HOUSE OF LORDS

Select Committee on the European Union

Home Affairs Sub-Committee

Oral evidence—Brexit: Future UK-EU co-operation on asylum and international protection

Wednesday 10 July 2019

10.35 am

Watch the meeting

Members present: Lord Jay of Ewelme (The Chairman); Lord Best; Baroness Jolly; Lord McNally; Lord O'Neill of Clackmannan; Lord Ricketts; Baroness Scott of Bybrook; Lord Soley; Lord Watts.

Evidence Session No. 4 Heard in Public Questions 39 - 45

Witness

I: Mr David Bolt, Independent Chief Inspector of Borders and Immigration.

Examination of Witnesses

David Bolt.

Q39 **The Chairman:** Welcome to you. We are extremely grateful to you for coming to give evidence to us. We are in the middle of an inquiry into the asylum system and how it might be affected by Brexit. It is very helpful indeed that you have come to give evidence to us. As you will know, this is a public session and is being broadcast. It will be transcribed. After the session is over we will send you a copy of the transcript to correct any points of fact and so on. That is the system.

We are very grateful to you for being here, as I said. We are aware of some of the reports you have written and we have been looking at them. That has given us useful background into your role and some of the work you have been doing recently. Thank you for that.

To start, could you give an overview of your remit and responsibilities as Independent Chief Inspector of Borders and Immigration, particularly as it relates to the asylum and immigration system? That would be a helpful introduction. If you want to make any presentation initially before we go into questions, that would be very helpful too, but if you would prefer just to go straight into the question, that is fine by us.

David Bolt: Thank you for inviting me to give evidence to the Committee. I do not get very many opportunities to attend committees, perhaps surprisingly, so I am very grateful for this opportunity this morning.

I will try to be quick in explaining my role and responsibilities, since I suspect many of you are already well aware of them. Essentially, my powers derive from the UK Borders Act 2007, which set up an inspectorate. It set it up with a pretty clear mandate; the legislation is very helpful and clear about what it expects me to do as the chief inspector. It sets the parameters as all the functions that fall to the Home Secretary that relate to asylum, immigration, nationality and customs. It is a pretty wide-ranging remit.

One point that is worth making straightaway is that that means that I do not look just at the Home Office, Home Office officials and how they deliver those functions; if those functions are delivered by other government departments or parties, they also fall within the remit.

I have been doing this job since May 2015. I am the second chief inspector. My predecessor, John Vine, started in 2008 and his tenure ran to 2014. He published over 70 reports with over 500 recommendations.

The Chairman: Over 70?

David Bolt: Yes. Since 2015, I have published 63 reports and made over 300 recommendations. I have stopped counting the number of recommendations, actually, and I am not necessarily aware of the precise number. The point is that the inspectorate has made no shortage of recommendations to the Home Office, but, as I will come on to, there is

no shortage of other parties also making recommendations, including, obviously, committees.

One issue for this inspectorate is to make sure, if we make recommendations or look at particular bits of the Home Office's business, that we are not duplicating or going over ground others have already done. My title says that I am independent, which is absolutely the case. I am appointed by the Home Secretary. I report to the Home Secretary and all my reports are submitted to the Home Secretary. They are all laid in Parliament and published, so everything is open.

Part of the independence is deciding my programme and what I will look at. Although the legislation sets out the range and remit, after I had done the job for a year I decided that I needed a published programme and that it would be helpful to have a three-year rolling programme. I have a published three-year programme on my website. I also put it into my annual report.

I divided that three-year plan into themes, which broadly look across the Home Office's work rather than at its different directorates. The first theme is protecting the border. The second is providing services to applicants, claimants and, as the Home Office likes to call them, customers. It is within that particular theme that I have done most of the inspections looking at asylum or elements of the asylum system.

I have another theme looking at compliance management and enforcement, and a further one looking at the Home Office working with others. As I mentioned, and as you are aware, other government departments, but also other agencies and commercial partners, provide many of the functions of the Immigration Service. I have looked at the relationship between the Home Office and those various other agencies on occasion.

The last theme is learning and improving, to see whether the Home Office is a learning organisation and improving from its experiences.

I think you are interested in how I decide which particular inspections I do within that programme at any one time.

The Chairman: I was going to ask about that. You have laid out a rather admirable, well thought out in advance set of programmes, but if a particular problem arises, can you insert it into your programme so that you are responding to concerns and problems as well as setting out a three-year rolling programme of inspections?

David Bolt: I should have said that the programme is informed by a number of sources. Particularly relevant to this morning's discussion is a forum of stakeholder NGOs, the Refugee and Asylum Forum. We meet two or three times a year.

When it comes to looking at the year ahead in particular—the business year that starts in April—I will have a meeting with that forum, probably in February, to consider what is already in the programme and what the

priorities are now from the perspective of the members of that forum. We will look not just at the things in the programme and where within those things there are particular interests and priorities, but at any new things. They can contact me at any time; we are in routine contact anyway.

I have also tried to make better use of my website to try to encourage the general public and anyone with a particular interest in any area of the borders and immigration system to contribute specifically to inspections where they have been launched, but also more generally. I get a reasonably large postbag of issues from people who have encountered in the system in some way, usually complaining about it. They write to me with their concerns. That also might spark something.

I tend not to chase headlines. There are various reasons for that. One is that, while I have tried to accelerate the inspection process, inspections are not quick—not if you are going to do them thoroughly and in the depth necessary in what is a complex system. So I might not be as responsive as some might like to the thing of the moment; there has to be more planning than that.

Equally, I have tried to produce a programme that is more strategic in its effect, in that there are connections between all sorts of different parts of the process and of the work. Once I pursue one bit, something else might occur as I am doing that. I will then take that on and look at it in more detail as the next topic.

The Chairman: That is very helpful. Thank you. That has given us a clear view. We will explore a number of the points you raised as we go through the hearing.

Lord Watts: You and your predecessor have obviously been very busy. I think you said that your predecessor made 500 recommendations and you have made 300, and that you have had 65 reports. How many of those recommendations from you and your predecessor have been adopted?

David Bolt: That is a very good question. The process works with me submitting a report, which is published and laid in Parliament. At the same time, the Home Office produces its response to the recommendations. It will respond in one of three ways: it will accept the recommendation, partly accept it, or reject it. In the 300—or whatever number it is—recommendations I have made, possibly about 5% of them, a dozen or so, have actually been rejected. The vast majority are accepted, or usually partially accepted.

You then have to look at what the Home Office says alongside its acceptance or partial acceptance. It usually gives a narrative explanation of what it thinks about the particular recommendation and what it will do about it. Often I read something that is labelled an acceptance, or partial acceptance, that feels more like a rejection when you read the language behind it.

One of my concerns after I had been doing this for about a year was how I could hold the Home Office to account for what it said it would do in response to recommendations. I introduced a process of re-inspection. I now go back to the previous inspection report and recommendations and look particularly at what the Home Office said it would do. It is really checking that, rather than the recommendations. Often the Home Office feels that it has done as much as it can and has done what I have asked it to do, or what it intended to do, but when we look at it in detail that is not always the case. How far it has actually implemented the recommendations is a complex question to answer.

There is also the question of whether it is the what or the how that I am concerned about. Generally speaking, I do not care too much how the Home Office achieves the improvement that I propose it needs to make, so the how is less important than the what if it actually achieves it. If it comes up with a different way to achieve the same thing, that is fine.

Lord Watts: Would it be possible for you to give the Committee perhaps five of your key recommendations that you feel it has failed to take on board 100%?

David Bolt: I am very happy to do that.

The Chairman: That would be helpful.

Q40 **Baroness Jolly:** Bear with me, because my question is quite long and there are a couple of bits to it. It is about family reunion. Your 2016 inspection found that the Home Office was too ready to refuse applications on the basis of insufficient evidence to satisfy the eligibility criteria, when deferring a decision might have been a fairer or perhaps more efficient approach. Previous witnesses have suggested that this continues to be a failing in the Home Office's handling of family reunion cases. In fact, one organisation that gave evidence to us suggested that there was also a lack of political will.

What was the Home Office's response to your inspection report? Has progress been made in implementing your recommendations? Is your recently announced re-inspection of the family reunion process routine—it is three years since the last one—or in response to continued reported concerns within the system?

David Bolt: Thank you for the question. This topic has particularly interested me, and rather exercised me, in my time as chief inspector. The family reunion application problem was first drawn to my attention by a number of NGOs concerned about the length of time it was taking to make decisions and decisions that did not appear to be rational. There was a dysfunctionality in the process. That is when I looked at it the first time, in 2016.

Many of the things the NGOs had drawn to my attention were indeed what I found. In particular—this is where there has been change—my concern was that the family reunion application process was being treated very much as a visit visa type of application and was being

decided by entry clearance officers in post in much the same way as they would decide whether someone had applied to come here just on a visit or maybe as a student.

It seemed that that was missing the point of what family reunion applications were all about. Essentially these were asylum-related and humanitarian protection cases, which required a different sort of approach. The readiness to refuse came from seeing them as the wrong thing.

Straightaway—in fact, before the report was published—there was a revision of the guidance relating to family reunion. Obviously a dialogue takes place between the inspectorate and the Home Office as we are going along. The Home Office was very quick to change the guidance—much quicker than it has been in many other instances. That made an improvement, or appeared to make an improvement.

I looked at three posts—Istanbul, Amman and Pretoria—the posts that were considering most of the applications, and of course making most of the refusals. When I looked at Istanbul a year on, the guidance did appear to have made some difference. In particular, it seemed to make some difference to the use of the compassionate grounds and exceptional circumstances criteria within the Rules, which had not previously, it seemed, been exercised at all. I was mildly optimistic after a year that things were changing.

Two areas had not changed at all and concerned me. One was the use of interviews and actually interviewing the applicant or the sponsor. The sponsor was obviously interviewed as part of the asylum process, but they were not interviewed again as part of the application process. That seemed in part to turn on the availability of interpreters; I am currently looking at that as a live inspection at the moment. It also turned on the willingness to have an interview as part of the process as opposed to a paper-based decision, which is essentially what most of the Home Office decision-making is.

The other issue was DNA. Up to I think 2014, the Home Office was prepared to fund DNA tests in certain circumstances when it felt that that would be clinching evidence. It withdrew the funding. As a consequence, the numbers of refusals for Eritrean and Somalian applicants—I looked at Eritrean and Somalian applicants in particular—doubled.

It seemed to me to be the clinching piece of evidence, particularly when we looked at current casework and found that, having refused on the first application, when the reapplication was made with a DNA test result, the grant was made. So it seemed reasonable to suggest that the Home Office should reinstitute the funding in certain circumstances.

On those two points, there was no movement at all, which was disappointing. A year on from that, I went back to Amman and looked at what was going on there. Some of my optimism eroded a bit; it did not seem as though it had moved on as I had hoped it would, and there were

still what I considered to be odd decisions in relation to certain applications, particularly for family members who were outside the eligibility criteria; there are obviously tight eligibility criteria particularly in relation to the age of children. In some instances, some flexibility was being shown, but in others where the circumstances seemed similar it was not. There seemed to be a bit of a lottery as to whether you were considered outside the Rules.

Pretoria this year—we are going to Pretoria this month—was, from my point of view, completing the cycle; having looked at two of the three posts previously, I wanted to look at the third. My appointment comes to an end in April, so I felt that there was a piece of unfinished business to try to complete. That is the reason for doing it.

The one thing that has changed and is worth mentioning, and which I have some optimism about, is that decision-making has now moved into the asylum area in Sheffield for most decisions about family reunion applications, with the exception of some in Pretoria. My hope—and, I think, our limited experience at this stage from the current inspection—is that, from talking to the decision-makers who are now involved in this, it seems that they are coming at it from a rather different direction, an asylum direction, rather than from the direction of visa applications.

The Chairman: I have one follow-up question on the DNA testing. I think you said that after the funding was withdrawn, the number of people applying increased.

David Bolt: No, the number of refusals increased. The rate of refusal for—I think I am correct—Somalian and Eritrean applicants doubled after the withdrawal of the DNA testing.

There was also an issue about whether there was clarity in the guidance about whether a DNA test should be submitted as part of the evidence. That is still rather unclear.

The Chairman: Was the withdrawal, as far as you can tell, simply on financial grounds—the Home Office was cutting its budget, so this was cut out?

David Bolt: I cannot prove that, but that certainly seemed to be the issue.

Lord Soley: On the DNA issue, my memory—it might have changed a bit—is that the concern was that applications from Somalia and Eritrea were often used by Kenyans. Was that why you felt that the DNA test was important, and would that explain the sudden change in the statistics?

David Bolt: It might do. That was not something that I was particularly focused on. As I said, I was more concerned with the casework that we looked at where there had been a refusal not just in Eritrean or Somalian cases but across the nationalities that we looked at. The only thing that appeared to change when the reapplication that was submitted was

granted was that DNA test results had been provided alongside the earlier evidence. It did seem to be the clinching piece of evidence. That was the real reason.

Q41 **Lord Watts:** What is your assessment of the effectiveness of the integration support available to people granted asylum in the UK? Could you give us some idea of the efficiency of the present administration system that is dealing with this issue?

David Bolt: I am not sure that I am as knowledgeable about all of that as you may hope, but I can certainly comment on the bits that I have looked at through the inspections.

I guess that most of what I know about integration comes from our inspection of the Vulnerable Persons Resettlement Scheme, previously the Syrian resettlement scheme. We looked at how that scheme was working—the inspection was actually from the end of December through to March 2017, so it is quite dated now—and the various stages of the journey that someone would make from Syria through to the UK and the opportunities in that journey to try to help with the integration piece.

Obviously, the primary burden of integration falls on local authorities and what they can provide refugees once they are in the UK. One of the questions that came out of the Vulnerable Persons Resettlement Scheme was what more could be done with people who were going to be resettled to the UK prior to them leaving the theatre.

One reason why that came about and my concern was spiked was that the length of time it was taking between the decision to resettle someone and their actually being brought to the UK was getting longer and longer. It got to 35 weeks, I think. Within that 35 weeks, the integration piece, which was being delivered by the International Organization for Migration, was, I think, two days—a two-day integration workshop two weeks prior to arrival.

It seemed to me that there was a significant missed opportunity there, particularly if one of the concerns with integration is the ability to speak English. There were many, many weeks when you might be able to give someone English-language training before they arrived that would put them into a much better position once they arrived, because many of the individuals arriving had had no exposure to the English language prior to arrival.

Some of them were struggling to access English language courses when they were here. Of course, without English there were all the other knock-on consequences on the ability to find employment and access any of the other services. It seemed to me that integration needed to start much earlier, certainly for this programme. That does not quite work if you have spontaneous arrivals or people who are not in a programme, but certainly something as organised as the VPRS could do that.

Lord Watts: I do not know whether you are familiar with the Norwegian system, which the Committee has looked at. It funds each local authority,

which directs people into a certain area and gives them I think a five-year fund. If it can integrate them and get them jobs, they keep the money. There is an incentive to get people integrated much faster than appears to be the case in the UK, where certainly some groups seem not to be integrated at all.

David Bolt: One of the things I looked at in the Vulnerable Persons Scheme was how the funding was allocated and used. We are now a couple of years on, so I do not know in any detail what has happened since, but certainly in 2017 one of the problems was that there was a reasonably sized fund available for a variety of things, including integration, special facilities, healthcare and things of that nature, and it was not really being used; it was being underused.

The figure is that some £2.4 million of £17 million had actually been used at that point. The Government were making money available to local authorities for integration under the VPRS. One of the problems they faced was that, for some of the arrivals, housing was priced at levels where some of the money that would otherwise have been used for integration was being used to top up rents.

There were then some questions about whether integration services were being provided and funded, because the money had been diverted to other purposes.

Baroness Scott of Bybrook: Your report was very interesting to someone who has worked with the VPR scheme on the ground. One of your recommendations—I wonder whether it was taken on by the Home Office—was that good practice across the country should be spread out and that there should be some way of doing that. Was that taken on board?

David Bolt: We talked earlier about recommendations that were accepted or partially accepted. For this particular inspection, I think the Home Office felt rather hurt that I had made criticisms in my report and made recommendations about what it could improve. I think it felt that it had actually done a very good job. Indeed, it was doing a good job.

I think one of your previous witnesses pointed out that I had referred to nit-picking in my report. To correct what Colin said, I think I said that it seemed like nit-picking. I actually did not think it was; I was pointing to what I thought were real issues.

My concern about the issue of trying to ensure that there was better co-ordination and understanding of the experiences of integration, and in other areas, was how much responsibility the Home Office retains, when it has essentially engaged with a partner or outsourced a piece of business, for ensuring that whatever is now being done by someone else is working.

In this instance, I felt that it needed to show more responsibility and ownership of how this was working, and more co-ordination, since it was

in a position to do that. It does not readily do that. In this instance, there was partial acceptance. I have not been back to see how far that has gone.

Q42 **Lord Soley:** Can I ask a question that follows a little from what you have said and something you wrote in your report? It is alleged that there is a two-tier system between the vulnerable persons scheme and the scheme under which people have arrived in the UK and made their claim here. I take it that you accept that there is some kind of two-tier system; even if it is not intentional, it is there.

My second question, following from that is: what are the reasons for that, and what changes should we make?

David Bolt: I accept that people have told me that there is a two-tier system, and the evidence bears it out. Under the Vulnerable Persons Scheme, for example, some three-quarters of local authorities—I think it was 275—made pledges to the Home Office to take refugees in. They did not all follow through, but that is a large number.

It is much more challenging to try to get local authorities to take other refugees. Certainly, when I looked at unaccompanied asylum-seeking children and the way the Home Office managed asylum claims from UASCs, one of the issues was with the National Transfer Scheme. There was some evidence that some local authorities were reluctant to engage with the national transfer scheme because they could see that they would get some funding for other schemes, such as the VPRS, whereas the NTS did not come with quite the same funding.

I think there is a two-tier system. Where there is a financial incentive, it is clearly more likely that you will get some take-up from the local authority than when they see it just as a burden and a cost. It goes back a bit to the question of best practice. When I looked at asylum accommodation last year and the year before, one of the issues raised by the service providers was whether the Home Office could do more to encourage local authorities to be willing to accept COMPASS accommodation in their areas.

There is a question about just how far the Home Office can influence local authorities and how it goes about doing that. Does it do it at a ministerial, top-down level? Can it influence? In the end, the only thing that really talks is the money. There is a question of where you will put that. The Home Office has decided to put it into the VPRS, which it controls, rather than into the broader asylum and refugee system, with the consequences that we have discussed.

Lord Soley: It seems that the two big differences are that, with the vulnerable persons scheme, the Prime Minister made a very public statement, which I fully supported. I note from your report that in the early days—I think your report finished in January 2018—it was making very good progress.

There was a commitment and drive, if you like, from the top to get it

done and done well. The money was there then to enable it to be done. The logic is that if we want to do it with people who make their claim here in the UK, the key is to make sure that the money and the political drive are there.

I do not think that needs necessarily to be from the top—from the Prime Minister, potentially—but from the Home Office or something ministerial, saying to local authorities, "This is what we wanted to do and here's the money to do it".

David Bolt: I absolutely agree. In preparing for this session I tried to give some thought to what the ingredients of success are for the Home Office programme. They are absolutely what you have mentioned. I guess there is probably no surprise there; giving clear ministerial direction and priority to something and giving it the appropriate funding.

There is also something about setting challenging targets to ensure that there is pace and energy in that process, rather than feeling that it is much slower and there is no sense of the end of something.

VPRS obviously had the very clear target of the 20,000 and the very clear end date of 2020. That created a certain momentum. You can see parallels with the EU Settlement Scheme, where again there is some clarity about timescale and serious ministerial engagement with it.

Lord Soley: Finally, can I ask you about the housing element? Thinking back to my time as a west London MP, housing was one of the problems, because although you could make housing available, the impact on the wider community—why they "jumped the queue"—feeds into racism and a number of things.

How much have you found housing to be a major factor? I am thinking more about in-country applications than the vulnerable persons scheme, but it probably applies to both. Do you have any views on that?

David Bolt: Yes. It came up in the context of the VPRS and when we looked at asylum accommodation. Again, you are right. There are serious difficulties in acquiring sufficient accommodation of an appropriate standard.

As many others have mentioned, there are also concerns about the concentration of asylum seekers or refugees in particular locations. All those things are difficulties for integration and for taking more refugees into the UK that need to be properly addressed.

As I said, on asylum accommodation there is a need to try to extend the areas where COMPASS accommodation is available, because it is concentrated in relatively few areas. I do not think that is particularly helpful to anybody.

Q43 **Lord O'Neill of Clackmannan:** Your 2018 report was broadly positive about the VPRS, but you identified concerns about language, employment and housing. These are pretty important. You also have concerns about

what seems to be the rather complacent attitude of the Home Office. Has that changed, or is there still this benign indifference?

David Bolt: I cannot say whether it has changed in the context of the VPRS, because I have not looked at it again in any detail. For me, the issue with the VPRS when I looked at it was that it was relatively early days for the Scheme. There was a certain sense that the Home Office was waiting to see how some of these things would work out.

Actually, it needed to be collecting data, analysing it and coming to conclusions about it much sooner, because if it did not do so relatively early on in the process it would not benefit the refugees coming in years two to five of the Scheme.

My frustration was not that there was no recognition that these were important issues that needed to be considered, but the speed with which people were looking at them.

Lord O'Neill of Clackmannan: It is a big ship to turn around, in effect.

David Bolt: It was just a case of possible missed opportunities. People were arriving all the time, and without having some grip on some of these issues early on in the Scheme there were missed opportunities with the new arrivals. That was what concerned me.

Lord O'Neill of Clackmannan: It was not altogether a gloomy picture, because you have said that there have been some successes. Perhaps you could identify them so that we can get a balance for the record.

David Bolt: For the time the VPRS has been running it has obviously been the single largest scheme resettling people from the region. Although the Canadians had had a very large scheme that ran at the end of 2016, with some 30,000 refugees taken to Canada, and the US had a scheme around the same time of about 10,000, after those the UK was the major player in making places available for refugees.

From that point of view that is the major success. I guess that is why the nit-picking point came out: against a significant achievement in numbers of resettled refugees, there were still things that could be done better.

Lord O'Neill of Clackmannan: You have already referred to the two-day sessions as probably being too little too late and to the inadequacy of some local authority responses. At the same time, you have said that where it is good it is very good.

Are you attracted to the idea of naming and shaming? Some local authorities have probably never had to address these challenges before. On the other hand, there are probably ones that could have tried harder but probably have not done so.

David Bolt: I am not sure whether it is my business to name and shame. Without wishing to play to the gallery, Scottish authorities have been particularly effective.

Lord O'Neill of Clackmannan: Flattery will get you nowhere.

David Bolt: There is a point to this about the ability of Scottish agencies to come together more effectively, which we see a lot. It seems to work better in the Scottish context than it often does in English regional contexts.

Lord O'Neill of Clackmannan: There are formal structures independent of the Home Office in Scotland that perhaps can respond more speedily and sensitively. This is one of the arguments for devolution, frankly, but I do not want to go down that road.

David Bolt: I am not going to go there. It is more than my job's worth, I think.

Lord O'Neill of Clackmannan: My final question is: has the Home Office improved its analysis and evaluation of the resettlement process as you have suggested? I know that it is 18 months since the report was published. What is your impression?

David Bolt: I cannot say in relation to the Scheme specifically. As a general point, I have real concern about the Home Office's ability to collect and analyse data. That comes out in pretty much every inspection I do. It struggles because of the poor IT, which it has various plans to replace, all of which seem to be ever so slightly out of reach. None the less, it plans to do that.

There is an underlying issue about its collection of information and data, the reliability and quality of that data, and its interest in and ability to analyse and evaluate it. That applies to this Scheme and pretty much across everything it does.

Lord Best: As a supplementary, you have looked at the vulnerable persons resettlement scheme. Did that embrace the vulnerable children's scheme, or have you not got there?

David Bolt: I have not looked at that Scheme. As I said, I looked at unaccompanied asylum-seeking children to see how the Home Office was dealing with UASCs more generally, but I did not look at the vulnerable children scheme.

Lord Best: Are you planning to?

David Bolt: In the time I have left, which is until next April, I have a pretty full programme of things to look at anyway. I certainly intend to look again at the asylum system generally. What particular aspects to focus on is still a matter for discussion. I have a planned inspection of the asylum system starting in the autumn. I am open to bids as to which particular things to focus on.

Baroness Scott of Bybrook: Can I go back to working together, which is critical at a local level or nationally? The final recommendation in your report on VPRS was that government departments should perhaps work a

little bit closer and that some of them were not getting involved. Have you seen any changes in that since your report?

David Bolt: I have not. I am not sure how well sighted I am on that. I have certainly made various inquiries at a ministerial level. Fairly recently I looked at the way the Home Office works with other government departments, in particular how it was working with the DWP, the Inland Revenue, the Department for Education and the Department of Health and Social Care.

I wanted to try to understand whether at the top, ministerial level there was dialogue across those departments about shared interests and outcomes. I struggled to get any evidence of that from the departments. There was lots of evidence of working-level engagement. My conclusion was that there were lots of bottom-up initiatives where people saw value in engaging with colleagues in other departments and created something, but I did not see much direction from the top down.

Q44 **Lord McNally:** Your 2018 inspection of Border Force operations at south-coast seaports noted the impact of "upstream" efforts by European authorities, encouraged and supported by Border Force, in reducing the number of migrants successfully boarding UK-bound ferries. That is the preamble for the first mention, at 11.25 am, of Brexit.

David Bolt: We have done well.

Lord McNally: Are you concerned that Brexit will affect UK-France border co-operation? What is the nature of that co-operation at the moment? Do you have a French opposite number? Do you see him or her regularly? Are you operating on the same page in what you are going to do? I sometimes think, and I say this in deference to Lord O'Neill, that the English are particularly good at not seeing the problem from the other side. I can see, from having travelled through France to Calais, what a nightmare it must be for the French authorities. What are your thoughts on Brexit and existing co-operation?

David Bolt: By way of preamble, I should say that I have no special insights or any novel thoughts on Brexit. I do not think I will be able to say anything to you about that that you will not have heard a lot of times already.

Lord McNally: Save it for your valedictory.

David Bolt: On the specific point of co-operation with European partners, although I have observed some small activities I have not been directly involved in engagement between Border Force and its French, Spanish or Belgian counterparts, but I can speak from my past life: I spent a lot of my previous career working on organised crime and national security on an international level.

It seems to me that operational co-operation between Border Force and its equivalents in France, Spain and Belgium is likely to continue pretty much unchecked by Brexit: professional agencies will get on with one

another and share information and work as best they can whatever the circumstances.

Whether political interventions mean that that will be constrained in some way I cannot say, but at an operational, working level I see no reason why Border Force will not continue to work with the French, Spanish and others. They will have a shared professional interest in trying to tackle the gangs involved in organised immigration crime and the trafficking of people from the continent to the UK.

Lord McNally: Do you think there should be any effort at the political level to underpin, as you said, this organisational and technical co-operation?

David Bolt: I do not think it is really my place to say, but it certainly helps to know that at the very top level there is support for that sort of collaboration. As I said, once you have those operational links, professional to professional, a lot of the work is in a sense done between like-minded parties, regardless of what the political masters say. But, clearly, political support is likely to be helpful to the extent that it helps with funding and other things.

The Chairman: One of the themes the Committee has found over the past year or so when talking about these kinds of issues is that the working-level co-operation has been very good and that both sides have seen it as really important. There is a question mark about the political level commitment to that. That worries us a bit.

Lord McNally: I listened to your job description and how you answered this. It seems that you face a push me, pull me problem. Are you there to solve the problems that the various NGOs say refugees face, or to achieve political objectives for immigrant numbers? Does the numbers game clash against the various requests we have for speed, ease and fluency in the policy, which would increase numbers?

Indeed, you mentioned European co-operation. Is Europe anywhere near a concept of what its views are on these movements of people who will be with us for the rest of the century? Are we a Statue of Liberty, "Bring me your starving, your oppressed", or do we have more specific, developing policies?

David Bolt: My function is really to look at the way the Home Office is delivering its own functions relating to immigration, nationality, asylum and customs, and identifying where efficiencies and effectiveness gains can be made in changing the way things are done.

I do not really get involved in issues of whether this would mean there would be greater numbers of migrants or what the policy implications might be for any of this. I am looking at the practicalities of how it is working and whether it can be made to work more efficiently. Your question about whether we should be a Statue of Liberty—a beacon—is one for others rather than me.

Lord McNally: I will shut up, but I know from having been in the MoJ that you face the same problem as the Chief Inspector of Prisons in pointing out things that perhaps the parent department does not want to hear.

David Bolt: I am conscious that I am not a regulator, so I cannot tell the Home Office to do anything. When I report, I try to ensure that the evidence speaks for itself and that there is a logic to the recommendations. It is the evidence and the logic that take you to an outcome. If, for political or policy reasons or for other reasons such as practicality or cost, the Home Office decides that it cannot do what I recommend, that is ultimately its decision.

The Chairman: Do you think the Home Office regards you as an irritant?

David Bolt: Probably. That is not what it says to my face.

Q45 **Baroness Scott of Bybrook:** Let us keep on this theme. If we have a no-deal scenario, it is suggested that there will be a build-up of traffic around Calais in particular. I think it is assumed that that will make it easier for migrants to board vehicles to get across the channel. Do you think that Border Force is prepared to deal with this issue if it happens?

David Bolt: It has been doing a lot of work to try to prepare for a no-deal Brexit. That has included recruitment, so Border Force officer numbers have increased. An inspection started about a month ago looking at clandestine entry, so over the next couple of months I will look in more detail at the extent to which those parts of the immigration system—not just Border Force; it is also an immigration enforcement issue—are ready to deal with a summer surge of clandestine entrants.

I looked at it a couple of years ago, and the problem the department experienced in I think 2015 was that the volumes of people arriving clandestinely hidden in lorries was such that they pretty they much absorbed all the resource available for Immigration Enforcement. The rest of the Immigration Enforcement programme was effectively not completed because so much resource was required to respond to so many lorry drops, as they are known.

My concern is whether that situation could be repeated. Obviously, in the circumstances you described, if there were more lorries coming through the controls with fewer checks on them, there is the possibility that more people will have hidden themselves in the lorries and therefore that there will be more lorry drops—more clandestine entrants who will jump out of lorries and present themselves. I guess that is a risk.

Baroness Scott of Bybrook: Are there plans to look at ways to identify and detect these migrants? As you said, roll-on roll-off with checks further back in the countries will make it more difficult.

David Bolt: There are obviously at the control points, in both France and in UK ports, particularly Dover, various means by which Border Force and the French authorities check vehicles, from technical means such as

scanning and probing lorry trailers to the use of dogs to sniff whether people are hidden in them. Presumably those will continue and they will still have those facilities in place.

The issue comes if we have a build-up of traffic. There will then be some pressures on clearing the queues through the ports; otherwise the thing completely gums up. Then there is the question of how much of that traffic you can put through those checks.

Baroness Scott of Bybrook: Are you content that the amount of resource that will be put into those borders will be sufficient?

David Bolt: I raised some concerns in the south-coast ports report, which was referenced before, about the numbers of staff who Border Force had at south coast ports other than Dover. It seemed to me that there were issues at some of those other ports about whether there was the capacity to deal even with the existing traffic, let alone with any greater demand.

Dover is pretty well resourced and is therefore a pretty good operation, but the further you go along the south coast, or if you go to the east coast, some of the other ports are pretty thin in staff numbers. There is quite a limit to how much checking they can do.

Lord Ricketts: I lived through the 2015 experience of the enormous disruptions in Calais in particular, with 20-mile tailbacks and great pressures on lorry traffic for clandestine entry and so on, and in the port itself on technical facilities.

I was interested that in your 2018 report on south-coast seaports you did not look at juxtaposed controls. That is slightly puzzling, because it is quite hard to understand what is arriving on the south coast unless you also look at what is happening on the continent. As you said, there is also now this displacement towards Le Havre, Ouistreham, Saint-Malo, all the way along the coast, which have far fewer protections and technical abilities.

Will you also take into account what is happening on the other side of the channel when you look at clandestine entry?

David Bolt: Yes. In fact, I had officers on the other side of the channel only last week. Juxtaposed controls are now in my programme. I said before that I have no insights into Brexit, but of course one of its consequences has been that I have had to think very carefully about the timing of some of the work we have been doing, so it is not nugatory.

Obviously the uncertainties of the dates have made things quite difficult. Juxtaposed controls are in the programme and something I am interested in. I have visited a few times and I entirely agree that it needs to be considered in the round when it comes to the various protections in place.

Lord Watts: If you have a no-deal scenario and you allow the checks to be done in the UK rather than, as I understand it, a lot of being done on

the Calais side, it seems almost inevitable that traffickers will increase the number of people using that as a method of getting to the UK.

In a no-deal scenario where we do not pay our contribution, which we have heard some of the candidates for Prime Minister mention, what benefit is there to the French to continue to co-operate in the way they have previously?

David Bolt: You probably need to ask the French that rather than me, but clearly there are issues of public order in and around Calais in particular and the need to manage what could be a really difficult situation for the local police authorities in that region. They will have some incentive to try to manage things so that it does not become a magnet for even more people to board lorries on the French side.

There will be incentives. They might not have the same effect as the current arrangements, but there will be something.

Lord Watts: Is not the incentive for the French at present that the camps are there because people are queueing up to have the opportunity to get into a wagon to come to the UK? If the checks are to be done on our side, there will be no need for the camps because the people will just come straight in. They will not have to wait for a blockage.

David Bolt: They will still have to get on to some sort of transport to get across.

The Chairman: Thank you very much indeed. That has been extremely helpful and we are very grateful to you. It has helped our inquiry a lot. As I said at the beginning, we will send you a transcript to look at and correct as necessary.

Thank you also for agreeing to send us some extra material. That will be very helpful. If there is any other material that you think, on reflection, it will be useful for us to see for our inquiry, please do not hesitate to get in touch and send it to us, because that would be very helpful too.

Finally, on behalf of the Committee as a whole, thank you very much for giving very clear and extremely useful evidence to us. We are very grateful to you.