



# Select Committee on the European Union

## Home Affairs Sub-Committee

### Oral evidence—Brexit: future UK-EU asylum co-operation

Wednesday 12 June 2019

10.40 am

Watch the meeting

Members present: Lord Jay of Ewelme (The Chairman); Lord Best; Baroness Janke; Lord Haselhurst; Lord Kirkhope of Harrogate; Baroness Massey of Darwen; Lord O'Neill of Clackmannan; Baroness Pinnock; Lord Ricketts; Lord Soley; Lord Watts.

Evidence Session No. 1

Heard in Public

Questions 1 - 17

### Witnesses

[I](#): Judith Dennis, Policy Manager, Refugee Council; Jon Featonby, Policy and Advocacy Manager, British Red Cross.

[II](#): Lord Dubs; Eleanor Harrison, Chief Executive, Safe Passage.

## Examination of witnesses

Judith Dennis and Jon Featonby.

**Q1 The Chairman:** Welcome to you both, and thank you for coming to give evidence to us. We are carrying out an inquiry into asylum and are very glad indeed to have you here to start us off. Thank you for that.

This is a public session, so it will be broadcast. After we close the session we will send you the transcript in case you want to correct any factual pieces of evidence.

Would you like to begin by introducing yourselves? If there is anything you would like to say at the start, that would be helpful; otherwise we will go straight into the questions. Who would like to introduce themselves first?

**Jon Featonby:** I am the policy and advocacy manager at the British Red Cross, which is the largest independent provider of support and advice to people seeking asylum and refugees in the UK, working with around 30,000 people every year. We are also part of the Red Cross Red Crescent movement and one of 191 member societies across the world.

We welcome the opportunity to give evidence today to this important inquiry. While there is a lot of uncertainty about what might happen when the UK leaves the European Union, what we do know is that there will still be 65 million people around the world who have been displaced. So we are particularly concerned about what leaving the European Union might mean for refugee family reunion, but also for some of the funding that both we and the Home Office get from the European Union to support people as they go through their journey.

**The Chairman:** Thank you. We will cover a number of those points in evidence, I am sure. Thank you both for the written evidence you have provided beforehand. That has been extremely helpful.

**Judith Dennis:** Good morning. I am the policy manager at the Refugee Council. We work just in the UK, although we participate in pan-European projects, including an ongoing project looking at asylum systems in European countries, not just member states. The Refugee Council is mainly a service delivery organisation in England. We do resettlement and provide therapeutic support to people of all ages going through the asylum system and beyond. We have an integration service and offer advice and specialist projects for unaccompanied children.

**Q2 The Chairman:** Excellent. Thank you very much for that. It is now 10.43 am and we have other witnesses coming in at 11.30 am, so we will need to finish sharply by then. We are very grateful indeed to both of you for being here.

I will start by asking a general question. To what extent do you think the European Union's asylum policy has influenced our domestic asylum legislation and guidance? I know you have covered this to some extent in your written evidence, but to what extent has the common European

asylum system levelled up other countries to the UK standards, or is it the other way round?

**Judith Dennis:** I have the longest memory of the two of us and I can remember the first cast of the directives, and the Refugee Council contributed towards discussions on those standards. My recollection is that there was a lot of discomfort about levelling down at that juncture. Obviously this is less relevant since the recast directives. The UK adheres to the minimum standards set out in the first tranche of directives. It is varied across Europe, and things have changed quite a lot.

The European project I referred to is looking at asylum systems relating to directives such as those on reception and procedures. Across Europe, it is still very variable. I am not sure I would say that it has achieved the vision of it not mattering which European member state one claims asylum in. I think it still does.

**The Chairman:** Is it achieving it? Is there upward progress? I can see that it is varied from country to country.

**Judith Dennis:** Sure. Since 2015, so many emergency response measures have been taken. It seems that the directives still take a very, very long time to be agreed, and some of those are retrograde and some are more positive. We would very much welcome the UK being part of some of the recast directives, particularly those on family reunion and returns. But it requires everybody to adhere to that in order to have any lifting of standards.

**Jon Featonby:** I absolutely agree with what Judith has said. For the first tranche, other countries were probably coming more into line with what the UK already did. What was particularly new in that first tranche were things like the Dublin system, which changed the way the UK operates, and, as things developed, the Asylum, Migration and Integration Fund—and the UK definitely benefited from that.

Since the Lisbon treaty negotiations, the UK has had a slightly odd relationship, particularly with the common European asylum system. When the second tranche of recast directives came in in 2009, the UK used the ability not to opt in to those directives where they were not things that the Government wanted to do at the time. Some of those would have benefited certainly the people we work with. The recast reception directive, for example, would have given people in the asylum system the ability to work if they have been waiting longer than six months for an initial application. It means that the picture is now quite varied between the UK's policy and practice and that of some other European countries.

**The Chairman:** We have the 1951 refugee convention and the 1967 protocol, and indeed UK domestic law, in place. With all that, what do you think could or would be the likely change to our asylum system after Brexit, assuming that Brexit goes ahead?

**Judith Dennis:** I think it is mainly the co-operative measures, most obviously Dublin; the Red Cross, the Refugee Council and others are quite worried about the family unity clauses in Dublin. It is also about talking to each other through mechanisms such as the European Migration Network, and the statistics and analysis sections of the UK Government and other Governments talking to each other and trying to get a sense of what is happening and of emerging statistics and data. It is probably about that more than standards. That is my expectation.

**The Chairman:** That is helpful.

**Jon Featonby:** Certainly the British Red Cross's largest concern is the impact on families who have been separated if the UK is no longer part of the Dublin system. Before 2015, the UK's interaction with Dublin was about people leaving the UK and going to other European member states. Since 2015, that relationship has changed, to the point where in 2018 more than 1,000 people reunited with family members in the UK under the Dublin regulation. We are very concerned about the impact on parents, sisters, brothers if the UK is not part of the Dublin system or there is nothing in place and no ability to replicate those family reunion rights.

**The Chairman:** One final question from me. The recent immigration White Paper said, "The Government remains bound by the European Convention on Human Rights and will continue to meet our obligations". How important is that for protecting the rights of refugees and asylum seekers here?

**Judith Dennis:** It is important for all of us. We all have human rights, so making sure people can exercise those rights is an important bedrock of our system. It is difficult to say, because we take it for granted, and lots of us do not have to have recourse to the courts to protect our rights, but where that happens it is very important.

At the moment, the Red Cross and the Refugee Council are part of the Families Together coalition, which is calling for child refugees to be able to bring their close family members to join them if their future lies in the UK. They are not allowed to make applications under the Immigration Rules.

We are calling for that to change. The only way that can happen at the moment is through the use of Article 8 of the European Convention on Human Rights. Judges are rightly deciding that stopping those reunifications would breach the human rights of that family. That is just one example of where we have to ask the courts to intervene. We wish that we did not have to, but the successful cases that I am aware of have used the European Convention.

**Jon Featonby:** Article 8 is important, and continues to be important. The other main example is probably Article 3, on the prohibition of torture. It has had some importance in particular cases and for particular case law.

**The Chairman:** Thank you. That is very helpful as a start.

Q3 **Baroness Janke:** You mentioned issues to do with the functioning of the common European asylum scheme. Are there any elements, and if so which, of the CEAS or EU asylum policy and standards that you would like to see reflected in the UK in future?

**Jon Featonby:** For the British Red Cross there are certainly two that spring to mind. The first is reflective of the fact that the UK did not opt in to some of the second-phase CEAS directives, in particular the family reunification directive. As Judith mentioned, our organisations and others have called for the UK to change its domestic law to widen the eligibility criteria and allow more families to reunite. Opting in to the family reunification directive would have given children the right to sponsor their parents to come and join them. Once the child is in the UK and has been recognised as a refugee by the Government, they would be able to bring their parents across. In the UK they are unable to do that. That is one thing that we would definitely like to see changed.

The other is the recast returns directive. It contains the need for member states to have a maximum time limit on how long somebody can be detained for immigration purposes. At the moment, the UK does not have a time limit on how long it can detain someone. We published research last year showing the negative impact that that has on people's mental and physical health.

**Judith Dennis:** I do not have much to add; I think Jon has been reading my notes. I would say the same thing. The only other thing to fear when there is no framework of standards to adhere to is retrograde steps. A lot of what we do as NGOs in this country working on asylum is trying to stop the proposals that we think will take us backwards on standards. Obviously if you are not part of a framework of standards, that is a risk.

**Baroness Janke:** You mentioned in your written evidence that Dublin III has been working quite well for family reunion and that you feel it is successful.

**Judith Dennis:** Certainly of late it is. That is one area where things have got better. As Jon said, it had been very much a mechanism for sending people back. There are several reasons for that, including heightened attention on unaccompanied children being reunited. But lots of family members benefit from that, be it spouses or siblings, where there is a particular reason they need to be together. There have been very positive steps towards the family unification elements of Dublin that we would be very sorry to see go.

**Jon Featonby:** Judith makes an important point about how family reunification now works under Dublin. While there has been a lot of focus on unaccompanied children being reunited with family members in the UK, the statistics show that around 150 people came under the relevant article. The most used article was Article 9, which allows for a wider

group of family members to be able to join people in the UK who already have refugee protections.

There is some ability for the UK to change some of its domestic family reunion rules to reflect that, but it is one of those systems that very much depends on co-operation between the UK and other EU member states.

**Q4 Lord Kirkhope of Harrogate:** Good morning. With the usual caveat that White Papers sometimes end up being little more than White Papers without prospect of parts of them being implemented by government, I presume you are both familiar with the recent immigration White Paper, which has certain specific aims in relation to freedom of movement and so on and claimed that this country would continue to “provide global leadership and practical support to tackle key migration challenges”.

I put my questions in two parts. First, acknowledging the contents of that White Paper, can you give me examples from your perspective of the extent to which the UK Government have actually met that claim of global leadership on key migration challenges? What is the evidence of global leadership?

**Judith Dennis:** I would say resettlement. Our resettlement programme was massively expanded both in 2014 and in 2015. The UK can now rightly call itself a global leader in resettlement in both numbers and in the integration support provided to refugees brought here under that system.

We are very pleased to be part of this year’s tripartite consultation on resettlement, which the UK is hosting. Although the conversations take place in Geneva, the chair rotates and it is the UK this year. That is very good timing for both resettlement practice and numbers. They should be proud of that.

**Jon Featonby:** The first thing I would say is that the British Red Cross was probably slightly underwhelmed by the immigration White Paper, particularly when it comes to the asylum and refugee system. We think that the UK leaving the European Union is a very good opportunity to look holistically at how the UK treats refugees and people seeking asylum. In that regard, the White Paper is a bit of a missed opportunity.

On leadership, I absolutely agree with what Judith said about resettlement. Also, the UK continues to be one of the main contributors to international development aid, and we very much welcome that role. We are also delighted that the UK signed up to both the recent global compacts on migration and refugees. That will, we hope, present an opportunity for the UK to play a leadership role and take that forward.

**Lord Kirkhope of Harrogate:** The second part of my question deals with migration challenges. What are the key challenges that you believe this Government, or indeed the non-government agencies in the field, should address looking ahead?

**Judith Dennis:** It is tricky to have migration policies and refugee policies as part of the same basket and to treat refugees well. We wrote in our written evidence about putting protection at the heart of refugee policy. That is very difficult when you have a hostile or compliant environment that affects all migrants, including, as we have seen over the past year and longer, migrants who have been here for a very, very long time and whose future is definitely in the UK.

The big challenge for the Government is being comfortable with what has to be done holistically on migration to protect the rights of refugees. While we are concentrating on border control, that will affect people in need of protection; there is no doubt about it. Even with a resettlement programme, you are always going to have people who will not come under the auspices of that programme and who will migrate in search of safety themselves.

**Lord Kirkhope of Harrogate:** I am sorry to interrupt you, but would you not acknowledge that one issue is that providing asylum is a very different set of criteria, from the 1951 convention onwards, to the rules, which Governments from time to time change, regarding migration generally?

**Judith Dennis:** Indeed. What I am trying to get at is that while it is part of the Home Office, it is an Immigration Minister who has to hold both those policies. It is a challenge. Maybe one of the answers is to have a Refugee Minister, to be proud of protecting refugees and those in need of safety and to talk about that. We play a very, very small role in protecting the world's displaced, and we could be prouder of that not just in terms of resettlement but in terms of providing asylum to people. But it is a challenge for the Government.

**Lord Kirkhope of Harrogate:** I was a Minister for both at one time, and I wonder whether it would make it very complicated to have separate Ministers arguing their cases within the Home Office.

**Judith Dennis:** Yes. I suppose our suggestion would be for a cross-departmental Minister, who would help to bring departments together to talk to each other under the auspices of somebody at Cabinet level, much like the resettlement programme has done—in our opinion more successfully than the previous ways of doing it.

**Jon Featonby:** From the British Red Cross perspective, one of our main challenges is destitution within the asylum and refugee system. Of those we support every year, 15,000 are supported through our destitution services; they are struggling to meet their basic financial and accommodation needs.

One-fifth of those people have refugee status. Quite often they have fallen destitute because of a lack of joined-up thinking across government, particularly when people move from the asylum system and receive support from the Home Office. Once they are granted refugee status, they then get 28 days to transition to mainstream forms of

support. In our experience, too often it is not long enough, and we would like the White Paper to really get to grips with that as well.

On the second part of your question to Judith, the Red Cross focuses not just on refugees and asylum. We support people in the UK who have a humanitarian need, and that includes vulnerable migrants who do not fall into that system. There are certainly challenges around how those wider policies impact people. We have a growing anti-trafficking response in the UK, both in the sector and from the Government. But some of the policies drive people into risk of exploitation. That is definitely something that we think could be addressed.

**The Chairman:** Thank you. Lord Watts has a question on this.

**Lord Watts:** I want to drill down a bit more. In answer to an earlier question you gave an example of where the Government could claim to be a global leader. That is just one aspect of it. It is a very big claim to say that you are a global leader. What would the Government have to do to become a real global leader and to pick up the bits that enable them to have a better system in place than at present?

**Jon Featonby:** From our perspective, there are probably two parts to being a global leader: what you are doing and how you talk about what you are doing; and what you would like other countries to do. Resettlement is a good example of that. One thing that we would like the UK Government to do, particularly as the Syrian programme comes to an end, is to be bold and ambitious with their own schemes and to stress the importance of resettlement as a global response to the largest refugee crisis since the Second World War.

Similarly, one of the positive things the UK Government are doing at the moment on immigration detention is piloting a number of alternatives to detention that allow people to have their immigration cases resolved without losing their liberty. Yet that is something that the Government are very slow to talk about, both domestically and internationally.

On safe and legal routes in response to the refugee crisis, we know that more than 85% of people who have been displaced from their homes are supported by developing countries; some of the poorest countries in the world. We think there is certainly more that other countries could do to support those countries through international aid—the UK is definitely a leader there—but also by providing safe, legal routes for people to reach safety in the UK, whether through resettlement or by expanding refugee family reunion.

**Judith Dennis:** I do not have much to add, really. Some of it is about rhetoric and the way we speak about people: we cannot judge whether somebody is in need of protection when they are in the middle of the English Channel, for instance. We should probably do more in solidarity with others. In 2015, when people talked about a refugee crisis, it was just that the crisis had reached our doorstep; refugees have been leaving their homes for many, many years, and most only reach the next

country, as Jon said. Lots of the countries that refugees are living in are not safe and they will not have sustainable futures there.

We need to look at measures where agreements are made with third countries that we know are not safe and provide no future for refugees. We also need to speak about asylum as something that we should be proud of, not something to fear.

**Lord Watts:** I may be mistaken, but I thought that global leadership meant that you talked to all the other nations and worked collectively with them. That is what global leadership means to me, rather than picking out one little aspect of the policy and using it as an example. Is there any sign that the Government are actually working with other countries to share the burden and put forward positive policies to deal with the issue?

**Judith Dennis:** I think the fact that we have talked mainly about resettlement probably answers that. In resettlement we think they are justified in saying that, because they have encouraged others and set out good programmes. I do not look at every area, but I would not be able to pick any other example where I could say that with much confidence.

**Jon Featonby:** The key word in that claim is “tackling” migration issues. The British Red Cross would want any humanitarian response to any migration situation to respect people’s rights. Member states’ Governments’ might have a different view on what is happening and what leadership on that matter looks like.

**Q5 Baroness Massey of Darwen:** Welcome. I want to chase up some of the issues that have been floating around about the UK refugee resettlement programmes: Gateway, VPRS, VCRS and the Dubs scheme. You have already answered, or at least half answered, some of these questions already, and I thank you for that.

But how effective, for example, is the administration of the programmes? What about support for local authorities, which are really important in all this obviously? The voluntary sector is also very supportive of this issue. Would you like to see VPRS and VCRS extended or otherwise replaced? I am sorry, it is a very long question, but you can see where I am coming from.

**Judith Dennis:** We have both said publicly that we would like to see resettlement continue with one programme with the same rights and support, which can be tailored to people’s different vulnerabilities and needs. Some people will just need a hand getting into the UK system and will probably then need employment advice after a year or so. Some people will need longer-term support, depending on their needs.

It should be a programme that provides for people coming from all parts of the world. UNHCR is a trusted partner and can identify people who are most in need or who most fit the UK system. It is a good system and has good principles at the heart of it, which are that you do not pick people to come to the UK because you think they are going to be able to work

straightaway. They might be in need of help, and as you say, lots of that help is from local authorities.

The most pressing thing at the moment is the need for an announcement of what the funding will be from the end of the current programme. You do not want to lose the infrastructure that has been put in place in those local authorities and the good practice and expertise that has grown up.

The programme has varied in the support that it has given in different parts of the country. Some of that is about numbers. Where local authorities felt able to take only a small number, they have probably faced bigger challenges to how they provide that support. It is probably not beneficial to them to get specialist support in, but it is hard to then build up expertise.

**Baroness Massey of Darwen:** How worried are you about children?

**Judith Dennis:** When children are brought alone, as some of the VCRS children and Dubs children are, some go to local authorities that are used to looking after unaccompanied children. Some are very new to it. We very much welcome the funding that was recently announced which levelled off the rate, regardless of the mode of arrival of a child and their age. We think it is up to local authorities to decide what kind of support to provide. They should not be influenced by different rates of funding. So we very much welcome that. The funding needs to be put in place and secured for long periods so that people can plan, including for human resources.

**Jon Featonby:** Particularly from the Syrian programme, an awful lot of positives can be drawn. One of the main ones is that over 200 local authorities have taken part in it, and communities around the UK have now welcomed refugees where they may never have before through any other system.

One of the reasons why the Syrian programme has been a success, and why the UK Government will be able to fulfil the commitment to resettle 20,000 people by the end of the year, is because it has necessitated central government working with local government, local community sectors and local faith groups. That has largely been a success. What has probably disappointed the British Red Cross most is that we have not seen that learning be taken across to refugees who have come through the asylum process.

So now there is a two-tier support system. Two Syrian families could live next door to each other in the UK who may have lived next door to each other in Syria as well, but who have very different experiences of what it means to be a refugee in the UK because one came through the resettlement programme and one came through the asylum programme.

Those who come through the asylum programme do not get the same kind of funding for integration and support. English language learning is a key example of that. Whereas there is extra funding for English classes

for Syrians who come through the resettlement programme, that same money is not available for those who come through the asylum system.

It is also about some of the learning and preparation for families that happens before families arrive in the UK. We can work with local authorities to make sure that housing is available, and we can start the welfare benefit application before the family has arrived in the UK. We also support around 2,000 people each year to be reunited with family members through refugee family reunion. None of that preparation can start until the family is here.

One thing that really struck me when I first joined the Red Cross and talked to our teams that arrange people's travel when they are being reunited was that they try to make sure that family members arrive in the UK as early as possible in the day, because they know they will have to present at the local housing office to say, "We are now homeless. Can you house us?" What we would really like to see is all that learning and preparation happen as early as possible.

On global leadership, this is where the resettlement commitment becomes really important. The UNHCR identifies that about 1.4 million people in the world are in need of resettlement. In recent years, the number of global resettlement places has reduced, and this is an opportunity for the UK to be bold and ambitious about what comes next for those programmes.

**Baroness Massey of Darwen:** Finally, are you happy with the administration of those programmes? Does it work?

**Judith Dennis:** I think they have been on a journey, having had to set up a big programme quite quickly and be very flexible. I know that quite a lot of research has been commissioned by the Home Office; the independent Chief Inspector and the National Audit Office have had a look. I hope that some of the learning will feed into improvements, but it will always be necessary to be flexible about the delivery because some local authorities and strategic migration partnerships work differently. The idea that you let people know and that you work with communities and all the different agencies has been a good model.

As well as the English language I would look to mental health support. Sometimes the needs are not obvious. Although the international agencies do their best to try to assess health needs, we think that more could perhaps be done on mental health; we have seen some very, very troubled people in need of support. Again, there is lots of flexibility in how those services are commissioned. Probably some learning could be fed into improvements in a new programme.

**Lord Haselhurst:** Both your organisations clearly do an enormous amount of work and probably still feel that that is only a small part of what needs to be addressed as we look at the whole problem of migration across the world. Do you find that you tread on each other's toes in handling the different categories of person with different needs who you

come across?

**Judith Dennis:** I do not think that we necessarily have that luxury. Where we have specialist programmes, the sector is reasonably good at trying to refer across. We each have challenges for both resettled refugees and people who have come through the asylum system in places where they are isolated and there are not so many services. That could be a lack of interpreters or a lack of specialist legal representatives. There are some pockets of the country that none of us reaches very well, for the same reasons as each other.

Broadly speaking, we form coalitions to try to make improvements. Sometimes we do things differently; sometimes one agency will have more practical experience of something but will feed that into a coalition. It is not all hunky-dory, but I do not think we have the luxury at the moment of treading on each other's toes too much.

One example is funding from the Asylum, Migration and Integration Fund. Lots of us have that different funding and talk to each other about those programmes and work together on them. There are some very good examples of co-operative working, even though it can be bureaucratically a bit more cumbersome.

**Jon Featonby:** Certainly the model for the British Red Cross, particularly because we are not just a specialist refugee and asylum organisation, is to work in partnership with national partners, such as the Refugee Council, and with local organisations that might be better tapped into their community than the British Red Cross is at a national level.

I certainly agree with Judith that the UK need exceeds how much support can be provided. Our concern with the UK leaving the European Union is that it might become even harder to meet that need, particularly with the loss of EU funding streams such as AMIF. As Judith mentioned, our organisations have got quite a lot of support through that fund. At the moment, we support 300 families who have been reunited through a programme funded by AMIF<sup>1</sup>.

We could also look at the support that the UK Government provide to people and the money they get from AMIF. The UK was the largest recipient of funding through AMIF. Because of the way AMIF is structured, they had to use 20% of that funding on integration measures. That has supported training measures for Home Office staff and some assistance for refugees to rebuild their lives. If they no longer have that pot of money, the UK Government will have a decision to make: if they replace it, do they then use that money on the same kind of schemes as before?

**The Chairman:** Thank you. We need to move on fairly swiftly over the next few questions.

Q6 **Lord Soley:** I want to ask about the impact you think Brexit will have on

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<sup>1</sup> Note by the witness: this should read '900 families'.

co-operation between British and French border authorities. It is a slightly difficult question, with two edges: if we have an agreement, it might continue much as it is, but if we come out without an agreement, do you see the current arrangements continuing? There are good arrangements, but do you see there being a very sudden and dramatic impact on families and children?

**Judith Dennis:** I would worry. The Sandhurst treaty is the most recent agreement and has several elements. The family reunification element, which is for adults and children but with separate agreements, relies on Dublin at the moment to do that. I think that would be at risk. Obviously security measures and funding is the priority. My understanding is that that could still exist because it is not linked to anything else, but the family reunification elements would need a separate mechanism were they to be replicated to enable the bringing together of families as they do currently.

**Jon Featonby:** I echo what Judith said. It is hard for us to predict what that might look like. The British Red Cross works very closely with our counterparts the French Red Cross, especially supporting separated children to reunite with family members they might have in the UK. Our ability to successfully co-operate between our two national societies depends on there being national agreements between the French Government and the UK Government. If that was no longer there, we would be worried about the impact that that would have on family reunion.

Probably the main area of co-operation has been the security of the border. I am always very struck, when you go on the Eurostar and come out of the tunnel into northern France, by how many fences there now are. A lot of that has come from UK funding. The impact of that has probably been mixed, and we would certainly have liked to have seen more co-operation on helping people to be reunited with family members.

We have certainly seen a change since the Sandhurst treaty came in, in that we have successfully been able to work quite closely with the Home Office on a number of cases of separated children that might previously have been refused through the Dublin mechanism. Those children have now been successfully reunited in the UK. But there is more to be done, and there is certainly a danger that if that co-operation is not there, the impact that could have on people would be quite worrying.

**Lord Soley:** Is there any absolute reason why, if we came out without an agreement, that sort of co-operation would have to stop? Could it just continue?

**Judith Dennis:** It is reliant on Dublin. My understanding of the wording of the treaty is that it is about expediting Dublin transfers. I think the British Red Cross has done more work on this than we have. There are ways in which you can replicate that, but my understanding is that it would have to be separately negotiated; we could not just carry on.

**Lord Soley:** But the Dublin agreement could carry on working in effect, could it not?

**Judith Dennis:** It would require the member states to agree to have us involved in it.

**Jon Featonby:** The legal mechanism for reuniting families is certainly through Dublin. At the moment, Dublin, rather than something instigated by the individual, is very much a state-to-state measure, whereby the person is dependent on the Dublin unit in one member state asking another member state to take charge of an asylum request. At the moment the structure for that is through Dublin; Eurodac also plays a big role in the operation of it. You might not necessarily need the Dublin system as it currently is to operate that, but you would need another legal framework, at least, in place.

**Lord Soley:** I am not suggesting it would be a good idea, by the way. I am just trying to find a way through, if it happens.

Q7 **Lord Haselhurst:** Do you see any trends in the attitudes on migration of individual European Union member states that could have a worrying effect on future UK-EU co-operation on asylum?

**Judith Dennis:** I do not know if I am qualified to say whether it would have an effect. Some of the attitudes towards both migrants and those who work with migrants in some member states are very worrying. I honestly do not know what that relationship will be post Brexit, but the UK's role in influencing the rhetoric and taking that leadership role will, I presume, be more of a challenge when we are not in the EU. Ministers have regular meetings and chances to influence each other's policies, through EU frameworks but also just because they are in the Council of Ministers. I do not really know, but I fear we would have a less influential role over such retrograde steps as I was talking about earlier if we were not in the EU.

**Jon Featonby:** I will pick up on some of that. There is quite a big mix across EU member states at the moment, which is reflected in some of the debates happening both at EU Council level and in the EU Parliament on the proposed changes to some of the directives that make up the Common European Asylum System. There are quite large areas of disagreement between the Council and the Parliament. We wait to see how exactly it will work with the new Parliament in place. Whether that complicates the UK's ability to co-operate with other EU member states also remains unclear. The EU itself is struggling to get to grips with exactly what it wants its own policies and procedures to look like.

Q8 **Lord Best:** You have told us quite a bit about the EU Asylum and Migration Fund already. I see that it is €370 million, so this is big. If it goes, that looks pretty bad. I think an awful lot of the money goes on managing returns and does not filter through to organisations like yours. How much would you and your colleagues in the world of NGOs lose? Is this really significant?

**Judith Dennis:** It is certainly not insignificant. Just last October we started a new integration service funded primarily from AMIF, which has allowed us to employ people in London and Yorkshire and to work with partners. You are right that a lot of the money is spent on various aspects of Home Office functions, but lots of the improvements the Home Office has made in recent years in its own processing—good work such as increasing training and providing childcare for single parents who go for interviews—are funded through AMIF. Both in the Home Office and in programmes it has funded, it certainly would not be insignificant.

**Jon Featonby:** From the British Red Cross point of view, I mentioned earlier the new Family Reunion Integration Service that we are running, which is funded almost fully through AMIF—over £2 million of funding to support 300 families over three years<sup>2</sup>. It has allowed us to employ 57 members of staff<sup>3</sup>.

While that should be secure no matter what happens after the UK has left the European Union, there are questions about what happens in the future, what kind of funding is available to our organisations and others, and, as Judith said, where the UK Government use their own funding.

Q9 **The Chairman:** I have a final question for Judith Dennis. You said in your evidence to us that the UK is the only country in Europe not to have a time limit on immigration detention, and one of only two countries in the EU not to allow child refugees to be reunited with family members through refugee family reunion. Does that worry you?

**Judith Dennis:** Absolutely, yes.

**The Chairman:** Could you say a little more about that?

**Judith Dennis:** The refugee family reunion policy and rules in the UK are entirely separate from the directive. I have been talking about this for years with other NGOs and other European member states. People are shocked, surprised and horrified that we do not allow child refugees in this country—when the UK has said, “You cannot go back to your country of origin. It’s not safe for you there”, has rightly provided them with protection and is very likely to have those children living here for the rest of their lives—to bring their parents or siblings with them, even when they have been recognised as refugees.

We talk to other NGOs and member states who think it is cruel and absolutely not in the interests of most child refugees, and they are just astounded that we in the UK think this is okay.

**Jon Featonby:** The Red Cross supports a number of people to go through the family reunion process each year. We quite often see families put in difficult positions because of the lack of flexibility in the rules. At the moment, an adult with refugee status in the UK can sponsor their spouse or partner and any dependent children under 18. We have seen

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<sup>2</sup> Note by the witness: this should read ‘900 families over two years’

<sup>3</sup> Note by the witness: this should read ‘32 members of staff’

parents able to bring over maybe their wife and two children under 18 but facing a very difficult decision about what they might do with their 18 or 19 year-old daughter, who would not necessarily fit within those rules but is completely dependent on that family unit and might have to be left somewhere quite dangerous overseas.

Similarly, we do some work in immigration detention centres, but we also support an awful lot of people who have at one time been detained and then released. They tell us that one of the most harmful things about the way the UK uses detention is that there is no time limit. Somebody might be detained for only seven, eight or nine days, but when they are first detained they do not know that. Part of the reason for that is that there is no time limit. There are also people who have been in detention for a number of months, if not years.

**The Chairman:** That is very helpful. Thank you very much indeed for your evidence. Some of it leads on very well to the next session with Lord Dubs. It has been extremely helpful and has got us off to an excellent start. Thank you very much, both of you, for coming and for the work you do.

## Examination of witnesses

Lord Dubs and Eleanor Harrison.

Q10 **The Chairman:** Welcome, Lord Dubs and Eleanor Harrison. We are very grateful to you for coming to give evidence to us today. You were there for the end of the witness session that we had just now, which leads on rather seamlessly to your own evidence session. Would you like to say a word of introduction to start with? Then perhaps we might move on to questions. If you want to make an initial statement, that would be very welcome too.

**Lord Dubs:** May I make a brief initial statement?

**The Chairman:** Please, that would be very helpful.

**Lord Dubs:** First of all, I thank you and the Committee for the invitation and giving us a chance to put our case. Secondly, everything that I have done and been involved with on this issue has not been in a party political sense. I have gone out of my way to ensure that the campaign on behalf of child refugees is cross-party, and you will notice that any amendments that have been moved have not been frontbench amendments. I think it is important to get that on the record, even if I then proceed to criticise the Government a bit.

I am very disappointed with the Government's response. I had hoped from way back that they would be more positive. Indeed, when Section 67 of the Immigration Act was passed, I was told by the then Immigration Minister that the Government proposed to accept the letter

and spirit of the amendment, and it is my contention that they have rather backed off from that commitment.

Lastly, the conditions for some of the refugees, particularly child refugees in Calais, although there is nothing left of the Jungle, or on the Greek islands, are pretty appalling. There are desperate circumstances there, and I think we can do better than we are doing at the moment.

**Eleanor Harrison:** I am the chief executive of Safe Passage, a small charity that grew out of the Calais Jungle and is very focused on opening safe, legal routes for people, particularly children, seeking asylum.

To add to Alf's brief comments, we are concerned about the current state of play. Obviously it is very difficult at the moment to look at a future beyond leaving the EU, but this must be an opportunity to improve. The type of minimum standards that we currently adhere to will be very important. Current numbers of refugee children coming to the UK are very low, disappointingly so for a country that wants to be a global leader, so let us use this as an opportunity. The lack of sufficient numbers being allowed for managed routes means that we are forcing children into implicitly dangerous routes, so we are putting children at risk.

I encourage the Committee to take the opportunity to think about how our treatment of refugee children post Brexit links to other areas of policy on children's rights. When I think about what we are doing about slavery, there is the Modern Slavery Act but there are also the concerns that have been revealed about grooming and children in vulnerable circumstances and how they are at risk. Some of our treatment at the moment of unaccompanied children, including stopping them from coming to the UK, might be exacerbating those conditions. We (Safe Passage) are coming from a standpoint of equal treatment for all children.

Q11 **The Chairman:** Thank you very much. That sets us off very well, and indeed Lord Dubs has answered the question I was going to ask about the Government's response to the Dubs amendment.

Could you expand a little on that? In particular, I was wondering whether the Government had provided enough support to local authorities and voluntary organisations to support resettlement and integration, which is a sort of subset of what you were saying just now.

**Lord Dubs:** The answer is that I do not think there is enough support. There are local authorities that are willing to do more. When the amendment was passed in its final form, it had no numbers but just said that we should take child refugees. There had originally been a figure of 3,000, which had to be dropped for reasons of financial privilege.

So that was part of the problem, but the Government then said that they would arbitrarily impose a cap on the numbers under Section 67. Originally it was around 350, but they then said they had made a mistake and it was now 480, based on the Home Office assessment of the number of foster places that the local authorities could provide. We challenged

from the beginning the principle of an arbitrary figure. There are local authorities that I and Safe Passage have contacted that say that they are able to provide more polices, so there is a dispute between us and the Government on the validity of that 480 cap.

Even so, of the 480, only some 220 have arrived. So there is quite a big difference between the Government's own limits and the figure for those who have come. We have been pressing the Government on that as well, but there has been rather slow response.

The other legal route from Europe is under the Dublin treaty, and the figure there is that some 800 have arrived, mainly from France, Greece and Italy. Again, I would say that on Dublin III the Government's response has been somewhat slow.

**Eleanor Harrison:** One of the problems at the moment, and something that could be resolved, is the differentiation between different children at the moment. If a child with a family comes through the vulnerable persons resettlement programme, for example, local authorities in general are satisfied with the level of funding that they are receiving—they get an average of £25,020 over a five-year period—and if you are one of those children, you come with a form of status. Status is so important, particularly when we are thinking about mental health and well-being but also when it comes to cost savings for the Government.

The challenge is spontaneous arrivals. Unaccompanied children who manage to get here under their own steam are not entitled to the same financial support, yet councils are compelled to take them. That is a critical issue. If those children arrive spontaneously, they do not have a form of status, so things get worse post 18 because local authorities are currently not receiving any money for them. If you get here through the Dubs amendment, you benefit from 'Dubs leave'. When thinking of the future, we need to give all unaccompanied children a form of (legal) status; otherwise, local authorities are in a complex situation.

I know you have previously heard from the Home Office and they mentioned that they were having problems with local authorities taking children who were eligible under the Dubs amendment, but we have been working with Home Office officials this year and have taken the time to ring up local authorities and go to see them, and we have been able to find around 25 places for Dubs children, which indicates that local authorities are willing.

They have also made pledges for new resettlement, but there seems to be a lack of political will or urgency on behalf of the Home Office, even though these are children in deplorable circumstances. So we have found that councils are willing, but it is about the relationship between central government and local councils and their equal responsibility.

**The Chairman:** That is very helpful.

Q12 **Lord O'Neill of Clackmannan:** This Committee made recommendations

in 2016 in relation to the establishment of a system of independent guardians for all unaccompanied children. In the light of three years' experience since then, do you think this would be a help in identifying each child's best interests and improve their experience of the asylum process in the UK, given that in Scotland and Northern Ireland there seem to be approaches of this nature? What do you feel about that? Do you think it would help? If it would, are the Scottish and Northern Ireland models something that we could build on?

**Lord Dubs:** Thank you for the question. In fact I have discussed this issue in Northern Ireland; in Belgium, where they have a system of guardians; and with at least one local authority in London. As I understand it, in Northern Ireland the guardians are qualified social workers with about five years' experience, a scarce type of skill. In Belgium they are not qualified in that way; they are just people who are considered generally capable.

I think the case for a guardian is a good one because they can take a holistic approach to the needs of the child. Quite often, with different agencies, different bits of local government and so on helping, things get missed, so the idea of having a holistic approach is a good one.

When I put it to a local authority leader in London, the answer was that they do not have enough good social workers with that experience to spare. Yet in Northern Ireland they are adamant that they should be qualified social workers, not just generalists who have picked up a bit of it. I think the argument is a good one. Things do slip through the net, so the principle of the argument is good if we can find a way of marshalling the resources.

The biggest issue that local authority leaders put to me—after money, of course—is mental health. For rather odd reasons, I happen to have been given a psychiatrist from the Institute of Psychiatry, a qualified doctor, who has been interviewing local authorities on a small scale—I am not geared up to doing a full-scale research project—about mental health support.

The position is variable. Some local authorities are well on top of it and some are not. Sometimes NGOs like the Refugee Council help. My point about the guardians is that nobody takes a holistic view of the child, and this issue can slip through the net, as can others. In short, the principle of the guardians is a good one. They need to be qualified, but we do not seem to have the resources for that at the moment. I would like to see it happen.

**Eleanor Harrison:** Funding has to be provided by central government, rather than being an additional burden on the stretched finances of local authorities. That training is critical, because you want people who feel equipped to do best-interest assessments so that they are done properly and there are not mistakes that then cause costs later down the line, when we have to do reconsiderations.

**Lord O'Neill of Clackmannan:** Just to be clear, Lord Dubs, when you say “resources” you are talking about finance on one hand and, on the other, qualified, experienced personnel capable of undertaking the kind of work that senior social workers in Northern Ireland are doing.

**Lord Dubs:** Yes. I am told that there are only five guardians in Northern Ireland, because they have not been able to respond very well, with the lack of a Government in Stormont and so on. Of course, one could drop the requirement that they should be social workers with five years’ experience. One could have a lower level of experience—that might lower the cost a bit—but the answer is yes to both your questions.

**Eleanor Harrison:** Showing the gravity of the situation and the need for quality support for these children, in 2018 three children who arrived spontaneously from Eritrea have since committed suicide. That is about a lack of adequate support. They were children who should have had much more of their lives to live than any of us in this room. Those are the types of consequences that we look at.

**Lord Watts:** My daughter-in-law is a consultant psychiatrist working with children. She tells me that there is nowhere near the right number of qualified staff to deal with the present problems. Is it realistic to believe that, even with more resources, you could find the skilled staff needed to support some of these children?

**Eleanor Harrison:** I think there is a different way of looking at the problem. There absolutely are shortages in many areas of public health at the moment, but some of the administrative problems with the current system are exacerbating the need for mental health support (for child refugees). For example, looking particularly at Dublin in the EU context, there are strict time limits on transfers. Transfers are not supposed to exceed 11 months, and the Home Office has a two-month period to respond to a take-charge request.

Those are regularly exceeded, which means children are in extremely vulnerable situations. Recent research and in-depth case studies into 80 children eligible for Dublin found that it was taking on average 477 days (to conclude transfers), so we are pushing people into further vulnerability.

In a situation where resources are limited, that preventive work is not being done. Our inefficiencies and the slow speed of our transfers, which I know have been brought up by other witnesses, are costing us more in the long term. I think we should be thinking proactively to meet them. Under the Sandhurst treaty we signed last year, we made a commitment of 25 days. That is also currently being exceeded, even though we know that it is not in the best interest of the child.

**Lord Solely:** This is a very important area. If a local authority that is already under pressure is suddenly told that it has to have a qualified social worker, its answer to the problem might be to take fewer kids. There is a real danger there. I can see why a child with obvious mental

health problems or who has been through a violent situation or whatever in a refugee country might need a qualified social worker, but quite a lot of these children actually just need a “good parent” to fight their corner. I am a bit worried about the idea that you must have only qualified social workers doing it. I would have thought it is more a matter of horses for courses.

**Eleanor Harrison:** There are different processes of using guardians in different countries. The recommendation from a pan-European perspective is definitely that access to a guardian helps a child access their rights. There are different ways in which we could go about it to provide better minimum standards. We are starting at a low base, so any additional support and quality of care will make things better.

**The Chairman:** So there is somewhere in between the Belgian approach and ours that would solve or help the problem.

**Eleanor Harrison:** It would definitely help it.

Q13 **Lord Ricketts:** You were there for our exchange at the end of the previous part of the session about the fact that we are one of only two countries that do not allow child refugees to be reunited with family members through family unification.

This question is about the standard of proof the Home Office requires before children can come to the UK at all for family reunification under Dublin. We saw in your Safe Passage evidence the comment that we often see an excessively high standard of proof applied, a disregarding of the EU regulations’ clear endorsement of circumstantial evidence, and a failure to appropriately assess the evidence available.

I wonder if you could develop that a bit. What is the standard of proof that the Home Office holds children to? What would you see as a more appropriate level of proof that would improve things?

**Eleanor Harrison:** Thank you. There is a disjoint at present between what evidence is required under the Dublin III regulation and what is applied by the Home Office. There is probative evidence and circumstantial evidence, and the EU regulation is very clear that, where we can get probative evidence, for example birth certificates and other registration documents, they are very beneficial, but that, bearing in mind the often dangerous journeys people have been on and the countries they are coming from, we should also accept circumstantial evidence.

We are finding that the Home Office places absolutely all the weight on probative evidence and insufficient weight on circumstantial evidence. It is using very small differences to argue that there is no evidence. For example, there can be differences in names on paperwork. This can happen because there are many transliterations of people’s names from sending to receiving states. That can be enough to say no. Those privy to the system know that there are frequently mistakes in dates of birth when people first register in an arrival country. Children often do not

have access to an interpreter or do not understand the language a date of birth is being registered in. That has been used to reject people.

We do not provide legal aid when we ask a family member in the UK to fill in paperwork to submit to the Home Office (for a Dublin case). People often do not understand the full details of what they should be supplying, and blockages are created. There are lots of cases where the Home Office has refused people, saying, "In your original paperwork you never mentioned any siblings", yet the Home Office does not appear to have asked if there were any siblings.

Part of the discrimination against some populations, such as the Kuwaiti Bidoon, is that they are not given access to things like birth certificates and registration documents, so we are discriminating against them further. To give a particular example of how difficult it can be, DNA evidence is sometimes a last resort, but that sounds much easier sitting in this room than it is in practice.

You are talking about cross-border DNA collaboration, with particular laboratories working with minors, and the cost involved is significant. We recently worked on the case of a young refugee in the UK trying to help his underage brother in Greece. It took over 15 hours of our legal time and collaboration between the UK lab, a Greek doctor and various lawyers to be able to prove a link, and in the end there was enough evidence on the circumstantial basis. This process costs us money and creates delays, so these seem to be obvious areas where adequate training for Home Office staff to improve direct acceptances would be beneficial to all concerned.

**Lord Ricketts:** And so bring it back into line with what the regulation actually requires.

**Eleanor Harrison:** Exactly. If we actually adhered to the regulation in its full form, that would be beneficial. And with the Home Office under pressure with limited resources, it would not have to look at the cases so many times.

**Lord Ricketts:** Very briefly, if as a result of Brexit we leave the Dublin system altogether, this may even get worse. If we do not have the pressure of Dublin-level regulation to try to live up to, I can see it perhaps slipping back.

**Lord Dubs:** There would then in fact be no legal path at all for these children unless they somehow came under Section 67, which is primarily intended for children with no family here. I think there is a later question about this, but we got an amendment through both Houses, so that if we leave the EU in the event of a managed deal, we should be able to negotiate the continuation of the Dublin treaty even after we have left, although that of course depends on a managed exit as opposed to a crash-out and on our ability to negotiate. The intention of both Houses of Parliament in passing that amendment was to maintain the benefits of the Dublin treaty beyond our departure from the EU.

Q14 **Baroness Pinnock:** You have broached the question that I was going to ask.

**Lord Dubs:** Sorry.

**Baroness Pinnock:** No, no, that is fine; you did not know it was coming. If Brexit occurs and we leave the Dublin III system, what are your main concerns about that? How will it impact on unaccompanied children and family reunification, and can they rely on the European courts or domestic law to put these matters right?

**Eleanor Harrison:** We should not and do not want to be in the position where we rely solely on the European Convention on Human Rights and domestic legislation as it currently exists. In its current form it is not sufficient for family reunion, so we would need to make additional legislation. Is it helpful to say the kind of things that we want?

**Baroness Pinnock:** Yes.

**Eleanor Harrison:** The problem with the European Convention on Human Rights is that there is no particular reference to separated families, so in the UK they would be able to reunite as a family only with a grant of leave outside the Immigration Rules.

On the earlier question about excessive evidence, our threshold is incredibly high whereas under Dublin III you are looking to prove the family link and that it is in the best interests of the child. That is really important. It would be really important in any negotiation, and in any domestic legislation, how we defined a family member. It needs to go beyond a spouse or civil partner to include a parent, grandparent, uncle, aunt, brother or sister of the child.

We do not currently have procedural safeguards in domestic legislation. I come back to what I said earlier: time limits relating to types of evidence and a procedure for re-examination are required.

**Baroness Pinnock:** So it would be a disaster for those children.

**Eleanor Harrison:** We would definitely be exacerbating situations in which people were already incredibly vulnerable. There are currently a lot of homeless children in Europe. Take Greece, for example: we know that there is no accommodation for at least 1,000 unaccompanied minors at present.

**Lord Dubs:** In the situation where Brexit has happened, legally as far as Section 67 is concerned, there should be no difference, but even that depends on a level of good will and co-operation between the British and French Governments or the British and Greek Governments. If that level of good will is not there, achieving the working of the Act will be much harder. We depend upon good will and co-operation, but over the past two or three years we have heard the British Government blame the French Government and the French Government blame the British

Government. I am not going to get into that argument except to say that we require a good level of co-operation.

The question of the Dublin treaty will depend, as I said earlier, on whether we can maintain it as part of our legislative basis after we have left the EU. If we crash out, it will not be there. That is all a bit uncertain at the moment, and of course that will affect more children than Section 67, because there are more of them seeking to get here because they have members of their family here.

So I worry about the level of good will and co-operation. The more good will there is, obviously, the better the system can work.

**Q15 Lord Haselhurst:** Section 17 of the European Union (Withdrawal) Act 2018 requires the Government to seek to negotiate an agreement on family reunification for unaccompanied minors. I would be interested to know what you feel should be the key features of such an agreement. A thought has crossed my mind: is there a risk that needs to be taken into account, causing the high standard of proof, that one might be delivering a child who is proven to be of the family into an abusive situation?

**Eleanor Harrison:** I completely understand that risk. I assure you that the level of evidence required is sufficient to ward against that. Depressingly, it is much easier for a trafficker to use an illegal route than a legal one, so where people want to act badly they are not using these mechanisms. We are constantly alert and checking evidence and information whenever we are dealing with a family and the child.

Referring to my previous answer, the features of a future agreement have to be both substantive and procedural. The definition of "family" is really important; it has to have a broad enough link. You might feel, "I can understand that it's in the best interests of the child if we're reuniting them with a parent, for example, but maybe it's not so important if it's an aunt", but often these people have come on very perilous journeys. We have certainly had to deal with people who have lost family members on the way; they did not start out as an unaccompanied minor but lost family members in the Mediterranean, and their last living relative might be an aunt or uncle in the UK. That shows you how important it is to have that family link rather than leaving a child unaccompanied and without parents in Greece.

As I said, when it comes to procedures, I think there should be a legal guardian and legal assistance in the sending state. If you have a lawyer to help you, you are much more likely to be accepted, which is true for any type of legal work. There is urgency in the length of time that it takes. I apologise for repeating myself, but it is really important to have a clear mechanism for reconsideration. As in other areas of the asylum for the UK, our rejection rates are very high at present, much higher than other European nations.

**Lord Dubs:** I will add a couple of thoughts. About two years ago, it was put to me by the previous chief executive of Safe Passage that where the

NGOs were able to follow up on whether there was a family relationship the success rate was very high, but where it was left to the Home Office the success rate was much lower. Clearly that raises a number of questions but, to repeat an earlier point, if you have a Syrian boy in France saying he has an uncle in Wolverhampton, maybe he does not know that it is not Wolverhampton but Birmingham—maybe he has the wrong address. All sorts of things can go wrong, but a bit of clever detective work can pin that down.

Could I, however, mention one other point, which may be arguing against all my beliefs and principles? To be honest, sometimes, although not often, the Dublin III arrangements fail, in that the receiving member of the family may not prove to have the resources or the will to continue supporting the child. It does happen sometimes. Obviously attempts are made to check on that, but we are not in a perfect world and sometimes it just does not prove possible, and then the local authority steps in. However, that does not happen often, and on the whole the Dublin III arrangements work very well.

**The Chairman:** That is very helpful. Thank you.

**Eleanor Harrison:** To add to the answer to Lord Haselhurst's question, you always have to be conscious of the possibility of the rules being manipulated, but certainly from our perspective we have quite detailed safeguarding policies in order to be alert. If we think that something does not seem right, we as an organisation have a process for identifying that and doing additional follow-up work. I hope that other organisations follow a similar practice.

**Lord Haselhurst:** Beyond what you have already said to us, would you be able to provide, in written form rather than immediately, more detail on additional guarantees that you would like to see for the UK/EU family reunification routes to be open after Brexit?

**Eleanor Harrison:** Definitely. I would be very happy to do that in writing afterwards.

**The Chairman:** Perhaps I should say now that at the end of the session, if there are additional points that you think it would be helpful for us to be aware of which you have not mentioned to us in the session, they would be helpful to us too.

Q16 **Lord Soley:** What assessment have you made of the impact of Brexit on co-operation between the British and French at the border? Lord Dubs, I think you have had a very important influence on this and it is not as bad as it was some years back, but what impact do you think Brexit will have on that border?

This is a difficult question in a way, because of course if we get an agreement it might continue more or less as it is, but if there is no agreement then it is hard to know what will happen. What is your assessment of the co-operation between the British and the French on border controls for immigrants and vulnerable refugees?

**Lord Dubs:** First, I hope very much that, on whatever basis we leave the EU, we will work very hard to maintain a good level of co-operation, because otherwise both we and the French will be the losers. I hope the Government put a lot of effort into maintaining that.

If we leave with a deal, hopefully we will have the Dublin III route as a legal means for some of the young people to get here, as well as Section 67.

If we leave without a deal, I suspect that the level of good will and the willingness to co-operate will be less. Safe Passage told me a while ago that in order for someone—say, a young person sleeping rough in the Calais area, which they have been doing since the Jungle was removed—to register, they have to do so in Lille. I am not sure that this is still true, but the registration office certainly was in Lille. Lille is quite a long way from Calais and the NGOs have to provide transport. The office in Lille was staffed for fairly short hours by just two members of staff, so it was pretty frustrating to try to get someone registered, which has been another reason why things have been held up.

These are all areas where we need a level of good will. I met the Prefect in the Calais area some time ago to try to see if we could maintain that level of co-operation, but of course some of it is driven locally while some is driven from the centre.

I am sorry I cannot give a better answer, except to say that I think co-operation must be maintained if we are to do any justice to the young people. I also think it is in the interests of the French authorities as well as the British authorities.

**Eleanor Harrison:** At the heart of future co-operation has to be the well-being and best interests of the child. Sometimes we allow differentiation between children who are fleeing persecution and those who need asylum for other reasons. When we signed the Sandhurst treaty last year, the Government allocated an additional £44.5 million, but that was really for CCTV and border protection. We have created additional fences and the French authorities are destroying more camps on a regular basis—I was in France just a few weeks ago and the police were a very heavy presence for people living in informal situations—but we are not meeting the 25-day deadline that we set for transfers, and we have seen no improvement in that transfer rate.

Co-operation will be really important, but let us remember who we are dealing with and the fact that—alluding to some of your earlier points—if we do not have an efficient, fair and transparent system that lets people know what is going on, we exacerbate mental health and other trauma.

**Lord Soley:** Can I press you a little on the no-deal situation? I agree entirely on the co-operation bit. This is what I am struggling with: if we come out without a deal, is there any absolute reason why we could not continue on a co-operative basis along the lines of the Dublin model?

**Eleanor Harrison:** Caroline Nokes might have alluded to this in her evidence. There is a draft statutory instrument for what might happen in the event of no deal—I believe it is still very much in draft form—which shows that there is a willingness from the Government’s perspective to try to negotiate on the basis of Dublin<sup>4</sup>.

However, it will be important to be proactive and for this area to have a focus. One of my critical concerns is that in other people’s priorities in negotiations in the event of no deal, asylum is not at the top of the list. It requires focus from within government, and we have to think very carefully about what happens when the EU moves beyond Dublin III. That is of grave concern to me. The Dublin IV regulations are stuck at the European Council and we have not adopted those, so we could end up with a differentiation of policy standards.

**Lord Soley:** In the worst-case scenario there is no absolute reason, no legal reason, why we could not just say, “For the moment we’re going to go on doing what we were doing before we crashed out”.

**Eleanor Harrison:** Exactly. You are correct.

**Lord Soley:** What other countries in the EU, apart from France, do you think this is critical for? Is it Belgium, Greece or what?

**Eleanor Harrison:** Could you repeat that?

**Lord Soley:** What other countries, apart from France, is this question critical for? Is it Greece, is it Belgium, or what?

**Eleanor Harrison:** It has to be a pan-European response because the flows of refugees change. For example, it is likely that Greece will continue to be a dominant country for arrivals but, with the EU-Turkey deal creating a block on people seeking sanctuary, we are seeing more people coming up through Spain, which would never have been considered a priority country.

That is why a pan-European approach is critical, otherwise you are trying to predetermine how people will travel. You have to think about it as a whole. Without our being within the EU, it might be expected by our European colleagues in any negotiation that we do more. I think that we rank 17th out of the 28 European nations right now in the numbers of people that we are taking, but they might not be willing to accept us in 17th position once we are out of the EU.

**Lord Dubs:** May I add a couple of comments? Something that you have not mentioned is that the British embassy in Greece has one staff member who is dedicated to child refugees and therefore very much concerned with the working of the Dublin treaty. I am not sure whether there is an equivalent to that in the British embassy in Paris, but it certainly seems to help things along a bit in Greece.

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<sup>4</sup> Note by the witness: ‘This was a draft statutory instrument but has now been signed into law.’

There is something that I have to confess I am not certain about. I am trying to think back to meetings that I have had at the Home Office and to debates in Parliament on the amendment to the European Union (Withdrawal) Bill. I have doubts that legally it will be as easy to have children come over on the basis of family reunion if it is not part of a treaty that we have achieved with the EU. In other words, if there is no legal basis for it, we would simply be saying to the EU countries, "You've got a child there and that child has a family here", and there might be difficulties. The Home Office simply said, "Be careful. There could be difficulties with that if we don't enact it as part of our withdrawal".

**Lord Ricketts:** To extend very briefly the discussion on border co-operation with the French, I lived the 2015 crisis as the ambassador in Paris, so I saw it from that angle. It is worth bearing in mind that you have to see the thing as an interconnected series of things. There is the fluidity of the millions and millions of people passing through Calais every year on trains and boats; the huge pressure of illegal migration in France towards Calais anyway, which the French, with our co-operation, need to deal with; and asylum and dealing with family reunification. You have to see the whole thing if you are going to maintain co-operation with the French, because that is how it looks in Calais: one very complicated set of questions.

From our point of view, the positive is that to keep good co-operation with the French we need to make a good offer on family reunification for children to help them with the pressures they have in the camps. Whatever kind of Brexit happens—no deal or whatever—if we are going to maintain bilateral co-operation with the French on the whole range of issues on the border, they will probably expect us to take more than we have been taking under the Dublin amendment and to be as responsive as possible.

If there is not complete legal certainty, perhaps we need a bilateral arrangement with the French to keep their good will on the wider border. It is a slightly complicated point, but if we lose their good will by completely shutting down on taking child migrants, that will not help us on the larger question.

**Lord Dubs:** I agree completely with that. All the evidence is that we should work towards some form of bilateral agreement if we crash out without a deal, because otherwise it will not work. I hope the British Government are extending a hand of co-operation to the French on this—even now, before we have finalised our arrangements.

**Eleanor Harrison:** It needs to go beyond children eligible through family reunion. For unaccompanied children we have Section 67 of the Immigration Act, but I think we would all consider 480 children—which is the target; only 220 have currently been transferred—to be somewhat inadequate. The French expect us to take our fair share of unaccompanied minors. Any future resettlement programme must include unaccompanied minors who have got to Europe but are stuck in going any further.

**Lord Kirkhope of Harrogate:** Having had quite a lot of experience of Dublins of all numbers, and indeed the lack of success of the implementation of Dublin in many ways, I come back to the bilateral point that Lord Ricketts has just mentioned. I get the feeling that in a post-Brexit situation, organising any bilaterals, whether with France or any other country, to cope with these issues will be much more difficult than if we had an open field to do so.

In other words, will not the great things going on in Europe to try to bring about a co-operative effort through Dublin, the sharing of responsibilities and so on, to some extent arbitrate against the possibility of us getting bilateral agreements, particularly with any European countries? Am I wrong about that? What is your view?

**Lord Dubs:** I will tell you the answer. If we leave the EU with a deal and the Government negotiate as they are supposed to under the European Union (Withdrawal) Act, we have the basis and the statutory cover for proceeding. Section 67 should continue anyway. It has nothing to do with any legal framework other than our own law and our willingness to take people. Those things should continue.

Clearly, if the Government do not succeed in negotiating or if it is overtaken by other events—if Dublin III is replaced by Dublin IV—our Government might say, “The amendment talks about Dublin III, not Dublin IV. We’re in a new situation”. They might seek to limit its scope that way, so we have to keep watching what they do. I agree.

Q17 **Lord Best:** My question is a chance for you to summarise all the good things you have said so far. You noted in your opening remarks the statement in the immigration White Paper that the UK, “will continue to provide global leadership and practical support to tackle key migration challenges”. We heard in your written evidence that the Vulnerable Persons Resettlement Scheme and the Vulnerable Children’s Resettlement Scheme are both coming to an end in 18 months. What should follow? What are the priorities?

**Lord Dubs:** I will start and then Safe Passage can follow up. Together with Safe Passage, we have a policy request for the Government: that on the anniversary of the Kindertransport, when Britain took 10,000 unaccompanied children from Germany, Austria and Czechoslovakia in the space of under a year between 1938 and 1939, we have asked that Britain should commit to taking 10,000 unaccompanied child refugees over 10 years—1,000 a year—which is probably somewhere between three and five per local authority.

It is a fairly small ask, and it would be a great commitment if we could do that. We argue that that 1,000 a year should not just be from Europe but should include young people from Jordan, Lebanon and Turkey. That is one big ask, and we keep pushing the Government but we have not had much of a response.

The other one goes a bit wider. If we had enough influence in the EU, we could argue it more positively. I think we should move towards a Europe-wide policy on refugees. Countries do different things, and laws, rights and protections are different. It would be better if we had such a framework. I am bound to say that our influence on achieving this within the EU is probably less than if we had remained full members, but I would like to see it. I think there is general agreement that we should move towards a Europe-wide policy, and I still think that we should argue for it even if we are not in the EU. A Europe-wide policy would make sense.

Part of that is that countries should share responsibility. I have never argued that we should take them all, I have argued that we should take our share, and a Europe-wide policy would suggest that we should take our share, along with other countries, and see it as a Europe-wide issue, rather than leaving Germany and Sweden to do the bulk of it and countries such as Hungary—and now Italy, which has taken a lot and has now said “no more”. Countries like Greece are taking far more responsibilities than their ability to cope with. Those are the two things: the 10,000 pledge and working towards a wider European refugee policy.

**Eleanor Harrison:** If we want to be a global leader in this field, and I believe that we can be, we will definitely have to work on having only 0.02% of the world’s refugees. I think we would all agree that global leadership would need to see a higher percentage than 0.02%.

On specific next steps, you have just heard from Refugee Council and the British Red Cross. In overall numbers, UNHCR was asking for 10,000 refugees per year. The Our Turn policy ask, which relates directly to the Kindertransport, is that at least 1,000 of those 10,000 should be children, both those who are unaccompanied and those in very vulnerable situations.

We really need your support for and attention on the resettlement programmes to make sure they include children from Europe. They are being neglected and are in incredibly vulnerable situations. We should not be so specific that children can come only from the MENA region. We know that there is crisis and conflict across the world, so we should be open to that.

More than 25 local councils have pledged places for our ask, so local authorities are willing. Over 1,200 places have already been committed by councils, so they are willing to do this. But a resettlement decision is urgent. Bureaucratic machineries move slowly, as you know, but skilled, experienced people are currently in position. If we do not make a decision soon, there is a danger that roles will be discontinued and that we will lose the knowledge we have built up so that we continue to do better and better. I ask for and urge your support on that, because we are talking about young people who just want an opportunity and a chance.

**The Chairman:** Thank you both very much indeed from us all. It has been an extremely helpful and worthwhile session, and we are very grateful to you for the work you do.

Lord Dubs, it was a great pleasure to have you giving evidence to us after all the work you have done over the years on this subject, so thank you very much for that.

**Lord Dubs:** Thank you to your Committee for the interest you have shown; we are very grateful.

**The Chairman:** Not at all.