is in the public interest and whether we think we have a good reason to appeal. That is quite different from whether the judge who is hearing that appeal actually agrees on the basis of that case to grant the appeal. That is a different issue from why we have appealed in the first place.

Q138 **Rehman Chishti:** I get that. The reason I raise this is because we have constituents who are anxious and distressed. There are cases in which presenting officers turn up and are not open to a flexible approach of hearing new evidence. Has that been raised with the Home Office before?

**Brandon Lewis:** That is not something that has been raised with me.

Q139 **Rehman Chishti:** I put it to you that something that has come up is that when the immigration presenting officers turn up before hearings, even when new evidence is presented to them, they are not in a position to be able to take a different course of action. That leads to lengthy judgments and costs money, time, anxiety and distress. Has that been put to the Home Office before by the judges or by applicants or their Members of Parliament?

**Patsy Wilkinson:** I do not have the complete picture on that. When I sat in on a tribunal case and heard cases, I know there were concerns on the Home Office part about late evidence being provided that could have been





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provided earlier. I think there is some sort of discernment to be made about late evidence being accepted—

Q140 **Rehman Chishti:** Can I clarify that? Rather than late evidence, the point that has been made is in regards to presenting officers. I take the point that if they have been given information on the day, it may be difficult to make a decision, but when information has been given to them before that, they are still not prepared to look at the new evidence and take a different course of action. They are told to fight that to the end, when, in reality, in the interests of justice, they should be looking to find a more pragmatic way forward with the evidence before them. Is that something you have come across?

**Brandon Lewis:** That is the first time it has been raised with me. I am quite happy to have a look at that, but I think the point Patsy was making is also quite important. There are times I could see where the team would have a view about somebody coming up with evidence that should have been brought up much earlier at such a late stage, and therefore the veracity of that evidence. But that issue in that format has not been raised with me personally. I am very happy to have a look at that.

Q141 **Rehman Chishti:** I take the point, if that can be looked at—it is not simply on the day of the trial; it is evidence that has been given before, and even then the presenting officers have shown little regard to the evidence put before them. The point comes: do you have adequate resources to look at the new evidence that has been put weeks, months before, and it has not been taken into account, which then leads to judges making decisions, time, money and the anxiety and distress to individuals?

**Brandon Lewis:** I would quite like to pick that up and explore it further with you outside this meeting as well, purely because I would like to get a bit more detail behind it. I know, for example, when cases are raised and come across my desk—raised by a Member of Parliament or for any other reason—there are points in those cases where evidence has been brought forward at various parts of the case. I have seen cases where even at relatively late stages there is evidence in there that is taken into account, because it is evidence, in terms of the final decision that is made. I have not seen where that has been a particular issue. It is not something that has been raised with me before, but if you think it is an issue I will certainly try and explore some details with you and take that up and look at it a bit further.

Q142 **Rehman Chishti:** I am grateful. Linked to that, are you satisfied with regard to the competence of presenting officers? There have been some comments made, at every level, in the past, about the competence and ability of the presenting officers who appear on behalf of the Home Office.

**Brandon Lewis:** The challenge is that presenting officers—particularly if they are going through a court case, where, obviously, you have got an applicant who feels strongly that they want to get one result, and obviously the Government is taking a different position in those cases: there is going to be a tension between the Government's team and the



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applicant's team, which means the applicant is always going to have a negative view of what the Government's team are doing. I am not sure that I would personally, therefore, take the view that that means that the team are not very good at their jobs. They do work very hard, as I know from working with those teams, to get the right results and do the right thing first time; but there is obviously always going to be a tension and a difference of opinion between where they are and the outcome that a particular applicant would like to see in their own case.

**Q143 Rehman Chishti:** Just three brief questions: one is about the number of appeals that go from the lower tribunal to the upper tribunal, and the percentage success rate. That is something your office can get back to us on.

**Brandon Lewis:** Yes.

**Q144 Rehman Chishti:** Another is in regard to entry clearance: how many cases, when individuals apply to come into this country initially, are turned down, and how many are then allowed at appeal?

**Brandon Lewis:** Can you say that again?

**Rehman Chishti:** Sure. With entry clearance—the number of cases that come before the Home Office to deal with: how many are then reviewed and, after that, how many are allowed on appeal? The point I want to get to on that is competence, in terms of being allowed in the first place, and then having to go through a review and then an appeal. How many are initially turned down on entry clearance and then later allowed on appeal by the courts? Do we have that figure or not?

**Patsy Wilkinson:** This is initial decisions on visas?

**Rehman Chishti:** Yes.

**Patsy Wilkinson:** I don't have that information with me today; I am sorry.

**Q145 Rehman Chishti:** That is something you can pass back. One final thing, linked to that: it is said by some that the review that takes place after an application has been refused is a mere rubber-stamping exercise, and the Government may have a target of the number of cases it allows in or does not allow in. Is there a target system on that or not?

**Brandon Lewis:** No. The cases are looked at on individual circumstances and the facts of that particular case.

**Q146 Rehman Chishti:** And the final question on that: the review process on that, you would say, is not a mere rubber-stamping exercise; it is looked at thoroughly with somebody objectively before another decision is made—yes?

**Brandon Lewis:** Yes.

**Q147 Rehman Chishti:** And just linked to that, the final figure you would give in relation to how many are allowed on appeal: you will come back to us



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on that?

**Brandon Lewis:** *indicated assent.*

Q148 **Sarah Jones:** Sorry; I had a small childcare issue this morning—apologies. Can I just clarify one point, about complex cases—I get a lot of cases that are deemed complex in my case load: that they are definitely within your 99%? My understanding was—this is just to clarify—that if it is deemed complex you do not have to meet the service standards, and therefore it is not within the number; but it is within the number—or it isn't?

**Brandon Lewis:** No, if they are complex they are not in that 99%.

Q149 **Sarah Jones:** So when you say 99% of cases are met, the complex cases are a whole different—

**Brandon Lewis:** Are separate from that, yes.

Q150 **Sarah Jones:** So that is not half a per cent., it is a—

**Brandon Lewis:** Obviously, yes, that is correct.

Q151 **Sarah Jones:** It is the half a per cent.?

**Brandon Lewis:** No; they do not count within that, and we work with those—

Q152 **Sarah Jones:** Do we know how many cases are complex? If it is not 0.5%, how big is that number? It feels, as an MP, as if you get a lot of cases that are complex, but I don't know the scale of the number.

**Brandon Lewis:** Obviously, that will vary. I do not have the number of cases that would be classed as complex at this moment, but I can let you know.

Q153 **Sarah Jones:** It would be good to understand that. I've only been an MP for a few months, but you get the sense that cases are deemed complex when perhaps they are not, because then you do not have to reach the six-month service standard and count them in the measurement of your service levels that you have agreed. Do you know what I mean?

**Brandon Lewis:** Yes, but that is not the case. Cases are deemed complex because they are complex. The teams will let the applicant know that their case has been deemed that way. It can happen for a range of reasons. As I say, it is difficult to give a number because the number of complex cases in place today could be different tomorrow. Some cases get signed off, or new cases come in, so it is always variable. I can get you an idea of a number at a given point in time.

**Sarah Jones:** It would be great to understand the scale.

**Brandon Lewis:** Just to finish that point, a range of cases can be deemed complex, including what can seem like a simple case on the face of it, but is not simple when we look into it. I have seen cases where people have used several different identities that the Member of Parliament was not



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aware of when they asked why it was a complex case. I have seen cases where an English language test has been completed by someone who is clearly not the same person who is making the application.

A case can also be complex because the person has been in the country illegally and has avoided things for a period of time before trying to regularise their process. A whole range of things can happen in a case that can make it complex when, on the face of it, when people initially look at it, it does not necessarily appear to be so.

I have had that as a constituency MP. People have come to see me with what seems a very straightforward case, but of course that is their side of the story. I remember one particular case, before I was Immigration Minister, which the then Immigration Minister looked into. There was quite a lot of detail that the resident had not told me that was making it a genuinely complex case.

**Q154 Sarah Jones:** Just to follow up on the cases that I get, I have seen a few asylum seekers. I saw one on Friday—a Syrian boy who came here at 16. He has been waiting, and is due to turn 18 next month. Again, I have had a couple of cases where, if you are being cynical, there is a view that basically people are holding on, because once an asylum seeker turns 18, it is easier, and you can do other things with them. That is definitely a perception, and I have come across a couple of such cases. Are you assured that that would not be a deliberate delay, and that they are going as fast as they can?

**Brandon Lewis:** Absolutely.

**Q155 Sarah Jones:** If they are going as fast as they can, why is it taking two years to process a Syrian boy, whose case appears to me to be quite straightforward?

**Brandon Lewis:** If you let me have the details, I am very happy to have a look at that particular case and see if there is a complexity that was not initially apparent, but it is certainly not the case that there are deliberate delays. Cases are dealt with on an individual basis to get the best result. Particularly when it comes to individuals who have come over from somewhere like Syria, we are obviously looking to do the best thing by them.

Actually, there is no reason for somebody to delay until the individual is 18, because even if they were dealing with a minor, when they get to 18, obviously there is just a different situation to deal with. There is no reason or incentive for somebody to delay making a decision. Patsy, I don't know if you want to add anything.

**Patsy Wilkinson:** No, I have nothing to add to that.

**Q156 Sarah Jones:** I want to move away from my constituency cases. The independent chief inspector found a 10% error rate in information passed from the Home Office to banks. What assurances can you provide us with that no individuals with the lawful right to be in the UK will see their bank accounts frozen, or be sent letters demanding that they leave the



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country?

**Patsy Wilkinson:** On the operational side of things, in preparing for the new powers, we have put in place a mechanism so that no final decision can be taken on freezing an account without a further final check with the Home Office to confirm that that is the right thing to do, based on our information.

Q157 **Sarah Jones:** Is that the thing you are doing now, or the thing that is coming in?

**Patsy Wilkinson:** That is the thing that is coming in now. It is not about opening bank accounts in the first place, but the repeated washing of bank account data against the record of illegal migrants. No automatic decision will be taken without a further reference back to the Home Office.

Q158 **Sarah Jones:** If obvious errors occur, is there a team that people can go to within the Home Office that can look into that?

**Patsy Wilkinson:** Yes, and the mechanism that we have put in place should mean that we are spotting potential problems before any decision to close has been taken.

Q159 **Sarah Jones:** The hostile environment is likely to uncover people who have been in the UK illegally for many years. Is it cost-effective to seek to remove such people if an application for leave to remain is likely to be successful?

**Brandon Lewis:** The way that the comply environment works at its best is actually around making sure that people who are here illegally realise that it is not in their interest to be here and leave the country. It also plays an important part in removing any pull factors that may be there for people looking to come here in the first place. Some of the most vociferously supportive of us going even further and doing more on the comply environment are those who have come here legally and gone through the processes.

It is also about making sure that some of the world's most vulnerable people are not exploited—for example, by rogue landlords who force people to live in conditions that nobody should have to live in, or by rogue traders and slave labour operators who force people to work in conditions nobody should have to work in. It is about trying to crack down on that, avoid those kinds of problems, and do the right thing for those people, whether that is about them returning home, or legalising their situation, and that would depend on the case. Again, I come back to the fact that these cases are looked at on an individual basis, to see what is right and appropriate in any given case.

It is right that we do more on that comply environment to make sure that we are able to show that if someone is here illegally, it is not going to work for them, and therefore they should be looking to return voluntarily .

Q160 **Sarah Jones:** Do you know how many people in the UK are considered to be absconders—people who have failed in their reporting duties. Do we



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know a number?

**Patsy Wilkinson:** I don't have that, sorry.

**Brandon Lewis:** There is no set number for that, no.

Q161 **Sarah Jones:** There isn't a set number. And you don't know how many absconders would be ex-offenders?

**Brandon Lewis:** If somebody is an offender, they are in a different process. For example, over the course of this summer, we deported a record number of foreign national offenders—about 6,500. Obviously, an offender would be treated in a different way from somebody who has been here legally and then overstayed.

Q162 **Sarah Jones:** In terms of the people you are seeking to remove, there are lots of people that you don't have a number for; you don't know where they are?

**Brandon Lewis:** Bear in mind that part of the challenge is that a large proportion of the people who are here illegally will originally have been here legally and then overstayed, so no, I don't have any set figure, and I don't recognise—or have a view on the veracity of—figures that have been in out in the public domain at all.

Q163 **Chair:** To clarify, you said that banks account will not be frozen until there has been a second review by the Home Office.

**Patsy Wilkinson:** Yes, a final check with the Home Office.

Q164 **Chair:** Will there be a further independent appeal route that people can go down if the Home Office has got it wrong?

**Brandon Lewis:** Yes, in the sense that if we are closing down their bank account, we are classing them as somebody who does not have a right to be in the UK. Therefore, they have that appeal through the general immigration system, but not specifically on the bank account.

Q165 **Chair:** But their bank account will be frozen while they appeal?

**Brandon Lewis:** Yes, that is my understanding, once they have been through the secondary check.

Q166 **Chair:** Your appeals timetable has a delay of about 12 months, so potentially somebody could have to wait for 12 months with their bank account frozen while they go to an independent appeal because they think that the Home Office has got the facts wrong.

**Brandon Lewis:** They will already have been through a second check.

**Chair:** By the Home Office.

**Brandon Lewis:** After that stage, they would be in the general appeals process, yes.

**Chair:** You are saying that people, with no independent check, could have all their assets, all their bank accounts, frozen for 12 months,





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starting from January. This is from the Home Office that routinely loses 40% of appeals to immigration tribunals. This is from the Home Office, when the independent chief inspector of borders and immigration found: that UKVI could not even provide inspectors with 21 of the 160 files they requested for sampling; a whole series of inaccurate or incomplete decisions in their sampling; and a third of cases inappropriately marked as being complex, to set them outside the service standards. Those are the findings of the independent chief inspector of borders and immigration. You have a serious problem with the accuracy of Home Office decisions, and you are expecting people to wait for 12 months with their bank accounts frozen for an independent appeal process to go through.

**Brandon Lewis:** Let me come back to you with the details of the follow-up with the Home Office system. The way the system works is that it goes through the banks and then comes back to the Home Office. I will come back to you with some details about the options after that.

**Chair:** That would be very helpful.

Q167 **Preet Kaur Gill:** I want to talk a bit about indefinite detention. Can you tell me whether the Home Office has identified any links between the scale of drug use in the detention estate and the impact on detainees of indefinite detention?

**Brandon Lewis:** We don't have indefinite detention.

**Preet Kaur Gill:** You don't?

**Brandon Lewis:** No.

Q168 **Preet Kaur Gill:** Right. Has any link been identified—there is no indefinite detention—with self-harm?

**Brandon Lewis:** We don't have indefinite detention.

Q169 **Chair:** You don't have a limit on detention.

**Brandon Lewis:** No, but there is no indefinite detention either.

Q170 **Preet Kaur Gill:** Lots of people have made the suggestion that there should be a 28-day limit. We are the only country that does not have a limit. If we don't have a limit, doesn't that mean that it is indefinite detention?

**Brandon Lewis:** We don't have indefinite detention. We will only detain people if we have a reasonable belief that we can remove them from the country within a reasonable timeframe, so we do not have indefinite detention.

Q171 **Chair:** Isn't that slightly game-playing with words? If there is no limit, you have no formal required end to somebody's detention.

**Brandon Lewis:** The simple fact is that we don't have indefinite detention.



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Q172 **Chair:** But you do have people who are detained for more than a year—sometimes for more than two years.

**Brandon Lewis:** There is a small number of people who have been detained for an extended period of time.

Q173 **Chair:** And those people have no finite end to their detention. There is no limit to their detention.

**Brandon Lewis:** There is absolutely an end, in the sense that we will be looking to remove them, and of course they can return home at any given time.

Q174 **Preet Kaur Gill:** Okay. This is playing with words. Have you seen a link between being in detention for, say, 12 months and drug use? Do you have the data?

**Brandon Lewis:** I will let Patsy chip in. My understanding is that we have not seen a clear link of that type. Again, as I say, we will be looking to remove them at the earliest opportunity, and people can of their own volition go back to their home country. At any given point—we are subject to judicial oversight—they can apply for bail. There are a number of issues in there that mean that there is no indefinite detention.

Q175 **Preet Kaur Gill:** So you don't have the data to show how many of those in detention for 12 months are drug-using. You don't have that data.

**Patsy Wilkinson:** I haven't seen that evidence.

**Brandon Lewis:** I haven't seen evidence of that. It's not about whether we have seen it; we have not had evidence of that.

Q176 **Preet Kaur Gill:** How many people who have been in detention for, say, 12 months have self-harmed?

**Brandon Lewis:** I have to say that I haven't seen evidence of a link between periods in there and self-harm.

Q177 **Preet Kaur Gill:** Five people have committed suicide in immigration detention this year, and there have been over 2,000 attempted suicides. Has the Home Office reviewed its approach to detention in the light of those deaths?

**Brandon Lewis:** We will obviously always keep those things under review.

Q178 **Preet Kaur Gill:** But you said you weren't aware of them, Minister.

**Brandon Lewis:** We keep our detention systems under review. We have had Stephen Shaw do a full review, and he has just started a process of coming back to reassess in the light of the review he did. Obviously, we will look at what Stephen Shaw says when he finishes his current piece of work.

Q179 **Preet Kaur Gill:** Some of this is information we have had since 2010, and you haven't done a review in the light of it, other than to ask him to go

and review his initial report.

**Brandon Lewis:** We have made changes in the light of his report.

Q180 **Preet Kaur Gill:** What are the changes?

**Brandon Lewis:** He is now going back to look at—I am not going to prejudge what he says—how the system has changed, and how it responded to the findings in his initial report.

Q181 **Preet Kaur Gill:** Minister, can you tell us what changes you have made?

**Brandon Lewis:** There has been a range of changes since Stephen Shaw wrote the original report, some of which relate to how we deal with vulnerable people in detention and how we deal with women, children and families. For example, we don't keep people from some of those categories in detention for longer than 72 hours. There is a range of things in there, but as I say, Stephen Shaw is doing a review now and will report back. That will be in the public domain.

Q182 **Preet Kaur Gill:** How do you identify how many of the vulnerable cohort of people have, let's say—you are not agreeing to the term "indefinite detention"—been in your custody for 12 months? How do you make that assessment and judgment?

**Patsy Wilkinson:** Everybody who is in detention is subject to regular risk assessment, and discussions happen between healthcare professionals, the service provider in the centre, the Home Office and any other relevant party to make the decision. In fact, as the Minister said, one of the measures put in place after the Stephen Shaw review was the concept of a detention "gatekeeper", as it is called, to pull that assessment together as part of the adults at risk policy introduced after the review. There is a systematic review that happens on entry and then repeatedly through someone's period of detention.

Q183 **Preet Kaur Gill:** I am really concerned that we have had five people commit suicide despite those changes. How are we robustly reviewing that process? Clearly, vulnerable people are in detention, and more than 2,000 people have attempted suicide. That shows the level of vulnerability. Are we being robust enough? Is it effective enough? Is it working? Do we have the right people with the right level of skills making sure that we are absolutely making sure who is high risk and medium risk, and that we are providing the appropriate support?

**Brandon Lewis:** Yes. I will take part of that and then let Patsy comment as well. For a number of those cases we are still writing coroner's reports, so it would be inappropriate to comment too much on individual cases. Any single death in any environment is something that none of wants, but there will be a range of issues and individual situations behind those cases. We will know more once we get some of the coroner's reports back.

I will say that every possible step is taken to do everything we can to prevent these kind of incidents. Any incident of self-harm or attempted self-harm is taken very seriously. Those detainees who are considered at



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risk of self-harm are identified and monitored very closely through multi-disciplinary assessment, care in detention and teamwork—the system we have in place—and there are established procedures, as Patsy has outlined, to minimise self-harming, including some formal risk assessments on initial detention. They are done when people come into detention. The system can raise concerns at any subsequent point as well. Perhaps Patsy wants to come in.

**Patsy Wilkinson:** In respect of the deaths that have happened in detention, in addition to the role of the coroner mentioned by the Minister, each one gets investigated by the prisons and probation ombudsman. Because that can take a little bit of time, one of the things that the Home Office has done is ask an experienced safe custody officer from the Prison Service to take a look at the cases, and to make sure that there are not any quick lessons that we need to learn based on that immediate view of what happened.

Q184 **Preet Kaur Gill:** Finally, have you considered whether introducing a limit on detention reduces the likelihood of removal?

**Brandon Lewis:** Sorry, will you say that again?

**Preet Kaur Gill:** Have you considered whether introducing a limit—because you were saying that you don't have indefinite detention—would reduce the likelihood of removal?

**Brandon Lewis:** If you have a short limit on detention, yes, it would remove the likelihood of someone voluntarily removing. That is why it is really important to us to be able to make it very clear that we will put someone into detention, particularly if we are doing an enforced removal when we have a reasonable belief that we can remove them in a reasonable timeframe.

Q185 **Preet Kaur Gill:** Are you considering, then, having a time limit?

**Brandon Lewis:** We are not considering having a time limit at the moment.

Q186 **Chair:** Just to clarify, on the adults at risk policy, the prisons inspectorate report on Yarl's Wood found survivors of rape, trafficking and torture still being held at Yarl's Wood. At one point the HMIP report said that the inspectors were concerned to find: "In some cases the Home Office refused without explanation to accept rape as torture." Does that trouble you?

**Brandon Lewis:** Well, we should also be very clear that the chief inspector also outlined that the improvements have been made at the centre, and actually welcomed the fact that we are making moves to address the recommendations outlined. Patsy, do you want to add something?

**Patsy Wilkinson:** Only to add that we are working on the recommendations—we are working through them—but these are also areas that Stephen Shaw will wish to look at in his re-review, his review of



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whether we have implemented all the measures that were there. We will look to him for advice, as well as learning the lessons of the report that has just been disseminated.

**Brandon Lewis:** To be very clear on the specific point in relation to the definition of rape as torture, it is very clear that victims of torture, trafficking or sexual violence are all dealt with under the adults at risk policy.

Q187 **Chair:** So you think this was a failure of implementation rather than a failure of policy.

**Brandon Lewis:** What I am saying is we now have a situation where victims of torture, trafficking or sexual violence are dealt with under the adults at risk policy.

Q188 **Chair:** So if there were some cases where the Home Office refused, without explanation, to accept rape as torture, was that an error in those individual cases or was that an error in the policy?

**Brandon Lewis:** I would want to have a look at the individual cases before giving you an answer on that, because I want to be very clear about the facts behind the cases.

Q189 **Chair:** Are you now clear that any survivors of rape should not be being held at Yarl's Wood?

**Brandon Lewis:** Sexual violence should be dealt with under the adults at risk policy.

Q190 **Chair:** Okay. Does that mean that survivors of rape should not be being held at Yarl's Wood?

**Brandon Lewis:** Not necessarily, but I would have to have a look at those particular cases.

Q191 **Chair:** Not necessarily. Does that mean that some survivors of rape might be continuing to be held at Yarl's Wood?

**Brandon Lewis:** It means I want to have a look at the cases you are referring to to give you a proper answer.

Q192 **Chair:** Okay. It would be really troubling if there were somehow a loophole in the adults at risk policy that said that some survivors of rape are treated differently from other survivors of rape and it is okay to lock them up.

**Brandon Lewis:** And that shouldn't be the case. That is why I am saying—you have said you have a couple of cases there; I want to look at those particular cases to give you a proper, full answer.

Q193 **Chair:** Okay. Can we turn to Brook House? If you had not seen the "Panorama" programme, you would not have been aware of any of that abuse at all. Why do you think the Home Office oversight system is failing?



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**Brandon Lewis:** Well, actually, it is fair to say we were not aware of the specific incidents raised in the “Panorama” programme before that programme, and there had been a series of inspections and reviews that had not highlighted those issues.

Q194 **Chair:** Therefore your existing oversight system had not picked up the abuse that was taking place at Brook House. You have rightly said that you were shocked by that abuse, and so has the Home Secretary, but your existing system did not pick that abuse up. Why do you think that your existing system failed to pick up that shocking abuse?

**Brandon Lewis:** If we look at the period in which the Brook House work was done, it looks like there was a period of time with individuals there who were able to behave in a way that was completely unacceptable. It looks like that was not happening when the previous inspections were going on.

Q195 **Chair:** So the inspection regime was fine; it was just that the inspectorate wasn’t in place. But you also have Home Office officials who have some oversight of the system.

**Brandon Lewis:** Yes, and as I say, none of the independent inspections or our reviews had previously picked up the kinds of problems that were highlighted in that “Panorama” programme in that period that the “Panorama” programme happened.

Q196 **Stuart C. McDonald:** Can I just return to the adults at risk policy, Minister? You gave that, essentially, as the one example so far of implementing the Shaw review, but that in itself has been ruled unlawful in a judgment by Mr Ouseley. Why was it ruled unlawful?

**Brandon Lewis:** I don’t quite follow your question.

Q197 **Stuart C. McDonald:** Your adults at risk policy has been struck down by the High Court because of the way it treated victims of sexual violence from non-state actors.

**Patsy Wilkinson:** As I understand it, the overall policy was not struck down, but a different view was taken on the interpretation—which definition of torture was to be used. The whole policy has not been struck down.

Q198 **Stuart C. McDonald:** Okay. What is happening as a result of that judgment? Are you making changes to the policy?

**Brandon Lewis:** We are reviewing that at the moment in the light of that judgment, but it did not strike down the policy.

Q199 **Stuart C. McDonald:** But it said that parts of it were unlawful, did it not?

**Brandon Lewis:** It was looking at the interpretation of a particular part of it, and we are reviewing that at the moment in the light of that judgment, but it did not strike down the policy.

Q200 **Stuart C. McDonald:** Returning to detention and to Brook House in





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particular, has any disciplinary action been taken against Home Office staff as a result of what the "Panorama" programme uncovered?

**Brandon Lewis:** Yes. A member of Home Office staff has been dismissed.

**Patsy Wilkinson:** Dismissed, who had formerly worked for G4S.

Q201 **Stuart C. McDonald:** Can you clarify that? It was a member of Home Office staff?

**Brandon Lewis:** Yes, who had formerly worked for G4S.

**Patsy Wilkinson:** He had formerly worked for G4S and featured in the "Panorama" disclosures.

Q202 **Stuart C. McDonald:** Are you able to say anything more about why that happened, and what the failure was within the Home Office that led to its happening?

**Patsy Wilkinson:** That led to—?

Q203 **Stuart C. McDonald:** The sacking.

**Brandon Lewis:** It was the findings of the "Panorama" programme.

**Patsy Wilkinson:** It was the investigation we mounted after the "Panorama" disclosures. We suspended the individual, worked through an investigation and dismissed that person.

Q204 **Chair:** Is that somebody who was working for G4S at the time of the "Panorama" programme or for the Home Office at the time of the "Panorama" programme?

**Patsy Wilkinson:** They were working for the Home Office at the time that the "Panorama" programme aired in September.

Q205 **Chair:** But at the time it was filmed?

**Brandon Lewis:** They were working at G4S.

**Patsy Wilkinson:** At the time it was filmed they were working at G4S.

Q206 **Stuart C. McDonald:** Has there been any action to reform Home Office procedures, or action taken against staff in the Home Office, because of their failings in relation to the events we saw in the "Panorama" programme? Essentially, is the Home Office accepting any responsibility for what we saw happening at Brook House?

**Brandon Lewis:** There is a range of things we are doing. Apart from the disciplinary procedures for individual staff, which Patsy has commented on—obviously there were a number of staff with G4S—we have also been working with G4S. I have met with G4S several times now, including last week, to ensure that several things happen: first, that they have a programme of action in place to ensure that that kind of situation can never occur again, and secondly to ensure that they have an independent piece of work being done to review how that was able to happen and what they need to do in the longer term.



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I met them last week and asked them to do that, and I understand that late last week they published to the Committee the terms of reference of the independent review. I think a few members of the Committee have that now; if not, please let us know and I will ensure that is with you, but I understand it should have been with you late last week. There is a series of pieces of work going on with G4S to ensure that that kind of situation cannot happen again. There was a systematic failure within the management of that centre and the way it was run.

Q207 **Stuart C. McDonald:** How do you know that similar things are not happening in other detention centres around the United Kingdom?

**Brandon Lewis:** Again, there are ongoing independent reviews within the centres, through the inspectorates themselves.

Q208 **Stuart C. McDonald:** But they did not pick up on how serious things were at Brook House. Do we not need a more radical review of what is going on at other detention centres, in case they are missing it there as well?

**Brandon Lewis:** One of the things we will be looking at, in light of the independent review being done by the team for G4S, is what comes out of the report about how that was able to happen, why it was not picked up by the inspections or by G4S, and to ensure that it cannot happen again. Obviously, we will be looking at that to see what, if anything, we need to do on future inspection work, whether it is the reviews done by someone like Stephen Shaw or the independent inspectors who go in and inspect the prisons.

We will also look at our overview, which we have already updated and changed, for example by having more of our staff in Brook House since it happened to see what is going on and ensure we are able to review it, to avoid that kind of thing happening again. Unfortunately, in that situation, it appears now that we had a group of people in that centre who were able to act in a way that was completely unacceptable—abhorrent, in fact.

Q209 **Stuart C. McDonald:** This Committee and the Committee staff have had informal approaches and correspondence from members of staff at Brook House who point to more fundamental problems there: low morale caused by bullying, low pay, dangerous conditions and under-staffing. What reassurances have you had that those sorts of issues are being addressed?

**Brandon Lewis:** Again, I understand this has been published to the Committee; if not, I will speak to G4S and ask them to get it done, but hopefully you will have had it. There is a programme of action that G4S themselves have now put in place, to deal with a range of issues across the sector that cover the points you have just raised.

Q210 **Stuart C. McDonald:** Do you have concerns about taking G4S at their word? We have received other serious allegations: for example, that people would be recorded as being on shift at Brook House when in actual fact they were on vacation, or would be brought in particularly because of an ongoing inspection, just to make the staff numbers look healthier, or



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even that people would be moved over to Tinsley House from other centres because the fines for under-staffing at those other centres might be less than they would be at Brook House. Why do you rely on or take G4S's word for all those things, if those sorts of practices are going on?

**Brandon Lewis:** I have not had those particular accusations raised with me. I am very happy to have a look at that, and if you can let us have details, obviously we will look into them. It is not just about taking G4S's word, as I said. I have met G4S myself several times over the last few weeks and continue to do so in order to look at changing them around, and to look at their delivery on the actual plan. There is also the independent review that Kate Lampard will be undertaking into what happened at Brook House, and the lessons to be learned from that. We need to make sure that that is delivered, and that lessons are learned from that. There is the independent review being done, as well as the inspectorates, and of course we are taking an approach with G4S that ensures that they deliver on all that work. It is not simply about trusting individuals around what they are doing.

Q211 **Stuart C. McDonald:** In relation to other evidence that we heard about Brook House, could you explain why the Home Office decided that G4S could make further savings of £120,000 in 2016? What prompted that move?

**Brandon Lewis:** We will always be looking at costs generally to make sure that we are as efficient and effective with taxpayers' money as we can possibly be. One of the bizarre things is that organisations around the world do not tend to judge success by how much money is spent, they judge their success on outcomes. In this case, G4S has clearly failed on delivering good outcomes during the course of the summer earlier this year, when this occurred. We need to make sure that we hold them to account on that. That is an entirely separate issue from whether they are able to do that in an efficient manner using taxpayers' money.

Q212 **Stuart C. McDonald:** But you will be aware that we have evidence that what happened was that—in essence—G4S mis-declared their profits on the contract, stating that they were something like 5.25% rather than 28%, and that the Home Office had gone about looking for the £120,000 savings in response to that. Is there any truth in that?

**Brandon Lewis:** Another thing that is being done at the moment is that an independent audit of the financial arrangement between G4S and the Home Office is being undertaken to get to the bottom of it, and to have a clear and public account of that.

**Patsy Wilkinson:** We will see the outcome of that report. As things stand there is no evidence of malpractice in the G4S contract.

Q213 **Stuart C. McDonald:** The broader picture as regards immigration detention relates to what you referred to earlier on the matter of whether detention is finite or indefinite. You talked about people being detained for the purposes of having them removed from the country, and yet 50% of those detained end up being released back into the community. In



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Yarl's Wood the figure is even higher, it is approaching two thirds. If we are detaining too many people for too long, does that not show that the policy is failing, and that we quite simply need a fundamental review of the whole detention system?

**Brandon Lewis:** On the matter of people being put into detention and then released from detention, I would argue that this highlights that the system that we have actually works. We bring people into detention when we have a reasonable—

**Stuart C. McDonald:** Detention damages people.

**Brandon Lewis:** If you will let me finish answering the question, we bring people into detention when we have a reasonable belief that we can remove them from the country within a reasonable period of time. There will be times when people come into detention and then take on another part of the legal process, or appeal again. That means that we cannot reasonably detain them at that point, and we would release them for that reason. That highlights the accuracy of my point, which is that we do not have indefinite detention. We only detain people when we have good reason to believe that we would be able to remove them within a reasonable timeframe.

Q214 **Stuart C. McDonald:** Which proves to be wrong in over half of the cases, two thirds in the case of Yarl's Wood. At the end of the day, the UK is the only country in the European Union that does not have a fixed time limit on how long people can be detained for. Why is it that every other EU country seems to be able to manage with a fixed time limit, but for some reason the UK cannot?

**Brandon Lewis:** We take the view that our detention system works by playing an important part in our wider immigration enforcement work, and being very clear with people that if you are here illegally we will do everything we can to remove you from the country.

Q215 **Chair:** Just on Brook House: is there a Home Office official in Brook House every day?

**Brandon Lewis:** Yes.

**Patsy Wilkinson:** Yes.

Q216 **Chair:** What does that official do?

**Patsy Wilkinson:** There are different roles played by Home Office staff in our centres. I would broadly put them into two categories. One is to liaise between detainees and the Home Office on casework questions and to make sure that it is clear what stage the casework process is at. We are putting more resources into making sure that that works really effectively. We have other staff working with the provider—G4S in this case—on the delivery of the service. We are also strengthening that.

Q217 **Chair:** So you had a Home Office official in place the entire time that this abuse was taking place at Brook House. Is not it a problem if they did not



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pick it up?

**Patsy Wilkinson:** We would want our officials to have as much visibility as possible of everything that is going on. In light of what was revealed on “Panorama”, we are strengthening that compliance monitoring function in several different ways, both in Brook House and in other centres, to give a greater chance that they will spot anything like that that is going on.

**Brandon Lewis:** Look, let me be very clear about this: clearly things went wrong at Brook House at a whole range of levels that are completely unacceptable. Whether it happened in that timeframe—the evidence at the moment is that there is a timeframe in which this happened and this is what Brook House covered—there is a period of time before that, both through the independent inspectorates and other reviews done by independent experts, that did not pick up on these kinds of problems.

Q218 **Chair:** It clearly didn’t pick up on it but the evidence we heard—and the people who gave evidence to us—suggested it had been going on for quite some time and there were failures in the system for quite some time. This was not just a recent problem.

**Brandon Lewis:** Well, we were not aware of the specific issues raised in the “Panorama” programme before the “Panorama” programme came through. Clearly, and one of the reasons why it is important we let Kate Lampard’s team do its work, is that as well as that programme of action that G4S has laid out there, which I think is a comprehensive programme and we want to make sure they deliver on that, we have that independent review by Kate Lampard, which will look at how that was able to happen. It will cover a whole range of things, both for G4S and potentially more widely than G4S. We will have to look at this to make sure we do everything we can to make sure that kind of abhorrent situation cannot happen again, either at Brook House or, as Mr McDonald said, anywhere else.

Q219 **Chair:** Will that look at the Home Office oversight of other detention centres as well?

**Brandon Lewis:** As I said, the terms of reference of Kate Lampard’s review should have been published to this Committee at the end of last week. If you have a look at that and you think there is anything missing, I am quite happy to feed that back to G4S. That should be with you already. If it is not, again, do let me know, because I was told you have got that.

Q220 **Chair:** The issue for us is making sure there is actually a review of the Home Office’s practices and the Home Office’s responsibility for these detention centres and what the Home Office’s oversight is, because clearly it has not worked in the Brook House case. So we want assurances that it is going to work in other cases and that it is not failing currently, as we speak, at other detention centres.

**Brandon Lewis:** As Patsy outlined, we have already increased our presence and our resource into this and we will be looking at it again in light of the review.



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**Chair:** Minister, I apologise—I hope you had my apology in advance—that, unfortunately, I have to leave. I will hand over the chair and the continuing questioning to Stuart McDonald. Thank you very much for your time.

Stuart C. McDonald took the Chair

Q221 **Chair:** I turn now to the issue of child refugees and asylum seekers. The Refugee Council in particular has been pointing to long delays in Home Office decision making in relation to unaccompanied asylum seeking children. I understand the organisation has received some assurances from you that there will be an increase in capacity to conduct interviews. What progress has been made in that regard and how would you respond to suggestions that decisions on cases brought by unaccompanied asylum seeking children are taking too long?

**Brandon Lewis:** We process cases as fast as we can in order to do what is right and in the best interests of individual children. Obviously, in some cases, depending on the route they are taking, it is not entirely within the control of the British Government or the teams working on their cases here in the UK.

Q222 **Chair:** We are talking about unaccompanied asylum seeking children who are in the United Kingdom, so suggestions that interview processes are taking far too long are—in fact, there is too long a wait even before an interview. Is there increasing capacity planned so these interviews do not have to be scheduled for so far away?

**Patsy Wilkinson:** We continue to look at our resourcing across all the asylum area. In the cases that you are highlighting, I am not sure of the exact pressures on the system, but I am very happy to look into that. In the case of unaccompanied asylum seeking children, we have to take extra care in safeguarding information and making sure the right decision is being taken, working with other parties, including local authorities, to make sure. That may account for some of the time that is being taken, but I am happy to look into it.

Q223 **Chair:** That would be very helpful, thank you very much. Turning to the Dubs scheme, when she appeared before the Committee, the Home Secretary was unable to give a timescale for when the remaining 280 places would be filled. Generally speaking, there is a frustration about how slowly those places are being filled. What is the reason for that, and what progress can we expect in the weeks and months ahead?

**Brandon Lewis:** The reason the Home Secretary was not able to give you a timescale for when the Dubs scheme will have taken in all the children it can take in is because that is not within our control. Obviously, we have to work with our partners, and we are therefore also reliant on the legal systems and the systems in place in those countries, whether Greece, France or anywhere else. We are now starting to see some more children coming through, but as I say, we are reliant on the legal systems of other third-party countries.

Q224 **Chair:** There are some things that are within your control, such as





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staffing. As I understand it—this has been raised by the Committee on several occasions—there is essentially only one member of staff who works on identifying Dubs children in Greece. Am I correct in saying it is only the one member of staff doing that job? How could that possibly be sufficient?

**Brandon Lewis:** No, it does not work like that. A number of staff deal with the Dubs process, both in country and here. We do not have a resource issue in the staffing that we have in country. The issue around taking time is not down to an issue with our staff but with working with our partners. We have to work within the legal systems of those countries.

For example, at the moment we are working with our partners, and I have spoken to, been to see and written to my opposite number—the Minister in Greece—in order to deal with trying to give an opportunity for more children from Greece to come over. We are waiting on them and the fulfilment of their side of their procedures; it is their systems we are waiting on.

Q225 **Chair:** A second thing that is within your control is the criteria used to decide who qualifies for Dubs. Again, as I understand it, I think only something like four kids from Greece have been identified as eligible for the Dubs scheme since the turn of the year. Does that not suggest that the criteria are now too strict—particularly, for example, the cut-off date that was imposed in relation to the EU-Turkey deal? At that rate, you will never fill the 280 remaining spots, if you are talking about Greece alone.

**Brandon Lewis:** In terms of Greece, there is a larger number of children who the Greek authorities are currently looking at who may well be eligible. They are working through that process at the moment, and we are working with them on that. It is good that we are now starting to see a few children coming through from France, and obviously there was some coverage at the weekend about a child from Greece who will hopefully be able to go through that process. However, some of that press coverage was a bit early, because the local authorities that were taking credit for it have not actually done their part of the process yet, which I found slightly odd.

The date is actually quite important. We have to be very careful that we do not end up, in trying to do the right thing, actually creating a bigger pull factor and encouraging more people to take what can be quite a perilous journey. At the moment, we therefore have no plans to review the date.

Q226 **Chair:** May I ask about the Dublin regulations? As I understand it, the EU has basically ruled out a continuation of the Dublin scheme after our exit. What sort of negotiations are you having about some possible replacement for the Dublin regulations?

**Brandon Lewis:** There is obviously an issue around that. We are not at that stage of the negotiations yet, but we have been very clear—I can say to the Committee what I have said at the Dispatch Box, as have others—that we will continue to fulfil our moral and ethical duty as an important



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player in the global situation around unaccompanied children. We have no desire to do anything other than to continue to fulfil that duty.

**Q227 Chair:** Among the concerns raised about what might happen after our exit is the fact that the UK's own family reunion rules are less generous than what is provided for under the Dublin convention. For example, my colleague Mr Loughton and I have both signed an amendment to the EU (Withdrawal) Bill that would see those more generous rules continue in place. Is that something the Government will look positively at?

**Brandon Lewis:** I would encourage you to look at the Backbench Business debate we had last week or the week before last, and at Home Office questions yesterday and the previous Home Office questions, where I highlighted a couple of key points. Particularly in that debate, I raised the issue of our having to be very clear that we do not confuse people by confusing family reunion with the Dublin regulations. They are not the same thing. Some of the rhetoric is actually confusing and quite unhelpful.

In our immigration rules, access for family reunion beyond the direct family, in the right circumstances, is there. We have been speaking directly to some NGOs, such as UNICEF, and yesterday I met Save the Children to highlight to them that there are currently opportunities within the immigration rules that, to be frank, people simply weren't aware of.

**Q228 Chair:** I think that people are aware of them—

**Brandon Lewis:** Let me be clear: organisations and individuals have not been using some of the rules that are there. I would encourage them to look at those rules and make use of them.

**Q229 Chair:** You referred to the fact that you can make applications beyond immediate family, under the family reunion rules, but that is in truly exceptional circumstances, which is an incredibly high test. The number of cases that are successful in meeting that threshold are very rare. I don't know—do you have the numbers with you?—how many folk who apply and are aware of those rules actually succeed with their applications.

**Brandon Lewis:** When I have looked at it again, I will come back to you with that figure; I do not want to misquote numbers. A very small number of applications have been made through that route at all.

**Q230 Chair:** And an even smaller number are successful.

**Brandon Lewis:** That is different from whether that route is an appropriate, proper or successful route for people to take. I think that comes back to the point I was making: the reason that I highlighted this a few weeks ago is that, in talking to some of the NGOs, they were simply not aware that that avenue existed.

**Q231 Preet Kaur Gill:** I want to raise the case of Samim Bigzad. Justice Jay's court order was breached as the Home Office tried to get the initial decision not to remove overturned. That attempt failed and a third judge, Mrs Justice Lang, required the Home Office to return Mr Bigzad



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immediately, at any cost. Why do you think Justice Jay described the actions of the Home Office as a “prima facie contempt of court”?

**Brandon Lewis:** Actually, if you look at the details of that case, the Home Office was not found to be in contempt of court. The Home Office had followed through with exactly what was in the outline from the court. If I remember correctly, the court on the Friday had said that we had to make every effort, but actually at that point the individual was already on the aircraft, the doors were shut—which goes beyond what the court was asking for. I have to say that I was slightly surprised at the follow-up court decision, but obviously we abided by that and brought him back. My point would be that if you look at what we actually did and what the court outlined, the Home Office did it absolutely correctly.

Q232 **Preet Kaur Gill:** But why did the Home Office continue to instruct officials to carry on with the removal of Mr Bigzad in clear breach of a court judgment staying his removal? On the fourth attempt, you actually lost the appeal.

**Brandon Lewis:** No, I am sorry, you are wrong. We were not in breach of the court judgment. We followed the court judgment exactly.

Q233 **Preet Kaur Gill:** A Home Office official told the court that Mr Bigzad couldn't be taken off the aircraft he had boarded because he had checked in baggage. Do you consider a person having checked in their baggage to be an adequate reason to ignore a court order to halt a removal?

**Brandon Lewis:** We did not ignore the court order. We followed the court order. My understanding is that the plane doors had actually shut, which went beyond what the court order was asking us to do.

Q234 **Preet Kaur Gill:** On what basis do the Government view Afghanistan as a safe place to which asylum seekers can be returned?

**Brandon Lewis:** We assess countries—and other countries around Europe also find Afghanistan a safe place to which to return people. Just yesterday I met the Minister from another European country that is returning people to Afghanistan as well. We are not alone in doing that.

Q235 **Preet Kaur Gill:** But according to the UN, civilian casualties in Afghanistan in 2016 were the highest recorded.

**Brandon Lewis:** As I said, we do two things. First, we assess whether a country is a safe country to return people to. Obviously, we assess whether it is safe to return each individual to that country, and in that case, we felt that it was safe.

Q236 **Preet Kaur Gill:** The Foreign Office advises against all travel to the majority of the country, and all but essential travel to the remainder. Despite the Foreign Office having that view—

**Brandon Lewis:** That is a very different situation. The Foreign Office is talking about British citizens travelling abroad. That is quite different from somebody being returned to their home country.



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**Q237 Preet Kaur Gill:** Thank you very much. I now want to talk about medical evidence that is used in asylum-seeking cases, because there has been a lot of concern about this from lots of organisations. Certainly, Members of Parliament have also raised this quite significantly. In 49 of the 50 cases—so practically 98%—caseworkers replaced the expert opinion of the clinician with their own subjective opinion on clinical matters. There is no clear timetable for delivery of new training materials on using clinical judgments in cases of torture. Can you tell us what the timeline actually is?

**Patsy Wilkinson:** I don't have that with me; I'm sorry.

**Brandon Lewis:** I don't have that here, no. I will have to come back to you with that.

**Q238 Preet Kaur Gill:** In addition to that, how will the Home Office monitor the impact of that training on the quality of decision making going forward?

**Patsy Wilkinson:** I don't have the background information, I'm afraid, but I am very happy to look into that and get back to you.

**Q239 Preet Kaur Gill:** I have to say that that really concerns me, given the level of concern being presented by Members of Parliament. This is not a new issue; it has been raised, as I understand it, on numerous occasions.

**Brandon Lewis:** Sorry, but what do you mean when you say it has been raised, as you understand it, on numerous occasions? It has not been raised with me.

**Q240 Preet Kaur Gill:** Well, I think Members of Parliament have been raising it. The Chair has received over 80 letters from Members of Parliament raising the issue on behalf of their constituents, so this is something that has been regularly reported to the Home Office.

**Brandon Lewis:** I will look at it. I am very happy to have a look at this and come back to you on it. This is not an issue that anybody has raised directly with me, but that does not mean it should not be dealt with, so I will have a look at it and come back to you.

**Q241 Preet Kaur Gill:** I think there has also been lots of lobbying by Freedom from Torture and organisations like that, which have raised this issue. It is really important. If you could provide us with the timeline, and the process of reviewing and understanding the impact it is having in terms of decision making going forward, that would be really welcome.

**Brandon Lewis:** Yes. What is absolutely clear, with any system that we are using, is that we make sure that we have in mind the best interests of the individual in the case, particularly for some of the most vulnerable people in the world, which people who have been through this kind of situation will be. When we bring something in, we are very clear, and I am very determined, that we make sure that what we have is appropriate and is delivering what it is supposed to deliver in the best interests of those individuals, and that we are able to assess that to make sure that the outcomes are the right outcomes. That side of it absolutely will be there,



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but in terms of the timeline, yes, I will come back to you, and I will make sure that we do that urgently.

Q242 **Sarah Jones:** May I ask a follow-up question? This is a really big issue, and I have had a couple of cases. One that I had last week was about a girl who was brought up in Jamaica, so it was a slightly different case. She was brought up by her father, who severely beat and abused her for years and years, and she now has lots of mental health problems, self-harms and has a lot of evidence of the harm that her father has inflicted and the harm that she has inflicted on herself.

She had an interview with the Home Office about trying to stay here with her mother, and the Home Office interviewer was asking her questions like, "Well, why would you be more likely to harm yourself in Jamaica than here?"—all kinds of questions that you read and think, "You need a medical person; you need someone who knows what they are talking about to have those conversations." I worry that the Home Office officials take a view based on whatever they think, and that they don't look at some of the medical evidence, so I would just underline the concern about this.

**Patsy Wilkinson:** We will look into it.

**Preet Kaur Gill:** Absolutely. We are talking about caseworkers making clinical judgments that are beyond their qualifications, and then asking expert witnesses about their level of expertise and qualification. The fact that in 98% of cases it is found that they are replacing expert opinion just shows the gravity of the concern here, so feedback would be great; thank you very much.

Q243 **Chair:** We are almost finished; I have just a couple of final questions. Has the Home Office now halted its "Deport first, appeal later" policy across the immigration system, in the light of the June 2017 judgment finding it to be illegal for offenders?

**Brandon Lewis:** Well, we don't deport first, obviously. As I say, we go through every individual case, based on the facts of that case, so obviously, whether someone is deported will depend on the facts of their individual case.

Q244 **Chair:** But as I understand it, in June 2017, that was deemed to be—

**Brandon Lewis:** No, it depends on the countries that people are coming from. There are certain groups of cases that fall into the category where we cannot now do that, and yes, we have stopped those, but that is not all potential deportation cases. That court case was around whether that group of people are able to deal properly with their appeal when they are out of country. It is a particular group. For the group that it applies to, yes, that has stopped.

Q245 **Chair:** Does the Home Office still intend to try to roll that out to other immigration applications? Would people have to be removed or leave the country before they would be able to exercise their—



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**Brandon Lewis:** No. If somebody can deal with their appeal from outside the country, we will still deport them, and they can handle their appeal from out of country, but as I say, following that court case, for the group or cohort of people whom the court case refers to, yes, we have stopped that until we can allow them properly to handle their appeal from outside the country; that is not in place yet.

Q246 **Chair:** What percentage of people who have been expected to appeal from outside the country have actually done so, and how many of them—what percentage—have been successful, do you know?

**Brandon Lewis:** I will have to come back to you with figures on that. I don't know off the top of my head, and I wouldn't want to get it wrong. My understanding is that there has not been a shift in how that process works, in terms of the outcomes, but I will get you some data.

**Chair:** Thank you very much. Ms Wilkinson, thank you very much. Minister, thanks for coming along. You have obviously taken over at an interesting time in the Home Office's development, so we look forward to engaging with you over the next few months and the years ahead as we work towards EU exit.