

Home Affairs Committee

Oral evidence: Channel crossings, migration and asylum-seeking routes through the EU, HC 705

Thursday 3 September 2020

Ordered by the House of Commons to be published on 3 September 2020.

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Members present: Yvette Cooper (Chair); Ms Diane Abbott; Dehenna Davison; Ruth Edwards; Laura Farris; Andrew Gwynne; Adam Holloway; Tim Loughton; Stuart C. McDonald.

Questions 1-121

Witnesses

I: Tyson Hepple, Director General, Immigration Enforcement, Home Office; Rob Jones, Director of Threat Leadership, National Crime Agency; Dan O'Mahoney, Clandestine Channel Threat Commander, Home Office; and Abi Tierney, Director General, UK Visas and Immigration.



Examination of witnesses

Witnesses: Tyson Hepple, Rob Jones, Dan O'Mahoney and Abi Tierney.

Q1 Chair: I welcome everyone to this Home Affairs Committee evidence session, the first in our inquiry into Channel crossings, migration and asylum routes into the UK. I welcome our witnesses. Before us today, we have Dan O'Mahoney, the Clandestine Channel Threat Commander from the Home Office, and Rob Jones, the Director of Threat Leadership from the NCA. Joining us online, we have Tyson Hepple, Director General, Immigration Enforcement, and Abi Tierney, Director General, UK Visas and Immigration, from the Home Office. Welcome to you.

This is obviously a serious inquiry, given that one man has died recently, and other lives are at risk on dangerous boats, so no one would doubt the seriousness of the questions that we want to ask. Our inquiry is looking at the causes of what is happening with the increase in small boats crossing the Channel, and at the different measures not just from the UK authorities, but from French and other authorities too.

Before I start, do not feel obliged to answer every question. Please pass the question to which of the four of you is most appropriate to answer.

To begin, I want to understand some of the facts and figures, before we ask you about some of the wider issues about the causes and measures. In the figures that you kindly sent us, which we will be publishing shortly, you have identified a significant increase in people arriving by small boats, particularly people from Iran, Iraq and Syria. Are most of the people arriving on small boats seeking asylum?

Dan O'Mahoney: I am happy to take that question, Chair. Thank you very much for the opportunity to come to speak to you so early in my appointment, and to explain the work we are doing in the Home Office and across Government to solve this problem. In answer to your question, the data that we have indicates that the vast majority—very close to all—of small boats arrivals claim asylum when they arrive in the UK.

Q2 Chair: Thank you. Does that mean that the figures that you have on small boats will also be included in the overall asylum figures?

Dan O'Mahoney: That is right.

Q3 Chair: Thank you. And the total asylum applications for last year was 32,432 in the year to June. This is probably a question to Abi Tierney. In terms of the number of people in total arriving claiming asylum, has the asylum system coped effectively during the pandemic with those numbers?

Abi Tierney: Thank you, Chair. I joined the Home Office six months ago, so thank you for the invite to come and talk to you today. We have seen a drop in asylum numbers—people arriving and claiming asylum—during the pandemic. Although it has been incredibly challenging, because we have



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not been moving anybody out of the system, it has been helped by the fact that we have had a drop in the numbers claiming asylum.

Q4 Chair: Do you feel that the system has been able to cope with the issues you have been facing, before we get to the Channel issues—just in terms of the overall asylum issues within the UK?

Abi Tierney: Yes, I do.

Q5 Chair: To look at the issue of what has been happening in the summer months—the second quarter of 2020—overall, you referred to a drop in the number of people claiming asylum. Is it right to say that the figures were 5,789 in the second quarter claiming asylum, down from 10,569 in the previous quarter—the first three months of the year?

Abi Tierney: That is correct.

Q6 Chair: So, a drop of nearly 5,000. What do you think are the reasons for that?

Abi Tierney: The primary reasons are the restrictions on travel as a result of the covid pandemic. People are not arriving by planes or other means of travel—through the Channel and other routes. That is the main reason for the drop in asylum claims.

Q7 Chair: On the number of people arriving by small boats and the figures that you have given us, there were 465 in the first three months of the year and 2,012 in the second three months. Is that correct?

Abi Tierney: That is correct.

Q8 Chair: So if those figures are also included in the total, the overall asylum numbers, that would suggest that the number of people applying for asylum coming through alternative routes, through flights or ferries or other kinds of arrivals, or who are here already, dropped from around 10,000 in quarter 1 to nearer 4,000 in quarter 2. Is that an accurate reading of the figures?

Abi Tierney: I can't do the calculations in my head as quickly as you can, but that is what I worked out, yes.

Dan O'Mahoney: It reflects a huge shift in the volume of traffic coming into the country by air. A lot of the Iranians that we see arriving in small boats now might have previously attempted to arrive in the UK as what we call undocumented arrivals. There has been a massive drop in the number of lorries crossing on roll-on roll-off ferries across the Channel, and, in terms of small boats, the weather has had a significant impact on the increase in crossings.

Q9 Chair: Overall, is it accurate to say that the drop in the number of people arriving to seek asylum is four times the size of the increase in the number of people coming by small boats?

Dan O'Mahoney: I would have to check the figures to make sure, but that sounds correct.

Q10 **Chair:** Perhaps one of your advisers watching this could double-check those figures, because I do not want us to use inaccurate figures.

Dan O'Mahoney: We're doing it already, Chair.

Q11 **Chair:** It would be very helpful if they could let you know during the course of this session so that we have accurate figures.

Can you talk us through what you think are the reasons for this big shift? Clearly, the pandemic explains a significant amount of the drop in the number of people applying, but can you tell us a bit more about your assessment of the reasons behind this shift to much more dangerous routes that people are taking across the Channel?

Dan O'Mahoney: Of course. There have always been drivers for this, one of which is not unique to 2020 but has been going on for over a decade. Global migration trends, driven by events that happen thousands of miles away from UK shores, in Africa and the middle east, peaked in 2015 but have continued until today. That is where the vast majority of both the small boats cohort and other illegal entrants to the UK continue to come from. They are driven on that route at every stage by criminals, by facilitators. It is notable that this year alone over 40,000 of them have crossed the Mediterranean on small boats, and, tragically, over 400 of those have died. Many will be absorbed as they travel through our European neighbours, but many of them arrive in the north of France with the intention of getting on to small boats.

The second, which we have just been talking about, is covid-19 and the huge shifts in traffic across the Channel. The third, as I mentioned a moment ago, is record weather patterns, unprecedented weather patterns, where we have had a period in August and a similar period in July of 14 to 15 straight days of very good weather that was favourable for migrants crossing. The fourth important factor is the displacement away from the juxtaposed controls, where we have invested a huge amount of work with our French partners in protecting both Eurotunnel, as we did in 2015, and the port of Calais and Coquelles. We have very effectively secured those areas, and that has driven traffic away and on to the beaches of northern France.

Q12 **Chair:** Does anybody else want to add to that in terms of the reasons for this big shift, this big change?

Rob Jones: I would add that general maritime movements and the ability for people to travel to the UK and not present at controls has always been a really attractive method of entering the UK for criminals. Drug traffickers and firearms smugglers use it. It has always been the case that the UK, because we are an island nation with a vast coastline, is attractive to people who have the ability to use general maritime to come to the UK. What that presents for people who are in northern France now is an opportunity where you have a very low barrier to entry. You can buy an inflatable and an engine for less than £5,000. If you are going to try to run a professional people-smuggling operation attempt using an HGV and a



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trailer, there is a whole load more logistics that you need, including complicit drivers.

As Dan has explained, I would say that all those factors have contributed to the spike, but we also have an issue where this is very simple, straightforward and rudimentary, and does not require a high element of organisation for people to leave beaches in northern France and target the UK.

Chair: Thank you.

- Q13 **Andrew Gwynne:** Perhaps I can focus the questions on operations at the border, to Dan O'Mahoney. We have heard a lot of rhetoric—indeed, this Committee heard from the Home Secretary her desire to intercept these boats coming across the Channel. I just wondered whether patrol boats from Border Force or other UK forces and agencies are turning back migrant vessels in the Channel. Do you have the legal authority to do so, given that there are no international waters and you are either in French waters or British waters?

Dan O'Mahoney: I will answer this specific question, but more broadly I think it is important to say that the Home Secretary's commitment to solving this problem and my commitment to solving this problem are absolute, not just to secure the UK border but, of course, primarily to save people's lives.

It is an incredibly complex problem that requires interventions at every stage of the route and some really innovative thinking. With the exception of the Australian model, which, as you have already pointed out, has some significant differences to ours, nobody in the world has solved it. It is incredibly important that we push the entire Government system to come up with new tactics, new approaches, policy, legislation—whatever it takes. We have been doing that; we have been pushing ourselves and the system really hard, and our commitment to this is huge.

Within that, we have been looking at a number of different tactics, including tactics at sea. Of course, the sea is inherently a dangerous place to operate. Anything we do at sea has an inherent level of danger and it is incredibly important that whatever we do does not present unacceptable risks to migrants or to our officers.

It is correct to say that we have been exploring various different tactics to intercept migrants at sea. We have been working with the whole of Government on that—law enforcement and policing, the Royal Navy, the Royal Marines and others—to come up with new tactics.

Currently, we are not intercepting migrant boats aggressively in any way. We are focusing our efforts on intercepting compliant migrants, both beginning the process of evidence and intelligence capture, and operating as a safety of life at sea operation, to ensure that no more lives are lost.

- Q14 **Andrew Gwynne:** Following on from that, the Home Secretary raised concerns about the interoperability of the work of the French and the



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British systems in tackling the interception of boats in the Channel. How are the British and French authorities working together on this issue? How many different agencies are involved in intercepting boats in the Channel and how are they co-ordinated?

Dan O'Mahoney: I have travelled to France four times in the past month, twice since I started this job, and I will be going over there again next week. I can tell you, having personally engaged with the French in those meetings, that they are as committed as we are. There is almost always more that we can do, but we have done a lot in terms of joint working with the French. We have established the CCIC, our joint co-ordination centre in Calais. We recently established the Joint Intelligence Centre, which has really significantly improved intelligence sharing. We have made a number of offers to the French of additional capability in terms of people and kit, and we have provided a significant uplift in French resources. We have paid for drones, we have paid for night vision equipment, and we have offered the use of an aerial surveillance aircraft to the French.

There is a lot of joint working, and it is delivering results. It is nowhere near the level that we want it to be, and that is frustrating. It is frustrating for us, and it is frustrating for the French. They have made in the region of 3,000 interceptions this year—they have prevented 3,000 people from crossing the Channel this year, including yesterday, when close to 200 people were prevented from leaving the beaches of France, so it is delivering results. We will continue to work with the French, we will continue to push the system and to work jointly with them to improve those results, so that the proportion—the overall proportion—of people we are stopping is far higher than it currently is.

On your second question about who is intercepting at sea, I can tell you that there is a very well rehearsed and very professional operation that is delivered in UK waters. It is overseen by the Maritime and Coastguard Agency because all of the migrant vessels currently are classified as in distress, because they are unseaworthy and the people operating them do not have maritime experience. So, the Coastguard Agency co-ordinates that operation. They use a combination of assets from across Government: their own aerial surveillance aircraft, a civilian drone, and you may have seen that a Watchkeeper drone is now deployed over the Channel, from Defence. They use those to identify where the migrant vessels are and to direct resources on to them.

Border Force currently have three declared assets, which are available to the Coastguard Agency to make those rescues: two coastal patrol vessels and a cutter. We have more vessels in reserve. The Coastguard Agency deploy to those vessels as a part of the safety of life at sea operation. I think it is also really important to emphasise that all of those assets that I have just mentioned are also engaged in intelligence gathering. So even before those migrant vessels arrive at the UK-France median line, we are looking at them to gather intelligence and information, as well as looking after the safety of the migrants. The same goes for when those migrants get on a Border Force vessel—we are basically looking after their welfare,



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but we are also looking for evidential opportunities to prosecute facilitators.

- Q15 **Andrew Gwynne:** That is great, but the Home Secretary did say that there were interoperability concerns. What do you think she meant by that?

Dan O'Mahoney: It is a really complex operation. I have talked about a number of the organisations that are involved in the UK, but not yet mentioned the police and the lifeboats, and there are others. That same situation is reflected in France. With any multinational and complex operation, there will be frustrations about interoperability. We are trying to unpick those, and we are trying to improve them. We are working really hard, and we are absolutely committed to fixing that.

- Q16 **Andrew Gwynne:** Thank you. Can I turn to Abi Tierney, and talk about the arrivals over the summer? What steps did you take to prepare for these arrivals?

Abi Tierney: We increased our staffing significantly to be able to support the increased processing. We also created surge capacity by using our other intake units across the country. As we discussed at the beginning of the Committee, we have seen the intake in those units drop significantly—so that is Croydon and our midlands intake unit. Prior to the summer the capacity for small boat arrivals straight into Kent was 96; it is now 350. That is how we responded, both in terms of an increase in actual physical capacity, as well as an uplift in staff.

- Q17 **Andrew Gwynne:** And what lessons will you take forward from this experience over the summer?

Abi Tierney: In terms of people arriving and the processing side of it?

Andrew Gwynne: Yes.

Abi Tierney: It is end-to-end complex systems, so when they arrive at Tug Haven, we either need to transport them to Kent or to the other units; that is more complex than just being able to take them straight into the Kent intake unit, where we have all the facilities there. We have to make sure there is transport. We have to work really closely with our Border Force colleagues who are dealing with the arrivals.

I don't know whether you have been to Tug Haven, but if you have a large number of people there, just managing that physical process is quite a challenge. We did an in-depth process review at the end of June, when we started to see this increase in numbers, and we are rapidly improving the end-to-end process as a result of that, so we are also learning and implementing changes and improvements on the way.

- Q18 **Andrew Gwynne:** Were there any pinch points in the system? If so, what are you doing to resolve that?

Abi Tierney: The main pinch point is if you have a unit that is made for 93 and over 400 arrive, as happened yesterday, the speed at which we



process people becomes absolutely critical. We have been using some really significant continuous improvement to look at making sure that every step in the process is absolutely as slick as possible. That is the main pinch point. When we do the screening and a lot of the security checks at that point, it takes time, so what can we do that manages the risk of that while also improving the speed and ensuring the welfare of the people arriving? They have been, often, in the Channel overnight, so we need to make sure that they are looked after as well. The main pinch point is in that processing. By expanding and being able to use our other intake units, it has clearly helped that pinch point to a certain extent.

Q19 Ms Abbott: Mr O'Mahoney, you are the clandestine Channel threat commander. It is a very grandiose title; we are all very impressed on this Committee. How do you understand your role?

Dan O'Mahoney: I have been given a very clear mandate by the Home Secretary to mobilise all the resources in the Home Office and across Government that are necessary to tackle this problem. I have one primary aim: to protect life and to secure the UK border, and to do that by ending the viability of the small boats route to enter the UK illegally.

Q20 Ms Abbott: What are you doing that the Border Force was not doing?

Dan O'Mahoney: The nature of my role means that I can bring the various different bits of the system together and to work more closely with each other through a single command and control structure. Border Force have been doing a fantastic job. I have travelled to Tug Haven twice since I started the job, and I have been out on the cutters. Their professionalism and skill are notable, and the humanity with which they treat migrants at Tug Haven is genuinely impressive. Some of them worked close to a 24-hour day yesterday to process some of those migrants and make sure that they were safe. I am incredible grateful to them for doing that.

Q21 Ms Abbott: So, you would say that you have overall operational and policy responsibility?

Dan O'Mahoney: Operational responsibility, yes; policy responsibility, less so. Clearly, I work very closely with my policy colleagues in the Home Office and other Government Departments, but that is not my primary responsibility.

Q22 Ms Abbott: Interesting that you should say that. As you know, we had an urgent question in the House yesterday about this issue. Another Member asked the Immigration Minister about what you were doing, and he said—I wrote it down so I would not forget—that you had “overall operational and policy responsibility”. That is why I asked you, but you are not so clear about the policy responsibility.

Dan O'Mahoney: My primary role is to direct the operation. Clearly, any operational commander will wish to influence and create policy. It might be a question of policy in the sense that I am responsible for creating the policy with which we deliver the operation, certainly, but I am not a policy



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official in the sense that I do not develop policy on behalf of the Department.

- Q23 **Ms Abbott:** Maybe you should tell the Immigration Minister that. A nameless military defence official was quoted a few weeks ago responding to the idea that the Royal Navy could come in and turn back these rubber dinghies, saying, "You can't have a military solution to a political problem." What would you say to that?

Dan O'Mahoney: I am incredibly grateful to the Ministry of Defence, the Royal Navy, the Royal Air Force and the Army, all of which have assisted the operation over the past few weeks. It is important to say that the Ministry of Defence is not just about kit; it is about expertise. I have an excellent team of Royal Marines and Royal Navy officers working with me at the moment to help with our future plans function. Of course, the military has a very long history of humanitarian operations across the globe. The primary role of the military in assisting us with this operation over the past weeks has been advising us on some of the tactics and techniques that we might use, based on their maritime expertise, and the aerial surveillance assets that they have made available to us.

- Q24 **Ms Abbott:** Thank you very much. Finally, through the Chair, one other thing the Immigration Minister said yesterday was that the Government's goal was to make these crossings impossible. Do you think that is realistic?

Dan O'Mahoney: We need to get to the point where both migrants and OCGs realise that it is futile to try to make these crossings, because they will find it extremely difficult to operate in northern France, they will be denied access to the beaches and, we hope, post-transition, we will have a returns agreement with the French, which would mean that if they successfully arrived in the UK, they would be returned to France, to dissuade them from making the journey in the first place. We need to create a number of conditions to ensure that the route becomes unviable, to protect those migrants lives and stop them from thinking that this is a viable route.

- Q25 **Chair:** Can you clarify what the lines of responsibility are? Who do you report to and who reports to you?

Dan O'Mahoney: My line manager in the civil service is Tyson, but I also have a direct reporting line to the Home Secretary.

- Q26 **Chair:** Where does that fit with Emma Moore and Border Force?

Dan O'Mahoney: Emma and I are colleagues. We work very closely together, and with Paul Lincoln; we speak to each other almost daily. When I require resources from Border Force to deliver the operation, they are moved into my operational command, but they still belong to Border Force. The same goes for the criminal financial investigators and immigration enforcement, and any other resources that we need to deliver the operation in the Home Office.

- Q27 **Chair:** So, you do not report to them and they do not report to you? It is



a sort of parallel structure?

Dan O'Mahoney: Correct.

Q28 **Chair:** You said that there were some policies that you might be responsible for. What would be an example of the kind of policy that you might be responsible for and the kind of policy that you would not be responsible for?

Dan O'Mahoney: An operational policy—a good example would be how the Border Force maritime assets, the coastal patrol vessels and the cutters operate under the direction of the Coastguard Agency. There will be a whole set of standard operating procedures that describe the way in which they will conduct that operation. I would describe that as an operational policy. I am responsible for shaping that policy and all the operational policies that are required to deliver the operation.

Q29 **Dehenna Davison:** Thank you to everyone on the panel for taking the time to be with us today. I would like to put on record my thanks to all the agencies and staff involved in dealing with this difficult issue. I can understand how tricky a summer it has been for you, and I am genuinely appreciative of all the hard work that you are doing.

Despite my constituency of Bishop Auckland being 300 miles away from the border at the Channel, I have received an awful lot of correspondence from my constituents who are concerned about this issue. We are all united in expressing our heartfelt sympathy and sorrow to those who are genuinely fleeing persecution. We in safe nations have a moral obligation to offer a safe home for those who are genuine asylum seekers. But there is a perception that a large number of people crossing the Channel are being a bit disingenuous in their asylum claims. I know there are concerns from my own constituents about the cost to the taxpayer of some of those spurious claims and subsequent appeals.

Ms Tierney this may be a question for you. What proportion of people crossing the Channel have their asylum applications initially rejected?

Abi Tierney: I will take you through the figures from top to bottom, if that is okay, so that you can understand the different percentages. Of the 5,000 crossings this year, 98% of those claimed asylum. Of those, 50% to date have been considered.

Chair: Can I just pause you for a second? The Division Bell is ringing here, so we cannot hear everything you are saying. Pause for a second. Thank you. Carry on.

Abi Tierney: I will start again. Of those crossing this year, 98% claimed asylum, as Dan said. That was a very large majority. To date, 50% of those claims have been considered. Of those, 20% of those have been granted, 10% have been refused and a further 71% have been refused because we are not the responsible country, i.e., they have travelled through a safe country before they came here.

Q30 **Dehenna Davison:** Of those that were refused, what proportion were subsequently appealed?



Abi Tierney: Can I come back to you on that figure? I do not have it right to hand at the moment.

- Q31 **Dehenna Davison:** That would be really helpful. What I am really trying to tease out is the number of applications that were appealed, the number that were successfully appealed, and their cost to the taxpayer. If could provide some of those figures, that would be incredibly helpful.

Abi Tierney: One of the challenging things, as you can imagine, is that a lot of that appeals process has been significantly reduced during the covid period. To give you those figures would not necessarily be a fair reflection of what it would be like in a non-covid situation, because a lot of the courts have not been running. I hope that makes sense. I will get the figures, but they will be quite small for the period that we are looking at.

- Q32 **Dehenna Davison:** That would be helpful. If you are able to provide any figures for previous periods, pre-covid, that could also be incredibly helpful.

Abi Tierney: We can absolutely do that.

- Q33 **Dehenna Davison:** Thank you. I have another question in this vein: how much have the budget and all associated costs for patrolling the Channel risen over the past few years?

Abi Tierney: I will ask Dan to talk about the Channel specifically, but the overall asylum cost budget has risen from approximately £700 million to £900 million this year. A lot of that is driven by the fact that we have continued to support asylum seekers during the covid period, rather than ceasing cessations, so our support costs have increased significantly.

Dehenna Davison: That is helpful, thank you. Mr O'Mahoney?

Dan O'Mahoney: The operations in the Channel—actually at and over the sea—are all delivered by multi-functional assets that have other roles. The Border Force maritime squadron has a number of different roles, one of which is clearly countering illegal migration, but they also have a very strong track record in intercepting drugs, modern slavery and human trafficking, and other things. That is a standing resource; it would be wrong to say that that cost has not increased with this operation, but it is a standing resource, so it would be doing various other roles if it were not there. The same goes for the aviation assets that we have flying—they are all multi-functional. One belongs to the Coastguard Agency and the other belongs to the joint maritime security centre, and they are multi-roled. There is a cost associated with that, and I am sure that cost has increased. I will have to write to you to give you the exact cost.

- Q34 **Dehenna Davison:** I would appreciate that, thank you very much. Finally—a very broad question on a slightly different track—do you feel that the French authorities are doing enough to engage with the UK Government and associated agencies to try to tackle this issue?

Dan O'Mahoney: The engagement with the French is occurring at every level from the political right through to the frontline—it happens daily, and



it is intensive. I am in contact with my interlocuters in France on a very regular basis and go there in person. That is delivering results. The French, as I said, are as frustrated by this problem as we are. They stopped nearly 200 people from leaving the beach yesterday, and about 3,000 this year. Yesterday, they stopped a very large RIB from leaving the beach with, unbelievably, 63 people on it. That engagement is high tempo and very regular, and it is delivering results. We could always do more, and we must do more.

Q35 Dehenna Davison: You say that you could always do more. Is there anything more than you would like to see happen in terms of the relationship that we have with the French and those joint workings?

Dan O'Mahoney: The intelligence sharing cell that we established earlier in the year is new, but it is clearly delivering really good results. We want to mature that and move into other areas of intelligence sharing. The other ambition that the French and I share is to increase the effectiveness of surveillance on the beaches in northern France. It is an extremely large area, stretching 120 km to 150 km—about the distance from Dover to Brighton. That is a massive area and we are both of the view that if we can invest in additional surveillance on the sea, on the land and in the air, it would effectively help them to get their officers to the right place at the right time and stop people from leaving the beaches. That would be a step change in our ability, and I will be having conversations with them about that next week. We proved that that joint investment can work in the Eurotunnel in 2015, in Calais and Coquelles, and now we need to apply that same thinking to this problem.

Q36 Chair: Abi Tierney, you were about to come in again. Before you do, can you just clarify whether the figures that you have just given to Dehenna Davison were small boat arrivals and not overall asylum cases? I did not catch whether you said 50% have already been considered, or 15%, so will you clarify that? And when you talked about the split of 20%, 10% and 71%, was that of the 50% or 15%, or of the total? Will you clarify that and make whatever further point you wanted?

Abi Tierney: As you stated, it was just small boats; 50%—that is five zero—have been considered to date, and 20% of that 50% have been granted; 10% have been refused because they are not a valid asylum claim; and 71% have been refused because we are not the responsible country.

Q37 Chair: For those 71%, you have made no assessment of the validity of a claim in terms of fleeing persecution.

Abi Tierney: No. It looks as though Tyson might want to come in on this, because this is very much his bag. Do you want to come in, Tyson?

Q38 Chair: That would be helpful. Will you also tell us whether you have a breakdown of the countries from which that 71% came from and, for example, whether those are countries—whichever country they end up applying for asylum in—that are more or less likely to have an asylum claim granted? In other words, Iran and Syria, for example, are ones with



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relatively high figures, but Pakistan would be a very low figure.

Abi Tierney: They are primarily Italy, France and Greece. It is the reach-through, once they have arrived, in terms of those safe countries. We have a breakdown of all the countries that they come from originally, and the countries that we are refusing the claim on the basis of. We can write to you with that detailed information.

Before I hand over to Tyson, I have the other calculations that you kindly did. I confirm that you were absolutely correct: in the last quarter, there was a 42% reduction in asylum claims, so almost 50%, but a 400% increase in small boats, or a fourfold increase.

Q39 **Chair:** But those percentages are not comparable because they are percentages of different figures. What I am interested in is the number—so the number of people in total that non-small boat asylum applications have reduced by, compared with the number of people that arriving small boat applications have increased by. Your percentage figures are on different bases, so they are not comparable at all.

Abi Tierney: The small boat arrivals have gone from 465 to 2,012 in the last quarter. By comparison, all claims have gone from 8,455 to 4,850.

Chair: Say that second figure again.

Abi Tierney: Four thousand eight hundred and fifty.

Chair: What was the first figure? Eight thousand—

Abi Tierney: Eight thousand four hundred and fifty-five.

Chair: That is Q1 to Q2.

Abi Tierney: Yes—the non-small boats in Q2 was 4,850, and in Q1 it was 8,455.

Q40 **Chair:** Fine. You have a nearly 4,000 drop, so it is more than twice the increase in the number of small boat asylum-seeking people arriving. There is more than twice the drop.

Abi Tierney: Yes, that is correct. I need to brush up on my GCSE maths, but yes, you are correct.

Q41 **Chair:** Just to clarify, the drop in the number of people arriving through non-small boat routes to claim asylum in the UK is more than twice the amount of the increase in the number of people arriving on small boats to claim asylum in the UK.

Abi Tierney: Correct.

Q42 **Chair:** Okay. Factually, we are on the right path. Tim Loughton—sorry, I was going to bring in Tyson at that point. Do you want to respond?

Tyson Hepple: Good morning. The people Abi was referring to are those we are trying to transfer to another European state under the Dublin regulations, so they will not have their protection claim heard in the UK.

We are seeking to transfer them to another European state in order to have their asylum claim heard there, because they claimed asylum in that country on their way to the UK.

The Minister referred in the House yesterday to there being about 1,000 people we are seeking to transfer to other European countries. That is correct. Currently, about 912 of those are barrier-free and do not have legal barriers to removal. We are seeking to remove those predominantly to four European countries—Germany, France, Spain and Italy—which account for about 65% of our Dublin returns.

You asked about the nationalities. About 80% of the people in scope to be transferred come from countries including Iran, Iraq, Sudan, Yemen, Kuwait and Syria.

Q43 Tim Loughton: I will come back to Mr Hepple in a minute, but can I start with Commander O'Mahoney, following on from the point about co-operation with the French? Specifically, is it true that the French declined our offer of a surveillance plane?

Dan O'Mahoney: No, they have not declined the offer; they have not accepted it either, so it is an ongoing conversation that we are having with the French.

Q44 Tim Loughton: So, we are offering them a surveillance plane, and they have not leapt at the opportunity to beef up their security operation by using it?

Dan O'Mahoney: They have not accepted it yet. They do have other aerial surveillance assets deployed over the north of France—both fixed-wing aircraft and helicopters, and some smaller drones, which we have funded.

Q45 Tim Loughton: It is clear that the joint working with the French has increased considerably. The amount of investment that the British taxpayer has put in, and the work that police intelligence is doing with the French, is considerable. Despite all that, yesterday was a record day for the number of illegal migrant crossings—409. You said that we have prevented 3,000 people from coming across so far from France—200 alone yesterday. The problem is, what happens to those people? They are presumably intercepted on French territory by French police, and then what happens to them?

Dan O'Mahoney: There are a number of different interventions that the French can make. Some of them will be intercepted as a result of our intelligence and will be arrested because they are criminals, facilitators or members of organised crime gangs. Clearly, they will be put into the criminal justice system in France. We have also provided significant investment to the French on reception centres, many of which are quite a long way from Calais, as you would hope. We have a good track record when people are moved into those reception centres; they are much more likely to claim asylum in the French system. It would be true to say that there is also a cohort of people who are moved away not as far as we



would like from the place in which they are intercepted, and unfortunately, they then get recycled back into the population in Calais.

- Q46 **Tim Loughton:** When the previous Committee visited the Calais camps—we were taken around Calais by the French police, and we met various officials—we were told at that stage that the problem was with people trying to get through the tunnel at Coquelles. When they were intercepted by the French police, they were effectively taken about 2 miles out of town in Calais and released—no registration, no charges and no prosecution. Then surprise, surprise, the following night, they are back doing the same again. Do you recognise that that scenario is happening now, but with boats, rather than the tunnel?

Dan O'Mahoney: I remember it well—I think I was on the visit, actually, in a previous role. The picture is better now than it was during the time of that visit, but it would be wrong of me to say that there isn't a proportion of the migrants who are intercepted who are not recycled back into the French system.

- Q47 **Tim Loughton:** Whereas the situation in the UK is that if somebody, in reverse, was trying illegally to cross and was not entitled to be in this country, they would be arrested and subject to immigration procedures, not just allowed to go free without any legal process having taken place. That is correct, isn't it?

Dan O'Mahoney: They would be arrested because they had entered the UK either illegally or without leave. Of course, they have not done that in France yet, so there is no ground to arrest them in France.

- Q48 **Tim Loughton:** But they would have entered France illegally if they had entered through another EU country without having their asylum claim processed under the Dublin regulations.

Dan O'Mahoney: I am not an expert in French law, but what I would say is that it would be very difficult to prove where they entered France. If we were looking at that in the UK, it would be a different matter. I will not speak for the French legal system.

- Q49 **Tim Loughton:** Okay. Can I ask about why they are coming to the UK? Everybody has said that France is not an unsafe country, and they are at liberty to have asylum claims processed in another EU country, whether it is the first one or not.

One French MP, Pierre-Henri Dumont—who has been very vociferous on television recently, and I have debated with him—says that, in his conversations with some of the people trying to get over here, they say that it is easier to work illegally in the UK and to live under cover. Clearly, that is not the case, but it seems to be a perception.

Under Operation Focal, which is a joint operation with the French—again, a lot of it is financed by the British taxpayer—that sort of misinformation should be dealt with. However, it would appear that French Members of Parliament are party to putting around these misconceptions about how people will actually be looked after if they do make it to the UK. That is



part of the problem—namely, that people are coming here on a false premise—isn't it?

Dan O'Mahoney: I think that is absolutely correct. The way that I see this operation that I am delivering is that it is both an operation in the traditional sense and a behaviour change campaign, which will be enabled as time goes on with a strategic communications effort. It is exactly the phenomenon that you have just described, whereby these ruthless criminals are taking advantage of the vulnerability of these migrants, some of whom do not even want to come to the UK. We hear through debriefing a lot of stories about migrants who are literally forced on to boats and who have no idea where they are when they get to the UK, because the facilitators do not get paid until they have done that last leg of the journey.

So, there is a huge misinformation campaign going on with the facilitators, who tell people that the streets are paved with gold in the UK. And as anybody knows who has travelled to France, it is a perfectly civilised country and has a fully functioning asylum system, and what we find is that when we deliver the migrants to the reception centres, they do in fact claim asylum in France.

Q50 **Tim Loughton:** Thank you very much for that, Commander. Regarding enforcement, Mr Hepple, we have heard figures from Abi Tierney about the number of people who have had their claims refused. The problem is that the vast majority of them remain in the UK, don't they? That is because, for all sorts of reasons, we cannot return them to another EU country or somewhere beyond.

Tyson Hepple: Good morning. We are trying and we managed to return another 11 people to Spain this morning; the charter plane landed about an hour ago. I think that we are finding this a particularly difficult operation at the moment and there are probably three reasons for that. One of them is to do with the fact that, obviously, there has been the period of time when we have not been able to return anyone, because there have not been any aeroplanes due to the covid pandemic. That would have taken us from March up to 12 August, when we ran our first Dublin charter after the break.

There is a large number of last-minute legal challenges that we are finding it more difficult to deal with, including last night, when we were in court until 2 o'clock in the morning, dealing with a legal challenge on what I think were some process issues. The duty judge dismissed it on all counts. We will continue with that process, but we are finding that human rights claims in particular—including, I think, 17 on the most recent flights that we have arranged—have actually blocked us from removing people to a safe European country.

Also, I think that the Dublin regulations themselves have certain limitations, in terms of having to be done within six months of the take-charge request being accepted by the European country, and also because



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there is a 42-day detention limit, which can be timed out, particularly if there are last-minute claims.

I have a very professional team who are working on this. As the Minister said yesterday, we have about 1,000 people in scope at the moment and we have a calendar of charter flights to European countries planned between now and the end of December.

- Q51 **Tim Loughton:** Nobody doubts the determination and hard work of you and your staff, nor the determination of the Home Secretary to see this through. However, is it not one of the limitations as well, and is it actually legitimate under Dublin, that some EU countries have imposed a cap of 10 returnees per week? So, when you are dealing with 5,000 people who have come over in small boats alone this year, of whom a large number will not have successful asylum claims, the process of returning them to another EU country that imposes this 10-per-week limit will take a rather long time, even without the indentures of certain lawyers acting for people and taking them off the planes at the last minute.

Tyson Hepple: I think you are correct, Mr Loughton, although that is not a feature of Dublin. I think that is probably a feature of covid and European countries wanting to open up this route again—safely, obviously—as we do. We are negotiating very hard with their Dublin teams. I know the Minister will get involved in this as well to try and lift the cap, but one of the challenges put back to us, of course, is that even where there has been a cap, sometimes we have not managed to fill it because we have not managed to put that many people on to the plane because of the last-minute legal barriers. So, yes, we would like to see the caps removed, but the legal barriers that we are finding at the moment, and the fact that they are being tabled at the very last minute, are also proving quite a blockage to our efforts.

- Q52 **Tim Loughton:** Final point. Can you tell us about Operation Sillath?

Tyson Hepple: Operation Sillath is the name that we have given to our Dublin returns. The figures I have just given you are the figures that would apply to Operation Sillath.

- Q53 **Tim Loughton:** Is there not an aspect of Operation Sillath that suggests we can intercept and return straight to France those people coming in small boats?

Tyson Hepple: Are you talking about on the Channel?

Tim Loughton: Yes.

Tyson Hepple: I was not aware that that was a part of Operation Sillath. I thought Operation Sillath was the operational name for our Dublin returns.

- Q54 **Tim Loughton:** Has any statement been made on Operation Sillath, because various people seem to have attached various activities to it? Perhaps we could have some informal—



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Tyson Hepple: I would be happy to do that. I am not aware that a statement has been made. I think it is an operational name that we give to a piece of operational activity. If I am incorrect in my understanding, obviously I will write to the Committee and make sure there is a full explanation of what Operation Sillath is.

Q55 **Tim Loughton:** One additional final point. We have heard the figures from Ms Tierney about the numbers of people claiming asylum and coming over in small boats. How many people have come over in small boats undetected—landed on beaches in Kent and Sussex—and subsequently, voluntarily, applied for asylum? Do we have figures for that?

Dan O'Mahoney: A very small proportion of landings actually arrive on a beach without being intercepted by one of our assets. A very small proportion. They happen rarely, and they happen when there is either very low cloud cover, which means our aerial surveillance assets cannot see the boats and then direct our assets on to them, or if the numbers, as they were yesterday, are such that it is difficult to deploy enough assets to them. I am not aware of any landings where migrants got off the boat and we did not subsequently intercept them. We can be fairly sure of that for two reasons. One is that we have got aerial surveillance assets in the area and, secondly, we have very good community intelligence. If there was a boat left on the beach somewhere, we would know it was there. I assess it to be very unlikely that migrants would land on a beach, pick the boat up, deflate it and take it with them. I can say with a high degree of certainty that there are no known situations where a boat has landed on a beach, the migrants have made off and we have not apprehended them. I think that is very unlikely.

Chair: Because of timing issues, we are going to move on to issues around organised crime next, and then we will come back to some of the issues around asylum, where we have some further questions. Ruth.

Q56 **Ruth Edwards:** Thank you, Chair, and thank you to all our witnesses for making time to be with us today. As the Chair said, I want to explore some of the issues around the organised criminal networks behind these small-boat operations. What proportion of migrants attempting to cross the Channel do you believe are facilitated by gangs right from the start of the journey in their country of origin, and what proportion do you think are connected with them once they arrive in France?

Rob Jones: I can deal with that. It is our assessment that the majority of the migrants who arrive via small boats will, at some point in their very long journey, have been involved with facilitators and organised crime. So, what you have is a network, which we attack with Project Invigor, which is a quite sophisticated network upstream that brings people through to northern France. The majority of those individuals at some point will touch organised crime. As they reach northern Europe, there are opportunities for diversification and to be handed off between groups, and it is not as straightforward as one group facilitating them all the way from Syria, for instance, through to a small-boats departure in northern France. That is



part of the challenge. We attack all that route to try to disrupt the traffickers and smugglers who are moving people upstream. For instance, we have worked on cases with partners whereby we have been able to intervene and deal with facilitators who are moving hundreds of migrants per day from Syria into Europe. By attacking that at that sophisticated end, and by working very closely with French colleagues, Dan and other UK assets, we are squeezing the problem at both ends. The real challenge with this is that you do not see a typical hierarchical, highly organised network that is responsible for a migrant all the way through that chain. It diversifies as you reach southern, central and northern Europe, and there is a multitude of options for that final leg of the journey. One of them, which has become an acute problem, is small boats.

Q57 Ruth Edwards: It sounds like quite a complex and organic network. Are you able to identify the different gangs that are operating across the entire route? Are you able to trace the amount of money they are making, and are you able to identify how those funds move and where they come from?

Rob Jones: We have had some success in doing that. Since 2015, we have been responsible for 620 disruptions of organised crime through the Invigor taskforce. That has involved a number of arrests—850 arrests. Some 350 of those arrests were upstream and in places such as Turkey and Greece. We are doing that, and we are undertaking that activity. The challenging element is the opportunities that open up as those migrants come closer to the UK. One of the things that the organic network you describe is accessing is communications via social media, using end-to-end encrypted platforms in closed groups to facilitate those final parts of the journey. That is a challenge. It is a challenge across all serious organised crime threats, and we have been very open about the level of challenge that we face from people using end-to-end encryption on social media platforms to facilitate organised crime. This is one of those areas.

For instance, in the first five months of the year we referred over 1,200 pages related to organised immigration crime to social media companies for closure. Of those, 578 were closed and 485 were rejected as not breaching terms and conditions. We were very certain when we made those referrals that there was a problem with those accounts. To see that level of attrition, with not all those accounts being closed, is challenging for us. We continue to work closely with Europol and social media companies to maximise the impact of those take-downs. Social media and encrypted platforms and messaging is a really good, dynamic and agile way for people to move migrants between places and for groups to communicate. Those organic networks flourish because of their ability to do that.

Q58 Ruth Edwards: Just to make sure I have understood you correctly, are you saying that over 400 pages that you referred to social media companies as being pages that enabled organised criminal gangs to communicate and to exploit people in this way were rejected? Your attempts to get them taken down were actually rejected by social media companies?



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Rob Jones: If they do not breach the policy of the particular company, they won't be taken down. That is one of the reasons that the Online Harms Bill is progressing, and one of the reasons we have been supportive of regulation of the internet and social media companies. This is an area where we feel we can make more of a difference.

Q59 **Ruth Edwards:** Can you tell us which social media companies believe that people smuggling and criminal behaviour are not criteria by which they should be removing these pages?

Rob Jones: The challenge is a breach of their internal policies. They absolutely accept that organised immigration crime is an offence, but the level of evidence that they require for them to take those accounts down is such that our submissions have been rejected in some of those cases. It would be wrong to call out one particular company. The same process takes place in relation to all those companies. They look at the account, their policy and whether there is a breach of that policy or any clear illegal activity made out. They apply a bar, which is not regulated, and make their own mind up about whether they should take it down.

Q60 **Ruth Edwards:** So, are you saying that the problem is across all social media platforms and not just with one or two companies?

Rob Jones: The same methodology is applied by all companies. There will be varying rates of use by criminals and varying rates of success.

Q61 **Ruth Edwards:** I appreciate that all social media companies will have their own internal policies. I am quite shocked to hear that nearly half of all referrals for pages that the National Crime Agency believes are linked to organised crime, which risks the lives of vulnerable people, are not meeting the internal policies to be taken down by some social media companies. I am interested to know whether that is a problem with one or two specific companies or with all the major social media platforms that we use today.

Rob Jones: I would be happy to provide you with some more data and write to the Chair with some information in relation to that. I would make the point that the fundamental problem here is that they are applying their own decision making based on their own internal policies and procedures, and we have no traction over that.

Q62 **Ruth Edwards:** I completely understand your point. I just think that the public would be interested to know—deserve to know—which social media companies have that kind of internal policy, which does not see this issue as incredibly important to stop.

I have one final question, if I may. How lucrative, in your judgment, is people smuggling, compared to other criminal activities such as contraband or drug smuggling?

Rob Jones: It isn't as lucrative as drug trafficking or firearms trafficking. It is lucrative. In terms of the amount of profit that can be realised, I spoke earlier about the low barrier to entry and how cheap it is to get a rigid inflatable and an engine. If you overload that, pack it, and charge



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people between €3,500 and €5,000, you can see what the profit margin is. There is profit in it and we need to undermine that profit model and change the risk calculus for the people involved in this, but it is nowhere near as profitable as drug trafficking.

Q63 Ruth Edwards: Would you say that the low barrier to entry has been behind the surge in criminality in this area, given that it cannot be accounted for by profits?

Rob Jones: There is obviously an attraction when people see success. They become emboldened. They see movements across the Channel. People will try to mimic that success and make some money. That is one element. Dan spoke about the four key areas around benign weather conditions, covid-19, protective security and juxtaposed controls. Add to that the low barrier to entry and you have that heady mix, which makes this an attractive method for organised crime.

Q64 Chair: Do the social media companies include Facebook and YouTube?

Rob Jones: Yes, they would do.

Q65 Chair: Would you be able to send us some examples of the kinds of thing that you have been wanting to have taken down? We would be happy for the Clerks to discuss with the NCA the form in which that could be shown to us. We would be very keen to see the kinds of thing that you are talking about.

Rob Jones: Certainly.

Chair: Thank you very much. We will return to issues around asylum now, if that is okay. We will go to Laura Farris and then to Adam Holloway.

Q66 Laura Farris: Thank you, Chair, and thank you to the witnesses who have come in today. I have some follow up questions for Abi Tierney about the figures on the numbers who have arrived via small-boat crossings this year and who have been processed so far.

You said that 71% of those had had their asylum applications rejected because the United Kingdom was not the correct destination for that individual to have claimed asylum. I know that you have only dealt with half of the people so far, but if you extrapolate that it looks as if that would apply to about 3,500 people. Can I just clarify: of those 3,500, did you find, or do you have the figures to say, whether or not they have tried to claim asylum in another country?

Abi Tierney: No, we don't. We would be dependent on them being open about that and stating that as part of the screening process. I can certainly find out whether we record that in a way that would be easy to access and share with you.

Q67 Laura Farris: The second question is about the dialogue that we have with France. If it is our conclusion that, frankly, two thirds of those arriving ought to have claimed asylum elsewhere, what kind of dialogues are happening with the French authorities, and why is it not incumbent upon France to be making the same assessment of those people in the



camps at Calais who are waiting to make the crossing?

Abi Tierney: As Mr O'Mahoney is leading on a lot of that, can I pass it over to Dan?

Dan O'Mahoney: The French do two things, which assist with this significantly. One is that they do not classify the areas that the migrants live in specifically as camps any more, but there are areas that the migrants live in, and on a regular basis they clear those areas of migrants. In doing so they move those migrants into the reception centres that I talked about earlier, and they encourage them to apply for asylum there. Because they are away from the people traffickers there and they have probably slept in a bed for the first time in a long while, and other factors, they are much more likely, therefore, to claim asylum in the French system. So, I do not think it would be fair to say the French are not doing anything on this. Of course, we would like them to do more to reduce the migrant population in northern France.

Q68 **Laura Farris:** Just to interrupt—with what regularity are the individuals in those locations taken to centres?

Dan O'Mahoney: That is part of an operational tempo that the French deliver, which is quite specific but which I wouldn't want to disclose, basically because it is in the hands of the French to do that, but also for operational reasons. If I was running those operations, I wouldn't be comfortable sharing the exact regularity of them with you. Apologies for that, but I would consider it to be operationally sensitive.

Q69 **Laura Farris:** Can I come back to you on another issue? I think it was Mr Hepple who touched on this. On the basis of the legal challenges, I wanted to explore some of the limitations around Dublin II. I would guess—correct me if I am incorrect—that there are common legal challenges that are raised. Would that be a fair conclusion?

Tyson Hepple: That is correct, and they tend to be around first-time human rights claims—

Q70 **Laura Farris:** Just pausing there, that is a big vague. Could you specify what types—or, again, can I suggest to you, and, if I am wrong, correct me: would it be right to say there are article 3 considerations about the place that they are potentially going to be sent back to? For example, I know there was a big issue with the quality of the Greek reception areas for refugees. Is that a continuing problem? There are article 3 issues; I know there are also article 8 issues.

Tyson Hepple: They tend to range across all of the articles. They will certainly include article 3 and article 8, but I think there will be other articles within the convention that they will draw on. A lot of the claims will be that people fear for their safety being returned to France or Germany, for example, because they feel that the traffickers will still be operating and will take some form of revenge against them. Clearly, all of these issues we have tried out in our courts, and there are very complex legal proceedings in place, but they tend to be a broad range of human rights claims, if that helps.



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Q71 Laura Farris: A bit. I am not sure that all of the Human Rights Act would be engaged. I think one thing members of the public [*Inaudible*] is why it is that we don't have a more established system with other member states about common standards. Why can't we rely on other member states where an individual should have claimed asylum to keep them safe? Why aren't there reciprocal obligations on member states to do that?

Tyson Hepple: Those are the Dublin arrangements, and there are reciprocal arrangements as a result of Dublin. That is the vehicle that we use to engage other European countries and return people to have their asylum claims heard. It is all currently being done under Dublin.

Q72 Laura Farris: Would it be a fair conclusion that you consider there to be limitations with Dublin, then?

Tyson Hepple: As I set out earlier, some of the constraints on Dublin—particularly around the return having to be done within six months, and there being a 42-day limit on detention—means that it is inflexible at times.

Q73 Laura Farris: I want to ask one other question about child migrants. That is something that was obviously raised because of the poor young man who died in the Channel. A recurring issue that often dominates the headlines is whether we have unaccompanied children making dangerous dinghy crossings. Can I ask you or Abi a couple of questions about that? How many of the people who arrive on the Kent or Sussex coast have any papers to verify who they are or what their age is? What is the proportion?

Abi Tierney: I can give you the number who arrive and make an unaccompanied asylum-seeking children application.

Q74 Laura Farris: Just before that, how many people can you verify, because they have some form of identification document that you can rely on? What proportion of those arriving have that with them when they arrive?

Abi Tierney: I'm really sorry, but I don't have that information.

Dan O'Mahoney: I can't give you an exact figure, but I can tell you that it is almost none—very, very close to none. Generally speaking, encouraged by the facilitators, they will get rid of any sort of documentation or pocket litter, as we call it in law enforcement—phones, SIM cards, anything—before they are intercepted by Border Force.

Q75 Laura Farris: Would you mind me asking this? I am not trying to put words into your mouth. Do they literally arrive empty-handed?

Dan O'Mahoney: They literally arrive in the clothes that they are wearing.

Q76 Laura Farris: Therefore, when you have somebody making an application as an unaccompanied minor, it is their assertion that they are an unaccompanied minor?



Abi Tierney: Yes, that is correct.

Q77 **Laura Farris:** And I think I am right in saying that there is no agreed method of confirming the age of an individual that we have in UK law.

Abi Tierney: No, but we do have a recommended assessment called the Merton assessment. It happens in two stages. We have an assessment that takes place by Home Office staff. If the person claiming to be an unaccompanied asylum-seeking child is obviously over 25, we will reject that. If they are under 25, we will proceed to undertake a more thorough assessment, and that is called the Merton assessment.

Q78 **Laura Farris:** But it is, I think, right to say that it is extremely difficult to reach a firm conclusion that a person is over the age of 25.

Abi Tierney: It is difficult, yes.

Q79 **Laura Farris:** A vanishingly small number of people would fall into that category.

Abi Tierney: We have significant numbers of legal challenges. In Kent, a large number of the looked-after children are in the category where the age is being questioned. We are supporting them to go through that process at the moment. You are correct that it is very difficult, and there are a number of legal challenges that happen on the back of that.

Q80 **Laura Farris:** Two very quick questions. Would it be right to say, in essence, that anybody who is young-ish and claims to be a child will probably establish that they are a child, in the absence of any agreed objective testing method?

Abi Tierney: I don't actually think that is quite correct. We are doing that increasingly because we are seeing a lot of what we believe are spurious claims, so we are investing significantly in a robust assessment process. We are not just saying that if somebody claims, the chances of them being successful in that should mean that we shouldn't challenge them. Where we believe that somebody is obviously over 25, we undergo a thorough age assessment. That means that it is two social workers independently over a two-day period—that is the Merton assessment—who are specially trained in age assessment. We are not giving up on it, if that makes sense.

Q81 **Laura Farris:** I am sorry, I did not mean it as a criticism; I just meant it in terms of figures. Is it right to say that someone in the 20 to 25-ish-year bracket, in their physical appearance, would be 99% likely to establish that they were a child?

Abi Tierney: I would need to give you the exact figures, but I can do that—I can look at the assessments that we have done over the past two years and confirm who we confirmed to be a child and who an adult, if that is okay.

Q82 **Laura Farris:** Perhaps you can get the figures to me. If it was considered that it was probable or, perhaps, was going to be difficult to counter the assertion that they were a child, would it be right to say that that person



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had a 100% prospect of remaining in the UK?

Abi Tierney: A very high number of people who are unaccompanied asylum-seeking children are successful in their asylum claims.

Q83 Laura Farris: One final question: do you think that is an incentive to the traffickers? They know that if they get someone in who is quite a young man—it is typically men, I think I can say safely—such as a 24-year-old guy, he has a very high chance of remaining in the UK. Do you think that is an incentive to those traffickers?

Abi Tierney: Yes, I do. If I look at the granted, it is 75% of UASC, so that gives you a flavour of the amount who are granted.

Laura Farris: Thank you very much.

Chair: We will go to Adam Holloway. Apologies to Adam, who was trying to get through, but the system had muted his microphone. Hopefully, we can hear from Adam now.

Q84 Adam Holloway: Thank you, Chair. I guess this question is for Abi, going on from Laura's last question. Basically, at the moment we have very large numbers of fit young men who have spent many, many thousands of dollars travelling from various places around the world seeking asylum, but are coming in without any pocket litter, with the knowledge that the overwhelming likelihood is that, having been put up in a hotel, they will eventually be given political asylum. Surely we have to send out the message that, if you arrive in Britain illegally, smashing down the door of our immigration laws, you will not stay in Britain. At the very least, why do we not have a civilised version of what Australia does, which is to house and look after these people remotely, until such time as they can establish that they have a genuine asylum claim?

Abi Tierney: I am here more in an operational capacity than I am for those policy questions. Absolutely, as part of our transition preparations, for when we will have more flexibility to look at our future asylum system and how we will manage it, we are exploring a number of different options at the moment. As Dan said, a big part of what we need to do is to think about the deterrent—because it is not a safe route—in order to protect the people as well as to make sure that they all are genuine asylum seekers and can have a safe haven here. We are looking at that as part of our exit planning.

Q85 Adam Holloway: But what barrier is there right now to you putting people in a civilised facility—remotely possibly; I don't know—but not in hotels in our various constituencies? What is the reason that we are not doing that?

Abi Tierney: Our policy up until now has been to house people either in initial accommodation or in dispersed accommodation. They tend to be hostel-type accommodation. That has been Home Office policy. As a result of the impact of covid, we have had to increase the number we do that for. That is giving us significant pause for thought about what a sustainable model is, in terms of both the accommodation being meant to



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be temporary—it is meant to be a short period, but they are staying longer than is ideal—and it costing a significant amount of taxpayer money. We are looking at that. That is the current policy; it is not the Australian model, where they use much bigger facilities, more army-camp style.

- Q86 **Adam Holloway:** Do you not find it extraordinary that we have got to this position? People have passed through numerous safe countries and have effectively chosen to come to the UK, abusing our asylum laws. They are relatively wealthy people, because they can afford to pay the people smugglers. And yet there is no message to them—no sense that if they get here, they will not stay here. That is why that poor kid drowned, and that is why other people will drown—because we have not sent that message out.

Abi Tierney: I do agree that we need to get stronger on our messaging and we need to counter the messaging. That is a lot of the work that Dan is doing as part of his team. As I say, as part of our preparation for exiting the EU, we will have more flexibilities and look more strongly at the deterrents in terms of our model of support when they get here.

- Q87 **Adam Holloway:** There is no deterrent at all now, is there? These people are making rational decisions on how to spend their money.

Abi Tierney: Some of the deterrence is that when they are actually in the decision-making process—while we are supporting them in accommodation—they are unable to work, rent, or have access to some of those facilities, so some of those things are there in the aim of ensuring that, until they have been given asylum rights and refugee status, they do not have access to those public services.

Adam Holloway: Thank you very much. It just strikes me that until that message goes out, this will go on and on and we are completely wasting our time.

Abi Tierney: I have absolutely heard that—thank you.

Tyson Hepple: If I could just add to that, Mr Holloway, I want to reinforce the point about trying to remove people to other European countries to have their asylum claims heard. As we have already discussed, that is difficult work, but we are absolutely committed to returning as many people as we can to European countries to have their asylum claims heard there. As I said, we have a calendar of charter planes lined up between now and the end of the year. That leads back to some form of deterrent, but I agree that the numbers need to get higher.

- Q88 **Adam Holloway:** I have many thousands of constituents who came to this country legally, and this is making a mockery of our legal process. Do any of you agree with that?

Tyson Hepple: All I would say to that is that I think the Minister made clear in the House yesterday that there is considerable policy work under way to deal with loopholes. I think that those were his exact words, sort of channelling the way that our Ministers are feeling.



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Adam Holloway: I get that, but I also note that none of you responded positively there. Until we start speaking the truth on this, we are going to get absolutely nowhere. It is a shame that you guys are in charge but cannot acknowledge that publicly.

Chair: Rob Jones, did you want to come in?

Rob Jones: I think Abi was trying to speak.

Abi Tierney: I was going to come in on the back of what Tyson said. I have been in the Home Office for six months now, and the level of political commitment to push this level of work on, from a policy level to working out how we will address it, is immense. We are absolutely focused on resolving this and ensuring that there is fair entry and support. Where people are entering illegally, we will do everything that we can to prevent and deter that.

Adam Holloway: I note the answers to my questions. Thank you, Chair.

Q89 **Stuart C. McDonald:** Thank you to our witnesses. The idea that asylum seekers are living it up in hotels is so far from reality that it is unbelievable. To bring a sense of perspective to this, Abi Tierney, am I right in saying that of the total number of people seeking asylum in Europe, we are talking about a tiny fraction who make it to the United Kingdom to claim asylum, and that an even tinier proportion of them do it by small boat crossings? Is that true?

Abi Tierney: Yes, that is absolutely correct. In terms of the numbers, France, Germany, Italy and Greece accept a much larger proportion of the asylum seekers, or they stay there, and a much smaller number come to us.

Q90 **Stuart C. McDonald:** Focusing on the very tiny number who embark on those small boat journeys, I think you said very helpfully that basically, where the United Kingdom accepts responsibility for assessing asylum claims, two thirds of them are accepted and recognised as refugees. Is that right?

Abi Tierney: For the small boat crossings, it is actually a lower amount.

Q91 **Stuart C. McDonald:** It was 20% that were granted refugee status, and 10% that were not.

Abi Tierney: Yes, that is correct.

Q92 **Stuart C. McDonald:** What I am getting at is that of those who were actually assessed in terms of the refugee convention, two thirds are recognised as refugees.

Abi Tierney: Yes, that is correct, although I was also referring to the 71% who are not admissible.

Q93 **Stuart C. McDonald:** Okay. Can I ask, when you talk about the 20% and the 10%, is that the refugee convention alone? You are not talking about humanitarian protection or other forms of protection that these people



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might also receive?

Abi Tierney: It is all granted, so it does include humanitarian protection.

Q94 **Stuart C. McDonald:** Okay. That is helpful. There is absolutely no reason why I should not extrapolate that, broadly speaking, of the 70% whom we try to send to all corners of Europe, two thirds—possibly even more—are refugees.

Abi Tierney: That is a fair extrapolation, based on the numbers we are seeing.

Q95 **Stuart C. McDonald:** And that is because the people in the small boats come from Iran, Iraq, Syria, Yemen and Sudan. Home Office statistics show that the grant rates for these countries are, generally speaking, all above 50%. In the case of Syria, it is 96%. For Iran, it is 68%. They are all really high rates of grant.

Abi Tierney: That is absolutely correct.

Q96 **Stuart C. McDonald:** That is very helpful. Thank you. Tyson Hepple, can I come to you? Based on Laura Farris's maths, which are definitely much faster and better than mine, we are talking about 3,500 people who are in the 71% for whom we don't accept responsibility. Two thirds of them are probably refugees, but we are still going to spend money on removing them to Europe. Do you have an assessment of how much it costs? For example, I think you spoke about 11 people being removed to Spain, which already has about two or three times as many asylum applicants as we do. How much did it cost to remove those 11 people?

Tyson Hepple: I don't have that figure, Mr McDonald. There may be some commercial sensitivities, because we charter with airlines. I will certainly write to you to let you know what the figures are.

Q97 **Stuart C. McDonald:** It would be helpful if we could just have a broad idea of how much removing 3,500 people, including 2,000-odd refugees, to other parts of Europe costs the taxpayer. Does the Home Office do any research on what actually happens to people who are removed to other European countries? Do we have any idea of how many remain within the systems there or how many end up back in Calais trying to make the same journey again?

Tyson Hepple: I could probably provide figures for those who return to the UK having been removed to another European country. I am not aware that we have done any research on what happens to that person once they have been accepted again into the French, German or Spanish asylum system. Again, I will ask my research colleagues whether any work has been done, but we will know whether people have returned to the UK, because we will re-establish their identity using the Eurodac fingerprint system.

Q98 **Stuart C. McDonald:** That is helpful. In terms of research, there are a lot of anecdotes traded, including today and yesterday, about why people make these dangerous crossings. Does the Home Office intend to do any



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proper, independent and thorough research on trying to understand why these decisions are made? I am last aware that it did a bit of research in July 2002 called "Understanding the decision-making of asylum seekers". It was very thorough, and it showed all sorts of reasons why this happens. Does the Home Office intend to do anything scientific about trying to understand why this is happening?

Tyson Hepple: I think there are a few cases where we have done that. We have referred before to Operation Focal, which was some work that our strategic comms people did in the camps in Calais some years ago. That would have given us some data that I can let you know about. We are looking now at whether to do some more dissuasive comms, because we feel that those can be quite successful, and we debrief people when they arrive—for example, on the shores of Dover. I have a joint debriefing team who will debrief a large number of people to find out why they have come here and any other intelligence they can give us that will help us to try to identify their facilitators. There may well be some rich data there, which I am happy to write to you about.

On top of the issues that have been discussed with the Committee already this morning, I think the English language can be a draw, particularly when you talk about the countries that you have just listed. These people are more likely to speak English than to speak German or Spanish, and I guess there are diaspora communities in the UK that might also act as a bit of a draw.

I come back to your point about whether returning people to France or Germany is worth the effort, particularly the financial effort. The point there is about the deterrent. If it is a deterrent and it stops people making what is a perilous journey to the UK over the Channel, I think that is also an element of it. It is not just the integrity of the immigration system, which of course is important; it is also the fact that these journeys are dangerous, and we do not want people making them.

Q99 **Stuart C. McDonald:** Absolutely, and I am quite happy to have that debate, but you would need to convince me that it actually acts as an effective deterrent at all, and I am not convinced that it does. My solution, for what it is worth, would be—I spoke earlier about how you have this tiny fraction making their way through these dangerous routes to the United Kingdom, and it wouldn't be a complete solution—the idea that the European Union proposed three, four, five years ago, which was that we all shared responsibility around the European Union and you would take into account exactly those factors that you have just outlined: language, communities, family. Then you would have far fewer having to make these dangerous journeys, and you would probably end up with a fairer share of responsibility around Europe, as opposed to what happens when it is all essentially dictated by geography; but that is a political debate, obviously—

Tyson Hepple: It is.

Stuart C. McDonald: And it is not for the witnesses to respond on that. I



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think you wanted to come in, Abi Tierney. Did you want to say something about that?

Abi Tierney: Yes. In another bit of my role I am involved in our implementation of the Windrush recommendations, and as part of that we are reviewing some of the measures we have in place, particularly around the overall compliant environment. That will include some of the research you have discussed as well, so I want to highlight that.

Q100 **Stuart C. McDonald:** Coming to future strategy, briefly, we have heard a lot in the last couple of days about what seems to be described as a fairer borders Bill, though you will understand that I reserve judgment on what that exactly means. Mr Hepple, you were talking earlier about human rights claims almost as a loophole or some sort of inconvenience. I don't like hearing that sort of language really. What on earth is it we are talking about? Lots of MPs on one side of the House seemed to know what was going on. I don't have a clue. Are you able to share with us on the Committee any indication of what lies ahead in terms of legislation?

Tyson Hepple: I am probably not the best person to ask, because, as we have explained, we run the operational side of the immigration system. It will be with our strategic policy teams, who are working with Ministers on the legislation the Minister referred to, so, again, if we can write to you.

I don't think I did use the point about human rights laws being inconvenient. I answered the question factually about first-time human rights claims that engage a number of elements of the Human Rights Act. I suppose my frustration from a practitioner point of view is that they tend to be tabled very late in the day when there have been other opportunities for them to be tabled. I am absolutely committed to all people in my system having full access to legal advice and having access to justice. The reason we haven't been successful in returning more people to Europe is because we have been absolutely bound by the law. So, I certainly don't see the law or the human rights laws as an inconvenience.

Q101 **Stuart C. McDonald:** That is helpful; thank you. Just on that point, though, is one of the reasons why a lot of this happens late in the day because people are served with a notice that they are being removed very close to the removal time? If the Home Office at least took the steps of giving some warning that they intended to try to remove them—say, even 14 days—that would at least allow the full process to be run through without having to stay up till 2 in the morning at court hearings.

Tyson Hepple: If we are talking about the Dublin regulations, we give people removal directions five days before the date of the flight. Yet as I said we were in court until 2 am this morning. Five days—and I think 80% of legal barriers are put in within those five days. But we have found increasingly—particularly over the last few weeks—that those claims have come in later and later. I think five days is longer than the eve or the early morning of the flight. That would be my frustration from a practitioner point of view—not the fact that people absolutely should have access to legal advice and to justice.



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Q102 **Stuart C. McDonald:** Okay, and obviously we will hear, hopefully, from legal practitioners about the challenges they face in getting claims in on time.

Tyson Hepple: I will listen to that.

Q103 **Stuart C. McDonald:** Finally, on the impact of Brexit, if there is no deal on Dublin then essentially you won't be able to move anyone to any European countries, unless you do bilateral deals. As I understand it, the text proposed by the United Kingdom in the negotiations so far for a replacement Dublin regime absolutely and totally brings right down the number of people who will be entitled to come to this country under Dublin. Even in the case of children, it makes it discretionary. Is that not just going to add to the number of people who are coming here for whatever reason, or are desperate to get here for whatever reason, who end up being driven into the arms of people smugglers or on to these small boats because they cannot do it through the proposed replacement Dublin regime?

Tyson Hepple: If you will forgive me, Mr McDonald, I don't think I am close enough to the negotiations to comment on that in any detail. My role is to make the current system work. Clearly, I would want there to be a returns agreement, and bilateral returns agreements, but I am not involved with the negotiations. I am trying to make the current system work.

Q104 **Chair:** Can I just follow up on those points? If there is no agreement as part of the Brexit/ending of transition negotiations, if there is no agreement with the EU as a whole, and if there are not yet any bilateral arrangements in place, for the current arrangements that you have for returning people to other European countries, will there be any legal basis to do that from the beginning of January?

Tyson Hepple: We will no longer be bound by the Dublin convention. I will come back to the Committee on that point, but clearly, we are watching the negotiations with interest.

Q105 **Chair:** Sure, and I would not expect you to comment on the negotiations or to speculate on them. I am simply asking that if the conclusion of the negotiations is that there is no new arrangement with the EU as a whole, and if you have not yet got any new bilateral arrangements in place, will there be any legal basis for returning people who arrive in small boats or through other routes who you assess have applied for asylum or have travelled through other countries first?

Tyson Hepple: I will need to confirm that. What I know is that we will not be bound by the Dublin convention come the end of December. Again, can I write to you on what any arrangements might be? Clearly, good bilateral agreements with countries such as France will be what we work towards.

Q106 **Chair:** I am just saying, if those arrangements are not in place. I am asking you for an assessment of the law as it stands at the moment. I am slightly surprised you do not know that. I am just asking, if—in the conditional situation—you have not got new bilateral arrangements in



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place, if you have not got a new EU agreement in place, in those circumstances I presume that existing international law will apply. So, under existing international law, under the default position, will you have any legal ability to return people to other European countries? Yes or no?

Tyson Hepple: I don't know. I will have to let you know.

Q107 **Chair:** I am really surprised that you don't know, given your position. Does anybody else on the panel know?

Abi Tierney: I don't, sorry

Q108 **Chair:** There's only a few months to go. Aren't you doing any contingency planning?

Dan O'Mahoney: We have made it very clear to the French that we want to negotiate a bilateral returns agreement with them. We want to start that conversation as soon as possible. We are planning for it and talking to the French about it. As I said earlier, it is a crucial part of the deterrent, so it is very important to us.

Q109 **Chair:** Sure, and we would expect you to be having those negotiations both on a bilateral and an EU basis. The Committee has set out previously that we very much hope an agreement will be reached at EU-wide level and on other security treaty issues. I am simply interested in what the contingency planning is and what the arrangements and the legal situation will be if none of those are in place by 1 January. Let us suppose it takes till March to get something new in place. What would the legal arrangements be in that situation?

Dan O'Mahoney: As you suggested, Chair, we will revert to the provisions under international law, but, as Tyson has said, it is better if we write to you on that rather than give you an answer now.

Q110 **Chair:** If it is international law and the same arrangements as apply in other countries all over the world, if someone arrives here who has previously been in another country, not an EU country, before coming here, do you have any arrangements for returning people to those safe countries?

Tyson Hepple: I am not aware, Chair, that we have done that. We have tended to operate under the Dublin regulations since they came into force, which obviously involve returning people to other EU states. I am not aware that we have returned people to other third countries to have their asylum claims heard.

Q111 **Chair:** That sounds like there is no international law provision to allow you to do that. It would be really helpful to have clarity—

Tyson Hepple: Let me write to confirm that, Chair.

Q112 **Ms Abbott:** As we are talking about the effects of leaving the EU on your operational aims and objectives, it has always been my understanding that on the stroke of midnight when we leave the EU, we lose access to a whole series of criminal databases. What effect will losing access to data



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sharing and intelligence gathering have on your work, in particular in relation to criminal gangs?

Rob Jones: We are in the process of looking at contingencies for any loss of access. It is absolutely the case that we do not want to lose any of our multilateral access to data or criminal intelligence. NCA officers are on the ground in France, working bilaterally with the French authorities. That is a really strong relationship and will continue. Our ability to operate through alternative arrangements we will continue to pursue, and we will continue to negotiate and to support negotiations on continued multilateral access to Europol and elsewhere. Of course, from our perspective, operationally, we do not want to lose access to anything, and we will do our best to make sure that we do not. We are working hard to make sure that we have strong bilateral relationships with everybody involved in this, to mitigate any potential of that.

Q113 **Ms Abbott:** With respect, I know that you do not want to lose access to these databases. I was in Brussels talking to people about this last year, and you just will, because it will not be legal for them to allow British access to EU databases when we are no longer within the EU. Whether you want to is not the point; the point is, what will the legal position be?

Rob Jones: You are obviously referring to Europol arrangements. Each of those member states still maintains relationships with UK law enforcement and the NCA, and for each of those countries we have liaison officers who will still work closely with them. That is what I was referring to. You are absolutely right in terms of the risks in the loss of Europol data, and that is something that we will try to mitigate through bilateral relationships.

Q114 **Chair:** Let me ask a few more factual questions. Abi Tierney, on the figures that you kindly gave me earlier—which you had sought out during the course of the evidence session—will you double-check those and clarify them in writing? When I look at them, I cannot make the sums add up to the right numbers. I thought we were comparing quarter 1 with quarter 2 of 2020, but we might be talking at cross-purposes.

My understanding is that we were comparing quarter 1 with quarter 2 and the figures for people arriving in small boats to claim asylum and for people arriving to claim asylum not through small boats. The two figures you gave me for quarter 2 were: coming through small boats, 2,362; and coming not through small boats was 4,850. Adding those together, they make up significantly more than the total figure of asylum claims in the Home Office-published figures that were discussed earlier on in the evidence session, which was 5,789.

Similarly, the figure for quarter 1 adds up to significantly less than the total number of asylum claims. That may be my maths going wrong somewhere along the way, it may be something in the Home Office calculations or we may be talking at cross-purposes, but it would be very helpful to have some accurate figures on that.

If you could also send us figures—if any of you have them—on the total number of people claiming asylum as a proportion of the UK population as a whole, that would be very helpful as well. Again, the figures that I



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have suggest that it is 0.05%, but I have seen different figures, so it would be very helpful to have that.

Mr Hepple, can you confirm that you said you thought that 80% of the people who had arrived and whom you were seeking to return to other European countries were coming from countries where there was a high likelihood that they had been fleeing persecution or conflict, including Iran, Syria and other countries? Is that 80% figure right?

Tyson Hepple: I think it is 80% of those who are in scope for being returned between now and the end of the year—I think that is broadly accurate. Some of the more recent arrivals have been people from Africa—Sudan, for example—but they are only just coming into the Dublin system. Those are the current countries, that is correct.

Q115 **Chair:** Thank you; that is very helpful. Can you also clarify whether the Home Office's position is effectively that the majority of people who arrive in Europe fleeing persecution should be claiming asylum in Italy and Greece?

Tyson Hepple: Our position is that people should claim in the first safe country that they arrive in—certainly if they arrive in an EU state such as France, Italy, Spain or Germany.

Q116 **Chair:** Sure, but given the routes that people are currently taking and that you are monitoring, does that in practice mean that the majority of people should be claiming asylum in Italy and Greece?

Dan O'Mahoney: The routes are more complex than that, Chair. A lot of the crossings come directly into Spain, Malta and other places, so there are a number of different countries in Europe that they arrive at first.

Q117 **Chair:** So which countries should expect to have the highest level of asylum applications based on the routes that you are currently looking at?

Dan O'Mahoney: If you look at the numbers at each stage of the journey, the evidence would suggest that the majority of migrants do in fact claim asylum in the first safe country, but a proportion of them do not.

Q118 **Chair:** Just to clarify, because you are the experts on what the routes actually are, in practice, which countries would you expect to have the highest level of applications based on the routes that people and smuggler gangs are currently using?

Dan O'Mahoney: The majority of the arrivals are in Spain, Italy, Greece and Turkey, and a small number in Malta.

Q119 **Chair:** Thank you. Tim Loughton asked you earlier about the reasons for applying to the UK rather than to other countries, such as France, Germany, Sweden and so on. Again, can you clarify whether the figure that we have—that around 6% of total asylum applications in Europe tend to come to the UK—is right?



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Tyson Hepple: That sounds about right. It is 6% or 7%—that is a figure that I recognise.

Q120 **Chair:** So, 6% or 7%. The Committee has previously heard evidence from NGOs stating that they estimate that around half of those who seek to come to the UK rather than another country say that they have family in the UK. For those who seek asylum in the UK—particularly those arriving on small boats—have you done any kind of survey to find out how far they have family connections, even if they are indirect?

Abi Tierney: We have not done a survey, but we do collect that information as part of our processing and screening, so it is part of the process. It is one of the questions that we ask at both the screening and interview stages.

Q121 **Chair:** Do you have those figures? Do you know what the proportion actually is?

Abi Tierney: I do not have them to hand, but again, I will see if that is a figure that we can produce easily.

Chair: It would be really helpful if you sent us the actual figure. Thank you very much for the evidence that you have given us; it is immensely helpful. We may well write to you for some further factual information and follow-up questions. Thank you very much for the information that you have given us today.