



Rt Hon. Yvette Cooper MP
Chair, Home Affairs Select Committee
House of Commons
London
SW1P 4DF

26 November 2020

Dear Yvette,

I write further to your letter dated 11 November, where you asked for confirmation on several issues following on from the evidence session I attended on 4 November. I set out below the responses to the Committee's questions, some of which have been grouped.

1. How many (a) individuals and (b) families who were on the ten-year route to settlement have been removed from the UK in each year, including the current year, since 1 April 2016 because they had failed to make payments required to maintain their immigration status? [Q2]

Information on returns form part of the Home Office's Immigration Statistics, the latest version being available at:

www.gov.uk/government/statistical-data-sets/returns-and-detention-datasets.

It is not possible to provide information on the number of individuals or families who were on the ten-year route to settlement who have been removed from the UK due to their inability to pay for further applications. To gather the information would require a manual check of individual records across multiple data recording systems.

However, even if attempted, such checks still may not provide the information sought given the different routes people move through. For example, when considering removal of an individual who had not paid an application fee, the Home Office may still have assessed whether their removal contravened their right to Private and Family life in the United Kingdom and/or was in the best interests of children and so non-payment of a fee was not the deciding factor on them remaining in the United Kingdom.

2. How many (a) individuals and (b) families have been given (i) financial help with visa payments or (ii) other support as a result of the pandemic? What has been the nature of other support provided? [Q6-8]

and

3. Please confirm (a) the number of people who have applied for a fee waiver in each year, including the current year, since 1 April 2016 and (b) the number of people who have been granted a fee waiver in each year in the same period; and (c) please confirm what obligations are placed on an individual in respect of meeting their visa conditions if their application for a fee waiver is rejected. [Q9]

The Government has acted decisively to ensure we support everyone through this crisis. Many of the wide-ranging COVID-19 measures we have put in place, such as the Coronavirus Job Retention Scheme, are not considered public funds and therefore are available to migrants with no recourse to public funds.

Those with leave under the Family and Human Rights routes can apply to have the no recourse to public funds restriction lifted by making a 'change of conditions' application. This application can be made if the person is destitute or at risk of destitution, if the welfare of their child is at risk due to their low income, or where there are other exceptional financial circumstances. Data on change of conditions applications is now published and the most recent data can be found at:

<https://www.gov.uk/government/publications/no-recourse-to-public-funds-applications-to-change-conditions-of-leave-july-2020>.

In respect of fee waiver applications and grants, the Home Office only holds reportable data from December 2018 when these applications were integrated onto caseworking databases. The data is provisional management information and is subject to change. Please find the data below.

Month	Claims Made	Accepted	Grant Rate
Dec 2018	415	205	49%
Jan 2019	1,658	945	57%
Feb 2019	1,722	948	55%
Mar 2019	1,688	908	54%
Apr 2019	1,468	725	49%
May 2019	1,478	824	56%
Jun 2019	1,505	766	51%
Jul 2019	1,771	903	51%
Aug 2019	1,481	723	49%
Sep 2019	1,565	734	47%
Oct 2019	1,645	766	47%
Nov 2019	1,561	750	48%
Dec 2019	1,341	638	48%
Jan 2020	1,977	978	49%
Feb 2020	1,814	1,156	64%
Mar 2020	1,900	1,354	71%
Apr 2020	1,709	1,355	79%
May 2020	2,067	1,717	83%
Jun 2020	2,187	1,833	84%

Fee waivers are available for those making an application under specified human rights routes, which will typically include children and adults who have built their lives in the UK. We have amended our guidance so it is clearer on who qualifies, whilst also giving caseworkers greater flexibility when assessing applications. Evidential flexibility can be applied to an application for a fee waiver where the caseworker is satisfied, even on limited evidence, the individual would not be able to afford to apply for leave to remain. But

the onus remains on the applicant to demonstrate they qualify for a fee waiver or to provide credible reasons why such information is not available.

The coronavirus pandemic has had a significant impact on the grant rate of fee waiver applications. As more people have lost their jobs or have been unable to work, the number of people applying for a fee waiver has increased. This is to be expected in any period where there is significant economic difficulty and uncertainty.

The published fee waiver guidance can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919577/fee-waiver-v4.0ext.pdf.

This guidance sets out what an applicant must do if their fee waiver application is incomplete or rejected, as follows:

- if the applicant made their request for a fee waiver in time (for example they had valid leave on the date their application was submitted), they should normally be advised they do not qualify for a fee waiver and they should submit the additional evidence requested which demonstrates they qualify for a fee waiver. They must, within 10 working days, submit additional evidence which demonstrates they qualify for a fee waiver
- if additional evidence is provided within that period which demonstrates the applicant qualifies for a fee waiver, the applicant is issued with a fee waiver token which enables them to apply for a free immigration application. The applicant has 10 working days to make an LTR application to retain 3C leave
- if the applicant provides further evidence within 10 working days but this does not demonstrate they qualify for a fee waiver, the application should be rejected as invalid. If no further evidence is provided within 10 working days, the application should be rejected as invalid. The applicant has 10 working days to make a paid LTR application to retain 3C leave. If a paid application is not made within 10 working days, the applicants 3C leave will expire
- if the applicant had no valid leave at the date of application, they should normally be advised they do not qualify for a fee waiver. In order to have their immigration application considered, the applicant would need to apply with the specified fee or make a new application for a fee waiver

4. Please confirm the number of (i) adults and (ii) children who have been accepted into the UK (a) under the Dublin regulations (b) under other resettlement schemes in each year since 1 April 2016 [Qs 13-20].

In respect of transfers to the UK under the Dublin Regulation please see the data below:

Dublin Totals	2016 (1 April to 31 December)	2017	2018	2019
Adult	200	217	460	317
Under 18	317	244	755	397

Figures above for children include accompanied and unaccompanied children. 2020 data are due to be published as part of Immigration Statistics in February 2021.

In respect of resettlement to the UK please see data below:

Resettled Totals	2016 (1 April to 31 December)	2017	2018	2019	2020 (as of June)
Adult	2,224	3,120	2,924	2,935	421
Under 18	2,191	3,092	2,882	2,677	394

Most of those were resettled under the Vulnerable Persons Resettlement Scheme (VPRS). In 2020 Q2 (April-June) all resettlement was paused due to COVID-19, no one was resettled during this period.

5. Please confirm the number of children and young people who were alone outside Europe who have rejoined siblings in the UK under (a) the Dublin regulations or (b) other resettlement routes each year since 1 April 2016 [Q37].

The Dublin Regulation does not apply to individuals outside Europe.

Resettlement only takes place from countries outside Europe. We do not publish separate data on how many children joined a sibling in the UK via any resettlement scheme.

6. Please confirm what is the Home Office assessment of the proportion of young people currently coming to the UK under the Dublin regulations who would not qualify to come to the UK under the system replacing the Dublin regulations on 1 January 2021 [Q41-42].

The Government remains committed to the principle of family reunion and supporting vulnerable children, and this Government has a proud record of providing protection to those who need it, including children, and of reuniting families under the existing Immigration Rules.

The ability to come to the UK when we are no longer subject to the Dublin Regulation will depend on a range of factors including the individual circumstances of the case and the outcome of any discussions on family reunion for unaccompanied asylum seeking children with the EU or individual member states.

We only collect information about current Dublin Regulation cases where that relates to Dublin criteria. We do not assess those cases against UK Immigration Rules. Therefore, we do not collect all information from current Dublin cases that would be relevant to an application for a family reunion visa as it is not necessary to do so for a Dublin Regulation transfer.

On 1 January 2021, unaccompanied asylum-seeking children in Europe with family members in the UK will be able to apply to join eligible sponsors, such as those with refugee leave or humanitarian protection or with British or settled status, under existing Immigration Rules.

The existing Immigration Rules already make provision for a child to be reunited with a parent in the UK either under the Refugee Family Reunion Rules or via Appendix FM, depending on the immigration status of the parent. There are no financial requirements for applications under our Refugee Family Reunion Rules. Our Rules also grant children a form of leave, unlike the Dublin Regulation which simply provides for their transfer to the UK to have their asylum claim processed here.

In addition, paragraphs 319X and 297 of the Rules are extremely flexible provisions which already allow for children to apply to join a wide range of adult family members who are

not their parents, if there are serious and compelling family or other considerations which make exclusion of the child undesirable, suitable arrangements have been made for the child's care, and those relatives can adequately maintain and accommodate the child without recourse to public funds. Under these Rules, we do not restrict the range of those family members.

For example, under these Rules, an uncle or aunt with refugee status, British citizenship, or who is settled in the UK could sponsor a nephew or niece to join them here where those basic requirements are met. These Rules are global – so could apply to a child from Syria who is in Greece or France, for example, or in Turkey or Lebanon.

These provisions are wide-ranging, including for non-parent family members with the relevant status to sponsor a child under the Rules. The Rules do not allow asylum seekers to sponsor a child or indeed any other relative. However, we do not expect this to have a significant impact. In 2019, virtually all transfers of unaccompanied asylum-seeking children under the Dublin Regulation were to join family members with status (British citizens, refugees or those granted humanitarian protection, or settled persons), extremely few came to join family members awaiting a decision on an asylum claim.

7. Of the 7,400 family reunion visas issued by the Home Office in the year ending March 2020, how many were issued to lone children? [Q43-45]

I want to clarify the total figure for refugee family reunion visas issued in year ending March 2020 was actually 7,870 and, of those, 3,967 were issued to children (accompanied and unaccompanied). These visas provide for adults and children to join a person granted refugee status or humanitarian protection. The Rules do not require a child to be unaccompanied to qualify, and a separate breakdown for unaccompanied children is not available.

It may also be helpful to share the most recent data on this issue. In our most recent published statistics for the year ending June 2020 we issued 6,320 refugee family reunion visas, of which 3,192 were issued to children. Year ending June 2020 figures have likely been impacted by COVID-19 and subsequent travel bans.

For clarity, these are visas issued under the Refugee Family Reunion provisions of the Immigration Rules. They are separate from Dublin Regulation transfers, section 67 ('Dubs') cases or resettlement cases.

8. At Q87 you advised that individuals coming to the UK on the new Hong Kong BN(O) visas would “almost certainly” have to pay international student fees until receiving ILR status. Please clarify whether or not this is the case.

By default, BN(O) citizens and dependants will have to pay international student fees until they get ILR, the same as the vast majority of other migrants. But we are working with other Government departments to consider entitlements for BN(O) citizens.

9. Please confirm (i) how many times SIS II was checked at the border in the year ending March 2020 [Q88]; (ii) How many people entered the country in the year ending March 2020, and what proportion of those individuals were checked against the SIS II database [Q90]; (iii) which databases will be available for border officials to check at the border from 1 January 2021 [Q96-97].

The UK has a number of domestic databases which contain information about wanted international criminals, including information from Interpol and SIS II.

The UK does not independently collate the number of searches against SIS II. Every time a UK law enforcement officer checks against core policing and border systems it counts also as a check against SIS II. The vast majority of checks were automated and routine. In 2018 there were around 7,000 “hits” recorded in the UK with respect to persons of interest based on EU Member States SISII alerts.

There were an estimated 140.9 million passenger arrivals in the year ending March 2020 (including returning UK residents). I can confirm 100 percent of scheduled passengers arriving at the border are checked against our security systems and those systems include SIS II as well as Interpol data. The majority of arrivals are checked against our systems before they even travel, through the collection of advanced passenger information.

10. Please confirm whether, from 1 January 2021 (i) there will be instantaneous access to Interpol databases at the border in live time; (ii) there will be instantaneous access to any other databases at the border in live time and if so which databases; (iii) Interpol alerts may be uploaded to the databases in live time [Q114-115].

All incoming Interpol circulations (notices and diffusions) are uploaded to UK border and policing systems. Whenever a check is made on those domestic systems, international circulations are simultaneously checked. The UK also routinely checks documents against Interpol’s Stolen and Lost Travel Document database.

11. Please confirm (i) what assessment the UK Government has made of and (ii) whether it plans to introduce the TDAWN system from 1 January 2021 [Q116].

Our current assessment is existing border security capabilities (including having access to Interpol notices and diffusions at the border) negate the need for adoption of TDAWN.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a stylized flourish at the end.

**Kevin Foster MP
Minister for Future Borders and Immigration**