



House of Commons  
Home Affairs Committee

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# Channel crossings, migration and asylum

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**First Report of Session 2022–23**

*Report, together with formal minutes relating  
to the report*

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## Home Affairs Committee

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## Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6856; the Committee's email address is [homeaffcom@parliament.uk](mailto:homeaffcom@parliament.uk).

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## Summary

When we launched this inquiry about 2,000 people had, in a year, made the dangerous journey from France to the UK across the English Channel in small and sometimes unsafe boats. Since then, the popularity of this irregular, hazardous means of reaching British shores has rocketed. More than 28,500 people came in small boats last year; an estimated 60,000 or more are expected during 2022, and about 13,000 have already. Soberingly, at least 166 have died or gone missing as they sought a new home in our country, 27 of them lost at sea on a single terrible day last November. Organised criminal networks are profiting hugely from human desperation.

To put the Channel crossings into context, around 1,000,000 visas enabling extended stays in the UK were issued in the last 12 months: those who arrived irregularly in 2021, without a visa, via small boats across the Channel represent less than 3 per cent in addition to that total, although their number looks likely to rise during 2022. The rapid increase in these dangerous crossings was unpredicted. These perilous voyages are also highly visible—photographs of overcrowded dinghies, standing room only, being unloaded on British shores have become familiar sights.

The majority of those who reach the UK in this way are male and relatively young. Most seek asylum on arrival on UK soil, reflecting the fact that the majority also come from just five countries, all of them disfigured by current or recent war. The UK asylum system, meanwhile, costs more than £1.5 billion a year to administer, a cost the Government considers too high and unsustainable in the longer term.

There are safe and legal migration routes to the UK, involving visas and applications for residency, but they do not exist for people travelling from all countries. Exceptionally, refugees from particular troubled countries are provided with particular routes to safe resettlement in the UK: specific schemes are in place, for example, since western troops withdrew from Afghanistan and since Russia invaded Ukraine.

Asylum seekers from other parts of the world face a different challenge. Asylum can be claimed only when a person is in the United Kingdom. Some asylum seekers may arrive on tourist or other visas before making their claims and being assessed to remain or to be returned to their own countries; for others, irregular routes of entry may be the only means of making the journey to enable a claim to be made. Not everyone who arrives across the English Channel on a small boat will seek or successfully claim asylum; the vast majority will, however, claim it and need to be assessed.

There is no magical single solution to dealing with irregular migration. Detailed, evidence-driven, fully costed and fully tested policy initiatives are by far most likely to achieve sustainable incremental change that deters journeys such as dangerous Channel crossings. Close co-operation with international partners, particularly those in France, is equally essential, but has not always proved mutually forthcoming from across the Channel as this has become a very 'political' issue post-Brexit. Provision of safe and legal routes for refugees, recognition that the United Kingdom is neither the least nor the most generous host in Europe or in the wider world, and a willingness to co-operate

fully with our nearest neighbours by sharing intelligence and equipment to identify and undermine people-smuggling criminal organisations may not offer eye-catching headlines but are most likely to work.

While our colleagues on the Defence Committee have expressed concern about Royal Navy involvement in landing small boats, we cautiously welcome the temporary logistical operations military personnel are undertaking on land at Western Jetfoil and Manston in Kent to enable Home Office civil servants to concentrate their efforts on identifying, interviewing and allocating new arrivals across the Channel to appropriate accommodation. It is to be hoped the Home Office will be sufficiently staffed to resume full control of the sites from January 2023 when military involvement will be reviewed.

Much more clarity is required on the new plan to relocate some migrants from the UK to Rwanda. There is no clear evidence that the policy will deter migrant crossings – numbers have significantly increased since it was announced in April, but one explanation for this may be attributed to scaremongering from people traffickers that because of new regulations coming in across the Channel it will be much harder to access the UK in future so they had better get on with it. There is no clear information on the cost of the plan. The long-term mental and physical well-being of the people the UK intends to send to Rwanda must be secured. Some claim that the UK also runs the reputational risk of appearing to wash its hands of its international obligations.

The Government desires to return Channel crossing migrants, where possible, to safe countries from which they have travelled and where they could have claimed asylum. Departure from the EU's Dublin Regulation arrangements has resulted in far fewer returns to Europe and attempts to forge bilateral agreements with EU states have entirely failed, but the number of successful returns to EU countries had been dwindling and the policy had not been working well even before Brexit. The Government should refocus its efforts on achieving a co-operative arrangement with the EU so that returns, where appropriate, may be successfully made.

We have no reliable data on why migrants who have reached safe haven in European nation states are sufficiently desperate to reach the UK that they will risk their lives to cross the Channel in flimsy, unseaworthy dinghies and makeshift craft. The Home Office should seek to find out what draws people to the UK to help it develop sound future policy.

The practice of placing unaccompanied children in hotels has resulted in an unknown number of children disappearing temporarily and in some cases permanently. Urgent measures to prevent this are required. As in many other areas, the glacial pace of decision-making (an average 550 days for a child's asylum application, 449 days for an adult) is a major factor driving the decisions of asylum seekers to leave a life in limbo by acting for themselves.

There were 48,450 asylum applications in 2021, a number broadly similar to those in each year from 2014, apart from a fall during the pandemic, and far less than in the early 2000s. The asylum caseload, however, stood at over 125,000, reflecting how long it is taking to resolve cases. Antiquated IT systems, high staff turnover, and too few staff are among the reasons for this slow pace, and reducing the outstanding caseload should be the Home Office's highest asylum policy priority.

# Introduction

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1. This Report seeks to consider why there has been a sharp and apparently continuing rise in the number of small boats carrying migrants to the United Kingdom across the English Channel in the past five years. Our inquiry sought to find out what can be done to prevent such crossings, both here and in other countries including in particular in our nearest EU neighbours, what our obligations are to those who seek to reach our shores, and what can be done to prevent the illegal smuggling and trafficking of people across international borders by criminal gangs who seek only to profit from human misery.

2. Since we launched our inquiry, the Government has sought to take a variety of initiatives to reduce the number of Channel crossings and to bear down on the costs of the asylum system. Most recently, it announced a new Migration and Economic Development Partnership (MEDP) with Rwanda, which may see some of those who arrive in the UK by irregular means relocated there. The Government has challenged critics of its policy to provide ideas on how to respond to the growth in Channel crossings. This Report seeks to review their actions and to offer some ideas on how to respond. **Migration, including irregular migration across the English Channel, is an issue on which no magical single solution is possible and on which detailed, evidence-driven, properly costed and fully tested policy initiatives are by far most likely to achieve sustainable incremental change.**

# 1 Management of the asylum system

## The New Plan for Immigration and the wider asylum system

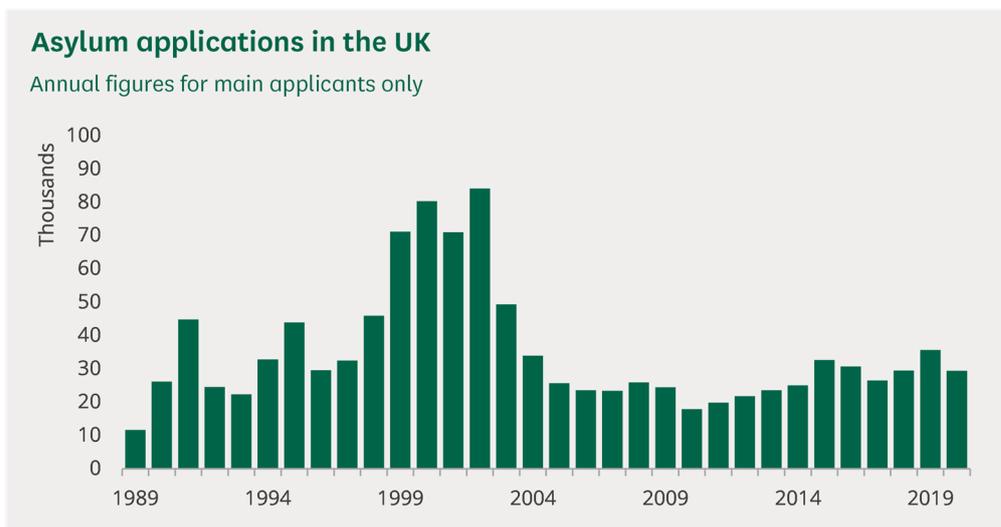
3. The Home Secretary, and other Ministers and officials, have spoken of the need to “fix the broken asylum system”<sup>1</sup> which, in the New Plan for Immigration published in March 2021, was diagnosed as “collapsing under the pressures of ... illegal routes to asylum, facilitated by criminals smuggling people into the UK”. That policy statement set out three objectives for reform of the system:

Firstly, to increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum.

Secondly, to deter illegal entry into the UK, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger.

Thirdly, to remove more easily from the UK those with no right to be here.<sup>2</sup>

4. The number of asylum applications to the UK remained fairly consistent between 2015 and 2020. Following 35,737 applications in 2019 numbers fell during the early months of the pandemic before rising to 48,540 applications in 2021.<sup>3</sup> While this is the highest annual number since 2003, the figure for 2021 remains significantly below the previous peak, of 84,132 applications, which occurred in 2002.<sup>4</sup>



Source: House of Commons Library, from Home Office, [Immigration statistics quarterly March 2021](#), table Asy\_D01

Increasing pressures on the asylum system are not therefore a direct consequence of increasing demand: rather, they relate to the processing of applications within the UK as Home Office asylum caseload.

1 [Written statement HCWS151 Official Report 6 July 2021](#) [accessed 25 January 2022]; [Q171 The work of the Home Office 22 September 2021 HC625](#)

2 [New Plan for Immigration: policy statement gov.uk 24 March 2020](#) [accessed 25 January 2022]

3 [How many people do we grant asylum or protection to? Gov.uk 24 February 2022](#) [accessed 3 March 2022]

4 [How many people do we grant asylum or protection to? Figure 2 Gov.uk 24 February 2022](#) [accessed 3 March 2022]; [Asylum statistics SN1403 House of Commons Library 2 March 2022 p5](#) [accessed 3 March 2022]

5. The asylum caseload may be understood through Home Office asylum ‘work in progress’ statistics. As the House of Commons Library has reported

As of June 2021, there were 125,000 cases in the system. This was the highest since the series began (in 2011) and over double the size it had been in 2014. [ ... ] there are three primary components of the caseload: people awaiting an initial decision, people who have appealed an initial refusal and are awaiting a decision on this, and people who have been refused asylum and are subject to removal action.

The largest category within the caseload is applicants awaiting an initial decision. The most recent statistics show that there were 57,100 people in this category as of June 2021. The number of refused asylum seekers subject to removal action has been growing since 2014 and consisted of 39,500 people as of June 2021.<sup>5</sup>

### *Reasons for asylum casework processing delays*

6. The ICIBI has reported that asylum claimants who received an initial decision in 2020 waited an average of 449 days for that decision. Unaccompanied asylum-seeking children waited 550 days. The reasons identified by the inspectorate for delays in asylum decision-making included:

- Home Office reliance on software which is inappropriate to manage workflow and case progression. ‘Work in progress’ case details are held by each decision-making unit in an Excel spreadsheet with over 100 columns of data entry options per claim. These spreadsheets are updated manually and due to their size “there is a tendency for them to crash [risking data loss] and inputting into them is very time-consuming”. Inspectors recorded that booking a substantive asylum interview took between 20 and 40 minutes and “the process required frequent cross referencing to a total of seven different Excel spreadsheets, liaison with legal advisers, DMs, the claimant and interpreters, with data being inputted multiple times into different spreadsheets”.<sup>6</sup>
- Insufficient administrative and technical specialist staff to support decision makers’ capacity—including the quality of decision making—and productivity in handling workflow and case progression.<sup>7</sup>
- Poor processes for applying and reviewing ‘case barriers’ which were sometimes erroneously applied and caused unnecessary delays to the progress of cases.
- High levels of attrition among asylum decision-makers, with pressure to meet targets, lack of career progression and lack of time to consider each case on its

5 [Asylum statistics](#) House of Commons library 2 March 2022 [accessed 3 March 2022]

6 [An inspection of asylum casework \(August 2020 – May 2021\)](#) paragraphs 6.7 – 6.11 ICIBI gov.uk [accessed 26 January 2022]

7 [An inspection of asylum casework \(August 2020 – May 2021\)](#) paragraphs 7.10 –7.14 ICIBI gov.uk [accessed 26 January 2022]

own merits cited as contributing factors. New recruits take an average 12–18 months to become “fully proficient” so high turnover has “a knock-on effect” on overall capacity.<sup>8</sup>

- Inadequate quality assurance for decision making including an absence of formal quality assurance for screening interviews. Errors in decision-making may lead to delays in processing cases and may also increase the likelihood of appeals.

### *Consequences of the failure to resolve asylum cases*

7. Long delays in determining asylum claims may have a substantial impact upon a claimant’s mental and physical wellbeing. The growing backlog of asylum cases also has a direct impact upon the operation and costs of the asylum system, principally, the costs of accommodation and other essential expenses which arise in consequence of the Government’s statutory responsibility to support asylum seekers at different stages of the asylum process if they are, or are likely to become, destitute.<sup>9</sup> An asylum seeker who has to wait 12–15 months for a decision on their case is likely to require statutory support throughout that period.

8. The number of people in asylum accommodation before the pandemic stood at 48,000.<sup>10</sup> Pressure on the system worsened after March 2020 because people were kept in asylum accommodation during lockdowns who would ordinarily have been moved on in that time. In September 2021 the number of people in asylum accommodation reached roughly 64,000 of whom 13,000 were in hotels.<sup>11</sup>

9. While it has attracted far fewer headlines than the increasing numbers of channel crossings, the New Plan for Immigration also acknowledged that the Government’s own systems and processes were contributing to the collapse of the asylum system, stating that

The rapid intake of asylum claims *into the outdated system* has outstripped any ability to make asylum decisions quickly [...]

This has led to asylum casework growing to unsustainable levels.<sup>12</sup> [our emphasis]

8 [An inspection of asylum casework \(August 2020 – May 2021\)](#) paragraphs 7.19 –7.22 ICIBI gov.uk [accessed 26 January 2022]

9 Section 95 of the Immigration and Asylum Act 1999 provides that an individual who is seeking asylum in the UK and who is, or is likely to become, destitute is eligible, along with their dependants, for support while their claim for asylum is considered. Support can be financial—asylum seekers are entitled to receive £40.85 a week for essential living expenses, on a payment card (known as an ASPEN card)—and in the form of accommodation. The Home Office can also offer ‘Section 98 support’ in the form of temporary full board or self-catering short term accommodation, if an asylum seeker is likely to become destitute, while a Section 95 application for longer term support is being considered. Those whose asylum claim has been refused, who appear to be destitute and who are taking all reasonable steps to leave or cannot leave the UK or who meet other criteria receive £39.63 on a payment card, but only if they accept Government accommodation. Provision for failed asylum seekers is made under section 4 of the Immigration and Asylum Act 1999 and the Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005 [Asylum support: what you’ll get](#) gov.uk [accessed 10 November 2021]

10 [Immigration Rules: supported accommodation](#) Hansard 16 December 2020 in answer to Liz Savile Roberts, col 2894

11 [The work of the Home Office](#) 22 September 2021 Q243

12 [New Plan for Immigration: policy statement](#) March 2021 CP 412 [accessed 27 January 2022]

10. The then Minister for Immigration Compliance told the House in September 2020 that “the system is under huge strain”;<sup>13</sup> in December that year he told the House that the cost of the asylum system was “getting on for £1 billion a year”.<sup>14</sup> On 3 February 2022, the Home Office confirmed that it was spending a total of £4.7m a day on contingency hotel accommodation for asylum seekers (£3.5m) and Afghan refugees (£1.2m).<sup>15</sup>

11. The Home Office had, in September 2021, some 600 caseworkers and a target of 1,000 in post by the end of the financial year; in June 2022, we heard that that target had been missed, 820 were in place and the new ambition was 1,000 by September this year.<sup>16</sup> Meeting and maintaining that target also means both recruiting caseworkers and keeping them: average annual turnover of Home Office caseworkers between 2018/19 and 2020/21 was 33.22%; the forecast turnover for 2021/22 was 39.09%.<sup>17</sup>

12. The Permanent Secretary told us that the department was committed to addressing concerns around staff recruitment and retention and was looking for investment in technology and “automation that would allow future decision makers to have a greater set of tools at their disposal”.<sup>18</sup> Tricia Hayes, Second Permanent Secretary, expected the number of cases in the asylum caseload to continue to grow for the rest of the 2021/22 financial year before beginning to downturn in 2022/23.<sup>19</sup>

13. The Autumn Spending Review subsequently provided an additional £85m resource funding by 2024/25 and £50m capital funding over the Spending Review period to deliver the New Plan for Immigration, including improvements to the asylum caseworking system.<sup>20</sup>

14. On 2 February 2022 the Home Secretary told us that the asylum system was collapsing, which she attributed to “the various strains, abuses, sheer numbers coming to this country”. This assessment overlooks the fact that, even after the sharp increase in Channel crossings in 2021, the numbers seeking asylum in the UK in 2021 were just over half the number who applied in 2002. Government data shows that the number of asylum cases in Home Office ‘work in progress’ has doubled since 2014. At 30 June 2018—the last data point before Home Secretary Sajid Javid declared 221 migrants crossing the Channel a major incident in December 2018—there were already 88,848 cases in the system.<sup>21</sup> ***While we agree with the Home Secretary that the asylum system is broken, we invite her to make it clear, given the long-term and growing pressures on the system, that it was not migrants crossing the Channel who broke it.***

15. Poor resourcing, by successive governments, of staff and technology in the Asylum Operations function in the Home Office, has been a significant factor in this collapse. When decision makers are forced to manage their workflow using spreadsheets wholly

13 [Asylum accommodation: covid-19](#) Hansard 28 September 2020 col 15

14 [Immigration Rules: supported accommodation](#) Hansard 16 December 2020 in answer to Jeremy Corbyn, col 282

15 [UK hotel bill for 37,000 migrants actually £4.7m a day, Home Office says](#) BBC 3 February 2022 [accessed 4 February 2022], [Letter from the Second Permanent Secretary on asylum accommodation costs](#), dated 2 February 2022

16 Q414, Work of the Home Secretary, 22 June 2022

17 [Letter](#) from the Permanent Secretary following his appearance before the Committee, dated 21 October 2021 [accessed 28 January 2022]

18 [Qq227–233](#) The work of the Home Office HC625 22 September 2021

19 [Q227](#) The work of the Home Office HC625 22 September 2021

20 [Autumn Budget and Spending Review 2021](#) HC822 27 October 2021 pp99–100 [accessed 28 January 2022]

21 [Immigration and protection data Q3 2021](#) Asylum work in progress table Asy\_03 [accessed 28 January 2022]

inadequate for the size and complexity of the data, it is not surprising that errors occur and that data is lost. Nor is it surprising that it becomes difficult to retain demoralised staff or that the average time to resolve a single claim is now more than 14 months. It is not surprising that, given all these circumstances, the caseload keeps getting bigger.

## Achieving a fairer and more effective asylum system

16. In February 2021 the UNHCR set out proposals for reform of the UK asylum system, defining the goal as a system in which “people who need protection can access it promptly and those without protection needs or other basis for leave to remain can be returned expeditiously”. Drawing on its global experience and collaborative work with the Government and other stakeholders in the UK, it identified key actions which could provide a way forward:

- Investment in registration and screening procedures to ensure their quality, since “flaws in these initial interactions between asylum-seeker and State lead to expensive and lengthy litigation, arbitrary and unlawful detention, unnecessary appeal processes and delays in decision-making right down the line”; and
- Triaging of cases to identify and rapidly resolve claims by people who are “either very likely, or very unlikely, to be determined as refugees or stateless people” ensuring that those in need of protection receive it quickly and, equally, avoiding risks that individuals without a valid basis to remain in the UK will, while awaiting a determination, create “new family or other ties ... which then create legal barriers to departure”.

The agency noted that triaging may be particularly helpful in addressing a substantial backlog, having been used for this purpose by Sweden; a triaging approach was also applied in Canada “for manifestly founded cases”.<sup>22</sup>

17. ***Addressing the asylum ‘work in progress’ caseload must be the Department’s highest priority within asylum operations. Doing that would unlock substantial resources, reduce current pressures on contingency and institutional accommodation and enable wider system reform including communities’ capacity to welcome—even sponsor—refugees.***

18. The UNHCR has expressed a vision for the future UK asylum system as “one that is humane, fair, affordable, in line with international standards and efficient”: we share this vision and, like them, believe it is attainable. ***The Government should accept the UNHCR’s support for the challenge of rebuilding an efficient and fair asylum system in the UK, and its practical suggestions for operational improvement. The Government should work with the UNHCR to assess the feasibility of proposals including measures to improve the registration, screening and triaging of cases. The Government must urgently consider what further steps may be taken to prioritise unaccompanied children’s claims, as set out in the Immigration Rules, and to reduce case-handling times for those children.***

## 2 Channel crossings

19. The English Channel is only 20 miles wide at its narrowest point across the Straits of Dover. It has been used for centuries to smuggle contraband and people into the United Kingdom. Until 2018, though, irregular migration on a substantial scale focused heavily on ferry and rail routes, with only a handful crossing the Channel in small boats each year. Such crossings are dangerous: tides are strong and the weather is changeable, and the Channel one of the busiest shipping routes in the world, with more than 600 cargo boats and 60 ferry services using it every day.

20. It is likely that some of the increase in small boat crossings is driven by tightened security on other methods of journeying to the UK by irregular means. After a single night in 2015 when 2,000 people tried to enter the Eurotunnel at Coquelles (near Calais), the UK and French authorities increased security to prevent use of those routes. By 2019 and 2020, the number of people entering the UK clandestinely remained about the same, but the proportion using small boats grew from 11% in 2019 to 50% in 2020.<sup>23</sup> Some 28,526 people arrived by small boat in 2021, and current projections suggest the number may rise as high as 60,000 in 2022.<sup>24</sup> In June, Matthew Rycroft, the Permanent Secretary at the Home Office stressed to us the importance of thinking about the whole picture on irregular migration and different routes to the United Kingdom: “It would be a pyrrhic victory if [a] set of policies was successful in closing down the small boat route but created something even more dangerous,” he said.<sup>25</sup>

21. *The visibility of small boat crossings of the English Channel should not prevent our remembering that migrants also use ferries, planes, trains and vehicles to enter the United Kingdom irregularly and by clandestine means. The rapid increase in the proportion of people making the dangerous journey across the Channel may suggest, however, that security improvements made by the French and UK authorities in northern France is displacing traffic from those routes into small boats. We agree with the Permanent Secretary that any policy that closes down small boat immigration by inadvertently creating something even more dangerous would be a pyrrhic victory and reiterate the necessity for the Government fully to develop, test and risk assess any such policy before it is announced.*

22. Dan O’Mahoney, the Clandestine Channel Threat Commander, told us that “very close to all” the people who cross the Channel by small boat claim asylum. The visibility of Channel crossings makes it likely that small boats will be identified and brought to shore by Royal Navy or other vessels (such as RNLI lifeboats) in line with our obligation under international conventions and maritime law to help those in peril on the sea.<sup>26</sup> This fact makes the Channel crossing a comparatively unviable route for anyone who seeks to enter the UK clandestinely and remain undetected.

23 Government new plan for immigration policy statement 24 March 2021

24 Home Office stats, February 2022

25 Q359, Work of the Home Office, 22 June 2022

26 The UK is a signatory to the International Convention for the Safety of Life at Sea 1974, the 1982 UN Convention on the Law of the Sea, and the 1979 International Convention on Maritime Search and Rescue. In short, assistance should be rendered as speedily as possible to anyone in danger at sea, and responsibilities for safety in the English Channel fall to the UK and France.

## Global trends in migration

23. These figures should also be considered in the light of global refugee movements. According to the UN High Commission on Refugees (UNHCR), around 82.4 million people were forcibly displaced in 2020 by war, conflict, persecution, human rights violations and events seriously disturbing public order. In comparison with the number of those crossing the English Channel, it is worth noting that 123,318 people crossed the North African and Mediterranean routes into Europe in 2021, and that 3,130 people died or went missing.<sup>27</sup>

24. Within the European context, the UK is neither the most nor least common destination for asylum seekers. The House of Commons Library notes that, “in 2020, there were around 6 asylum applications for every 10,000 people living in the UK. Across the EU27 there were 11 asylum applications for every 10,000 people”.<sup>28</sup> The UK therefore received fewer than the average number of asylum applications among EU countries and sat precisely in the middle of the list, at 14th, among EU27 countries plus the UK on this measure.

## The dangers of the English Channel

25. We spoke directly to witnesses who entered the UK via the Channel about their crossings. One young man, a medical student, told us he fled Yemen after Houthi rebels imprisoned him after trying to recruit him. He was imprisoned again by traffickers in Mali and stabbed before he reached France. He tried three times to cross the Channel; on the third attempt, he phoned for help when the engine on his boat failed, and UK Border Force rescued him and 13 others. Another Yemeni, Mohammad, also fled the Houthis after his home was hit by missiles and made two attempts to reach the UK by small boat:

It was raining heavily and the boat started to sink because there was a lot of water inside the boat. After that, one of us called the British border authorities. They came maybe after 20 minutes. ... When they arrived, they gave us rope. Actually, half of the boat was sunk in the sea. The people who were sunk jumped first, held the rope, and we entered the UK boat.<sup>29</sup>

26. At least 166 people have died or gone missing in the English Channel since 2014.<sup>30</sup> In the worst single incident, 27 people drowned on 24 November 2021 when their inflatable boat sank, aged between seven and 46. Those lost were Kurds from Iraq and Iran, and Ethiopians, Somalians, Afghans and Egyptians.

## Law enforcement response

27. Prevention of loss of life in the Channel requires a law enforcement response. This is needed on the French coast to stop migrants putting to sea. It is also required further back in the chain to identify and disrupt the serious organised criminal gangs that profit from operating dangerous migration routes. British and French authorities have worked together since 2018 to seek to improve joint action against organised migration crime and

27 UNHCR [EUROPE SITUATIONS: DATA AND TRENDS – ARRIVALS AND DISPLACED POPULATIONS](#), December 2021

28 [Asylum statistics](#), House of Commons Library 13 September 2021 p6 [accessed 9 November 2021]

29 QQ 309, 316, 321–3, 341–2, HC705 7 October 2020

30 [Drowning of 27 migrants in English Channel is worst disaster on record: IOM](#) UN.org 25 November 2021 [accessed 15 January 2022]

increase the number of irregular migrants returned to country of origin or relocated to a country to which they are legally admissible. Following signature of the Sandhurst Treaty in January 2018 which committed £44.5 million to additional security measures, France disrupted 44 attempted departures covering 267 people within the following year. The UK then committed more than £6 million to support regional action in France and expected to provide £3.2 million more for equipment and measures to tackle small boat journeys. The Home Secretary acknowledged that the French Government was committed to solve the problem but told us that stronger enforcement on the French side of the Channel was possible.<sup>31</sup>

28. Progress has been made: an estimated 72 per cent of crossings were disrupted, for example, with some 1,400 prevented in the 12 months to December 2020.<sup>32</sup> Dan O'Mahoney told us UK technology was being used by French authorities to gather intelligence helping to disrupt criminal gangs.<sup>33</sup> UK support included military grade drones, thermal imaging gear, advanced binoculars, radar technology and motorbikes.

29. The interception rate fell, though in 2021 as the number of crossings attempted increased. Calmer weather partly explained this, but organised criminal gangs also responded to evade the law enforcement changes made, with, among other things, boats launching further from the ports of northern France, such as Coquelles and Calais. The Home Secretary committed £54 million more in UK funding in July 2021 to respond to the launch of crossings from a much wider French coastline area, including work with authorities in Belgium, the Netherlands and Germany.<sup>34</sup> Dan O'Mahoney told us migrants involved in about 60% of crossings travelled from other EU member states into France as little as a day before their attempted crossing.<sup>35</sup> French authorities intercepted around 6,000 journeys in the first six months of 2021, nearly three times more than the year before.<sup>36</sup> By September 2021, the French authorities believed they were intercepting about 57 per cent of crossings; the Home Secretary was reported as seeking a 75 per cent rate if UK funding was to continue to be provided.<sup>37</sup> Dan O'Mahoney told us 19,000 crossings were prevented in 2021.<sup>38</sup>

30. Co-operation between UK and French political and law enforcement authorities is essential if the cross-Channel migrant traffic is to be successfully disrupted and prevented. It is encouraging that more than half attempted crossings have been disrupted since the two Governments agreed the Sandhurst Treaty in 2018, even if more substantial progress in preventing crossings remains desirable. However, the increased disruptions only reflect the greatly increased crossing attempts and many of these disruptions are of the same people trying multiple times to access the Channel. We heard evidence that the practice of the French authorities when apprehending a group on migrants trying to access the water is to seize the boat, allow them to disappear without taking their details let alone detaining them and only if they have specific evidence will they actually arrest the likely

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31 Q44 The Work of the Home Secretary HC 561 15 July 2020

32 Letter from the Home Secretary dated 26 March 2021

33 Q580 HC 705, 2 December 2020

34 Q229 Work of the Home Secretary HC 192 21 July 2021

35 Q680 HC 194 17 November 2021

36 Q236 Work of the Home Secretary, HC192 21 July 2021

37 [French anger at Priti Patel plan to block Channel migrants from UK waters](#), The Times, 10 September 2021 [paywall; accessed 10 October 2021]

38 QQ687–691, 745, HC194 17 November 2021

people trafficker organising the crossing attempt. Not surprisingly the same individuals are free to attempt another crossing the following night as soon as they have procured another boat which despite attempts at closing down the supply remain readily available.

31. *We recommend that the UK Government continue to prioritise close, collaborative working with the French authorities, including provision of equipment and intelligence that may help disrupt organised criminal gangs that profit from the misery and desperation of migrants. An intelligence-led approach remains the best way to identify the activities of such gangs and prevent their continuing exploitation of vulnerable people.*

32. *The greatest deterrent to perilous crossings of the channel on unseaworthy vessels with actively dangerous 'life-jackets' would be to prevent such crossings ever leaving France. Alternatively the French authorities with or without British assistance could intercept the boats once in French territorial waters and return them to French land whence they started their journey, as international maritime lawyers advised us they were legally entitled to do. This would soon have the deterrent effect at preventing people risking a dangerous and expensive round trip to and from French beaches but the French Government refuses to countenance such a policy. We believe that discussions with the French as to what it would take for them to change this policy are essential. Creation of a safe and legal route for those who might successfully seek asylum in the UK having passed through the European continent could provide such a disincentive and deterrent, though that would not necessarily apply to those seeking to come to the UK with a very weak case for being accepted as an asylum seeker here.*

33. *We therefore recommend that the Government enter into discussion with the French Government on providing UK asylum assessment facilities within France, enabling juxtaposed consideration of claims in the same way that juxtaposed checks of passports and customs are carried out for Eurostar and Eurotunnel crossings or for ferries to and from Dover, and on the basis that France remains responsible for those people whose UK asylum claims are not successful. We acknowledge that this is a contentious issue between the UK and French Governments and would need firm assurances that any migrants whose applications were rejected by UK authorities must be detained and removed so that they would not simply return to the French coast, but this could be run as a pilot initially.*

## How smuggling and trafficking gangs operate

34. Migrants' journeys to the UK are sometimes in part, sometimes fully, enabled by people smugglers and traffickers. Most migrants are likely to have been involved with such gangs, and usually with more than one gang as they are handed off between groups and across borders until they reach northern France. According to the National Crime Agency, the networks involved in this activity increasingly include organised Kurdish and west Balkan crime groups, with Sudanese groups also involved in attempts to cross the English Channel.<sup>39</sup>

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39 Daily Telegraph [Foreign gangs making 'easy profits' by turning to Channel people smuggling](#) 9 March 2021 [paywall]

## International co-operation to disrupt criminal networks

35. The NCA works with other UK agencies to tackle organised immigration crime. In 2020–21, the NCA carried out 50 ‘disruptions’ against criminals managing small boat crossings (the previous year’s figure was 37).<sup>40</sup> Officers from the NCA work together in an organised immigration crime taskforce with Border Force, Immigration Enforcement, the police and the Crown Prosecution Service (CPS) to identify and tackle crime groups at source in transit countries and in Europe.<sup>41</sup> Among other cases, in 2021 arrests were made by the NCA in Glasgow and by Dutch authorities in the Hague over supply of inflatable boats; a gang leader was jailed for 10 years for seeking to smuggle up to 21 migrants across the Channel at £10,000 each; and seven members of an organised crime group were arrested over the smuggling of Albanian immigrants into the UK at a charge of £20,000 to £25,000 each (this by vehicle, rather than small boat).

## Estimated costs of migrant journeys

36. Dan O’Mahoney estimated in November 2021 that the cost of a Channel crossing was about £4,000 – the cost for a migrant of further travel from their home country could, of course, be considerably higher.<sup>42</sup> The two Yemeni migrants referred to in paragraph 8 told us they had spent more than £11,000 and \$13,000 respectively.<sup>43</sup> Vincent Cochetel, UNHCR special envoy for the central Mediterranean situation, told us that migrants were tempted by ‘pay as you go’ or ‘travel now, pay later’ offers that left them being tracked for continuing or future payment by traffickers throughout their journeys.<sup>44</sup> Maddy Allen of Help Refugees said some migrants saw reaching the UK as their only option to make payments.<sup>45</sup>

37. Channel crossings are also comparatively cheap to organise: an inflatable with an engine can cost less than £5,000, and sailing from France to the UK is, weather permitting, simpler than smuggling on board an HGV with trailer or a train. More than 100km of northern French coastline also provides many launch points. Many boats travel with comparatively few people on board; however, one reported incident involved 88 people, and Dan O’Mahoney calculated that the potential criminal proceeds of that single boat had been about 350,000 euros.<sup>46</sup>

38. The National Crime Agency and the Channel Threat Commander have stressed that prevention of migrant boat crossings can best be achieved by an intelligence-led response that reaches inland from the French border. Significant arrests and interception of more than 23,000 crossing attempts in 2021 indicate the value of cross-border co-operation, even though this is reflective of the increase in attempts overall mentioned above and prevention needs to be much better still. ***The National Crime Agency should continue to pursue national and international operations to identify and prosecute smugglers and participate in global initiatives to crack down on the use of social media and international communications by smugglers.***

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40 NCA Annual Report and Accounts, p. 21, NCA July 2021

41 Ibid

42 Q680, HC 194 17 November 2021

43 Q371–2, HC 705 7 October 2020

44 Q262 HC 705 30 September 2020

45 Q208 HC 705 16 September 2020

46 Q680 HC194 17 November 2021

## UK Government response

39. The Independent Chief Inspector of Borders and Immigration (ICIBI) reported in November 2020 on clandestine entry to the UK during parts of 2019. While the situation has changed significantly since then, not least in the number of crossings attempted and achieved, reassurance may be required that the Home Office continues to respond fully and effectively to trends identified and recommendations made in that report. Concerns were raised about intelligence collection, whether enforcement efforts were focused in the right places, and, most worryingly, how capable the Home Office was of responding to new and emerging threats. In particular, the ICIBI considered that the Home Office did not foresee the surge in small boats from 2018 or that the Netherlands and Belgium might increasingly be launch points.

40. The Home Office failure to foresee the surge in small boats in 2018 or to respond strategically when risks were formally identified in 2019 concerning the likely growth and diversification of small boat crossings means that the Government now appears to be on the back foot as it responds to developments it was warned about more than two years ago. ***The Home Office should urgently review lessons learned from the response to migrant crossings since January 2018. The review should focus on intelligence collection, risk assessment and how information is reported to Ministers and used to inform policy. The Home Office should report in its formal response to this Report on how this review will be taken forward, its staffing and objectives. The review's outcomes should be reported to us within 10 weeks of publication of its formal response to this Report.***

## Social media and people smuggling

41. Rob Jones, Director of Threat Leadership at the NCA, told us that social media was a major tool used in people-smuggling operations, particularly as people reached the final leg of their journey to the UK.<sup>47</sup> Vincent Cochetel of the UNHCR cited advertising by smugglers and traffickers: “They say, ‘There is no legal pathway. Follow us. Trust us.’”<sup>48</sup> Rob Jones argued for greater response by social media companies to requests to take down material of concern from their sites, saying only about half of requests to remove pages the NCA thought related to organised immigration crime had been taken down between January and May 2020.<sup>49</sup>

42. In response, Monika Bickert, Vice President, Global Policy Management, at Facebook told us their policy does not allow “smuggling, facilitation, recruitment, planning, evidence of harbouring, anything pertaining to the organising or facilitation of smuggling, nor do we allow the same with human trafficking”. She accepted that enforcement was not perfect: smugglers use code and evade checks in other ways.<sup>50</sup> She also said that Facebook would not remove content in which a person said they sought to be smuggled or information on how to leave a country, saying content could be provided that could help save lives if

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47 Q57, 3 September 2020

48 Q247 HC 705 30 September 2020

49 Q57 HC 705 3 September 2020

50 Q119 HC342 20 January 2021

focused on safe migration.<sup>51</sup> During 2020 Europol reported 3,800 URLs related to human trafficking and people smuggling to Facebook for review; Facebook took down 85 per cent of those.<sup>52</sup>

43. The National Crime Agency reached agreement with Facebook, Instagram, YouTube, TikTok and Twitter on a new action plan to combat organised immigration crime in December 2021. The organisations committed to use NCA information quickly to review and remove content that violates site guidelines. They will work routinely with the NCA and others and deliver a public information campaign about organised crime groups.<sup>53</sup>

44. Social media platforms play an increasingly significant role in information sharing. ***We welcome the joint action plan between the National Crime Agency and major social media companies to hinder organised immigration crime and urge the Government to persuade more social media providers to participate in action aimed at preventing trafficking and saving lives, though given the previous experience of the Committee in securing assurances from social media companies, the Government will have to keep on their case relentlessly. This consideration will have to be dealt with in the Online Harms Bill currently before Parliament.***

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51 Q120 HC 342 20 January 2021

52 ONH011 Supplementary written evidence, Facebook

53 NCA and social media companies agree new action plan on organised immigration crime 15 December 2021

## 3 New measures to combat crossings

### Operation Isotrope: the role of the Royal Navy

45. In spite of action taken to date, there is every indication that the number of crossings will increase this year. In January alone, 1,341 migrants crossed the Channel in 46 boats. By the end of June, more than 13,000 people had. In January, the Home Secretary told the House of Commons that the Ministry of Defence would be tasked with operational control in the English Channel (and this happened formally on 14 April). The Minister for the Armed Forces said the measure of success for Operation Isotrope (as the Royal Navy's involvement is known) would be "that we do not allow anybody to land in the UK on their own terms .... until the deterrent effect is achieved and the cross-channel route for small boats collapses". Precisely what this means is unclear: Navy vessels are too large to rescue people from dinghies and neither the Royal Navy nor the Royal Marines will push vessels back towards the French coast. The role of the military appears to be in helping secure people once they have landed in the UK.

46. Our colleagues on the Defence Committee reported on Operation Isotrope in March, expressing concern about confusion over details of strategic and operational responsibility, and fearing that the operation could cause reputational damage to the Royal Navy. Other concerns have been expressed that the Navy may appear to be providing a 'taxi service' for small boats. We ourselves saw military operations in action at Western Jetfoil, Dover, and the former RAF Manston site in Kent on 7 June: as well as naval operations, military personnel on site are responsible for logistics – constructing temporary structures, organising supplies of medical equipment, food and clothing. This leaves Home Office civil servants free to concentrate on identifying, interviewing and processing new arrivals from the Channel. Operational control will be reviewed in January 2023, with the MOD charged until then with responsibility "for ensuring small boat migrants in the Channel are identified, intercepted and managed into the wider immigration pathway in a controlled manner".<sup>54</sup>

**47. *Further clarity is required on precisely what difference the assumption of operational responsibility for migrant crossings in the Channel by the Royal Navy (rather than Border Force) is intended to achieve and what measure of success will be applied when these arrangements are reviewed in January. We invite the Home Office to provide that clarity in its response to this Report.***

48. Our colleagues on the Defence Committee have already pointed out that military involvement in channel crossing operations was prematurely announced before details of the Navy's involvement or the policy had been worked out.<sup>55</sup> The Government replied that it 'is not uncommon for strategic objectives to be set out by governments in advance of the policy'.<sup>56</sup> The use of military vessels to police the channel and of military personnel to provide logistic support for on-shore processing facilities cannot reasonably be described as a 'strategic objective', and the absence of clarity over what precisely military operational

54 First Special Report – Operation Isotrope: the use of the military to counter migrant crossings: Government response to the Committee's fourth report of Session 2021-22, 22 May 2022, HC 267

55 Defence Committee, Operation Isotrope: the use of the military to counter migrant crossings, Fourth Report of Session 2021-22, HC 1069, para 4.

56 Government response to Defence Committee, Operation Isotrope: the use of the military to counter migrant crossings, Fourth Report of Session 2021-22, HC 1069.

control of channel operations would mean was apparent when we saw the Home Secretary in February.<sup>57</sup> *There is a worrying trend in Home Office policy announcements being made before detailed policy has been worked through, tested and even agreed between Government Departments, as exemplified by early announcement both of military control of channel operations and the Migration and Economic Development Partnership with Rwanda. We recommend that the Home Office seek to delay announcing new policy initiatives on channel crossings until sufficient detailed planning has been done to substantiate the chances of their success against the underlying strategic goals.*

## The Nationality and Borders Act 2022

49. The Nationality and Borders Act 2022 is intended to:

- increase fairness of the system to better protect and support those in need of asylum;
- deter illegal entry into the United Kingdom, thereby breaking the business model of people-smuggling networks and protecting the lives of those they endanger; and
- remove more easily those with no right to be in the United Kingdom.

These objectives largely mirror those contained in the Government's New Plan for Immigration, published on 24 March 2021.

50. The Act extended existing powers to stop, board or require a ship to be taken to a UK port and detained, enabling those powers to be exercised in international waters as well as UK waters by an officer who has reasonable grounds to suspect immigration-related offences. The new powers would also enable a vessel carrying migrants to be diverted to a European port, with the definition of ship broadened to encompass most flotation devices. On our 7 June visit to Western Jetfoil, Dover, we saw a dozen or so flimsy dinghies constructed of inflated rubber tubes and planks, two of which arrived carrying 79 people during our visit. We also viewed the so-called life jackets given to those who filled the boats; it was apparent from their flimsy, faulty construction that they would do nothing to keep people afloat or save lives if a boat foundered, and in many cases would actively add to the danger.

## Australia's push back policy

51. Pushing back boats is a controversial policy, not least because of the risk involved and obligations under international law to save the lives of those at sea. Greece and Italy have both turned boats around, but the most frequently cited precedent for a push-back policy is Australia's policies between 2001 and 2003 and then from 2013 onwards. Australia had 20,917 people arriving illegally by sea in 2013; since then, the number has fallen almost to zero.<sup>58</sup> In October 2021, the Australian border deaths database also recorded that 2,031 people had died attempting to reach Australia by boat, on journeys considerably longer and more difficult than crossing 20-plus miles of English Channel.<sup>59</sup> None were recorded between January 2015 and August 2021. The stated purpose of the policy was to deter

57 QQ 298–308, work of the Home Secretary, 2 February 2022, HC 192.

58 Statistics on boat arrivals and boat turnbacks, Refugee Council of Australia November 2021

59 Monash University, Australian border deaths database

voyages, thus breaking the business model of organised criminal gangs. It appears, if in combination with other Australian immigration control measures, to have succeeded in those aims, although it is impossible to say how far the policy itself was responsible for this.

### **Push back in the English Channel**

52. The primary objections to push back are safety, practicality and whether such a policy complies with international legal obligations.

53. Ainhoa Campas Velasco, a specialist in maritime law, told us that a state may approach a boat at sea to target smuggling, including people smuggling, and prevent its continuing its journey.<sup>60</sup> Those smuggled are not criminalised, and whether they are at risk or would have good cause to enter the UK illegally to seek refuge are factors to be considered in any action. The UK becomes responsible for the human rights of people once control is taken of their vessel in these circumstances. Rossella Pagliuchi-Lor, UNHCR representative to the UK, took the view that pushbacks could not be an automatic policy since it would be necessary to establish whether any individual had a case for it being more reasonable for them to stay in the UK than in the country from which they had embarked.<sup>61</sup>

54. The Government confirmed in late April 2022 that it would not pursue a pushback policy, a few days before judicial review was due following several legal challenges. The Government had previously suggested pushback would be used in some cases, though the Permanent Secretary to the Home Office, Matthew Rycroft, was not able to share with us details either of the legal basis for such a policy or operational detail on how it would work.<sup>62</sup> The Home Secretary herself told us on 2 February that work was still being done with the Ministry of Defence on how such a policy would operate (although MOD Ministers appeared by then already to have ruled it out).<sup>63</sup> Nor has it ever been clear what position France would take on seeing the UK Navy or Border Force returning vessels to its shores.

**55. *We note that the Government no longer intends to pursue a policy of pushing boats back to European countries. We urge the UK Government to continue instead to press the case for enhanced information-sharing and close co-operation with European governments and agencies. In particular, the Government should seek to investigate the potential for, and likely effectiveness of, joint maritime patrols as a means of dealing safely with migrants in the Channel.***

**56. *Given widely expressed concerns about the practicality and safety of a pushback policy, we think it right that the policy has been dropped: it is hard to see how the benefit of such a manoeuvre as an active deterrent could outweigh its potential costs in the form of risk to migrants' and officials' lives and damage to the UK's reputation.***

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60 Q451 HC 705 11 November 2020

61 Q242 HC705 30 September 2020

62 For example, Q278 The work of th Home Office HC 625 22 September 2021.

63 Q304 The Work of the Home Secretary HC 192, 2 February 2022

## Offshore processing

57. The Government stated its intention to enable asylum claims to be processed outside the UK in the New Plan for Immigration, published March 2021, and the Nationality and Borders Act makes provision to enable that. The Home Secretary flew to Kigali in April to announce a new Migration and Economic Development Partnership (MEDP) with Rwanda for this purpose. Anyone who arrives on a small boat across the Channel appears to be eligible to be considered for relocation to Rwanda under this programme: Rwanda has agreed to accept an uncapped number of people and to process their asylum claims within that country. Such relocations would be one-way: there would be no right of return to the UK. The MEDP was agreed before powers in the Nationality and Borders Bill came into force and was in fact based on earlier statutory provisions and changes to immigration rules.

58. Some 47 people were served with notices of intent to relocate them and a flight booked to leave the UK on 14 June; in the event, following a series of legal challenges, and a ruling from the European Court of Human Rights, no-one was flown to Rwanda on that date. The cost of the flight has been reported at around £500,000. The Home Office has not revealed how much it has spent on fighting the legal challenges to the MEDP. A judicial review decision on the lawfulness of the policy is expected to commence later this year. Media reports have suggested another flight may be attempted before that decision is taken.

## Examples of offshore processing

59. Once more, Australia provides the leading precedent for offshore processing of asylum seekers. Denmark passed legislation enabling the practice in June 2021 but has not yet implemented that policy. The UK's Rwanda scheme differs substantially from the Australian practice.

60. In another case with some similarities to the MEDP plan, Israel sent an estimated 4,000 people to Rwanda between about 2015 and 2018. The scheme has been described as voluntary, with refugees not granted asylum in Israel or illegal entrants to Israel given \$3,500 resettlement payments and a flight to Rwanda rather than facing imprisonment in or deportation from Israel. Once in Rwanda, they were expected to seek asylum, settle or move on to their home country or another third country. Details of the scheme have not been published, but by 2018 when it ceased, few of those sent to Rwanda remained there, and we have taken evidence on this to which we will return in any future consideration of the Rwanda policy.

## Australia and offshoring

61. Australia began using offshore processing centres in Nauru and Manus Island, Papua New Guinea, in 2001, stopped doing so in 2008, and resumed the policy in 2012. The last transfer took place in 2014, and during that year, the highest number of people accommodated offshore in both locations was recorded, at 2,450. Some people remain in the centres; many have been transferred back to Australia and some to the United States. The policy has been much criticised, notably for whether it has been an effective deterrent, its effect on mental and physical health, and its cost. The UNHCR has urged the UK against introducing offshore asylum processing, arguing that "it can lead to situations in

which asylum seekers are indefinitely held in isolated places where they are ‘out of sight and out of mind’, exposing them to serious harm.<sup>64</sup> During passage of the Nationality and Borders Act, the House of Commons was told of 2,116 documented assaults, sexual abuse cases or self-harm attempts in the Australian offshore centres between May 2013 and October 2015, half of those incidents applying to children.<sup>65</sup>

### **The cost of Australia’s offshore policy**

62. A leading UK politician, Rt Hon. David Davis MP, a former Chair of the Public Accounts Committee, called the Australian offshore processing “eye-wateringly expensive”.<sup>66</sup> An overall cost of £4.3 billion for about 30,000 asylum seekers worked out, he said, at about £1.38 million for each person. Annual expenses have been above A\$1 billion and significantly higher than forecast. UNICEF and Save the Children have calculated the cost per asylum seeker at about £225,000 (A\$400,000).

### **MEDP with Rwanda**

63. After reports that the Government had discussed offshoring options with other countries, notably Albania and Ghana (both of which denied interest), the Home Secretary announced on 14 April 2022 that the UK would provide £120 million in development assistance to Rwanda as part of a Migration and Economic Development Partnership that would see migrants to the UK relocated to Rwanda to have their asylum applications processed there. We had previously sought information on how much the Government might commit to such a plan, particularly given the high costs associated with the Australian experience, but had had no firm answer.

64. On the same day she announced the policy, the Home Secretary had to issue a Ministerial Direction to her Permanent Secretary, who had written to her to say that there was insufficient evidence to enable him to guarantee the value for money (VFM) of the scheme. Questions remain about the costs: the number of people who may be sent to Rwanda is ‘uncapped’, and the Prime Minister has reportedly said that tens of thousands of people may be relocated there, although other ministerial statements and reported Home Office modelling suggest potential figures in the hundreds per year rather than thousands. Tom Pursglove MP, Minister for Justice and Tackling Illegal Migration, suggested to us that the additional cost might be around £12,000 per person, implying a putative cost of about £240 million if 20,000 people were relocated in this way.<sup>67</sup>

65. ***The Government’s stated purpose of the Migration and Economic Development Programme with Rwanda is to deter people from seeking to arrive in the UK by irregular means. It is not clear as yet whether it will have that effect. We invite the Government to set out its evidence base for assuming such an effect in its response to this Report.***

66. ***The Home Office must provide more detailed costings for its Migration and Economic Development Partnership with Rwanda, including estimates of the likely cost within the current financial year of relocations and probable costs of relocations during the full five years of the programme.***

64 UNHCR Observations on the New Plan for Immigration policy statement, May 2021, paras 16–17

65 House of Commons 7 December 2021

66 Nationality and Borders Bill debate, House of Commons, 7 December 2021, Vol 705, col 308

67 Q14 Asylum and Migration, HC197, 11 May 2022

***67. The Home Office must also set out what steps it is taking to ensure that the mental and physical wellbeing of those who are relocated to Rwanda is secured for the long term. The agreement with Rwanda implies that the UK will have no responsibility for people relocated once they have arrived in their new accommodation, who will have no right of return to the UK. The UNHCR is strongly of the view that such responsibility does remain with the UK Government even once it has relocated people elsewhere. Given the lessons of the Australian experience, this carries a significant reputational risk for the UK, and we seek assurances that the Government will actively monitor the accommodation, health and educational outcomes achieved for those who are relocated after seeking refuge or a future in this country and details of how that monitoring will be conducted and what actions will be taken in the event of any failure to deliver safe and secure new lives.***

68. We are likely to return in more detail to the Rwanda policy if and when it is more fully developed and put into operation.

## 4 Returns

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69. The vast majority of those who arrive in the UK by small boat claim asylum. Those who do not qualify may be returned or removed from the UK, possibly after appeals have been heard. Failed asylum seekers who do not qualify otherwise for humanitarian protection are encouraged to return to their country of origin or may be forcibly removed from the UK, as may any person whose claim the Government determines should not be considered here.

70. The UK was a participant until 31 December 2020 in the Dublin regulation, which set out criteria for determining where in the EU an individual's asylum claim should be considered. Family unity and the best interests of a child are primary considerations in that. Irregular entry was the most frequently applied criterion when EU member states asked others to 'take charge' of applications on the grounds that the asylum-seeker entered the EU via that other state. The UK Government felt the process was bureaucratic. In 2019, the UK returned 263 individuals to other EU states via the Dublin regulation.

71. For many years the number of people transferred out of the UK under the Dublin system was greater than the number of people transferred to the UK. After 2016, the opposite was the case. Other countries participating in Dublin in northern and western Europe, away from the entry points of Greece, Hungary and Italy, have in absolute terms transferred out far more refugees than the UK. They have also transferred out far more refugees than were transferred in. Over the whole period 2008 to 2020, the UK's percentage of successful transfers compared to requests was 16%, compared to 27% for Denmark, 27% for the Netherlands, 29% for Norway and 29% for Switzerland.

72. After exit from the EU, the Government hoped, in the absence of a European-level agreement on returns, that it could negotiate bilateral agreements with individual EU member states. The UK-EU joint political declaration published on 31 December 2020 noted the UK's intention to engage in bilateral discussions with the most concerned member states to discuss arrangements on asylum, family reunion for unaccompanied minors or illegal migration. Progress has since been made on return agreements with non-EU states including India, Serbia and Albania, but EU member states have continued to consider asylum returns as an EU matter rather than one for bilateral agreement with the UK. France, Belgium, Germany, Sweden and the Netherlands are reported to have said they would not agree to bilateral return deals with the UK.<sup>68</sup>

73. The Telegraph reported in November that the UK had not returned any small boat arrivals to EU destinations during 2021 up to then. Tom Pursglove MP, Minister for Justice and Tackling Illegal Migration, told us a few days later that the Government retained the "ambition to secure successful returns arrangements with our European friends and neighbours".<sup>69</sup> Mr Pursglove also told us only five people had been returned to European countries since January 2021 (although a further 15 were returned by 17 December 2021).

74. The UK Government's reliance on 'safe first country' and irregular entry as key criteria in its requests to other states to take returns may partly explain a lack of success in obtaining returns while the UK was still participating. The Dublin regulation criteria for establishing responsibility for assessing an asylum claim do not prioritise those criteria:

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68 Independent, 22 May 2021

69 Q702, HC 194, 17 November 2021

the list, in order of importance, is family considerations, recent possession of a visa or residence permit in a member state, and then whether the person entered the EU regularly or irregularly. Actions in support of family reunion and protection of unaccompanied minors are key reasons why responsibility may be allocated a state other than the country of first entry.<sup>70</sup> The UK is, of course, no longer a participant in any case.

75. The Minister for Tackling Illegal Migration told us that “the Dublin arrangement was not a panacea”, but it was arguably better than no arrangement at all. Even if the UK wanted to rejoin the Dublin regulation, it would likely be joining a system that would operate differently from the one the UK participated in as a member of the EU. The negotiations under way in the EU on a revision of the current Dublin arrangements place greater emphasis on ‘solidarity’ or ‘burden-sharing’, making it harder to assess the costs and benefits to the UK of taking part.

***76. Following the Minister’s admission that from January to November 2021 the UK returned only five people who had arrived on small boats, it is clear that the UK’s arrangements for the return of failed or inadmissible asylum seekers to Europe have collapsed. We consider that there is no prospect of the promised bilateral deals with former EU partners. The Government must pursue an agreement with the EU on responsibility for asylum seekers who arrive in the UK from another EU country as the most effective and transparent way to deal with returns for irregular migration across the Channel.***

## 5 Migrants and the United Kingdom

77. No single deterrent or action against organised criminal networks will stop migrants from seeking to reach the United Kingdom. On 25 November 2021, the day after 27 people died trying to cross the English Channel by small boat, another 40 people completed the same journey. Some migrants feel they have no choice; some, facing long delays in having applications for safe and legal routes considered, will choose to take their own action.

78. Arguably, the best deterrent is quick and positive alternatives to clandestine migration. Rosella Pagliuchi-Lor, UNHCR Representative to the UK, told us in 2020 that “as long as there is demand, there will always be an offer of these kind of services by smugglers. The only way of reducing the demand is by making sure that people are aware that there are alternatives to this dangerous crossing, and making sure that they can easily access what might in fact already exist”.<sup>71</sup>

79. Law enforcement agencies also see the value of positive alternatives to clandestine migration. Rob Jones of the National Crime Agency told the public bill committee considering what is now the Nationality and Borders Act 2022 that safe and legal routes helped “disincentivise the business model” for people smugglers.<sup>72</sup>

### Safe and legal routes to the UK

80. The Government sanctions safe and legal migration to the UK by issuing visas or giving permission to travel here without one. It should be recalled that refugees seeking persecution may have no access to such routes. More people claim asylum in the UK each year than can be offered safe and legal immigration: “We want to reverse that and, in time, achieve a more balanced, fair system that can provide greater protection and integration support to people coming directly from regions of conflict and instability, rather than safe European countries”.<sup>73</sup>

### Global context

81. UNHCR has reported that there were 135,912 refugees in the United Kingdom as of mid-2021.<sup>74</sup> Clearly, not all of them arrived via small boat crossings, highlighting the comparatively low volume of arrivals by that comparatively visible route. Worldwide, the UNHCR estimates that 26.6 million people were refugees at the end of June 2021 (giving a UK proportion of 0.5% of them). Two-thirds of those refugees come from five countries: Syria, Venezuela, Afghanistan, South Sudan and Myanmar. Most were housed in neighbouring countries. Turkey hosts most refugees (3.7 million people). Within the EU, Germany hosts most, at 1.2 million. It should be noted that most of these comprise skilled young men taken in from Syria, rather than vulnerable family members, as part of a scheme which helped Germany address labour shortages.

82. Asylum applications in Europe more than doubled between 2011 and 2019. In 2011, about 300,000 people sought asylum in the EU: by 2019, it was more than 700,000.

71 Q232 30 September 2020

72 Nationality and Borders Bill Public Bill Committee Second Sitting, Col 66 21 September 2021

73 Consultation on the New Plan for Immigration: Government response, 22 July 2021, CP 493 p7

74 UNHCR Asylum in the UK

Migration slowed during 2020, as a result of Covid-19. The UK received 29,456 asylum applications in 2020, relating to 36,041 people (including family groups). Germany, it may be noted, received 102,500 applications, nearly half the European total.

### Where those who use small boats come from

83. Since 2018 Iranian nationals have made up the largest cohort of people arriving in the UK in small boats, although the proportion of Iranian nationals has decreased from 80 per cent in 2018 to 30% in 2021. Iran has also been the nation from which most asylum claims have been made in the UK in every year since 2016.<sup>75</sup> The next most common nationalities among small boat arrivals in 2021 were Iraqis (21 per cent), Eritreans (11 per cent) and Syrians (9 per cent). There are no safe and legal routes to the UK for undocumented travellers from those countries. In the case of Iran, the Government there refuses to allow such migrants back into the country, making it virtually impossible to deport them from the UK if all their claim procedures have been exhausted unsuccessfully.

84. Analysis by the Refugee Council showed that for the top 10 countries of origin arriving by small boat, 61% of initial decisions made in the 18 months to June 2021 would have resulted in refugee protection being granted. This compares to the grant rate of 52% for decisions made for all nationalities in the same period. Of the top ten nationalities applying for asylum, half have a grant rate above 80% (Iran 88%, Eritrea 97%, Syria 98%, Afghanistan 91%, and Sudan 95%). The final number of grants following appeal is higher. Of the appeals resolved in the year ending March 2022, around half (49%) were allowed (meaning the applicant successfully overturned the initial decision).

### Asylum and economic migration on the Channel crossings route

85. The Home Secretary told the House of Lords Justice and Home Affairs Committee on 27 October that “in the last 12 months alone 70% of the individuals who have come to our country illegally via small boats are single men, who are effectively economic migrants”.<sup>76</sup> In fact, most of those who arrive across the Channel claim asylum: the Director General of UK Visas and Immigration, which determines whether a person arriving in the UK and claiming asylum has refugee status, told us that 98 per cent of those who arrived on small boats between 1 January and 30 June 2020 claimed asylum, but only around 10 per cent had been granted it by September of that year with the remainder still in the system, refused asylum or awaiting attempts to return them to other countries where they had previously claimed asylum.

86. The Government has asserted that “international protection should be sought and is most effective when given in the first safe country a refugee arrives in”.<sup>77</sup> The Home Secretary, introducing the New Plan for Immigration in the House of Commons in March 2021, said: “If you enter illegally from a safe country like France where you should and could have claimed asylum, you are not seeking a refuge from persecution - as is the intended purpose of the asylum system. Instead, you are choosing the UK as your preferred destination”.<sup>78</sup>

75 National Statistics, How many people do we grant asylum or protection to?, 3 March 2022

76 Q4 Lords Justice and Home Affairs Committee oral evidence session, 27 October 2021

77 HL14529 Undocumented migrants: English Channel, Official Report, 26 March 2019

78 Home Secretary's statement on the New Plan for Immigration, 24 March 2021, gov.uk

87. The Government's position appears to be that the UK is not responsible for offering asylum to the majority of those who cross the Channel because they have, necessarily, spent time in safe EU countries in which they could have claimed it, and sometimes have claimed it. Rosella Pagliuchi-Lor, UNHCR Representative to the UK, told us the 1951 Convention relating to the status of refugees neither requires asylum-seekers to apply for refugee status in the first country they reach nor provides an “unfettered” right to choose where to claim. She also said that blind application of the principle of first asylum would require every almost asylum-seeker who arrived in the EU to remain in countries at the border of the EU.<sup>79</sup> This would mean, for example, Greece and Italy receiving the vast majority of refugees who flee across the Mediterranean. The 1951 Convention is intended to encourage collaboration between states, with capacity to receive refugees one of the factors to take into account in determining where asylum may be granted.

### Why the UK?

88. There may be many reasons why a person journeys to the UK rather than seeking asylum in the first country they reach: the presence of family members, communities, culture or language are factors that may be taken into account in determining a claim. The most practical reason is probably delay in decision-making: the operation of the Dublin III regulation requires the member state where an asylum seeker first entered the EU to handle their claim, resulting in heavy pressure on the asylum and support systems in those countries. Refugee Rights Europe told us new arrivals may be “unable to access basic rights, or have their asylum claim refused, and are left with few viable options but to leave”.<sup>80</sup>

89. We heard a direct example of this from a Yemeni medical student and asylum seeker. He first entered Europe via Spain and claimed asylum there in November 2019, but was not given a Red Cross appointment to get accommodation, until February 2020. After living on the streets in Barcelona for a month he travelled to France “to search for another country”, and was then persuaded by other migrants to try to reach the UK. He made two failed attempts to reach the UK by sea in January-February 2020 before giving up and returning to Spain to take up the Red Cross appointment, only to be given another to return more than six months later, on 27 October 2020. He then returned to France and on his third attempt to reach the UK by sea was rescued by Border Force. Since arriving in the UK he had been told his claim was inadmissible because he had applied for asylum in Spain.<sup>81</sup>

90. Other migrants may have little choice for other reasons: Dan O'Mahoney, the Clandestine Channel Threat Commander, told us of migrants forced on to boats, by smugglers taking payments, who had no idea where they were when they reached the UK. Rosella Pagliuchi-Lor cited marketing by smugglers as another reason: some migrants who had already applied elsewhere for asylum wanted to apply in the UK because of concern about the possible outcome of their initial claim.<sup>82</sup> Maddy Allen of Help Refugees

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79 Q242, HC705, 30 September 2020

80 Q242, HC705, 30 September 2020

81 [Qq 287–294, 358–9](#) Channel crossings, migration and asylum-seeking routes through the EU 7 October 2020

82 Q252, HC 705, 30 September 2020

said migrants, particularly children, may be misinformed about the risks and benefits of the UK journey: “what children are telling other children, what community leaders within those groups are saying is incredibly powerful and difficult to override”.<sup>83</sup>

91. Finally, there have been some suggestions that the idea that the UK has an active illegal labour market may be a pull factor for clandestine migration. Among others, Xavier Bertrand, President of Hauts-de-France Regional Council, Pierre-Henri Dumont, the MP for Calais, and Natasha Bouchart, the Mayor of Calais, have all suggested this is a factor in drawing migrants to the northern French coast.

92. If such a perception does play a part, it needs to be dispelled and the active commitment of the French authorities is essential to this. It is also, in practice, undermined by the highly visible nature of small boat crossings: those who seek to enter the UK clandestinely to work illegally are unlikely to wish to be escorted to shore, detained and identified on arrival. Dan O’Mahoney told us in November 2021 that the small boats route was predominantly used by people seeking asylum rather than those seeking unauthorised entry to the UK for other reasons: “pretty much 100% of small boats arrivals are detected and controlled by Border Force, Immigration Enforcement and Home Office officers ... If you were trying to get into the UK and you thought there was a very low chance of you claiming asylum, you would use a different route to do it”.<sup>84</sup>

93. Two decades appear to have passed since the Home Office seriously researched why the UK is a draw for migrants. A 2002 study found four reasons why asylum seekers identified the UK as a safe place for them:

- They had relatives or friends here;
- They believed the UK safe, tolerant and democratic;
- There were links, including colonial links, between their country and the UK; and
- They could speak English or wanted to.<sup>85</sup>

Tyson Hepple, then Director General of Immigration Enforcement at the Home Office, confirmed to us that Home Office management information does not capture data on the significance of family connections, although he agreed that the English language and presence of diaspora communities could be a draw.<sup>86</sup>

94. ***It is surprising that the Home Office does not routinely collect information on why asylum seekers and other migrants seek to journey to the UK. We recommend that it begin to do so, to form a sound evidence basis for future policy-making.***

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83 Q193, HC705, 16 September 2020

84 Q709, 17 November 2021

85 Home Office Research, Development and Statistics directorate, Understanding the decision-making of asylum seekers, Vaughan Robertson and Jeremy Segrott, Migration Unit, Department of Geography, University of Wales, Swansea, 2002

86 Q356, HC705, 3 September 2020 and supplementary written evidence (CHA0054), 11 November 2020

## Positive interventions in France

95. Following a pilot scheme in 2020 the UK-France Joint Statement of 20 July 2021 recorded agreement that both governments would invest in “centres dedicated to providing support to migrants across France”. Migrants would be able to receive accommodation, medical advice and guidance on “asylum options available to them”, as an alternative to travelling to, or returning to, the Calais area to attempt the Channel crossing. The statement noted that options available would include assistance with voluntary returns.

96. Maddy Allen from Help Refugees had previously told us there were insufficient spaces in accommodation for the size of the migrant population, while legal support and legal advice were both “incredibly under-resourced and limited”. For this reason, the new investment appears to be an important step, although ensuring information about available support reaches the most vulnerable migrants, such as children remains problematic. ***We welcome the Government’s investment in migrant support centres across France, which may help to assure migrants that there are safe and accessible asylum options for them in mainland Europe. We urge the Government to consult authorities and organisations working with the migrants to understand what support is most needed to achieve this objective and how, and by whom, information about options in Europe might best be communicated.***

## Child protection in the migrant population

97. Child migrants are among the most vulnerable and we heard specific concerns about the challenges of child protection. The Mayor of Grand-Synthe listed a “combination of factors” which prevented satisfactory outcomes:

continuous controls by smugglers, traffickers or adults preventing a direct access to the youths; lack of sufficient information (in an understood language) on their rights in France and open possibilities in France or UK; lack of trust of the unaccompanied minors towards the public authorities; system for childhood protection saturated in the department of North France; systems planned for children inappropriate or undersized (sheltering; assessment of the minority and of the vulnerabilities, no sustainable taking in charge process); absence of a dedicated place to welcome the youths beforehand; even when unaccompanied minors wish to benefit from the process of temporary emergency sheltering places, they do not systematically have access to it.

98. Ms Allen told us that children were able to stay in reception centres for five days as respite care, before having to decide whether to enter a formal process, including age assessment, which “draws them into the French asylum system”. Ms Allen said, however, that if those children had family or community links which for them made it preferable to seek to continue their journey to the UK they would be likely to leave this safe accommodation after only a short period.

99. Ms Allen drew our attention to the limited availability of trained child protection workers in different departments along the coast. According to the Refugee Youth Service around 11% of unaccompanied children in northern France had a family connection to the UK; a Refugee Rights Europe study of the unaccompanied minor population in northern

France showed around 20% of unaccompanied children had UK family connections, although the degree of connection might not be so close as to enable the child to apply for formal family reunion. We also heard from Border Force officers during our visit to Dover of a case of adult migrants claiming that children accompanying them were related when it turned out that they did not even speak the same language and had clearly been ‘matched up’ by the people traffickers to enhance their case. ***The Government should work with the French authorities to consider the feasibility of a programme of investment in trained child protection workers to work with vulnerable child migrants along the French coast. In line with our own previous recommendation from 2018, the Government should ensure that provision is made for an unaccompanied minor who has a family member in the United Kingdom, who is a refugee or has been granted humanitarian protection, to have at least the same reunion rights with family members in the United Kingdom as they had before the UK left the EU.***<sup>87</sup>

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87 Home Affairs Committee, *Home Office delivery of Brexit: immigration*, Third Report of 2017–19, 14 February 2018, HC 421, para 82.

## 6 Reception in the UK

100. People rescued or picked up at sea by the Coastguard or Border Force, or who arrive on the Channel coast, are normally taken to Dover where they are processed initially at Border Force facilities before being taken to short-term holding facilities in Dover or Folkestone. Abi Tierney, then Director General of UK Visas and Immigration, described the challenge faced when a significant number of people arrive on a single day:

When we do the screening and a lot of the security checks at that point, it takes time, so what can we do that manages the risk of that while also improving the speed and ensuring the welfare of the people arriving? They have been, often, in the Channel overnight, so we need to make sure that they are looked after as well.<sup>88</sup>

Dan O'Mahoney praised the professionalism and skill of staff who deal with arrivals: "the humanity with which they treat migrants ... is genuinely impressive".<sup>89</sup> HMIP, the prisons inspectorate, has also commended the treatment of detainees by staff at Tug Haven, Kent Intake Unit, Frontier House, Yarl's Wood in Bedford and Lunar House in Croydon, which have all been used for short-term detention as migrants are processed.<sup>90</sup>

101. HMIP was, however considerably more critical of the facilities themselves, citing often cramped conditions, insufficient supplies of dry clothing and other essentials, and an absence of assessment of what medical services, equipment or supplies might be needed. Some wet and cold migrants waited hours in the open air. In other cases, unaccompanied children were held overnight with adults or interviewed in the early hours of the morning.

102. Improvements were made after the HMIP report, not least the closure of Tug Haven in favour of a larger facility nearby at Manston. The Committee visited Dover on 7 June 2022 to view new facilities at Western Jetfoil where Royal Navy or Border Force vessels accompany small boats arriving irregularly across the English Channel for disembarkation. During the visit, two such boats arrived, carrying 38 (all Albanian nationals) and 41 people respectively, for 79 in total, including 72 unaccompanied males, five women and two small children.

103. We walked through processing facilities provided in temporary structures constructed and supplied by military personnel since the Ministry of Defence assumed operational responsibility in April. People from the small boats are tested for covid and temperature; if necessary, ill arrivals are taken directly to hospital. People remove clothes wet from sailings that may have taken 12 to 16 hours. Clothing may also be fuel-covered, which may result in burning, which requires on-site or hospital treatment.

104. After showers, each arrival is clothed and fed (sometimes for the first time in many hours). Arrivals are then interviewed (women and children first) to determine identity and age so far as is possible. People are then transported on from Western Jetfoil to detention centres or hotels until asylum claims or returns to home or other countries

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88 Q17 HC705, 3 September 2020

89 Q20, HC705, 3 September 2020

90 HM Chief Inspector of Prisons, Report on an unannounced inspection of the detention of migrants arriving in Dover in small boats 2–4 and 7–10 September 2020, 23 October 2020

can be determined. Jetfoil, and the accompanying former RAF base at nearby Manston, is intended to process up to 1,600 people in 24 hours. About 5% to 10% of arrivals are women and children: the remaining 90% to 95% are men.

105. Concerns remain about conditions for arriving migrants, however, though the Committee noticed a substantial improvement in facilities to those we had seen a year earlier on a previous visit. The Immigration Services Union, for example, told us about excessive delays in processing migrants: in one case, they said migrants were held on coaches for up to seven hours before being admitted to Tug Haven. Since medical providers required that migrants did not eat before being tested for Covid, people were denied food for periods of several hours – on 19 July 2021, pizza was ordered at 9pm for about 400 migrants, some of whom had not eaten a proper meal for more than 20 hours.<sup>91</sup>

106. Subsequently, the Home Secretary told us the Home Office was seeking to use hotels to relieve some of the pressure at Dover, and that options were being explored for, among other things, mobile catering and access to sunscreen and period products for those waiting to enter processing facilities.<sup>92</sup>

### Safeguarding children

107. We heard examples of safeguarding processes failing in other parts of the system, including cases of children being mistaken for adults. During our visit to Western Jetfoil, we witnessed the processing of new arrivals from small boats, and saw something of the age assessment process in action, which consists, initially, of an ‘on-sight’ assessment of an individual, followed by an interview of 30–40 minutes conducted by immigration officers accompanied by local authority social workers intended to identify the claimant’s real age. We were told that those obviously over or under 18 were recorded as such, with the benefit of the doubt given to people claiming to be under 18 where age could not be clearly estimated. The methodology used for estimating ages is far from clear, with benefit of doubt appearing to be given up to the age of about 25. Further interviews and checks on identity follow later in the asylum process.

108. Dr Bhui told us that during HMIP’s 2020 inspection inspectors at Yarl’s Wood identified an individual transferred there from Dover who was “clearly very young” to be held in an adult residential holding facility. He said that the response from Yarl’s Wood staff was “very good ... but it clearly should not have got that far” as the child should have been identified and safeguarded at Dover. In the three months to the end of August 2020 two unaccompanied children had been transferred from Dover to Yarl’s Wood without previously having been identified as such; the inspectorate saw a further two, including the case referred to by Dr Bhui, during the seven days of the inspection.

109. Specific instances may illustrate systemic issues. Dr Bhui described one case:

a 12-year-old boy who had arrived with his 18-year-old brother we think. We looked at records and found that these two had been transferred to asylum accommodation in a local authority, so the obvious question is whether social services were informed that a child was being taken to their area. Were basic safeguarding processes put in place? UKVI were

91 Notes of Concerns raised by staff connected to small boat arrivals, ISE, 22 July 2021

92 Letters from Home Secretary 30 July 2021 and 19 August 2021

responsible here. They could not tell us, to start with, what had happened. The inspector who was involved chased it up, got no response, passed it on to me. I chased it up. I eventually got a response after chasing it myself a couple of times. It eventually came to light that UKVI had not informed the local authority about this child going to that area, and the obvious question to which I want to know the answer is, “Well, do you know now if this child is being properly safeguarded?” and I still have received no answer from them. In the meantime, we had made an independent safeguarding referral, as you would expect, to the local authority. It has no knowledge of this child, so something serious has gone wrong. [ ... ] that is indicative of a deeper problem perhaps. You could understand perhaps if one child slipped through, and these things could happen, but not the numbers we have seen.

110. Dr Bhui provided us with this evidence more than ten weeks after the inspection, indicating that his safeguarding concerns about this particular child had remained unanswered for a considerable time. On 2 December 2020 Abi Tierney confirmed in answer to our questions that the 12-year-old referred to by Dr Bhui was safe and in school. She said that the procedures in this case were under review.

111. We also heard that unaccompanied children had been identified in immigration removal centres (IRCs). This is especially concerning, both because a child should not be held in an adult facility and because an individual at the point of immigration removal would have “already been through two or three different alleged assessments” without their vulnerability being identified and would be at clear risk of being deported. Mary Molyneux, the Chair of Brook House IRC Independent Monitoring Board, told us that in September 2020 there had been four age disputes at Brook House, leading to three young people who should not have been placed in immigration detention being released into the care of social services. There were a further 16 age disputes at Brook House between 1 October and 31 December 2020 following which 11 young people were released. Dame Anne Owers, the National Chair of Independent Monitoring Boards, expressed concern that “at each point throughout the system” from migrant reception to immigration removal “people are identifying that there are minors being held in detention who should not be there” and Mary Molyneux also felt that “something is wrong in the system” if the fact that a person is a child “is still not being picked up until the final stage of removal”. Dr Bhui told us that there was a lack of focus on safeguarding responsibilities and, while the pressure of numbers might be a reason, it was “not an excuse for not doing it”.

112. The Nationality and Borders Act 2022 contains a number of provisions relating to age assessment, including a new National Age Assessment Board, and powers for the Home Secretary to make regulations specifying scientific methods for age assessments. The provisions are controversial because there is broad consensus that age assessment should not rely exclusively, or for some stakeholders, at all, on analyses of the skeleton or the teeth. Physical development varies significantly between individuals and markers of maturity do not correspond exactly to chronological age. The Home Office has said the provision aim to make assessments more consistent, robust and to widen the breadth of evidence on which to base age decisions.

113. Evidence to our inquiry has repeatedly raised concerns about failures of Home Office safeguarding processes, both in respect of identifying vulnerable children through screening and assessments, and failures of communication when transferring safeguarding

responsibility from one agency to another. *The Government has a statutory safeguarding responsibility for the welfare of children in the asylum system: these concerns must be addressed as a priority, and there remains clear discrepancies in procedures about whether the Home Office or local authority takes lead responsibility for the safeguarding of minors and how the two bodies work complementarily. In particular, we request that the Government include in its response to this report a summary of changes made to Home Office safeguarding processes in consequence of the review referred to by Abi Tierney, in evidence on 2 December 2020.*

114. *The Government should also commission an independent end-to-end review of the asylum system as it is applied to, and experienced by, children. The report of this review should be published no later than 15 December 2022.*

### Accommodation of unaccompanied children in hotels

115. The cost of accommodating asylum seekers in hotels has been much commented on in recent months. Less attention has been attracted by the fact that some unaccompanied children have been living in hotels, and that a number of them have gone missing and not been found. Some 65 charities expressed concern that safeguarding arrangements might not be sufficient when it first became clear that such children were being left alone in hotels.<sup>93</sup>

116. The Education Secretary wrote to charities that “the decision to use hotels was not reached lightly”: following legislative changes in September 2021 under-16s would not be able to be accommodated in “unregulated or ‘other arrangements’ accommodation”. The Home Secretary wrote to us highlighting “the pressure that can be placed on the end-to-end system when a high number of children arrive on a single day” and expressing her belief that recent changes to the National Transfer Scheme would give local authorities greater confidence to participate, meaning that hotel accommodation “will only need to be in place for the shortest period possible”.<sup>94</sup>

117. The Permanent Secretary, Matthew Rycroft, told us on 22 September 2021 that “it depends on the precise circumstances but, broadly speaking ... it is the Home Office” which acts as the safeguarding authority for a child placed in a hotel” He said safeguarding officers were constantly on site. We remain unclear on what powers are being used to place children and young people in hotels and whether care workers on site are fully qualified to act as safeguarding leads.

118. On 11 January 2022 the Independent reported that a freedom of information request had disclosed that 16 unaccompanied asylum-seeking children had gone missing from hotels between 20 July and 25 November. Nine remained unaccounted for. Another child had gone missing between 25 November and 2 December and had also not been found. The report noted concerns that the young people in hotels were vulnerable to trafficking and exploitation and said that “where the responsibility for these children lies remains unclear”.<sup>95</sup>

93 [Charities to Education Secretary Gavin Williamson ‘Placing unaccompanied children in hotels is a breach of their rights’, 29 July 2021](#)

94 [Correspondence from the Home Secretary to Chair, 31 August 2021](#)

95 [Lone child refugees housed in hotels go missing at rate of one a week](#) 11 January 2022 [accessed 17 January 2022]

119. *The disappearance of separated children from hotels, and a continuing absence of clarity over who is responsible for safeguarding in hotels, is extremely concerning. The Government must immediately and clearly confirm where responsibility lies for every aspect of safeguarding children housed in this accommodation. It must also explain what steps it has taken to understand the causes of children's disappearances from hotel or similar accommodation, and the measures put in place to address them.*

120. *Although the Home Secretary stated that changes to the National Transfer Scheme would ensure hotel accommodation for children “will only need to be in place for the shortest period possible” it has now been in operation for more than nine months. This is not acceptable. The Government must provide a clear timeline for ending the accommodation of unaccompanied children in hotels.*

## The impact of trauma on children arriving in the UK

121. In 2020 the average wait for an asylum decision experienced by unaccompanied asylum-seeking children was 550 days. The pace of decision-making within the asylum system is profoundly difficult for this young and vulnerable group and has worsened as a consequence of the pandemic. The Refugee and Migrant Children's Consortium has reported that these delays present risks not only of self-harm and suicide, but also of increased vulnerability to human trafficking, exploitation and abuse. The Children's Society told us that trauma that young people may have faced before arriving in the UK can affect children for substantial periods and that young people's attempts to adapt to life in the UK may be made more difficult and may lead to mental health difficulties without a network of support.

122. They reported that the accumulation of factors such as the need to navigate the asylum system, age disputes, delays in Home Office decision-making and the impact of previous trauma could create serious risks of self-harm and suicide. The strengths and difficulties questionnaire (SDQ) commonly used to identify an unaccompanied young person's need for mental health support did not adequately identify the mental health needs of these children; where a need for support was identified, waiting lists for mainstream services were at least six months long and there were sometimes difficulties accessing therapists appropriately trained to support asylum seekers and people who did not have English as their first language.<sup>96</sup>

123. The Da'aro Youth Project, a charity which works with asylum-seeking children and young people from North-East Africa, expressed concerns about the number of suicides among teenage Eritrean and Ethiopian asylum-seekers. Da'aro told us that some of the young people who had died by suicide were known to their service and staff. Some had been worried about receiving a negative decision; some had experienced age disputes that had incorrectly found them to be adults, before they were later brought back into the care system as children; some had difficulties with post-traumatic stress. They told us that trauma recovery was not implemented as a standard part of care planning by local authorities; professionals working with the young people did not always have “the knowledge, experience or training to identify and meet these needs” and were often managing large caseloads which meant they could not offer intensive support.<sup>97</sup>

96 Written evidence from the Children's Society [CHA0020](#) Published 30 September 2020

97 Written evidence submitted by the Da'aro Youth Project ([CHA0066](#))

124. Da'aro suggested that any changes to the asylum system should consider the lack of specialist mental health support for young asylum-seekers. They recommended the appointment of independent Youth Welfare Officers to support young people in Initial Accommodation Centres and dispersal accommodation to access social, emotional and practical support. The Children's Society told us that the UN Committee on the Rights of the Child had recommended in 2016 that the UK establish statutory independent guardians for all unaccompanied and separated children<sup>98</sup> but this recommendation had only been partially adopted and models varied significantly between different parts of the UK.<sup>99</sup> Frances Johnson, a PhD student examining the integration of unaccompanied asylum-seeking children in the UK, also advocated for the appointment of an independent legal guardian for all unaccompanied children to provide independent support with their interactions with the state, including the asylum decision-making process, and to be “a consistent, regular, kindly adult presence in their life”.<sup>100</sup>

### Legal support

125. Both Frances Johnson and the Children's Society told us that many unaccompanied children struggle to access effective and high-quality legal support for their asylum claims, without which they could find themselves in “a very precarious legal position”.<sup>101</sup> In this context we note that the former Independent Chief Inspector of Borders and Immigration wrote, about wider refugee access to legal advice, that “the notion that after five years in the UK most refugees should be able to navigate the immigration system without [support ...] appeared to be wishful thinking”. He recommended that the Home Office should agree a plan with the Ministry of Justice and other relevant offices to ensure refugees arriving through resettlement schemes can access “affordable, good quality legal advice” for immigration-related purposes including applications for Indefinite Leave to Remain.<sup>102</sup>

126. Witnesses raised a number of concerns about children's particular support needs within and following their passage through the asylum system. These included, for example, support with education, integration, trauma recovery and legal assistance to confirm their status. ***We have recommended that the Government commission an independent review of children's experiences of the asylum system. This review should include examination of the support needs for young asylum seekers, including failed asylum seekers, and refugees up to the age of 25 and should assess the cost of providing those services. We encourage the Government also to consider how independent Youth Welfare Officers might be employed to provide immediate social, emotional and practical support to young asylum-seekers and refugees adapting to life in the UK.***

127. ***Every young asylum seeker should be provided with a trusted and independent adult who is qualified to support their interactions with immigration and asylum processes and who can where appropriate help them to settle in the UK. We welcome the provisions already available in Northern Ireland and Scotland, and pilot arrangements***

98 [Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland](#), UNCRC 3 June 2016 [accessed 13 January 2022]

99 Written evidence from the Children's Society [CHA0020](#) Published 30 September 2020 [accessed 13 January 2022]

100 [CHA0016](#) Written evidence from Frances Johnson [accessed 13 January 2022]

101 [CHA0016](#) Written evidence from Frances Johnson [accessed 13 January 2022]; Written evidence from the Children's Society [CHA0020](#) Published 30 September 2020 [accessed 13 January 2022]

102 [An inspection of UK Refugee Resettlement Schemes \(November 2019-May 2020\)](#) ICIBI p11 [accessed 13 January 2022]

*in parts of England and Wales, but greater consistency is needed. The Government should ensure independent legal guardianship is available to all separated children and young people throughout the UK.*

## Management of asylum-seekers between Home Office facilities

128. In November 2020 Dame Anne Owers, National Chair of the Independent Monitoring Boards, drew our attention to a “very new and very obvious” change in the pace of migrant returns to Dublin Convention countries in the UK’s last few months of EU membership. She told us that arrivals at Dover were being moved to Yarl’s Wood, to Brook House Immigration Removal Centre (IRC) and then potentially on to a removal flight “so swiftly, it is almost like a pinball machine”. Processes designed to assess migrants’ vulnerability and the validity of their asylum claims were compromised by the speed of these transfers. This in turn was causing considerable stress and anxiety for both detainees and staff at Brook House, where the number of detainees had doubled “in a relatively short time”.<sup>103</sup>

129. Mary Molyneux, Chair of the Brook House IRC Independent Monitoring Board, told us that there had been a complete change in the nature of the population at Brook House from largely time-served foreign national offenders, who had been moved out, to mostly asylum-seekers who had relatively recently arrived in the UK and who were detained in preparation for their removal. This new population in the IRC had little previous experience of immigration procedures or life in the UK, had limited spoken English and a greater need for information and support, to which staff had had to adapt. Ms Molyneux said that there was “a clear correlation” between the start of the “relentless, continuous, concentrated” programme of EU removals and very high levels of vulnerability, self-harm and threats of suicide.<sup>104</sup>

130. Sarah Burnett, Operations Director, Immigration & Secure Logistics, Serco, confirmed that in October 2020 there had been 25 incidents of self-harm related to 19 different individuals at Brook House.<sup>105</sup> The annual report of the Brook House IMB for 1 January – 31 December 2020 shows that more than 30 detainees were on constant supervision during each month from August to November while the average daily population per month ranged from 93 to 122.<sup>106</sup>

131. The 2020 annual report of the Independent Monitoring Board at Brook House IRC judged that, due to circumstances related to the Dublin Convention charter programme, “in the latter months of 2020 Brook House was not a safe place for vulnerable detainees who had crossed the Channel in small boats”, as evidenced by the high levels of self-harm and suicidal ideation: these circumstances “amounted to inhumane treatment of the whole detainee population by the Home Office” at that time. It also noted that 72% of those detained in this unsafe environment between August and December 2020, during the charter programme, were later released.<sup>107</sup>

103 [Qq505–506](#) Channel crossings, migration and asylum-seeking routes through the EU, HC 705 25 November 2020

104 [Qq505, 513](#) Channel crossings, migration and asylum-seeking routes through the EU, HC 705 25 November 2020; Independent Monitoring Boards – [Annual Report of the Independent Monitoring Board at Brook House Immigration Removal Centre For reporting year 1 January – 31 December 2020](#) – May 2021

105 [Q555](#) Channel crossings, migration and asylum-seeking routes through the EU, HC 705 25 November 2020

106 [Q513](#) Channel crossings, migration and asylum-seeking routes through the EU, HC 705 25 November 2020

107 Independent Monitoring Boards – [Annual Report of the Independent Monitoring Board at Brook House Immigration Removal Centre For reporting year 1 January – 31 December 2020](#) – May 2021

### *Transfer of migrants to Yarl's Wood and Heathrow Immigration Removal Centres (IRCs)*

132. The Independent Monitoring Board reported that many detainees brought to Brook House for removal on Dublin Convention charter flights had not been effectively assessed for vulnerabilities including their age, claims of modern slavery, trafficking or torture before reaching Brook House although “many ... would already have been in Home Office care from their arrival in Kent”. It suggested that these apparent failures might have resulted from the rapid moves between facilities and the compressed timeline and processes for removal, which meant “there was sometimes insufficient time” for thorough assessments of vulnerability at any one centre.<sup>108</sup>

133. We have seen further evidence of failings in Home Office screening and vulnerability assessments. In addition to evidence of age disputes discussed above, Dover IMB reported that between 8 and 12 October 2021 colleagues at Yarl's Wood found a detainee who arrived from Dover with undetected chemical burns. A detainee who was deaf and mute, and a second who was deaf, had also not been identified as disabled until they reached Yarl's Wood.<sup>109</sup>

134. The ICIBI's 2021 inspection of asylum caseload noted that on ‘green’, or quiet, days migrants arriving at Tug Haven were taken to the Kent Intake Unit to be fingerprinted before transfer to Yarl's Wood; on ‘red’ days, however, when high numbers arrived, migrants were transferred directly from Tug Haven to Yarl's Wood. A manager told the ICIBI

“claimants were arriving [at the intake units] and we had no idea who they were, they had not been searched, families were split up, detention papers hadn't been properly done.”<sup>110</sup>

135. The Heathrow IRC independent monitoring board has written to Ministers concerning the decision to designate the Heathrow IRC as a short-term holding facility (SHTF) in order to receive migrants for processing after their arrival at Dover. The board reported that large numbers of migrants were increasingly been sent to the IRC at short notice, often at night and in spite of warnings from the centre's managers that it could not process that many people. The pressure to process these numbers meant that it was not possible for the arrivals to be screened by healthcare or for their mental state or vulnerability to be risk assessed. The numbers were such that some arrivals had had to sleep on mats on the Visit Hall floor, without blankets or pillows and without access to washing facilities, for two nights while waiting to be processed. Staff had to be redeployed to cope with these short notice arrivals, compromising the safety and wellbeing of detainees in other parts of the facility.<sup>111</sup>

108 [Independent Monitoring Boards – Annual Report of the Independent Monitoring Board at Brook House Immigration Removal Centre For reporting year 1 January – 31 December 2020 – May 2021](#)

109 [Report on Dover holding facilities 11/10/21](#) Dover IMB [accessed 14 January 2022]

110 [An inspection of asylum caseload \(August 2020-May 2021\)](#) ICIBI paragraphs 9.51–9.52 gov.uk [accessed 27 January 2022]

111 [Letter to the Minister for Future Borders and Immigration and the Minister for Justice and Tackling Illegal Migration](#) Heathrow IRC Independent Monitoring Board 10 November 2021 [accessed 14 January 2022]

136. Reports from Independent Monitoring Boards about inhumane treatment of detainees at Brook House during the concentrated Dublin Convention removal programme in 2020 are disturbing. The decision to detain the numbers held in such a stressful environment is rendered questionable by the fact that 72% were subsequently released.

137. We are particularly concerned by evidence of multiple failures in Home Office screening of small boat arrivals for vulnerability and in communication of information about identified needs between different facilities. We recognise that frontline staff are working under extreme pressure, but the consequences for the individual whose vulnerability is not recognised may be acute, extending even to removal from the UK. ***The Government must ensure that there is enough physical and staff capacity to conduct necessary searches, fingerprinting, identity and initial vulnerability checks consistently on all migrants arriving at Dover before they are transferred to Yarl's Wood or other Home Office facilities.***

138. ***Fulfilment of this recommendation is likely to require investment in internet connectivity and/or other equipment and resources. Such investment would deliver greater effectiveness in managing safeguarding obligations and support improved communications between staff processing migrants in different units and reduce casework delays later in the decision-making process.***

139. In October 2021 the Government accepted a recommendation from the ICIBI that it should “Review the processes in place relating to the arrival, screening and induction into an IRC/Short-Term Holding facility of migrants who have arrived in the UK by small boat, paying particular attention to age assessments”.

140. ***We invite the Government to report the outcomes of the review undertaken in response to the ICIBI's recommendation on screening and induction processes, and its progress with actions arising from that review, in its response to this report. The Government should also learn the lessons of the specific screening failures highlighted by HMIP and the Independent Monitoring Boards in their recent reports and inform us of actions arising from these findings.***

141. ***The Government must also explain what measures have been put in place to improve communication between Border Force and short-term holding facilities about their capacity to receive migrants. The Home Office should agree minimum notice periods for different numbers of arrivals at holding centres.***

## 7 Conclusion

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142. At the start of our inquiry in 2020 the Clandestine Channel Threat Commander told us that his focus was on ensuring that the Channel route to the UK “becomes unviable”. The high visibility of the small boats route and concerns about its dangers have substantially increased urgent demands for a solution—an effective deterrent, or series of deterrents—which would simply stop people attempting this route to the UK.

143. The deaths of 27 people while making the crossing on 24 November 2021 demonstrate how dangerous this route is. We wholly support the work of national and international agencies to monitor, disrupt and prosecute the criminal gangs preying on vulnerable and desperate people.

144. The crossings are, however, ultimately part of a larger picture and a larger crisis. While the numbers now travelling on boats have increased sharply, and the nationality, gender and age of those attempting the crossing has become more diverse, the overall numbers of people seeking asylum in the UK are not exceptional either within the UK’s recent history or by comparison with the numbers applying to EU member states. More significant are the facts that decision-making within the asylum system is hindered by outdated technology and high staff turnover; the number of people requiring state support, while waiting increasingly long periods for those decisions, has exceeded the available supply of accommodation; and new arrangements for the return or transfer to Europe of people whose claim for asylum is not to be considered in the UK, together with provisions for safe and legal family reunion in the UK, remain unresolved following the UK’s exit from the EU.

**145. We recognise that this crisis has been building over many years. But this Government’s response, characterised first by inattention and then by poor decision-making, has exacerbated these problems and undermined public confidence in the asylum system and in the management of the border. The issue has not been helped by the perceived reluctance of the French Government to find a solution and work much more cooperatively with UK authorities in intercepting migrants before they reach British territorial waters.**

146. The challenges of migration and asylum are complex. They do not affect the UK uniquely and, equally, the UK cannot solve them alone. People in urgent danger of persecution will continue to travel without prior authorisation in search of sanctuary: under the Refugee Convention they may do so, provided they show good cause. Investing in—and resolving the operational problems of—the asylum system, urgently addressing the requirement for new returns agreements, and ensuring there are accessible safe and legal routes to the UK are all key priorities for the restoration of an asylum system in the UK which is fair and effective. Together, these actions would provide the counter-narrative to criminally facilitated Channel crossings which has been advocated by both law enforcement and the UNHCR.

***147. We urge the Government to show leadership through redoubling efforts to engage and co-operate with international partners. The provision of safe and legal routes to the UK should be a key part of the Government’s strategy to counter the criminal trade, and this has not yet received the attention it deserves. The Government risks undermining its own ambitions and the UK’s international standing if it cannot demonstrate that***

*proposed policies such as pushbacks, now abandoned, and offshore processing, such as the Rwanda partnership now being legally challenged, are compatible with international law and conventions.*

# Conclusions and recommendations

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## Introduction

1. Migration, including irregular migration across the English Channel, is an issue on which no magical single solution is possible and on which detailed, evidence-driven, properly costed and fully tested policy initiatives are by far most likely to achieve sustainable incremental change. (Paragraph 2)

## Management of the asylum system

2. *While we agree with the Home Secretary that the asylum system is broken, we invite her to make it clear, given the long-term and growing pressures on the system, that it was not migrants crossing the Channel who broke it.* (Paragraph 14)
3. *Addressing the asylum ‘work in progress’ caseload must be the Department’s highest priority within asylum operations. Doing that would unlock substantial resources, reduce current pressures on contingency and institutional accommodation and enable wider system reform including communities’ capacity to welcome—even sponsor—refugees.* (Paragraph 17)
4. *The Government should accept the UNHCR’s support for the challenge of rebuilding an efficient and fair asylum system in the UK, and its practical suggestions for operational improvement. The Government should work with the UNHCR to assess the feasibility of proposals including measures to improve the registration, screening and triaging of cases. The Government must urgently consider what further steps may be taken to prioritise unaccompanied children’s claims, as set out in the Immigration Rules, and to reduce case-handling times for those children.* (Paragraph 18)

## Channel crossings

5. *The visibility of small boat crossings of the English Channel should not prevent our remembering that migrants also use ferries, planes, trains and vehicles to enter the United Kingdom irregularly and by clandestine means. The rapid increase in the proportion of people making the dangerous journey across the Channel may suggest, however, that security improvements made by the French and UK authorities in northern France is displacing traffic from those routes into small boats. We agree with the Permanent Secretary that any policy that closes down small boat immigration by inadvertently creating something even more dangerous would be a pyrrhic victory and reiterate the necessity for the Government fully to develop, test and risk assess any such policy before it is announced.* (Paragraph 21)
6. *We recommend that the UK Government continue to prioritise close, collaborative working with the French authorities, including provision of equipment and intelligence that may help disrupt organised criminal gangs that profit from the misery and desperation of migrants. An intelligence-led approach remains the best way to identify the activities of such gangs and prevent their continuing exploitation of vulnerable people.* (Paragraph 31)

7. *The greatest deterrent to perilous crossings of the channel on unseaworthy vessels with actively dangerous 'life-jackets' would be to prevent such crossings ever leaving France. Alternatively the French authorities with or without British assistance could intercept the boats once in French territorial waters and return them to French land whence they started their journey, as international maritime lawyers advised us they were legally entitled to do. This would soon have the deterrent effect at preventing people risking a dangerous and expensive round trip to and from French beaches but the French Government refuses to countenance such a policy. We believe that discussions with the French as to what it would take for them to change this policy are essential. Creation of a safe and legal route for those who might successfully seek asylum in the UK having passed through the European continent could provide such a disincentive and deterrent, though that would not necessarily apply to those seeking to come to the UK with a very weak case for being accepted as an asylum seeker here. (Paragraph 32)*
8. *We therefore recommend that the Government enter into discussion with the French Government on providing UK asylum assessment facilities within France, enabling juxtaposed consideration of claims in the same way that juxtaposed checks of passports and customs are carried out for Eurostar and Eurotunnel crossings or for ferries to and from Dover, and on the basis that France remains responsible for those people whose UK asylum claims are not successful. We acknowledge that this is a contentious issue between the UK and French Governments and would need firm assurances that any migrants whose applications were rejected by UK authorities must be detained and removed so that they would not simply return to the French coast, but this could be run as a pilot initially. (Paragraph 33)*
9. *The National Crime Agency should continue to pursue national and international operations to identify and prosecute smugglers and participate in global initiatives to crack down on the use of social media and international communications by smugglers. (Paragraph 38)*
10. *The Home Office should urgently review lessons learned from the response to migrant crossings since January 2018. The review should focus on intelligence collection, risk assessment and how information is reported to Ministers and used to inform policy. The Home Office should report in its formal response to this Report on how this review will be taken forward, its staffing and objectives. The review's outcomes should be reported to us within 10 weeks of publication of its formal response to this Report. (Paragraph 40)*
11. *We welcome the joint action plan between the National Crime Agency and major social media companies to hinder organised immigration crime and urge the Government to persuade more social media providers to participate in action aimed at preventing trafficking and saving lives, though given the previous experience of the Committee in securing assurances from social media companies, the Government will have to keep on their case relentlessly. This consideration will have to be dealt with in the Online Harms Bill currently before Parliament. (Paragraph 44)*

### **New measures to combat crossings**

12. *Further clarity is required on precisely what difference the assumption of operational responsibility for migrant crossings in the Channel by the Royal Navy (rather than*

*Border Force) is intended to achieve and what measure of success will be applied when these arrangements are reviewed in January. We invite the Home Office to provide that clarity in its response to this Report. (Paragraph 47)*

13. *There is a worrying trend in Home Office policy announcements being made before detailed policy has been worked through, tested and even agreed between Government Departments, as exemplified by early announcement both of military control of channel operations and the Migration and Economic Development Partnership with Rwanda. We recommend that the Home Office seek to delay announcing new policy initiatives on channel crossings until sufficient detailed planning has been done to substantiate the chances of their success against the underlying strategic goals. (Paragraph 48)*
14. *We note that the Government no longer intends to pursue a policy of pushing boats back to European countries. We urge the UK Government to continue instead to press the case for enhanced information-sharing and close co-operation with European governments and agencies. In particular, the Government should seek to investigate the potential for, and likely effectiveness of, joint maritime patrols as a means of dealing safely with migrants in the Channel. (Paragraph 55)*
15. *Given widely expressed concerns about the practicality and safety of a pushback policy, we think it right that the policy has been dropped: it is hard to see how the benefit of such a manoeuvre as an active deterrent could outweigh its potential costs in the form of risk to migrants' and officials' lives and damage to the UK's reputation. (Paragraph 56)*
16. *The Government's stated purpose of the Migration and Economic Development Programme with Rwanda is to deter people from seeking to arrive in the UK by irregular means. It is not clear as yet whether it will have that effect. We invite the Government to set out its evidence base for assuming such an effect in its response to this Report. (Paragraph 65)*
17. *The Home Office must provide more detailed costings for its Migration and Economic Development Partnership with Rwanda, including estimates of the likely cost within the current financial year of relocations and probable costs of relocations during the full five years of the programme. (Paragraph 66)*
18. *The Home Office must also set out what steps it is taking to ensure that the mental and physical wellbeing of those who are relocated to Rwanda is secured for the long term. The agreement with Rwanda implies that the UK will have no responsibility for people relocated once they have arrived in their new accommodation, who will have no right of return to the UK. The UNHCR is strongly of the view that such responsibility does remain with the UK Government even once it has relocated people elsewhere. Given the lessons of the Australian experience, this carries a significant reputational risk for the UK, and we seek assurances that the Government will actively monitor the accommodation, health and educational outcomes achieved for those who are relocated after seeking refuge or a future in this country and details of how that monitoring will be conducted and what actions will be taken in the event of any failure to deliver safe and secure new lives. (Paragraph 67)*

## Returns

19. *Following the Minister's admission that from January to November 2021 the UK returned only five people who had arrived on small boats, it is clear that the UK's arrangements for the return of failed or inadmissible asylum seekers to Europe have collapsed. We consider that there is no prospect of the promised bilateral deals with former EU partners. The Government must pursue an agreement with the EU on responsibility for asylum seekers who arrive in the UK from another EU country as the most effective and transparent way to deal with returns for irregular migration across the Channel. (Paragraph 76)*

## Migrants and the United Kingdom

20. *It is surprising that the Home Office does not routinely collect information on why asylum seekers and other migrants seek to journey to the UK. We recommend that it begin to do so, to form a sound evidence basis for future policy-making. (Paragraph 94)*
21. *We welcome the Government's investment in migrant support centres across France, which may help to assure migrants that there are safe and accessible asylum options for them in mainland Europe. We urge the Government to consult authorities and organisations working with the migrants to understand what support is most needed to achieve this objective and how, and by whom, information about options in Europe might best be communicated. (Paragraph 96)*
22. *The Government should work with the French authorities to consider the feasibility of a programme of investment in trained child protection workers to work with vulnerable child migrants along the French coast. In line with our own previous recommendation from 2018, the Government should ensure that provision is made for an unaccompanied minor who has a family member in the United Kingdom, who is a refugee or has been granted humanitarian protection, to have at least the same reunion rights with family members in the United Kingdom as they had before the UK left the EU. (Paragraph 99)*

## Reception in the UK

23. *The Government has a statutory safeguarding responsibility for the welfare of children in the asylum system: these concerns must be addressed as a priority, and there remains clear discrepancies in procedures about whether the Home Office or local authority takes lead responsibility for the safeguarding of minors and how the two bodies work complementarily. In particular, we request that the Government include in its response to this report a summary of changes made to Home Office safeguarding processes in consequence of the review referred to by Abi Tierney, in evidence on 2 December 2020. (Paragraph 113)*
24. *The Government should also commission an independent end-to-end review of the asylum system as it is applied to, and experienced by, children. The report of this review should be published no later than 15 December 2022. (Paragraph 114)*
25. *The disappearance of separated children from hotels, and a continuing absence of clarity over who is responsible for safeguarding in hotels, is extremely concerning.*

*The Government must immediately and clearly confirm where responsibility lies for every aspect of safeguarding children housed in this accommodation. It must also explain what steps it has taken to understand the causes of children's disappearances from hotel or similar accommodation, and the measures put in place to address them. (Paragraph 119)*

26. *Although the Home Secretary stated that changes to the National Transfer Scheme would ensure hotel accommodation for children "will only need to be in place for the shortest period possible" it has now been in operation for more than nine months. This is not acceptable. (Paragraph 120)*
27. *We have recommended that the Government commission an independent review of children's experiences of the asylum system. This review should include examination of the support needs for young asylum seekers, including failed asylum seekers, and refugees up to the age of 25 and should assess the cost of providing those services. We encourage the Government also to consider how independent Youth Welfare Officers might be employed to provide immediate social, emotional and practical support to young asylum-seekers and refugees adapting to life in the UK. (Paragraph 126)*
28. *Every young asylum seeker should be provided with a trusted and independent adult who is qualified to support their interactions with immigration and asylum processes and who can where appropriate help them to settle in the UK. We welcome the provisions already available in Northern Ireland and Scotland, and pilot arrangements in parts of England and Wales, but greater consistency is needed. The Government should ensure independent legal guardianship is available to all separated children and young people throughout the UK. (Paragraph 127)*
29. *The Government must ensure that there is enough physical and staff capacity to conduct necessary searches, fingerprinting, identity and initial vulnerability checks consistently on all migrants arriving at Dover before they are transferred to Yarl's Wood or other Home Office facilities. (Paragraph 137)*
30. *Fulfilment of this recommendation is likely to require investment in internet connectivity and/or other equipment and resources. Such investment would deliver greater effectiveness in managing safeguarding obligations and support improved communications between staff processing migrants in different units and reduce casework delays later in the decision-making process. (Paragraph 138)*
31. *We invite the Government to report the outcomes of the review undertaken in response to the ICIBI's recommendation on screening and induction processes, and its progress with actions arising from that review, in its response to this report. The Government should also learn the lessons of the specific screening failures highlighted by HMIP and the Independent Monitoring Boards in their recent reports and inform us of actions arising from these findings. (Paragraph 140)*
32. *The Government must also explain what measures have been put in place to improve communication between Border Force and short-term holding facilities about their capacity to receive migrants. The Home Office should agree minimum notice periods for different numbers of arrivals at holding centres. (Paragraph 141)*

## Conclusion

33. *We recognise that this crisis has been building over many years. But this Government's response, characterised first by inattention and then by poor decision-making, has exacerbated these problems and undermined public confidence in the asylum system and in the management of the border. The issue has not been helped by the perceived reluctance of the French Government to find a solution and work much more cooperatively with UK authorities in intercepting migrants before they reach British territorial waters. (Paragraph 145)*
  
34. *We urge the Government to show leadership through redoubling efforts to engage and co-operate with international partners. The provision of safe and legal routes to the UK should be a key part of the Government's strategy to counter the criminal trade, and this has not yet received the attention it deserves. The Government risks undermining its own ambitions and the UK's international standing if it cannot demonstrate that proposed policies such as pushbacks, now abandoned, and offshore processing, such as the Rwanda partnership now being legally challenged, are compatible with international law and conventions. (Paragraph 147)*

# Formal minutes

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## Tuesday 12 July 2022

Members present:

Dame Diana Johnson, in the Chair

Paula Barker

Simon Fell

Carolyn Harris

Tim Loughton

Stuart C. McDonald

### *Channel crossings, migration and asylum*

Draft Report (*Channel crossings, migration and asylum*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 147 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the first Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of standing Order No. 134.

### Adjournment

Adjourned till Wednesday 13 July at 9.30am.

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Thursday 3 September 2020

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

[Q1–121](#)

### Wednesday 9 September 2020

**Jenny Coles**, President, Association of Directors of Children's Services; **Roger Gough**, Vice-Chairman, Local Government Association Task Force on Asylum, Refugees and Migration, Leader, Kent County Council

[Q122–171](#)

### Wednesday 16 September 2020

**Maddy Allen**, Advocacy Manager, Help Refugees; **Beth Gardiner-Smith**, Chief Executive Officer, Safe Passage UK

[Q172–229](#)

### Wednesday 30 September 2020

**Vincent Cochetel**, Special Envoy for the Central Mediterranean Situation, United Nations High Commissioner for Refugees (UNHCR); **Rossella Pagliuchilor**, Representative to the UK, United Nations High Commissioner for Refugees (UNHCR)

[Q230–277](#)

### Wednesday 7 October 2020

**A, Mohammad, N, Sam Rahimi, Antonia Cohen**, Volunteer Adviser, Refugee Council, **Seb Klier**, Parliamentary Manager, Refugee Council, and **Anne Stoltenberg**, Project Development Worker, Migrant Voice

[Q278–389](#)

### Wednesday 11 November 2020

**Halvor Frihagen**, Lawyer, Andersen & Bache-Wiig AS; **Frode Forfang**, Director General, Norwegian Directorate of Immigration

[Q390–407](#)

**Madeline Gleeson**, Senior Research Associate, University of New South Wales, Australia; **Professor Natalie Klein**, Faculty of Law, University of New South Wales, Australia

[Q408–449](#)

### Wednesday 18 November 2020

**David Blundell QC**, Barrister, Landmark Chambers; **Ainhoa Campas Velasco**, PhD student, University of Southampton; **Michelle Knorr**, Barrister, Doughty Street Chambers

[Q450–483](#)

**Alp Mehmet MVO**, Chairman, Migration Watch UK; **Dr Peter Walsh**, Researcher, Migration Observatory; **Jill Rutter**, Director of Strategy and Relationships, British Future

[Q484–504](#)

**Wednesday 25 November 2020**

**Mary Molyneux**, Chair, Brook House IRC Independent Monitoring Board; **Dame Anne Owers**, National Chair, Independent monitoring boards; **Dr Hindpal Singh Bui**, Inspection Team Leader, HM Inspectorate of Prisons

[Q505–554](#)

**Sarah Burnett**, Operations Director – Immigration & Secure Logistics, Serco; **Paul Morrison**, Immigration Services Director, Mitie Care and Custody

[Q555–576](#)**Wednesday 2 December 2020**

**Dan Hobbs**, Director, Windrush, Asylum, Immigration and Citizenship, Home Office; **Dan O’Mahoney**, Clandestine Channel Threat Commander, Home Office; **Abi Tierney**, Director General, UK Visas and Immigration, Home Office; **Chris Philp MP**, Minister of Immigration Compliance and the Courts, Home Office

[Q577–668](#)**Wednesday 17 November 2021**

**Tom Pursglove MP**, Parliamentary Under Secretary of State, Home Office; **Dan Hobbs**, Director, Asylum, Protection and Enforcement, Home Office; **Dan O’Mahoney**, Clandestine Channel Threat Commander, Home Office

[Q669–765](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CHA numbers are generated by the evidence processing system and so may not be complete.

- 1 Amnesty International UK ([CHA0037](#))
- 2 Bertrand, Xavier (President, Hauts-de-France Region) ([CHA0022](#))
- 3 Bradshaw, Mrs Ruth ([CHA0004](#))
- 4 British Future ([CHA0055](#))
- 5 Smith CBE, Tony (Managing Director, Fortunus Global Ltd) ([CHA0015](#))
- 6 Care4Calais ([CHA0029](#))
- 7 Catholic Church (Bishops' Conference of England and Wales) ([CHA0011](#))
- 8 Cowan, James ([CHA0056](#))
- 9 Da'aro Youth Project ([CHA0066](#))
- 10 Duncan Lewis Solicitors ([CHA0038](#))
- 11 Elmbridge CAN ([CHA0039](#))
- 12 Everett, Mr Brian ([CHA0030](#))
- 13 Gatwick Detainees Welfare Group ([CHA0034](#))
- 14 Gleeson, Madeline ([CHA0058](#))
- 15 Gleeson, Madeline ([CHA0059](#))
- 16 Government of Australia ([CHA0061](#))
- 17 Help Refugees ([CHA0035](#))
- 18 Home Office ([CHA0054](#))
- 19 Independent monitoring boards ([CHA0052](#))
- 20 Independent monitoring boards ([CHA0060](#))
- 21 Institute of Race Relations; and Permanent Peoples' Tribunal London Steering Group ([CHA0017](#))
- 22 International Organisation for Migration ([CHA0063](#))
- 23 Johnson, Frances ([CHA0016](#))
- 24 Knorr, Michelle ([CHA0062](#))
- 25 Liberal Democrats for Seekers of Sanctuary ([CHA0023](#))
- 26 Lifeline Options ([CHA0005](#))
- 27 Local Government Association; and Association of Directors of Children's Services ([CHA0014](#))
- 28 Lowe, Mr Peter ([CHA0045](#))
- 29 Manning, Professor Alan ([CHA0012](#))
- 30 Manzi, Ms Maria ([CHA0049](#))
- 31 Migration Yorkshire ([CHA0018](#))
- 32 Migration Watch UK ([CHA0057](#))

- 33 Municipality of Grande-Synthe, France ([CHA0025](#))
- 34 National Crime Agency ([CHA0051](#))
- 35 Oxfam GB ([CHA0013](#))
- 36 Peaceful Borders ([CHA0046](#))
- 37 Pimlott, Dr Nigel ( ([CHA0002](#))
- 38 Quakers in Britain; Quaker Asylum and Refugee Network; and Quaker Council for European Affairs ([CHA0010](#))
- 39 Refugee Council ([CHA0008](#))
- 40 Refugee Resilience Collective ([CHA0047](#))
- 41 Refugee Rights Europe ([CHA0019](#))
- 42 Roberts, H ([CHA0044](#))
- 43 Safe Passage International ([CHA0050](#))
- 44 Safe Passage International ([CHA0024](#))
- 45 The Children's Society ([CHA0020](#))
- 46 UNHCR, The UN Refugee Agency ([CHA0040](#))
- 47 UNHCR, The UN Refugee Agency ([CHA0053](#))
- 48 University of Bristol ([CHA0021](#))
- 49 Walsh, Dr Peter (Migration Observatory) ([CHA0064](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

### Session 2022–23

Number	Title	Reference
1st Special Report	The Macpherson Report: twenty-two years on: Government Response to the Committee's Third Report of Session 2021–22	HC 274
2nd Special Report	Spiking: Government Response to the Committee's Ninth Report of Session 2021–22	HC 508

### Session 2021–22

Number	Title	Reference
1st	Violence and abuse towards retail workers	HC 141
2nd	The UK's offer of visa and settlement routes for residents of Hong Kong	HC 191
3rd	The Macpherson Report: Twenty-two years on	HC 139
4th	Appointment of the Chair of the Gangmasters and Labour Abuse Authority	HC 814
5th	The Windrush Compensation Scheme	HC 204
6th	Police Conduct and Complaints	HC 140
7th	Appointment of Her Majesty's Chief Inspector of Constabulary and Her Majesty's Chief Inspector of Fire & Rescue Authorities in England	HC 1071
8th	Investigation and prosecution of rape	HC 193
9th	Spiking	HC 967
1st Special Report	Violence and abuse towards retail workers: Government Response to the Committee's First Report	HC 669
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