



Rt Hon. Yvette Cooper MP
Chair, Home Affairs Committee
House of Commons
London
SW1A 0AA

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Dear Chair,

Following our session with the Committee on 15 July 2020, I committed to write to you with some additional details on points raised throughout our exchange.

Border Measures

You asked for further details on the numbers of people who have arrived at the border and have needed to quarantine because of the country they have arrived from. I am very sorry to say that I am not able to provide in depth detail of these figures at this time. This information is being gathered, but I am informed by my officials that it has not been robustly tested for accuracy and therefore I am not able to divulge this information at this stage. I hope to be able to write to you very shortly with details of these numbers, in order to fulfil those commitments I made during the session. I did not want to further delay my response to you to wait for these figures, as I know you are waiting to hear more on several other points, which are set out in the rest of this letter.

You asked for a breakdown of compliance checks at the border. I can confirm to the committee that the Home Office has proposed the publication of an international travel dataset covering these measures, including the number of spot checks conducted at the border, subject to wider cross-Government agreement.

During the session, you asked for an estimate for the proportion of the 383,000 checks that are community based. In response, the Second Permanent Secretary confirmed she would look into the specific data, but provided an assessment of 20%.

Public Health England (PHE) set up the Isolation Assurance Service, which calls a random sample of eligible United Kingdom arrivals to ask them for assurance that they are self-isolating as well as providing advice on the COVID-19 symptoms and what to do if they experience them. The service began operating on 9 June 2020.

The Joint Biosecurity Centre (JBC), working closely with PHE, provides an assessment of the risks to public health from direct inbound international travel, which informs Ministerial decisions on whether people travelling in from certain countries should be exempt from self-isolation measures.

Alongside PHE and wider NHS Test & Trace, the JBC also contributes to the Contain Framework Local Authority Watchlist for England which is published as part of the weekly PHE Coronavirus Surveillance Report. In both cases underlying analysis is shared more widely with relevant government departments to inform discussion and decision making.

Hong Kong British Nationals Overseas (BN(O))

The Committee requested additional information on immigration routes for young (post-1997) Hong Kong Nationals to gain status as citizens. As set out in the policy statement, the Home Office recognises the impact of China's security legislative changes on Hong Kong BN(O)s and has worked with FCO to develop a bespoke immigration route.

We understand that there will be cases where the children of a BN(O) will not normally be eligible because they were born after 1997 (so are not BN(O) citizens) and are over 18, so they would not normally be considered as a dependant in the UK's immigration system. We do not wish to split family units where there are dependent children over the age of 18, given the particular challenges linked to the timing of obtaining BN(O) status. We will therefore enable the children of a BN(O) citizen who fall into this category and who are still dependent on the BN(O) citizen to apply to this scheme. We will limit this discretion ordinarily to children of BN(O) citizens who were born after the 1 July 1997 where one of their parents holds BN(O) status and they apply together as a family unit. We will set out further information on this aspect of the policy in due course. If the above does not apply, then the existing Youth Mobility Scheme is open to people in Hong Kong between 18-30 years old, with 1,000 places currently available each year.

Individuals from Hong Kong will also be able to apply to come to the UK under the terms of the UK's new Points Based System, which will enable individuals to come to the UK in a wider range of professions and at a lower general salary threshold than in the past.

Migrant Crossings

As Home Secretary, I am absolutely committed to halting illegally facilitated migrant crossings and to bringing down the criminal gangs which facilitate this route. We have to make the route completely unviable. I note that the Committee have launched an inquiry into Channel crossings, migration and asylum-seeking routes through the EU which my officials will be giving evidence on early next month.

Ahead of that session I wanted to provide the committee with information on the number of people who have arrived in the UK using small boats in the Channel. The numbers to the end of June 2020 can be found at Annex A to this letter. The Home Office collects information on these boat arrivals but more recent landings need to be verified, and information initially presented can change.

Given their travel through, and residence in, safe countries the majority of asylum claims we have so far assessed do not have a valid claim here.

Returning claimants to Europe is bound up by restrictive and rigid legislation, but we are continuing to make returns and have operated flights recently. I am developing plans to reform policies and laws around illegal migration and the associated criminality.

Windrush Compensation Scheme

The Committee requested information on what we are doing to increase the speed of Windrush Compensation Scheme payments. I can confirm the speed of the compensation scheme has increased in recent months. Every month since February, more individuals have received payments than the previous month.

To increase the pace further, we have expedited our next resource uplift, making operational improvements such as refining our workflow and quality assurance processes, and have revised our claimant contact approach so we are even more proactive with claimant communication. As the Permanent Secretary confirmed in his response, we have also introduced single named caseworkers for the main part of individuals' claims, only retaining separate specialists where essential.

Immigration Health Surcharge

The Government has put in place a wide range of measures to support the entire health and care sector and is committing record investment to the NHS including the long-term NHS funding settlement, which has been enshrined in law. At the Budget, the Chancellor outlined over £6bn of further new spending in this Parliament to support the NHS. This includes £5.4bn to meet our manifesto commitments of 50,000 more nurses and 50 million additional appointments a year in general practice.

The Committee asked for further details of the modelling undertaken to assess the impact of fees, including the Immigration Health Surcharge, on future EU migration. The Immigration Bill impact assessment sets out the high-level impact of the Points Based System (PBS) announced in February and further details of the PBS were set out in the statement of July 13 2020, including the intention to retain fee levels and the Immigration Health Surcharge for EEA migrants. The impact of these further changes will be set out in impact assessments accompanying the changes to regulations in the autumn. This will include the impact of any potential behavioural changes.

The Committee also asked about arrangements for ensuring that those working in the health and care sector will not, in line with the commitment made by the Prime Minister on 21 May 2020, have to meet the cost of the Immigration Health Surcharge (IHS).

There are two distinct cohorts of people who will benefit from the announcement. The first category are those coming to the UK to undertake a particular job, with a particular employer, and remaining in that employment is a condition of their visa. Everyone coming to the UK under the new Health and Care visa will fall into this category and it is, therefore, reasonable to exempt them from the requirement to pay the IHS upfront.

The second category are those migrants who have a generic right to work in the UK in any occupation. Examples include dependants of skilled migrants, students and those on a Youth Mobility Scheme visa. The Home Office, and indeed the individual, will not know what employment they will take up when they apply for a visa and, as such, are required to pay the IHS upon application.

The Department of Health and Social Care is putting in place a reimbursement scheme to ensure that migrants who fall in to this second category can be reimbursed for the IHS.

My colleagues in the Department of Health and Social Care will publish further details of this scheme in due course and will continue to work with officials across government, the devolved administrations and representative bodies for the health and care sector to ensure those who are eligible for reimbursement are accounted for.

In line with our manifesto commitment, a Statutory Instrument (SI) was laid to increase the surcharge to a level that broadly reflects cost recovery, subject to Parliamentary approval. The new rate will be £624 per person per annum, with a discounted rate of £470 for students and their dependants, the Youth Mobility Scheme and children under the age of 18. The SI will also deliver the exemption for Health and Care visa applicants. Subject to Parliamentary approval, these changes will come into force in the autumn. Until such time as the exemption is in force, I will waive the surcharge for Health and Care visa applicants.

Eligible Tier 2 migrants who paid the surcharge on or after 31 March 2020 but who would have qualified for the new Health and Care Visa, had it been in operation at that time, are entitled to be refunded. Over 850 migrants have so far been refunded and for those eligible Tier 2 migrants who have not yet received their refund more information is available on our GOV.UK immigration health surcharge pages

<https://www.gov.uk/healthcare-immigration-application/refunds>

EU Settlement Scheme

I would like to take the opportunity to clarify some points on the EU Settlement Scheme. In one of the questions put to me during the evidence session it was suggested that EEA citizens need to have been resident in the UK for five years in order to qualify for status under that scheme and secure their ongoing rights to live and work here. This is not the case. An EEA citizen only needs to be resident in the UK by 31 December 2020 (the end of the transition period) in order to qualify for status under the scheme and have the right to remain here. It is specifically settled status that usually requires five years' residence.

The EUSS is continuing to work well. Up to 31 July 2020, the Home Office have received over 3.8 million applications and granted status to 3.5 million EEA nationals and their family members. Of those grants of status, 2,041,200 have been granted settled status and 1,475,500 have been granted pre-settled status. Of the remaining applications, 4,600 have been refused, 36,500 have been withdrawn / made void and 34,900 were invalid.

Finally, the Committee asked when the department will publish guidance on what constitutes reasonable grounds for those resident here by the end of the transition period to make an application to the scheme after the deadline of 30 June 2021. In the first instance we want to continue to encourage people to apply before that deadline, which there is still plenty of time to do, with a wide range of help available for any who need it.

However, we intend to publish guidance early in 2021 on reasonable grounds for missing the deadline. Any list of examples included in the guidance will not be exhaustive, as we want to give ourselves the maximum possible flexibility when the situation arises, but they will include children whose parent, guardian or local authority failed to apply on their behalf; people in abusive or controlling relationships who are prevented from applying; and those who lack the physical or mental capacity to apply.

Yours sincerely,

u.k. all your wishes


Rt Hon Priti Patel MP
Home Secretary

Annex A: Data relating to migrant crossings.

In late 2018, the use of ‘small boats’ as a method for entering the UK clandestinely began to increase, with 271 people being encountered between October and December 2018. Since then, the number of encounters in each quarter has fluctuated between 200 and 750, until the latest quarter (April to June 2020), when around 2,000 people were encountered. For comparison, there have been between eight and twelve thousand people claiming asylum (including dependants) in the UK each quarter over the past two years.

The increase in ‘small boat’ encounters over the latest quarter is likely, in part, due to the restrictions in place across Europe in response to the Covid-19 outbreak. These restrictions have made other routes into the UK less viable. Additionally, weather and sea conditions throughout the period may also have been perceived as more suitable to attempt crossings.

Since the start of 2018, around half of those encountered on ‘small boats’ have been Iranian, with a further quarter being Iraqi and the remaining quarter being from other nationalities. In the latest quarter, although Iranian nationals are still the largest group arriving by small boats, there has been a sharp rise in Iraqis and a larger proportion of encounters (nearly 40%) have been from other nationalities.

Clandestine events involving small boats and the number of people attached to those events:

Nationality	Time of Encounter										Total Q1 2018 to Q2 2020	
	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020		
Total people	7	4	17	271	199	393	747	496	465	2,012	4,611	
<i>Of which:</i>												
<i>Iran</i>	0	0	5	233	129	222	490	371	271	641	2,362	
<i>Iraq</i>	0	0	4	29	70	149	156	96	116	591	1,211	
<i>Syria</i>	0	0	0	1	0	0	7	7	47	220	282	
<i>Yemen</i>	0	0	0	0	0	0	0	0	6	96	102	
<i>Sudan</i>	0	0	0	0	0	0	0	0	0	86	86	
<i>Afghanistan</i>	0	0	2	1	0	10	46	14	13	80	166	
<i>Eritrea</i>	0	0	0	0	0	0	0	0	0	31	31	
<i>Pakistan</i>	0	0	0	0	0	8	17	0	5	22	52	
<i>Other nationality</i>	7	4	6	7	0	4	31	8	7	245	319	
Total events	:	:	:	:	:	:	:	:	:	32	147	-

Notes

1. These figures have been taken from a live operational database. As such, numbers may change as information on that system is updated. Initial data capture is based on operational information and is subject to change following the completion of a screening process – records are updated following this as needed. This means numbers may be updated in subsequent data releases.
2. The figures here include instances where an individual is detected on arrival in the UK, and those detected by UK authorities and subsequently brought to the UK. Where an individual(s) is encountered in the UK, and authorities suspect the individual(s) arrived on a 'small boat', these are also included in the figures.
3. The figures do not include those who arrive in the UK clandestinely on larger vessels not covered by the definition of a small boat (see below).
4. The figures do not include those who are prevented from departing France, or those intercepted by French authorities and returned to France.
5. The data will not include any people who arrive in the UK undetected, or where there have been reports of people making the crossing, but no actual encounters.
6. An event is classed as an instance where a Private Vessel has been encountered by UK authorities in British Waters.
7. A 'small boat' is defined as any vessel used to set off across the English Channel with the aim of gaining entry to the UK either directly or having been intercepted en route by UK authorities and brought ashore. Although 'small boats' includes go-fast craft, yachts, motor cruisers, tugs and fishing vessels, the most common vessels detected making the crossing are rigid-hulled inflatable boats (RHIBs), dinghies and kayaks.
8. The table shows the number of events involving migrants attempting to cross the Channel. A single event can involve multiple boats. Data on the number of events are not available prior to 2020 as the data was not consistently recorded as linked events in Home Office systems.
9. Only those events where one or more migrants attempting or succeeding in a Channel crossing by small boat, which were encountered by UK authorities, are included in the counts.
10. In the case of a UK arrival, if the Police or Border Force have reported suspicion that the migrants did cross in a small boat these cases have been included, even where no boat was found.