

Home Affairs Committee

Oral evidence: [Windrush Children](#), HC 990

Tuesday 15 May 2018

Ordered by the House of Commons to be published on 15 May 2018.

[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Rehman Chishti; Sir Christopher Chope; Stephen Doughty; Kirstene Hair; Tim Loughton; Stuart C. McDonald; Douglas Ross; Naz Shah.

Questions 217 - 343

Witnesses

I: Rt Hon Sajid Javid MP, Home Secretary, and Glyn Williams, Director General responsible for Borders, Immigration and Citizenship, Home Office.

Examination of witnesses

Rt Hon Sajid Javid MP and Glyn Williams.

Q217 **Chair:** Can I welcome the Home Secretary and Mr Williams? Home Secretary, thank you. We are very grateful for you coming to give evidence to us so soon after your appointment, given the seriousness of the Windrush cases. We also welcome back Mr Williams, at the Home Office's request. We are happy to have you back as well. Can I thank you for the letters that we have received from the Home Secretary and also from the Permanent Secretary? We are publishing those letters this afternoon as well.

Home Secretary, I know you have asked to make an opening statement and we would welcome that.

Sajid Javid: Thank you very much, Chair, and thank you very much to you and the Committee for inviting me. As you have said, Chair, I am joined today by Mr Glyn Williams, who is our Director General for Immigration Policy in the Department and is also the lead official that is co-ordinating the Windrush response.

All Select Committees play an incredibly important role in our democracy, in providing the scrutiny and the advice that they do to Departments and Ministers, as does this Select Committee. I very much welcome this opportunity and the scrutiny that you provide not just today but in the future when I appear in front of you, or indeed when you pass me your advice.

When I was appointed Home Secretary, just roughly two weeks ago, I think in my very first interview I said that first of all my priority will always be to keep our country safe, but my most urgent task is helping the Windrush generation and doing whatever I can do to help put things right. There is no question—as the Select Committee is now very familiar with the situation—that a number of people from that generation have been mistreated and have had to suffer through anxiety in so many other ways. That is completely unacceptable for me, for the Prime Minister, for the whole Government, and it is very much a part of my job to change those things as quickly as I can and as fairly and as compassionately as is possible.

I also said at the time one of the reasons is not just because it is my job. I do take it very personally in a way, because I am a proud second-generation migrant. My own parents came from the Commonwealth. I think I have a lot in common with the Windrush generation, particularly in terms of how people that have come to our country in that way have continued to make a huge contribution. I feel it very personally. For that reason I take it very, very seriously indeed, and again I welcome this opportunity, Chair.

Q218 **Chair:** Thank you very much. Do you see the purpose of the work that



HOUSE OF COMMONS

you are doing—the programme of work that you have on in response to this—as only being about resolving the Windrush cases or do you also see it as being about preventing future Windrush-style crises?

Sajid Javid: I see it as both. My priority right now is the Windrush cases. To many of us, we know the situation. Those people came to Britain to help our country before 1 January 1973. They were not documented either at the time by the then Government or future Governments and now some of them face the difficulties that we all know about. That is my priority right here and now, and that is what the taskforce, for example, is focused on.

More broadly, it is in terms of seeing what lessons we can learn from that and how we can apply it to other cohorts of migrants, including of course in the European situation, which is still upcoming, how we document those people from Europe that are contributing now and wish to stay. That is also very much in my mind as well.

Q219 **Chair:** Obviously it is early days, but do you have a sense of diagnosis as to why the Home Office failed to spot Windrush cases? Not why they did not have papers, but why the Home Office did not pick those cases up and made so many wrong decisions in the Windrush cases?

Sajid Javid: I have a bit of a sense, and I am not going to try to pretend I know everything yet about what happened and why it happened. That is precisely why we have the reviews that we have talked about, both in the House and through the letters I have sent the Committee. The most important of those reviews in terms of lessons learned will be that lessons-learned review and we will also appoint an independent person to oversee that as well. That is very important.

In terms of my sense so far, first of all, I do not think there is any intention. There is something that was missed out in the system, so to speak, in that cohort of people, the Windrush generation. As we know, they were not documented. I think we all understand now why there were not relevant documents issued at the time. For many, many years I think those people felt—understandably, because they are here perfectly legally—that there were not requests for documentation. Over time, under successive Governments, the so-called compliant environment has built up, where Governments of many different backgrounds have required evidence, for example, to work or to access benefits, when they have been asked for that documentation and then they rightly contact the Home Office for that documentation.

In the cases I have seen so far—including from my visit to Croydon, when I managed to speak to some of the people, as well as look at some of the cases—the burden that has been put on them in terms of proving that they have been here, and certainly that they were here before 1973, was too large a burden. The quality of evidence that they needed to provide in some cases was too high an ask. If someone is being asked for evidence and they have been here for 30 years and there is a gap of a few years in



HOUSE OF COMMONS

between, you can take a more commonsense approach to that and give them the benefit of the doubt. In many cases, that was not being done.

That then brings me to the taskforce today and the approach that the taskforce takes. There is still the same standard that is applied in terms of proving your situation: a standard based on balance of probabilities. What we have changed, as started with my predecessor—but I have continued and pushed further—is that first of all on the burden, I do not think it is proper on that generation to say, “It is up to you to produce all the documentation. You go and find it. If you do not have it, then tough”. We are now proactively relieving a lot of that burden from the individuals.

For example, when they first present themselves before the taskforce, we are able to quickly call HMRC and get tax records and employment records and use that. Then also on the quality of evidence, we are taking a more flexible approach if there are gaps in the documentation over certain years. That was not the approach applied before, but I think particularly for this generation, a more generous, compassionate way was needed and that is what is being applied now.

Q220 **Chair:** The issues you are talking about are burden of proof and discretion. Do you expect to apply those changes to other groups as well? Do you see this as a systemic problem in the Home Office?

Sajid Javid: No. From what I have seen so far, I would not describe it—

Q221 **Chair:** It is just this group of people who were uniquely, unfairly asked for an unacceptable burden of proof?

Sajid Javid: Yes. Let me be clear, I would not describe it as a systemic problem in the Home Office. I have seen no evidence of that. With this particular group, the approach being taken now is the right one and therefore what happened in the past did not reflect their circumstances. Let me give you an example of that. Some more recent migrants are from the 1980s and 1990s and certainly even more recently than that. Most migrants come perfectly legally to the UK, settle, and they have it in their minds that they would like to, for example, get settled status. Most of them would know that it might take five years and they may make a habit of keeping the documentation because they may know that it will be required at some stage. One of the issues here with this cohort, through no fault of their own at all, is that there was no expectation that they would ever have to present reams of documentation to try to prove their status. They had deemed status anyway. That is what the Act gave them.

Q222 **Chair:** Your predecessor, when we heard from the former Home Secretary, and also when we heard from the Immigration Minister, both talked about needing to change the culture. They talked about wanting a Home Office more focused on individuals than on policy. The Immigration Minister talked about going from “computer says no” to “human says yes”. Do you share that diagnosis of changes you want to see in the Home Office or are you just seeing it as somehow a burden of proof that



needs to change for one group of people?

Sajid Javid: I share that. What I am aiming for is a broader change. Today, here and now, my priority is to help the Windrush cohort. That is where we have identified this particular problem and this challenge, so that is my priority. Once I feel that is properly in hand and we are doing everything we can, that the people are coming through the taskforce, everyone that wants to gets seen and the turnaround is being done quickly, I would like to certainly also look more broadly to see what more we can do.

Q223 **Chair:** Can I ask you some more facts then just in terms of the Windrush group? In your letter you talked about wrongful deportation, but you do not refer to wrongful detention, which we have asked you about several times. How many people of the Windrush generation have been wrongfully detained?

Sajid Javid: I do not know. I do not have that information yet, because our starting point has been that what we should first look for is wrongful deportation or wrongful removals. I do not have more information on wrongful detention at this point, but I am going to turn to Glyn in a moment to see if he has any information on that. The priority has been deportation removals.

Chair: Sorry, we have asked about this repeatedly.

Sajid Javid: No, there is work going on in the Department on it, but my priority, as it was for my predecessor, is first of all I want to know if anyone has been wrongly deported or removed from the country and I hope the Committee would understand why that is a priority. Of course if someone has been wrongfully detained, that is unacceptable and it should absolutely be looked at and we should absolutely get to the bottom of that, but my priority has been to look to see if there are cases of wrongful deportation or removals.

Q224 **Chair:** When do you think you will have the information on wrongful detention?

Sajid Javid: I am going to turn to Glyn on that because I know we are doing the work on that, but I hesitate to tell you, Chair—out of respect for the Committee—that it is going to be in a couple of weeks or three weeks. It is something that we have started work on. I have to say, in terms of priority now, I want to first help those people that are in that cohort that still need documentation that are contacting us. That is priority number one. Then in terms of acts of the past that may have been wrong, priority number two is deportation and removals. Then number three will be to look properly at any wrongful detentions, if there were any.

Glyn Williams: I cannot add much to that, Chair. We have been focusing on the sample of the 8,000 removals that we identified, which is described in the letter. We wanted to complete that work and learn



HOUSE OF COMMONS

lessons from that in how we do this work as a methodology before the work on detention is undertaken.

Q225 **Chair:** This feels like it is going to take forever. That sounds like you have not actually started the work on wrongful detentions. We asked the former Home Secretary about it on 25 April. We asked the Immigration Minister about it. We asked the Permanent Secretary about it, and it was in my letter. The Permanent Secretary said you wanted questions in advance. That is one of the questions we have submitted in advance. I do not understand why people who deal with the detentions are not able to start looking through their records at the same time as doing the deportation work. The idea that you are going to wait until you look at the lessons learned from deportations before you get to the detention—if the state has locked people up wrongly, if the British state has taken away people's liberty wrongly because of the Windrush mistakes, surely we need to know how many people that that has applied to.

Sajid Javid: I agree with that. Of course we need to know, we will know and we will get to the bottom of that. In terms of, as I mentioned earlier, my priorities—

Chair: Sure, and I understand that.

Sajid Javid: —there is only so much resource that is experienced in the Home Office, and we are having to reallocate, rightly, resource to the priorities. The taskforce is all new resource. We have dramatically increased, for example, the number of people working on the taskforce. We have a number of people that are working on the deportations work, which, by definition, has been very careful. Some of it can be very complex. For me to take resource away from that and then focus more on detention, if it means someone is not going to get their documentation earlier so they cannot get that job they want, it would be wrong. I am not belittling what you have said. What you have said, if someone has been wrongfully detained, then we absolutely need to get to the bottom of that and I will, but I do have to set priorities.

Q226 **Chair:** It would be helpful to have a timetable of this because it does look as though this ought to at least be able to start with an initial data analysis by your statisticians, just looking at the age cohort of those who have been detained over a certain period.

Sajid Javid: Yes. No, that is fair.

Q227 **Chair:** Even if you cannot do the case work analysis yet, to at least be able to start with the numbers would be helpful. You have also said in your letter you do not have the information on those affected by the compliant environment. You said, "Many of the compliant environment checks are conducted by other agencies and bodies, for example, landlords and letting agencies, employers or employment agencies. It is therefore not possible to say how many of the Windrush generation have been inadvertently affected by the compliant environment". Are you saying you are never going to have any figures on the number of people



HOUSE OF COMMONS

who may have been denied a job or wrongly sacked or denied a home or made homeless from the Windrush generation?

Sajid Javid: No, I am not saying that, but I am saying that I think it would be almost impossible to get a completely exhaustive list of that. We will do more work on that, but we are setting up this compensation scheme, which we may or may not discuss later. Through the compensation scheme, naturally I would hope many people would contact us, and through that we would learn a lot more. I want to take a very proactive approach with the compensation scheme. If we discover through the work that we are doing, the research that we are doing, that there may be people that are either wrongfully detained or wrongfully turned down for documents or something like that, where we know that they did not get the job or whatever, then we will contact them proactively and invite them to come through the compensation scheme. That way we will learn much more.

Q228 **Chair:** Through the Windrush cases, from people applying, you will be able to get a sense of it, but more widely you do not have any system to estimate the level of errors in the compliant environment on housing or landlord checks or any other aspects of the compliant environment?

Sajid Javid: Not that I am aware of, but that does not mean to say they do not exist.

Q229 **Chair:** Do you not think there is a problem that you have with this system? You identified concerns about the language around the hostile compliant environment. Do you not think there is a problem if you have a system with no appeals in it and also no checks, yet it is a system that we know makes mistakes, we know makes errors and can have the severe consequences of depriving people of their homes or their jobs, yet there is no way for the Home Office to even assess broadly what the level of errors is in the system? You could have errors of 10%, 20%. You do not know what the level of errors is in this system.

Sajid Javid: I am saying that I do not currently know what the levels of errors may or may not be, and I recognise it can be quite difficult to get that information. That does not mean to say we cannot get it, or it also might mean, given that a lot of the implementation of the compliant environment will be with other Government Departments, that it is not necessarily information that we have today. Until the Windrush situation, I think it is fair to say there was less of a focus, certainly by Parliament, on the compliant environment, and now I think Parliament is much more interested in these issues, led rightfully by this Committee. We can look at what other ways there are to get more information, but it would not be something that naturally sits inside the Home Office today. It is something that we can look at.

Q230 **Chair:** If you are applying an enforcement system and you do not have any way to assess the level of errors in your enforcement system, then it seems that you have a problem. What about bank checks?



HOUSE OF COMMONS

Sajid Javid: Just to correct you, I am not saying we do not have any way. I am just saying I am not aware of that. I just want to be clear on that.

Q231 **Chair:** On the bank checks, are there any Windrush cases on the credit industry fraud avoidance system database?

Sajid Javid: I do not know.

Q232 **Chair:** Has it been checked?

Glyn Williams: We have, yes. In terms of information that the Home Office holds, which it is passing to Cifas, for example, or to the DVLA or to other Government Departments, the DWP, obviously we are able to check that and we are checking and have checked that. We are putting safeguards in place to reduce any risk that Windrush people are caught up in that.

Q233 **Chair:** Is that checking completed? Are you confident that nobody from the Windrush generation will have either their driving licence taken away or their bank account frozen?

Glyn Williams: I do not think we have completed a historical check. Going forward, we are confident we have put measures in place to stop that happening.

Q234 **Chair:** In terms of the current bank checks that are taking place?

Glyn Williams: It would be unwise of me to say we are always 100% confident, but we have put measures in place to try to ensure that that is the case, yes.

Sajid Javid: One thing we have done is that I understand, if I have the dates right, at the start of this year—again, I do not have the number—letters in the thousands were sent to banks on individuals where the Department believes they are illegal migrants and to close their bank accounts. What I have instructed officials to do is to contact those banks again and ask them not to go ahead with that until I am more comfortable that we have it right.

Similarly, I have also asked officials to review some historical cases on compliant environment to see if any people from Caribbean Commonwealth countries that could have arrived here before 1973 have been affected. We are looking at it through DVLA, through DWP, through HMRC, through the NHS, NHS Digital, and what I have just said about the banks as well, so that work has started.

Q235 **Chair:** Can you also, as part of that, look at the facts that the inspectorate identified, that 10% of the cases on that credit industry fraud avoidance system database were just wrong? The Home Office was giving the wrong information to the banks in 10% of cases that could potentially be leading to their bank accounts being frozen.

Sajid Javid: Yes. I am not aware of that, but I will look at that.



HOUSE OF COMMONS

Q236 **Chair:** Could you also then look at the fact that, as I understand it, that database is being used or is potentially used to freeze people's bank accounts without even giving them any notice?

Sajid Javid: Yes. We will look at that. Also I should point out that the Immigration Minister is also leading cross-Government meetings on this to see what more can be done with respect to this from other Departments.

Q237 **Stephen Doughty:** Home Secretary, on 30 April you told me in the Chamber, "I am not currently aware of any cases of wrongful deportation". The Immigration Minister, Caroline Nokes, when she appeared before us, also said, "I don't think I've had any cases of wrongful deportation brought to my attention, no". Do you still stand by that or are you now aware of cases of wrongful deportation?

Sajid Javid: Yes. I think that was on my first day on the job, and since then I have managed to do some work and found out more information. The Department has been going back, checking its records. Electronic record-keeping began in 2002, so they started checking records from that period onwards, looking at all removals and deportations of Caribbean nationals aged over 45. It was 45 so that they could have potentially benefited from the 1971 Act. So far—and I would preface right at the start that these are not final numbers—this is what we know at this point. They are subject to change because the work is still ongoing. We have found 63 cases where individuals could have entered the UK before 1973. These are Caribbean Commonwealth individuals that could have entered before 1973. The reason we use the word "could" is in total there are 8,000 records that came up of deportation removals and out of the 8,000 there is so far a focus on 63, that there is something in their record that indicates that they could have been in the UK before 1973.

Q238 **Stephen Doughty:** Who have been removed or deported?

Sajid Javid: Who have been removed or deported. If it is helpful, Mr Doughty, I will break it down further for you. Those 63 cases break down to 32 foreign national offenders and 31 administrative removals.

Q239 **Stephen Doughty:** Does that include individuals who were sent letters telling them that they were no longer legally able to stay in the UK and chose to leave of their own accord?

Sajid Javid: Yes, that does. I believe of the 31 administrative removals, all but one were so-called voluntary removals, but these were people that left because they were told that they had to leave, otherwise they were going to be forcibly removed.

Q240 **Stephen Doughty:** That is very, very helpful information. Why did the Immigration Minister tell us that she was not aware of any when she appeared before us? I think it was last week. Why did Hugh Ind tell us that it was "only a handful"? I quote here from the transcript. I asked him how to numerate a handful. He told me, "Five, up to five". Why did he tell



HOUSE OF COMMONS

us five and you are telling us 63 in total?

Sajid Javid: Obviously I was not here then, but I know the nature of the questions you had. It might be because we are answering two different questions and we should be clear on this. I think that is the issue because, if I am not mistaken, I had it somewhere in my notes on the deportations that you referred to there. No, I think it is in the letter.

Q241 **Stephen Doughty:** No, we discussed deportations and removals.

Sajid Javid: I think it is the letter we sent to the Chair yesterday that was sent by the Permanent Secretary. If you look at one of the appendices in the letter, it is annex D. My understanding is that the question that was asked to Mr Ind and the Immigration Minister was about non-Windrush deportations and the numbers that he referred to since 2015.

Q242 **Stephen Doughty:** No. It is very, very clear that I was talking about all wrongful deportations. In fact, I have asked the question in written questions to the Parliament as well, which have not been answered, and you get the disproportionate cost or, "We are looking into this". Given that we attended Lunar House this morning and we had discussions with staff there who were working on the Windrush taskforce, they informed us that they had had at least 100 calls to the helpline from the Caribbean, so this is not from the UK, and they were definitely clear that there were individuals within that who had been told that they needed to leave and that they had done so voluntarily, without having needed to leave. Do you think that that number is likely to rise then, the 63?

Sajid Javid: I do not want to speculate on it, but I would say it is not a final number at this point. It could change because the work on those records is still ongoing. I have asked officials to be absolutely certain and thorough and look at every record and we will make sure that they have found everyone, where there is any indication whatsoever that they might have been in the UK before 1973.

Q243 **Stephen Doughty:** Fantastic. That is with regard to Windrush. Do you think there have been wrongful deportations, removals, intention to remove and then they have gone voluntarily in areas other than the Windrush generation?

Sajid Javid: I cannot rule that out. My understanding is that there have been in the past. Under successive Governments, there are cases of wrongful detention. That is certainly the case on the basis that the way the law works is that even if you detain someone with the full knowledge and on a perfectly reasonable basis that you genuinely believe that they may be an illegal migrant and it turns out later after the detention that it was wrong, they were here legally, it is still termed a wrongful detention. There have been a number of cases under successive Governments of wrongful detention. In each case, obviously they can apply for compensation—



HOUSE OF COMMONS

Q244 **Stephen Doughty:** I am asking specifically about recently. You did not answer the Chair's question about the numbers of wrongful detentions. You said that was too early to get into, yet Hugh Ind told us in the last session that the Department has paid out around £5 million a year in compensation for wrongful detention and £3.3 million in the last year alone for wrongful detention. Given that you can tell us the amounts being paid out in compensation, why can't you tell us the number of individuals who have been wrongfully detained?

Sajid Javid: Was your question about how many have been detained in the last year?

Q245 **Stephen Doughty:** I specifically asked for a figure on wrongful detentions in the last few years. Hugh Ind would not give us a figure—nor Ms Nokes—on the numbers, but was able to tell us the amount of money that has been spent in compensating those individuals, which was £3.3 million in the last year. If you know the total figure, why don't you know the number of individual cases? Why can't you tell us that?

Sajid Javid: First of all, I cannot tell you right here and now because I do not have those figures with me, but it could also be the case that while that might be the correct compensation number, it does not mean to say it is necessarily every single person that was wrongly detained. There may be cases, for example, that are still being looked at.

Q246 **Stephen Doughty:** You could give us a start, the number of individual cases that have been paid.

Sajid Javid: Yes, I could. If I had the numbers with me, I would.

Q247 **Stephen Doughty:** Can you give us that soon?

Sajid Javid: I am happy to look that up for you, yes.

Q248 **Stephen Doughty:** I think it would be very helpful to have that.

Mr Williams, we obviously asked you in the session previously with the previous Home Secretary about targets. Do you want to correct any of the information that you told us then about whether targets existed or not?

Glyn Williams: Yes. Thank you for giving me the opportunity to clarify what I said. The main point I want to say to you is that I told the Committee the truth as I knew it at the time. I did not mislead, in my opinion, or seek to mislead in any way the Committee. I knew that there were no published targets and I knew, as I said, that internally, within Immigration Enforcement, managers do look at management data on the removal trends. I did not know when I gave you that evidence that in 2017-18 the senior management team in Immigration Enforcement had set a national target of 12,800 for enforced removals, nor did I know that they subsequently changed that to a target of 230 to 250 removals a week in October of that year, and I did not know they had also dropped that target towards the end of 2018-19.



HOUSE OF COMMONS

Q249 **Stephen Doughty:** We have that clearly in annex A here from the Secretary. Home Secretary, are you going to reintroduce targets of that nature or are you going to not have them?

Sajid Javid: My understanding is that for this current year, officials did not set any enforced removal targets. That is for 2018-19. Is that correct? No targets were set by officials. There were in previous years.

Q250 **Stephen Doughty:** Is it your intention to keep it therefore with no target?

Sajid Javid: No. I do not believe in these kinds of targets.

Q251 **Stephen Doughty:** You do not believe in these kinds of targets? You are not having that removal target of this nature?

Sajid Javid: No.

Q252 **Stephen Doughty:** That is really helpful. Just one last question, just on our visit this morning. It was very clear, the significant resource pressures that the staff are dealing with with the Windrush taskforce. You told us a few moments that they were new resources, yet we were told by your officials that in fact they had been redeployed from elsewhere in the system from the Liverpool centre. In fact, staff were clearly working under huge pressure, doing excellent work, working long hours, overtime, weekends, many away from their families from the Liverpool sector. Do you have any plans to increase the numbers working on the Windrush helpline and the caseworkers and all the other parts of the system, given the pressures that are on them?

Sajid Javid: First of all, what I mean is they are new people that have been deployed into the taskforce or supporting the taskforce from other parts of the Home Office.

Q253 **Stephen Doughty:** Obviously from an existing pool.

Sajid Javid: The context I said that in earlier was clearly in reference to the question, "Why not get more resources, looking at the tensions?" The answer was because resources are being deployed elsewhere, which I believe is the highest priority area, which is to help those people currently—

Q254 **Stephen Doughty:** They told us there were 1,600 appointments waiting still to be seen and 700 who had not even been given an appointment time yet, and obviously they are being deployed from the citizenship team, which has its own pressures, and the asylum system. Are you going to give more resource to that to get through that backlog and make sure that people from the Windrush generation are seen quickly?

Sajid Javid: Yes, I have done, and I will provide more if it is necessary. Just to give you more information on that, since it is a very important question, about two weeks ago there were around 16 people dedicated to the taskforce or supporting the taskforce fulltime, exclusively. Now there are about 150 people working on taskforce business. They are not all



caseworkers; I think approximately 100 of them are caseworkers. They are not all in Croydon either. The task they have set themselves is that at the maximum end they should turn cases around within two weeks.

What is actually happening most of the time is that cases are being turned around much more quickly than that, particularly if the individual is coming into the office. In many cases—in the majority of cases, I believe—when they are coming into the office, they will turn them around in the same day, in the sense that they are able to issue them with a document there and then. Glyn, is it the majority of cases that are same day?

Glyn Williams: Yes.

Sajid Javid: Yes. That is my understanding. In terms of calls, they have had approximately 11,500 calls. This is as of yesterday, I believe. Of those, about 4,500 are potential Windrush cases; then completed call-backs, 4,200; Windrush referrals, 4,300; appointments booked, 1,600; documents issued, 550 at the moment. There is significant progress and if we need to put more resources in, we will. My understanding at the moment is that the number of calls that are coming in has steadied at the moment. It looks like it is steadying in terms of people wanting access to the taskforce. We are keeping a very close eye on that daily. I get a daily update on this. If I see an increase in demand, we will definitely put more resources in there.

We are also working on different routes. People have asked us, for example, about postal routes. We are looking at that. I am also looking at whether we can use the post office network to make it easier for people to make visits that would rather not phone and meet people. I am also looking at whether I can have a mobile service that can go out in certain communities, advertise first, and people can come to a truck or something and get a mobile service. I am looking at all the different ways I can get out there. It will take more resources, but I am absolutely committed to making sure that we get out there and make it easy for people to contact the Home Office.

Q255 **Rehman Chishti:** Home Secretary, welcome. First, can I welcome your commitment to do everything that you can to ensure justice is done in this case? Of course I relate to your own personal experience in the sense that I was born in a Commonwealth country and came over at the age of six and I think everything should be done to ensure justice is done.

With regard to the point I raised with the previous Home Secretary, that was the engagement and interaction she had with the High Commissioners from Commonwealth countries, taking on board their concerns, and to ensure that everything can be done by reaching out to individuals who are out in the Commonwealth countries to make them aware of how to get redress when they have been affected by the Windrush situation. What has been done in relation to reaching out to individuals in the Commonwealth countries to ensure that they know the



full means of redress?

Sajid Javid: It is a very important issue as well. First of all, work was already in place with that with my predecessor. She had met with the Commonwealth and Caribbean Commonwealth Ambassadors and High Commissioners here in the UK and listened to them about what they wanted. Part of that was making sure that our High Commissions in respective countries also are proactively trying to go out and contact people. I also met with Commonwealth High Commissioners who were in London last week and had a roundtable with them, where I wanted to learn what more we could do. First I wanted feedback, what they were getting back from the communities, especially with respect to the taskforce. Overall, it was very positive feedback, I must say, in terms of what they were hearing from the Caribbean communities that they are in touch with.

Also I asked them what more we could do. For example, one suggestion that came to them was that they were, understandably, getting people coming to them with cases. There is an individual in my Department now, a policy official, who is their point person who they can come to directly with any cases they get and then we will call that individual. That individual may be abroad, they may be here in the UK and we will call them proactively and ask them about how we can help.

The last thing that I discussed with them is if we can work together in trying to contact people who still may not know what is happening. They may still want to return on what is called the returning visa. There are also individuals that they pointed out to me where they said these are people that lived in the UK and they were Windrush. Let's take Jamaica, for example: they decided to go back to Jamaica, certainly for retirement, certainly to live in Jamaica, but they have family here and they want to visit their family, but they do not want to live here. "What can you do for them?"

One thing I will be doing is I will be setting up a new visa route, a tourist visa route for Caribbean nationals that want to come and visit their relatives and family here, so they can get a 10-year visa and not have to go through a one-year visa process and pay for that every time. I want to be able to get a 10-year visa at low cost. These ideas come from Commonwealth Ambassadors in their respective governments, so we are listening to them and I am acting on them.

Q256 **Rehman Chishti:** With regard to that, in relation to, for example, an individual who retires out to a Commonwealth country, they want to then come back, they have not been able to come back, they have been denied the appropriate documentation to travel back to this country, on your file, on the Home Office's documentation, will there be a system of checking to say, "Denied re-entry because of X"? Therefore is there a way of reaching those individuals to say, "You were wrongly denied entry into this country, and on that basis, in future, if you did want to come back, this is the criteria for you to do so"?



HOUSE OF COMMONS

Sajid Javid: Can I just check with you, Mr Chishti? Are you talking specifically about people there that wanted to visit or wanted to return, they wanted a returning visa?

Q257 **Rehman Chishti:** Those who wanted to return. Say, for example, they are over here, and the point that you made earlier that I raised with you about the High Commissioners, about those who have retired back out to the Commonwealth countries, there was a similar point raised today in the meeting at Lunar House. Do we know the number of individuals who would have been denied re-entry back into the UK and would the file pick up in relation to how to reach to them to say that that can now be rectified?

Sajid Javid: Yes, I think we can look at that. At the moment, what we have done regarding returning residents, so people who wish to return, is I want to make it as easy as possible for them. I will be waiving any fees to do with that, so it will be free of charge. We will also be reaching out to them, mostly through the Caribbean countries and the missions that we have there, work with the local government, but also I have asked officials to look at it to provide a very flexible approach, a little like how we were saying earlier in terms of the equality of evidence that is required and also to take a more holistic view of their lives in the UK before they left, and when that is considered, to consider it all together and to be very fair in how they evaluate that.

Q258 **Rehman Chishti:** Just looking at the nature and the scale, from your meetings with the different High Commissioners, you said a number of individuals had approached the High Commissioners directly to say they had been affected and how can they get redress. Looking at the number, first, how many of those incidents have High Commissioners raised? Is that five or 10 with the different High Commissioners? Which of those High Commissioners have had the greater number of individuals come to them, so we just get the scale and nature from where the number of individuals are affected greatly?

Sajid Javid: In the particular meeting I had with them, there were only about three or four cases raised, but there were others that I know they had that they wanted to bring to our attention. I do not know exactly since that meeting, which was about a week ago, how many cases they have raised in total. You said, "Was there any particular nationality?" From what I have heard so far, I would not be surprised if Jamaica is the most dominant of those. Do we have some information on that?

Glyn Williams: The nature of people coming to the taskforce?

Sajid Javid: Yes. I think this will be probably helpful in terms of nationalities that have been in touch the most at the moment. If I look at the grants of documentation, earlier I mentioned over 500 have been issued, but easily the top of the list is Jamaica, with around 200, then number two would be Barbados with 150. It gives you a sense of which countries are more dominant.



HOUSE OF COMMONS

Q259 Rehman Chishti: Just to move you away from that slightly, two more questions, if I may. One is with regard to resources and caseworkers. I completely get the point that there is a two-week timeline to make sure the right decisions are made, and on occasions decisions can be made there and then. That is the information that we have heard from speaking to caseworkers. Sometimes where there may be delay is that the caseworkers are not able to share issues of criminality with the individuals there and then. Is there a way to make the system more transparent? For example, if a caseworker identifies there is an issue that needs further examination on the criminality, sometimes it is best to raise that with the party concerned and they may be able to shed more information and more light. An applicant has the right to know the information being held against them. Is there a way to help address that, moving forward?

Sajid Javid: Yes. First of all, there have been individuals from that cohort that have contacted the taskforce that have a criminal record. It is a minority, but that does happen from time to time. Where there are cases of serious criminality, defining serious criminality as those that may have served sentences for 12 months or more, then I have asked officials to absolutely make sure that those individuals are benefiting from the protections they are provided under the 1971 Act. Why is that the case? It is because one of my other jobs is also protecting the public. As colleagues will be aware, the Government have in place—and successive Governments have had in place—a policy of deporting people that have committed serious crimes. In fact, since 2007 almost automatic deportation is considered. It is important, I think, if people are presenting themselves and they have been convicted and served time for a serious criminal offence that we make sure that they are people that benefit from the protections under the 1971 Act.

Q260 Rehman Chishti: Just on that very point, I think we would all agree that the first duty, as you said, is to protect those citizens, and of course if there are individuals who have criminality and they should not be here, they should not be here. The specific point here was the reason that may cause delay from a decision being made on the day is where a caseworker cannot share the information that may come up on that information, that the applicant sitting right in front of them may have a criminality. The point I raise is that to make this system more transparent, the individual should share that information with the applicant, because sometimes what may happen is the individual may be able to clarify the position to say, "There may not be a criminality here because I have not done it". Therefore, to make the system more transparent, would you be able to get the team to look at that?

Sajid Javid: The criminal records—Glyn, correct me if it is different to this—that we would be looking at are criminal convictions in the UK. You would think the individual would know if they have a criminal conviction in the UK. If that individual said, "I do not have it, it is wrong" I do not think we would believe that.



Q261 **Rehman Chishti:** You would not believe that?

Sajid Javid: No. I think we would go by the conviction record that is there. That said, if it is a possibility—but it would be a slim possibility—that the record that is being looked at is incorrect, and you make an important point about whether we can share that information, I would have to look more closely about whether we would generally share that information or not. It might be a sensible way forward on that. I think it is worth looking at.

Q262 **Rehman Chishti:** Can I just say on that point, having prosecuted many cases and looked at antecedents, errors do occur? It is absolutely right that an individual is given a chance. If they have done a criminality and you have to deport them, it is absolutely right and proper, and I do not think anybody would be able to challenge that, but an individual has a right to know their information. If that could stop delay—a point raised today by caseworkers—that transparency is more the issue needing to be looked at, I would be grateful if you can look at it.

Sajid Javid: Yes. I will look at that and I will get back to you, Mr Chishti, on that, but I think it is an important point.

Q263 **Rehman Chishti:** Just a final point, if I may. With regard to the point about language that the Chair raised earlier and the issue of terminology, having previously pushed the Government to use the right terminology—Daesh, not ISIL—language is very important and so is terminology. We often see in our own papers an interchange between “hostile environment” or a “compliant environment”. We see Government Ministers use “compliant environment”. Different individuals, different politicians may either use “hostile” or “compliant”. On terminology, why would you say the right terminology is “compliant environment”?

Sajid Javid: To me, the word “hostile” just sounds negative. If someone says that we have created a hostile environment, the word is just a very negative word. It is quite un-British to use with people. What we are talking about is applying the law, and it is absolutely right that we have a law that tries to seek out those people that are here illegally, and make that distinction between people that settle here legally and have every right to be there. But for those that are here illegally, then we do need an environment that ensures compliance. I just prefer that term. I have not used the word “hostile” until you just put it into my mind a moment ago.

Q264 **Rehman Chishti:** The reason I have put it into your mind is because the public out there see the word interlinked between “hostile” and “compliant” and I think it is important for them, when individuals use the word “compliant”, just to clarify why it is important to use that terminology, rather than individuals who may use another terminology. I think the public out there needs the clarification of why we use the language. That is why I asked the question.

Sajid Javid: Yes, I agree. Thank you.



HOUSE OF COMMONS

Q265 **Tim Loughton:** Congratulations on your appointment, Home Secretary, and welcome to this very friendly Committee.

Sajid Javid: Thank you. Very friendly.

Tim Loughton: I want to ask about children, but just to come back to your opening gambit about your priorities, are you convinced there are no Windrush people in detention at the moment?

Sajid Javid: I cannot say that for certain. I do not think so at all.

Glyn Williams: We have checked that and we do not believe there are any.

Q266 **Tim Loughton:** To me—I raised this question with the former Home Secretary as well—that would be my priority. If people are deprived of their liberty at the moment erroneously, to me that has greater priority than somebody who has been deported wrongly, but at least has their liberty in the wrong country.

Can I just ask Mr Williams, you used the phrase that you were “telling the truth as I knew it” about the existence of targets or not. Is it true to say that you and others received a memo in the Home Office that suggested that in fact there were not targets operating and it was on that basis that you and others gave that statement?

Glyn Williams: Which memo are you referring to?

Q267 **Tim Loughton:** Any memo that suggested to you that it came from a senior member of staff at the Home Office, which gave the line that in fact the Home Office is not operating deportation targets. Was there such a memo?

Glyn Williams: You are asking me to prove a negative. I do not mean to be evasive on this at all. I think there was a memo that was leaked, a memo on 4 July that Hugh Ind wrote, which referred to the 12,800 target. I was not copied into that.

Q268 **Tim Loughton:** There was a memo that said there was no target more recently.

Glyn Williams: I do not know. Sorry, your question is have I seen a memo saying—

Tim Loughton: Was there a memo in the last couple of months that you and others, senior officials and Ministers, would have been copied into that stated that the Home Office was not effectively operating a target for deportation?

Glyn Williams: I cannot say.

Q269 **Tim Loughton:** Can we go back to children? One thing I questioned this morning when we were at Lunar House, Home Secretary—and there was some uncertainty over this—is perhaps the biggest problematic cases are going to be those children who came over with Windrush parents and



HOUSE OF COMMONS

were children pre-1973, who may have been on their parents' passports as children and subsequently on any British passports that may have been issued to their parents as Windrush people coming here, but they never then got a British passport in their own right. What record would there be therefore for those children to say, "Yes, we were on our parents' passports. We are therefore due the same status that our parents were given, but we have never had our own passports, for all sorts of reasons, subsequently to be able to prove that". Would the Home Office have its own records where it would be able to show, "Yes, we have a record of you on your parents' passports, therefore you are now entitled"?

Sajid Javid: The first thing I would say is that in the circumstances you describe, any child of the Windrush generation generally is British and certainly if they were born here. Glyn, is it before 1983 that anyone born here would be British in any case? Anyone born after 1983 would be British as long as their parent had settled status, which obviously Windrush people would have had. Most children of the Windrush generation would legally be British. That said, that does not mean to say they have necessarily followed that through and certainly all the way through to even getting a passport or citizenship documentation. I want to make sure that in those cases where they do not or there is some help that is required to prove the situation, like the one that you mentioned, Mr Loughton, that we are doing everything we can proactively to help them prove that.

If they are on their parents' passports, whether that is their original Caribbean passport or in some cases the British passport, that is very important information, but there may be information in such cases that is held elsewhere in Government, whether it is tax records or otherwise, and we would work with them if they contacted us, the taskforce, to proactively find that information and not put the burden on them to go and get that information.

Q270 **Tim Loughton:** Just make a note that I think we were very impressed this morning with the lot of hard work that is going on at the Home Office. Everybody has pulled to the pump to try to resolve the situation, which is very impressive. I want it placed on record that I feel that.

Sajid Javid: Thank you.

Q271 **Tim Loughton:** There is concern about the level of fees that are charged, particularly to children more recently as well. Of course the level of fees in the past has been one reason why perhaps people have been reluctant in coming forward and wanting to obtain status and passports. Are you going to review the level of fees that the Home Office charges? In many cases we are talking about four-figure fees. Also, will you give an undertaking? In the past, it has always been put down to cost recovery, where it is difficult to see how the cost matches on those high levels of fees. What we do not want to see in the future is that fees go up even further to try to recover some of the considerable extra costs that



HOUSE OF COMMONS

have resulted from this Windrush emergency now.

Sajid Javid: First of all, as I have said earlier, my priority is the Windrush generation. When it comes to fees, whether you have any type of documentation, but certainly, as we have announced, for example, for citizenship we are waiving many fees. Earlier I mentioned, for example, those who may have left the UK voluntarily and wish to settle back somewhere in the Caribbean, but want to visit and have a visitor's visa. I want to reduce the fees for that and make it more cost-effective as well. In terms of priority and fees, it is the Windrush generation, and wherever we can help with fees I will certainly be doing that. If your question was more generally fees for everyone, whether it is for citizenship or—

Q272 **Tim Loughton:** Particularly for children now facing £1,000 or £2,000—

Sajid Javid: Are you talking about children that are Windrush generation children or children full-stop?

Tim Loughton: I am talking about more generally.

Sajid Javid: Yes. Currently I have no plans to change those fees.

Q273 **Tim Loughton:** There is a concern—again, it has come up in previous investigations of this Committee—about the high level of fees.

Sajid Javid: With respect, I have not had time to look at the fees more generally because Windrush has been my focus, but it might be something I can get to at a later date.

Q274 **Tim Loughton:** What would helpful, Home Secretary, is to have just a memo at some stage that gives a rundown of the cost of some of these fees and how you justify them. On the face of it, they are way beyond normal cost recovery. What we do not want to have is that there is a shortfall in the Home Office budget of X because of Windrush and therefore in the future fees are being jacked up in order to try to recover that.

Sajid Javid: Yes. It would be a good exercise for me as well. Thank you.

Q275 **Tim Loughton:** Finally, just a point. It has become really clear throughout this investigation—and I am sure you are now finding this—and in our discussions within the House this morning nationality legislation is a mess. There are all sorts of different status—

Sajid Javid: Yes, it is very complex.

Tim Loughton: It is a mess. Complex/mess, same thing. The different statuses of all sorts of people arriving in this country at all sorts of different times, with the 1973 legislation, the 1983 legislation, because of their Commonwealth connections and so on—before we even go there with Brexit—are a mess. If it had been revised properly earlier, we may not have this current problem that we have. Will you use the opportunity of the Green Paper and an Immigration Bill, whenever it may be forthcoming, which obviously has to deal with a lot of Brexit matters as



HOUSE OF COMMONS

well, to try to regularise the whole nationality system for British subjects and people like the Chagossians, who obviously are another really deprived group of people?

It is an issue for me in West Sussex, and particularly in the Crawley constituency of Henry Smith, where there is a very large community of them, where certainly second-generation Chagossians are deprived of status, and there are other groups like this as well. This needs to be sorted once and for all, otherwise we will have another crisis like this in a year or two's time.

Sajid Javid: First, nationality specifically—and I distinguish that between new settled status—is very complex. I thought before I came to this job I knew a lot about nationality and rules and I basically did not know much at all until I sat down with the officials and learned about how successive laws and regulations under successive Governments have changed things. For example, when I went to Croydon, there was someone there from the Windrush generation. In his passport, I think it says, "Citizen of the UK and colonies". It is perfectly reasonable for someone to look at that and say, "Hold on. I am a British citizen already. Look at this". Which Act was it after that that took away that right?

Glyn Williams: That status was lost as the colonies gained independence, basically, and then the 1971 Act made certain changes. The 1981 Act—

Sajid Javid: Even if it said that in your passport, you were not a citizen of the UK anymore. What complicates it even further—there are some things that are very much under our control as the UK—is also many of the countries that the people are originally from have quite complicated laws themselves, certainly around dual nationality. That can complicate things much further as well. It is an area I would like to look at. You asked me about committing to it in some future paper or something. I cannot commit to that at this point. I do want to focus on my priorities, but it is something I would like to get to the bottom of and see what we can do.

Q276 **Stuart C. McDonald:** Welcome, Home Secretary. I just want to push you a little bit further in relation to the fees issue, following up from what Mr Loughton has just said, and that is in relation to two groups of children in particular. You yourself alluded to the fact that in 1981 Parliament passed an Act that sought to end automatic British citizenship by birth. You had to have a British parent or central person for that to pass on to you. What Parliament did then was it introduced two registration schemes to preserve the right to British citizenship for two groups. If you were born in the UK and you spent the first 10 years of your life here, you are entitled to British citizenship. Similarly, if you were born in the UK and one of your parents subsequently becomes British or settled, you are entitled to British citizenship there as well. They have a right in law to British citizenship.



HOUSE OF COMMONS

Unfortunately what is happening just now is that thousands—possibly tens of thousands—of these kids are unable to access that citizenship because your Department charges over £1,000 to go through that process. How can the Home Office justify stopping somebody from exercising their right to British citizenship simply because of money?

Sajid Javid: Money is important. We do have to fund the Home Office, but also we have to get the right balance as well. Your point, as Mr Loughton has made—and I am listening—is that £1,000, any figure around that number, is a large amount of money. It is a huge amount of money to ask children to pay for citizenship. I understand the issue. Fees have been going up for a number of years. I think it is right at some point to take a fresh look at fees and it is something that I will get around to. It has not been my priority right here and now, apart from the Windrush generation. You make the broader point about children and the fees that they have to pay for citizenship.

Q277 **Stuart C. McDonald:** In this particular case, as I understand it, the administrative cost to the Home Office for processing such an application is something like £372. £372 is the administrative cost, so the Home Office is essentially making £700 or £800 profit on a child registering his or her British citizenship. I am struggling to see how that can be justified, given that that child is then almost certainly—or in many cases—going to be left in a Windrush-style situation, unable to access education, access the health service and employment and so on. Surely that is something that has to be looked at. If you are looking again at—and you have not introduced legislation to change fees and processes—the Windrush generation, you must do the same thing for these two very important groups at the same time.

Glyn Williams: In a way this comes back to the previous discussion about nationality law, which has not been changed since 1981, fundamentally. One could argue that the world has moved on. I do not know the facts, but it is possible that there are more children now who need to be registered than there were before. I do not know. We did not suddenly invent a high fee. I think there has been a longstanding trend towards this. The Home Secretary is indicating that he is willing to have a look at that, but bearing in mind all the cost pressures and resource pressures on the Home Office as well.

Stuart C. McDonald: When it was introduced, the fee charged by the Home Office was £35, which is about £120 in today's money. That it has escalated suddenly to over £1,000 is quite astonishing. Another problem I think is that the Home Office has conflated this issue with naturalisation, where obviously you have adults who are making a conscious decision to become British citizens. That is a completely different kettle of fish from children born here.

I will give one example before I move on. It is a young woman in her 20s, born in the UK and here ever since. She has been entitled to register her citizenship for over 10 years but cannot afford the £1,200 fee,



HOUSE OF COMMONS

because she is over 18. Therefore she is left undocumented, cannot take employment and she has recently been made homeless. She is left in that situation and it becomes chicken and egg. She cannot get work, she cannot get money, she cannot get any support and she therefore cannot afford the fee. That is why I would urge you, Home Secretary, to take into account these situations as well when you are reviewing fees and processes for Windrush. Otherwise you are doing the same as the Home Office has done over the last couple of years and ignored warnings about the implications of a hostile environment.

Sajid Javid: May I ask you on that situation, you are talking about fees for citizenship, if I understood you?

Stuart C. McDonald: Yes, fees to register.

Sajid Javid: Yes, to register for citizenship. Obviously I do not know any of the details of the young woman you mentioned, but does she not have settled status? If she does, she would have access to all those things that you mention.

Q278 **Stuart C. McDonald:** No, she would not necessarily have settled status in that particular circumstance. There are thousands of children in the same boat. They are born and essentially they do not have any status. Perhaps their parents did not have status at the time they were here or they were—

Sajid Javid: The first step in such a situation would be to get settled status, because that is a lot quicker than going through the citizenship process and then getting money.

Q279 **Stuart C. McDonald:** On the contrary. For many of these children, the route to settled status would be even longer. It would take 10 years with four or five different applications of two and a half years at a time, totalling about £8,000. At the end of the day, these children are entitled to British citizenship. They should not have to go through settlement and then onwards to citizenship. They are entitled under the 1981 Act to British citizenship. The only thing that is stopping them is this fee.

Sajid Javid: Mr McDonald, could you please send me some more information on that particular case, because I would like to take a closer look?

Q280 **Stuart C. McDonald:** I have written to you about it already, but I will write to you again with some of the case studies that have been brought to my attention. There are apparently thousands of these. That would be very helpful, thank you very much.

The other group I want to briefly ask you about is European Union citizens who are already here. Obviously a lot of them are looking at the Windrush scenario and are worried that something similar might happen to groups of EU citizens in the future as well. You are going to have a heck of a task getting 3 million people through this settled status process by the cut-off period. What work is underway to in particular try to target



HOUSE OF COMMONS

hard to reach groups, like the 450,000 who do not have strong English, or the 56,000 who are 75 and over and so on?

Sajid Javid: First of all, I do realise the difficulties that have been faced by the Windrush generation could absolutely cause anxiety with some of the EU citizens who have settled here and are contributing to our country. I am very much aware of that and I think it puts even more of an onus on us to explain exactly how the settlement system is going to work. First of all, we have been very, very clear that we would like those individuals to stay in the UK and to continuing contributing. They are very welcome here. There will need to be some kind of a settlement process. We will be setting that out. My plan is to do a White Paper before the summer recess and set out exactly how that system can work.

It is worth keeping in mind—and we have been very public about this, rightly—that it is not just asking them to register before exit date from the EU during the implementation period. We will have quite some time to do that, but I do not want to be complacent. I want to have a system that is as easy to use as possible. I want to use latest technology, apps and other ways to try to do that. I will set out through the White Paper exactly how I think that can work.

Q281 **Stuart C. McDonald:** Does the Home Office have any estimate at all about what percentage of the EU population will successfully navigate the settled status system by the cut-off point? Does it have any contingency plan for the numbers it expects will not have done so?

Sajid Javid: Through the White Paper we will set out how it will work in much more detail but I suspect there will be some kind of pilot of the process as well, which I think will be a valuable way to input into the system to make sure we get it right.

Q282 **Stuart C. McDonald:** More broadly, finally, you answered some questions focusing particularly on the Windrush situation and we have started to broaden it out into other categories as well. Does this episode raise broader questions in your mind about whether or not a country like the United Kingdom, which does not have a history of ID cards and rejected that notion a few years ago, is geared up for a hostile environment? Unlike other European countries, there is not necessarily an easy way to tell who is entitled to access social security, who is entitled to access private rented accommodation and so on. Does it raise some question marks in your mind about whether the whole policy is fundamentally flawed for a country that does not have a simple ID system?

Sajid Javid: I think we have all seen at the moment the difficulties that sadly have been faced by a particular cohort of migrants who came in the 1970s and were particularly from one region of the world. You went to Croydon and the taskforce. When I went there a week or so before you went, I did ask them—and I am keeping an eye on this—are they getting many calls from people who are not in that cohort. Perhaps they could be



HOUSE OF COMMONS

Commonwealth citizens but not from the Caribbean. They were getting some calls—and if they are, I want them to help—but it was a very small minority. Off the top of my head, I think they said roughly it was about 10%. It was a very small minority. I want to keep an eye on that. It does suggest, from what we know collectively at the moment, that the issue has been around that Windrush cohort, that group of migrants, but it is something I want to keep an eye on.

Q283 Stuart C. McDonald: I would ask you definitely to keep your eye open. In particular, I raise this because a couple of weeks back there was evidence that was presented to us from the Residential Landlords Association that 42% of landlords are now less likely to rent to someone without a British passport, because they are very scared about being prosecuted for getting it wrong. You have 9 million or 10 million UK citizens who do not have a passport. They are all impacted by this hostile environment as well. It is not a small cohort, it is tens, hundreds, millions of people.

Sajid Javid: This is when it comes to employment or renting homes and things. We talked earlier about other Departments and what they are doing. It is something that I will be looking at very carefully to make sure the policy is working the way it is intended.

Q284 Stuart C. McDonald: Finally, are you aware of any measure or yardstick the Home Office uses to show that the hostile environment is achieving what the Home Office wants it to achieve?

Sajid Javid: I am not aware of a measure, as such. I do not know if Glyn is.

Glyn Williams: The last time I gave evidence you asked about the number of removals from the country. That is one measure, I suppose.

Q285 Chair: The inspectorate said one did not exist. The inspectorate said you did not have any way of measuring the effectiveness of your strong-arm strategy.

Glyn Williams: I would agree, Chair, that we need to put in place an evaluation scheme.

Q286 Douglas Ross: Mr Williams, do you feel that you were well-briefed prior to your previous appearance with the former Home Secretary to this Committee?

Glyn Williams: Yes.

Q287 Douglas Ross: Do you feel you provided the previous Home Secretary with adequate support during that hearing?

Glyn Williams: I do, but as the Permanent Secretary told this Committee last week, he has appointed Alex Allan to carry out—

Q288 Douglas Ross: I will come to that in a minute. As a result of her evidence that she gave, which you agreed with at the Committee, she



HOUSE OF COMMONS

had to resign. Do you feel you gave the former Home Secretary adequate support?

Glyn Williams: Yes.

Douglas Ross: Even though she was forced to resign as a result of the evidence she gave?

Glyn Williams: I do not want to comment on why she resigned.

Q289 **Douglas Ross:** I think it is pretty clear why she resigned. Did you get any information from your officials during that meeting?

Glyn Williams: No.

Douglas Ross: You did not receive any notes from—

Glyn Williams: Sorry, yes, I did. Sorry, excuse me. I did receive a note during the meeting towards the end.

Douglas Ross: In two meetings.

Glyn Williams: I think on one occasion towards the end.

Q290 **Douglas Ross:** On two occasions you received information from people behind you. That was nothing to do with the wrong information—you did not lie to the Committee, that is what you were saying earlier—but the incorrect information you had given the Committee?

Glyn Williams: That note that I was passed was about the question of removals targets, yes.

Q291 **Douglas Ross:** Really? In this Committee, where you told this Committee that as far as you were aware there were no removals targets, you received information from your officials behind you, with Home Secretary next to you, and you did not share that with the Committee at the time?

Glyn Williams: No, because the information in that note did not add anything to the evidence that we had given.

Q292 **Douglas Ross:** Did it say you were wrong in the evidence you had given?

Glyn Williams: No.

Q293 **Douglas Ross:** It said you were correct in the evidence you had given?

Glyn Williams: No, it did not. It did not say anything that I felt added anything useful.

Q294 **Douglas Ross:** You received a note during this Committee from your officials that did at least mention the crucial piece of evidence that this Committee was discussing with the former Home Secretary, which resulted—



HOUSE OF COMMONS

Glyn Williams: No, I dispute that. It did not. To be honest with you, I cannot remember exactly what it said.

Q295 **Douglas Ross:** You have told this Committee that it was about the removals targets.

Glyn Williams: Yes, it was.

Q296 **Douglas Ross:** At that Committee you told us that there were no removals targets. That was also said by the former Home Secretary and that was the reason why she had to resign from her position, because she had incorrectly informed this Committee that there were no removals targets, yet you are telling us now you received information from your officials about removals targets and you did not share that with the former Home Secretary or this Committee.

Glyn Williams: Because it did not say anything substantive about whether there were targets or not.

Q297 **Douglas Ross:** Have you provided that information to the Permanent Secretary's inquiry?

Glyn Williams: The Alex Allan inquiry?

Douglas Ross: Yes.

Glyn Williams: No, I have not been approached by him yet.

Q298 **Douglas Ross:** Would you expect to be approached?

Glyn Williams: Yes.

Q299 **Douglas Ross:** I think it would be very interesting to see that piece of information and that evidence you have provided us with at the moment.

Home Secretary, on the 63 cases you have now said about people who are potentially being deported, you have now checked all 8,000 cases? There are no more, the number could not go up? There are 8,000 cases that were being looked at post-2002. Out of those 8,000 you found 63 or on 25 April the former Home Secretary said they had checked around 7,000. Are there more to be checked or have you checked them all and now the next process is to look at the 63?

Sajid Javid: Officials have found, with the criteria that been set, Caribbean/Asia are 45. From 2002 they have so far found around 8,000. I am not saying exactly 8,000, but around 8,000 records. That is records of all deportations or removals that meet that criteria. You asked can I be certain that it is 8,000?

Q300 **Douglas Ross:** No, sorry. I am not asking you to tell me specifically is it 8,000 or is it 8,050, but of those records, have you now checked them all? Whatever the figure is—the previous Home Secretary said around 8,000 records of people who could have been in that group—and should they have been deported, purely in a sense of, "We have checked some 7,000", that had taken eight to nine days to check the 7,000?



HOUSE OF COMMONS

Sajid Javid: My understanding is that all the 8,000 records have been checked and so far from that there is the 63, the number I gave you earlier. That said, I have asked officials to make absolutely sure that when they check the records of the 8,000 that it is really 63 and there might not be others there as well. I could not give you a guarantee that that number cannot change.

Q301 **Douglas Ross:** When do you think you will get to that stage?

Sajid Javid: That work is ongoing now. As I said earlier, it is a priority. I think we would be there quite soon. Glyn might want to add something to that in terms of timing.

Glyn Williams: We have narrowed it down to the 63.

Q302 **Douglas Ross:** Are you saying 63 is definitely the final figure out of the 8,000?

Glyn Williams: No, I am not saying that.

Douglas Ross: Narrowing it down would seem to suggest that.

Glyn Williams: On that sample of 8,000, we have identified 63 where there appears to be a question as to whether those people may have been resident in the UK before 1 January 1973 and therefore came within the ambit of section 1(2) of the 1971 Act. That is what I am saying.

Q303 **Douglas Ross:** Yes. Home Secretary, the previous Home Secretary said when this process was finished she was going to be speaking with the Permanent Secretary about finding out about independent assurance. What has been done about that?

Sajid Javid: When you say "this process", are you talking about this 8,000 number?

Douglas Ross: Yes.

Sajid Javid: Yes, that is my intention to do that.

Q304 **Douglas Ross:** How will you do that?

Sajid Javid: I will take the advice of the Permanent Secretary on what he thinks is the best way to do that.

Q305 **Douglas Ross:** Are you not at that stage yet?

Sajid Javid: I am not at the stage where I am about to appoint someone to independently assure and audit the work that has been done. I am not about to appoint someone on this. My priority, there are a number of people with the whole Windrush issue who I want to bring in to provide important assurance and transparency. For example, I announced last week someone to oversee the compensation programme. We mentioned Alex Allan a moment ago. I think the next most important person I need to announce is the individual who will oversee independently the lessons



HOUSE OF COMMONS

learned inquiry. I will also be looking at this. There are a number of people I want to appoint and I am focused on all of these points.

Q306 **Douglas Ross:** There is no statutory right of appeal for people with these cases. Do you think there should be with victims of the Windrush scandal? If they are unhappy with the final determination, should they be able to appeal or not?

Sajid Javid: In these cases I hope that these individuals, the 63 we are talking about—

Q307 **Douglas Ross:** No, sorry, I am now speaking about anyone who has been affected by Windrush. They believe they are part of the Windrush generation and ultimately it may be a determination that they are not and therefore they have no right of appeal.

Sajid Javid: Do you mean affected through deportation removals or affected more generally?

Douglas Ross: More generally.

Sajid Javid: From the process we have put in place, obviously this has to be tested and I want to make sure it is. For example, for many people their first point of contact in the last few weeks has been through the taskforce. It is to make sure, given the changes I talked about earlier right at the start of this session, how we are approaching both the burden of proof and the quality of proof that no one who has any case is being turned down. I am not aware—unless Glyn wants to correct me—of anyone who has been turned down yet.

Q308 **Douglas Ross:** But potentially someone could be.

Sajid Javid: Potentially they could be. While I am not aware of it at the moment, there may well be. This is what I have been told at the moment. My first priority would be to make sure that the process we have in place now is strong enough, robust enough and broad enough in its approach that that situation would not arise. I would be very interested to see what the Committee thinks after we have gone a bit further with the taskforce and processing the applications. If there is a view that people are being turned down when they should not have been, a legitimate concern, then I would look to see if perhaps rather than a legal appeal process, which could cost money and take time and people have to hire lawyers and so forth, there could be an independent person to have some kind of administrative look in certain circumstances. I cannot guarantee that now, but it has been something I have thought about.

I have to say at this point the reason I have not acted on that too much is because it does feel to me, at least at this point, that the process is working. It is very regrettable that we are in this situation anyway. We all know how we got here, but I feel the process is working and I want to give time to work.



Q309 Douglas Ross: It is positive that you are even considering that, should it be required in the future.

Two final points. You said in response to Mr McDonald's question referring to other cases that you would keep an eye on non-Windrush calls and suchlike coming in. This is part of the problem of how we ended up in this position, because there is no real way of monitoring. Nothing was registered as a Windrush case, so nothing will be registered as X, Y or Z area. Rather than you just keeping an eye on it—because I know you were saying you wanted to monitor that—how will you do that? Clearly these Windrush cases have been coming up and have been flagged up, but they were not highlighted in such a way that said there was a problem. How do you keep an eye on it to ensure that we do not have another Windrush if there are no processes in place at the moment for the Home Office computers to say, "Here is a trend, this is something that should worry you"?

Sajid Javid: That is a very good question and part of the answer will come through the lessons learned inquiry that will also have that independent oversight. The purpose of that is as it sounds. We need to learn lessons from this: what went wrong, how it went wrong, why it happened and how can we, most importantly, make sure something like this does not happen again. I do not want to prejudge the outcome of the inquiry. I have some thoughts, but let's wait for that work to be done.

In the meantime though there are some commonsense things that I and officials can do. The example I was using with Mr McDonald was in terms of people calling the taskforce. Obviously we have a record of who is calling, what issues they are bringing up. It is commonsense. They are people who are calling up who may have a documentation issue, who are Commonwealth, but not the Windrush cohort. Things like that in the meantime, but I think the major outcome of what more we can do will come through the lessons learned inquiry.

Q310 Kirstene Hair: Home Secretary, when you addressed the House, I think four hours in the role, you suggested that you wanted to ensure that the new immigration process was fair and humane. What specific steps are you going to take to implement that particular approach?

Sajid Javid: First of all, the steps that I have taken in the last couple of weeks have been entirely focused on the Windrush generation. As I have said at the start, that is my priority when it comes to immigration right now and that is where I have been looking. For example, we talked about some of the things about how can we proactively contact people, meeting the High Commissioners, some of the changes we talked about on the compliant environment, even some of the stops that are put in place to make sure that we do not get anything wrong. There is also some waiving of the fees, the new visas and so forth.

I have not put my mind to beyond that at this point, but I would like to look back in however long I am in this role and would like to feel that we



HOUSE OF COMMONS

have been able to go through a process where I can look much more broadly across the immigration system and act in a way through the Department that is fairer in its analysis in the way it does its work. I will give you an example. In the compliant environment, I believe passionately that we must distinguish between legal and illegal immigration. That is fairness as well. Not least it is fairness to the legal migrants who are here that we also take action against those who are here illegally and are trying to genuinely abuse the situation. But where we have situations like Windrush where people who are not just here legally, but they have been such a long time and have made such a huge contribution to the country, I think we can behave more compassionately.

One example of that is how we approach the burden that we put on them in terms of providing proof of their status, how we look at the quality of the evidence that we ask for. Unfortunately I have found evidence, for example, of some cases where individuals are asked for documentation for every year that they are here. I do not think that is a commonsense approach. If they meet the rules that are set out, then we should be fair in how we are trying to apply them.

Q311 Kirstene Hair: In terms of fairness, which was definitely a theme throughout that answer, when we look at compensation that has been paid out from the Home Office, it almost doubled last year and the compensation paid out went to about £40.3 million, which is almost 85% more than the previous year. Do you think that is an effective use of taxpayers' money and why do you think this is the case?

Sajid Javid: I think it is right and proper that the Department has a compensation scheme. Obviously separately there will be a Windrush scheme. I think you were talking more generally about compensation. I think it is right that we have that. It would be concerning, as you said, when you see compensation is rising. Unless there is a special reason for that that can be explained, no one would want to see a general rise in that because it would indicate that there are some wider issues that would need to be dealt with.

Your question also was is it a wise use of taxpayers' money. I think of course from a taxpayers' point of view you would rather not be put into a situation where you have to pay any compensation by not getting things wrong in the first place. That should be the objective, but where you have got something wrong and someone has been hurt by your actions, I think it is appropriate in those circumstances for the taxpayer to pay compensation.

Q312 Kirstene Hair: When we have a situation where more than 50% of appeals against the Home Office are successful, there is obviously quite a high degree of incorrect decision-making. Why is that? Is that because we do not have enough caseworkers, we do not have enough resource? Are they not experienced; are they not trained enough? I know that you have only been in the role for a couple of weeks, but do you instantaneously see where there are potential issues? The Immigration



HOUSE OF COMMONS

Minister was in front of us last week and she suggested that extra resource and extra people would be required. Do you agree with that and will you follow through the call from one of your Ministers?

Sajid Javid: I do agree with what you have just said there, referring to the Immigration Minister. I am afraid I have not had a close enough look yet to tell you why I think that might be the case. It is worth keeping in mind that the Home Office collectively makes thousands of decisions a day. In any organisation where there are thousands of decisions a day, sadly mistakes are made. I think it is very important to keep those mistakes to a minimum and where they do take place have a compensation arrangement. I know this is something that the Immigration Minister takes very seriously and is looking at and I know she is looking at resourcing as one of the things to consider.

Q313 **Kirstene Hair:** In terms of resourcing caseworkers, do you know how many are currently employed by the Home Office? Your predecessor told us that the Home Office was looking to recruit 1,200 additional caseworkers to deal with the EU work in the run-up to Brexit. How is that progressing? Obviously, as we have discussed earlier on today, there is a significant workload that the Home Office will have to deal with. Is there sufficient progress in place?

Sajid Javid: Mr Williams might know.

Glyn Williams: Yes, there is a recruitment programme that is underway both in the UKVI and for Border Force to take the UKVI relevant cohort up to 1,500, I think. I do not have the latest figures for where they have got to on that, but they are well on the way to it. I think Border Force were recruiting an extra 300 and that is underway as well.

Q314 **Kirstene Hair:** When do they anticipate that that recruitment process would be complete and they would be trained up to a standard that they would be able to be efficient caseworkers?

Glyn Williams: The UKVI ones we want to be in place this autumn. It depends how we launch the EU settlement scheme and whether there will be a soft launch in the autumn, leading to a harder launch from the date of our exit for the EU during the implementation period. Certainly we are recruiting them over the summer to have them trained up for the autumn and beyond.

Q315 **Kirstene Hair:** You do not know currently how many are recruited, is that correct?

Glyn Williams: I do not have the latest figure exactly as to how many they have onboarded, in the latest terminology.

Kirstene Hair: Could you give us an update on that?

Glyn Williams: Certainly, yes.

Q316 **Naz Shah:** Home Secretary, your Minister, Caroline Nokes, appeared



HOUSE OF COMMONS

before us last week. In her evidence to us, when asked about the issue of highly skilled migrants, she said she had only been aware of the issues two working days since the issue was flagged up. However, according to *The Guardian* today, Ms Nokes knew about these issues. They had been raised with her through other MPs months ago. Did Ms Nokes mislead this Committee?

Sajid Javid: No, I do not think she did. I have only recently seen *The Guardian* report. I think it was today and I saw it earlier. I have not had an opportunity to discuss that with her, but I do not think she did. I think she shared with the Committee what information she knew at the time.

Q317 **Naz Shah:** Does this not smack of again the Windrush scandal, when we had people seeing individual cases before them and not joining the dots and realising that there was a scandal brewing for absolutely months and months? Would this not say exactly the same thing is happening again when it comes to, in particular, section 322(5) of the Immigration Act that had been applied wrongfully in these cases?

Sajid Javid: No, I think in your question there is a lot of presumption. You are assuming that *The Guardian* is correct. Are you talking about tier 1 skilled migrants?

Naz Shah: Yes.

Sajid Javid: Decisions that have been in the public space, that there is full information out there, the public has full information, which is not necessarily always the case. I cannot remember the phrase used at the start when you said, "Does it smack of—" What was your phrase? Whatever it was, I do not agree with it.

Naz Shah: Smack of the Windrush scandal.

Sajid Javid: No, it does not.

Q318 **Naz Shah:** Let me explain it to you. When your predecessor appeared before us, the Home Secretary, Amber Rudd, what she said was she missed it because these were individual cases. The reason the Home Office missed the Windrush scandal brewing was because they thought they were individual cases and dismissed them as such. Here we have your Immigration Minister appearing before us and saying she does not know of this issue and she has only become aware of it two days before. However, there are categorically two cases highlighted through MPs that went to Ms Nokes earlier. Does this paint a pattern of again Ministers not picking up what is coming down the track, effectively?

Sajid Javid: No, it does not.

Q319 **Naz Shah:** I would put it to you it does. Are you aware Ms Nokes did say to us that she would go away and look into this issue? Have you done that stocktake of how many people have been affected under section 322?



HOUSE OF COMMONS

Sajid Javid: She is looking at this. That work continues and she will be reporting back to me. I have not had a report back yet.

Q320 **Naz Shah:** You have not had a report back yet?

Sajid Javid: Not yet, but to do this kind of work properly it will take a little time to get the right information. With things like this there is no point in rushing and getting the wrong information. We need to make sure the right time is taken, but it is important. It is an important issue. If people are being turned down from their tier 1 applications or renewing their tier 1 for the wrong reasons and the information is not being looked at properly, of course that should not be happening. It is an important issue and the Immigration Minister is absolutely the right person to look at it in more detail.

Q321 **Chair:** Can you suspend those cases while they are being looked at?

Sajid Javid: Which cases? Are you referring to the two cases?

Chair: No, the category of 322 cases that we asked the Immigration Minister to look at to see whether these were cases of serious fraud or whether in fact this was the kind of tax error that, to be honest, any one of us could make, given the many cases that we have had put to us where it appears that the HMRC is not taking any action and the HMRC has decided this is not a serious breach. However, the Home Office appears to be treating it as sufficiently serious to deport people or to propose their removal under the 322.

Sajid Javid: I think the cases we are talking about are where they have been refused and obviously people are either appealing or asking for a judicial review or going through a legal process. In one respect they will be looked at again, but obviously we need to provide reassurance that the correct rules are being applied. In some of the cases that I have heard about from the Department, there are clear discrepancies. I am not talking about any individual case, I am not talking about any particular case that an MP has raised, but there are clear discrepancies between what an individual has said that they have been earning and what they have been reporting to HMRC.

Some other cases, which I would have more sympathy with, is where the individual claims there was an administrative error in their application. Where that is the case, I think absolutely we should be sympathetic to that and look again and make sure that if it is a genuine error that someone has made of course we should take that into account. We can all make an error now and again, and if that is the genuine case, then that should be looked more sympathetically. Because I have asked the Immigration Minister to look at this in more detail—and I have heard, Chair, what you said—I do not want to make a commitment now of what I can and cannot do. I want to address more the facts, but it is something I will be looking at.

Q322 **Chair:** Could you have a look at whether there are cases, for example,



HOUSE OF COMMONS

where you have serious hardship cases at the moment while they are trying to wait and resolve their cases, for example, people having to sell everything that they have in order to pay for healthcare for their family while they are trying to resolve these tier 1 cases? Could you look at whether there is anything urgently that could be done in those cases while this review takes place?

Sajid Javid: I will ask the Immigration Minister if that is possible.

Q323 **Naz Shah:** Home Secretary, could I bring to your attention from *The Guardian* Saleem Dadabhoy's case, a Pakistani who has a business here worth £1.5 million? Three different appeal courts found that he did not have any discrepancy in his tax returns or his application, yet he faces deportation under section 322. That means 20 British jobs going if that should happen. These are very embarrassing cases. Do you have any idea of how many are pending appeals?

Sajid Javid: We might have some information. Do we know how many appeals there are?

Glyn Williams: They are not appeals, they are going to judicial review in many cases, and I think there have been over 300 judicial reviews so far. Do not take that as an absolutely precise figure. That is what I have been told as an estimate. These cases have been looked at by a judge. These are people who came in under the tier 1 general scheme that we closed in 2011. They did not need an employer in the UK, they came in on the strength of their earnings overseas, their qualifications and their age to give themselves a points total. They then found employment in the UK. To extend their visa, or in this case to gain settlement in the UK after five years, they have to meet the points total again and they have to demonstrate to us that they are earning enough money to give them the points. That is where the dispute is.

In a lot of the cases that have come up—not all of them, but some of them—there was a pattern whereby an amount of money is claimed from an employer and that is supplemented by an amount of money that is from self-employment. Usually that self-employment figure is very large compared with the employment figure because the employment figure has tended to be small, £9,000, £10,000, £12,000 a year, supplemented by self-employment earnings of £25,000, £35,000, £40,000 a year. In the corresponding tax return that is being made, those figures have been significantly different. Hence when it has come to us, we have cast doubts on whether the figures that were given to us for employment, particularly the self-employment element of that, were the correct figures.

It is paragraph 322 of the immigration rules that is in question here, where we refuse them on the grounds in that paragraph. That does not lead to deportation per se. What we are saying to them is we have refused their application for indefinite leave to remain in the UK.



HOUSE OF COMMONS

Q324 **Naz Shah:** Mr Williams, are we aware of any deportations that have taken place under that paragraph?

Glyn Williams: There may have been enforcement action subsequent to a refusal issued by UKVI.

Q325 **Naz Shah:** I appreciate what you said earlier about being aware of the targets now. Given that you are aware that there were targets, can you reassure this Committee—or not, as the case may be—that paragraph 322 was not used to get rid of people to meet the net migration target, which there certainly was a culture of in the Home Office?

Glyn Williams: No, I can reassure the Committee that that was not the case. The caseworkers are simply trying to apply the rules—and in this case it is the points-based system—as they stand, which is that applicants have to demonstrate to us that they have earned the points necessary to stay on in this country.

Q326 **Naz Shah:** Why is a paragraph that was designed for criminals and terrorists being used in these cases?

Glyn Williams: It does refer to terrorism and national security. There are various subparagraphs there and it also refers to good character and conduct and association.

Q327 **Naz Shah:** Do the HMRC and UKVI have clear communication between the two? Because if they are not applying sanctions, why are you?

Glyn Williams: It is possible that HMRC considers that the returns given to them were correct.

Q328 **Naz Shah:** Your staff are saying they are not correct?

Glyn Williams: Yes. Potentially, yes.

Q329 **Naz Shah:** Who is doing their job right and who is doing it wrong? Is it HMRC that is getting it wrong or is it you?

Glyn Williams: When people present to us quite significant earnings from self-employment, for example, and what looks like their day job is a fairly mundane day job in most cases that I have looked at here—quite often in fast-food restaurants, for example—from which they are earning what looks like the national living wage or less, and alongside that they are declaring self-employment earnings of £20,000, £30,000 £40,000 a year, then you have a situation where the tax return that has gone to HMRC is not the same and they make a subsequent correction to the earlier declaration to HMRC, you have to expect that caseworkers in UKVI are going to ask questions of that situation. I do not think that is unreasonable.

Q330 **Naz Shah:** I understand and I appreciate it is not unreasonable. What I am trying to understand is how many people have we deported or have faced deportation under this when corrections have been made.



HOUSE OF COMMONS

Glyn Williams: I do not have the figure.

Naz Shah: Could you give us those figures, please?

Glyn Williams: We will try to do that, yes.

Q331 **Chair:** A quick run-through of some questions. The 63 people that you have identified who may have been wrongfully deported, how many of them have been contacted and have you offered them the opportunity to return to this country?

Sajid Javid: To go back to those 63, I said an hour or so ago that 32 are foreign national offenders and 31 are not. I am distinguishing between the two purposefully. If they are foreign national offenders, our view is that they have gone through a deportation process, they have gone through a legal process and they may have even appealed the process. If they feel that they have been wrongfully deported as offenders—obviously these are serious offenders; that is why they were deported—it is up to them to try to do something about it to determine whether they think they are protected under the Act. It is my duty to protect the public. We have a policy, in terms of protecting the public, to deport foreign national offenders. If those 32 believe that they have been wrongfully deported—in other words, they deserve protection under the Act, they are more complex cases because it kicks in what is called section 7 of the 1971 Act in the case of criminal offences—that is up to them.

The other 31 who are the other cohort, subject to the administrative removals, I want a very proactive policy of contacting them. We are trying to work out what is the best way to do that now. Obviously we know what countries they went to. We want to work with the Governments in those countries. In many cases we do not have the addresses, because it depends when it happened. Where there is a last address, we will use that, otherwise we will work through the respective Governments to see if they can help us with the systems that they have, for example in Jamaica and elsewhere, to help us contact those individuals. Then we will be asking them if they would like us to look at their case again, proactively contacting them and not expecting them just to hear about this. We want to hear from them and we will happily look at their case again.

Q332 **Chair:** For the other cases in the Caribbean, can you confirm you are not expecting people to ring UK phone lines and expensive things to do so?

Sajid Javid: No. I think we have agreed that with those individuals we will call them back.

Chair: They are having to make the initial calls to the taskforce?

Sajid Javid: I would have to check on that.

Q333 **Chair:** Can you clarify that for us? That would be helpful, as much as possible about what support is available in the Caribbean or in other



countries.

Sajid Javid: It may be in some countries there is a local number they could call, but I hesitated because I was not sure if that is applicable. Also remember people can e-mail. Many people are e-mailing us and then we call them from the contact details they provide.

Q334 **Chair:** Have you looked at whether to have a hardship fund for cases where obviously it will take some time for compensation to be resolved, but some of them will be in very serious hardship situations at the moment?

Sajid Javid: Now we are starting looking at compensation, as you will know, we have published the call for evidence. I think it is important when we get information back from that call for evidence and also with Martin Ford QC giving it independent oversight, that is something I can consider at the time. I have not ruled it out.

Q335 **Chair:** That would be very helpful. Have you also looked at whether people should be able to get legal aid?

Sajid Javid: No, other than currently there are legal systems in place for some people with legal aid. I have started discussing with the Justice Secretary in my Department to see if there is more that can be done, but it is not something that I can tell you exactly if something new is going to happen.

Q336 **Chair:** You also made some further changes with accepting the amendments from the Health Select Committee on not passing information from NHS to Immigration Enforcement. We raised in one of our previous reports concern about that, but also concern about data being passed on victims of crime to Immigration Enforcement. We have received some awful, tragic cases around victims of crime, victims of domestic abuse, but also victims of trafficking where the information appears to be passed straight from police forces to Immigration Enforcement and then enforcement action is taken, including the case that Ruth George raised in Parliament in the debate where somebody had given testimony against the traffickers in court, but was then still subject to deportation. Have you looked at changing the rules, as you have done on NHS, around victims of crime?

Sajid Javid: First of all, one thing you remind me of and is always worth making clear, with regards to Windrush and the taskforce, I have also made a commitment—as my predecessor did—that anyone coming to the taskforce, their information will not be passed on to Immigration Enforcement. More broadly, because I do not think you were only asking about Windrush, the NHS issue I dealt with in that way because it was a live issue and I had to decide there and then. The way I dealt with it I hope is an important indication to the Committee about how I see these issues around information and the sensitivity of that information.



HOUSE OF COMMONS

The case you have mentioned, cases like that do concern me because that kind of thing should not be happening. I have not got around to it yet in terms of this is my priority, but I will be taking a broader look at these issues.

Q337 Chair: That would be very helpful. Following up the Permanent Secretary's letter, some further information that it would be useful to have. Mr Williams, having given us inaccurate information about targets previously, I presume you have looked into more widely the issues around targets, so you may be able to answer these now, the information about the wider 40,000 returns targets and the 45,000 returns targets and so on. Why were those targets set in 2015? Was that the first time those targets were set or had they been set previously?

Glyn Williams: I am not responsible for Immigration Enforcement. I do not think it is wise that I attempt to—

Chair: If you do not know the answer, that is fine. If you could take it back to the Permanent Secretary, we would like this further information. Could we also have information on whether or not these targets were agreed by Ministers or whether they were established by officials?

If you look in detail at the annex on bonuses and the annex on targets together, they do make some quite troubling reading. When you read these together, it looks as though for the enforced returns common practice was for those to be apportioned among individual teams and for local members of staff to see how their work contributed to that. That looks like you have local teams and even individuals being judged on their contribution towards returns targets and towards removals targets.

In the information we have been provided on bonuses, it says, "Bonuses were paid based on individuals' performance objectives, including for junior staff, based on objective assessment of their performance when compared to their peers". In 2017, at a time when there was a 12,800 target in place, that was awarded, "based on the achievement of goals set in the year". It is wrapped up in Civil Service language, but that looks as though teams of local decision-makers in Immigration Enforcement have been judged and they had their bonuses judged on whether or not they were contributing to enforcement targets and to removals targets. We have been given assurances that that was not happening, but I want to be clear that we have not been given inaccurate information on this and I would like some detailed clarity on this.

Q338 Stephen Doughty: Can I read out something in relation to that? I specifically asked Mr Ind whether he had a bonus related to delivery of targets and he said no. When I said, "delivery of targets", Sir Philip said, "No, not necessarily delivery of targets". There was all sorts of hedging around that and it is fair to say it was extremely troubling. It would also be very helpful, Home Secretary, to have the data on the years prior to that, going back maybe for the last five or six years, to see how many bonuses were paid.



HOUSE OF COMMONS

Sajid Javid: I have heard those questions and concerns and I can ask the Permanent Secretary for that. To make it clear, Ministers do not get involved in bonuses and payments and things. The rules are set by the Cabinet Office and then applied by each Department. I still hear your questions, they are valid questions and we need to get answers to that.

Also, Chair, you asked about enforced removal targets and whether Ministers have been involved. It is my understanding—but we need to check it and we will put it in the letter to you—that the last time a Minister was involved in setting removals targets, enforced removal targets/quotas was in 2009, when Jacqui Smith had my job. Border Force published a business plan that also had ministerial targets. That is my understanding. I will clarify that and double-check that, but I think that is the last time Ministers publicly set targets.

Q339 **Chair:** It is not necessarily publicly. It is whether a Minister has agreed to it. We have been told here, in this information from the Permanent Secretary, about not only the targets on enforcement, but targets on returns. This was the first we had even heard of this. It was 40,000 returns in 2015-16, 45,000 returns in 2016-17. I do not know if that was the first year, 2015-16, or whether there were previous years. It would be useful to have that clarity. Also, did Ministers agree to those targets; were they aware of those targets? We need some clarity so that we have some consistency with the previous evidence that we have been given.

Sajid Javid: We will get back to you on that.

Q340 **Chair:** Also, the reason for wanting to know what was going on in terms of bonuses is because a question for your lessons learned inquiry, if people were getting cases like Paulette Wilson in the system and were ending up with Immigration Enforcement sending Paulette Wilson to Yarl's Wood, why on earth were they not asking the questions and referring it back to the UKVI in the casework part of the system? If the reason they were not referring it back was because they had bonuses hanging over their teams, we do need to know about that as part of the whole lessons-learned process.

Sajid Javid: I will try to get you that information. What has happened in the past with bonuses—I have to find that information—I am clear that I do not think anyone should be getting a bonus linked to deportations or removals or detentions. It is not the kind of thing that anyone's bonus should be looked at. That is something I will be discussing with the Permanent Secretary.

Q341 **Chair:** One final question. The really troubling thing, Mr Williams, about the things that you did not know the answer to and the inaccurate information that we had last time is that, as a senior member of the Home Office, it gives us a sense that bits of the Home Office do not talk to each other. Therefore there is a wider question that if one part of the Home Office has important targets on enforcement and another bit of the Home Office does not know about it, it raises some quite big questions



for us.

Home Secretary, are you looking, and will you look as part of this lessons learned inquiry at much more radical approaches to removing targets from the Home Office and also to potentially restructuring the Home Office altogether and to separating out immigration from traditional Home Affairs of crime and policing?

Sajid Javid: I have just got here and my priority has been Windrush, but I do want to take a much broader look at things. There are other priorities at the Department. We touched on Europe and how we are going to deal with the settlement scheme. That is a big priority. There are other issues related to Brexit. I am sure the Committee would understand that. There are so many things I would like to do and look at. My experience from other Departments is that you have to focus on the priority. I am sure at a later date we will be able to discuss those in more detail.

Q342 **Chair:** We are very grateful for your time. I appreciate how generous you have been with your time. I look forward to having the further information that we have asked for and also we hope, Home Secretary, to hear from you again particularly on some of the Brexit issues that will become imminent. Could you clarify, the White Paper that you are hoping to produce before the summer, are you intending that simply to look at the registration issues or are you intending that to include wider issues around what the post-Brexit immigration system will look like?

Sajid Javid: I have not completely defined that yet, but it will be focused on EU-related issues.

Q343 **Chair:** Including what a post-Brexit EU system would look like as well as the registration for existing citizens?

Sajid Javid: The major focus will be the registration scheme.

Chair: Thank you very much for your time.