

28 February 2024

Rt Hon Dame Diana Johnson DBE MP
Chair, Home Affairs Select Committee
House of Commons
London
SW1A 0AA

Dear Dame Diana,

Thank you for inviting me, the Permanent Secretary, and Daniel Hobbs to a very productive evidence session on 31 January, and for your letter of 2 February. I have responded to your points individually, below.

Asylum withdrawals

- 1. Can you clarify how many of the 17,316 asylum seeker withdrawals from the legacy backlog were withdrawn by the individual?**

We plan to provide an update of this information in the next suite of Migration Statistics, due to be published on 29 February.

- 2. Of the 5,931 (35%) of the 17,316 that are now back in the system, how many have been reinstated, and how many are applications that were resubmitted?**

All of the 17,316 withdrawal decisions made were because the claimant disengaged from the asylum process, either by virtue of withdrawing their claim, or falling out of contact with the immigration system.

Where a person re-engages with the Home Office it is not necessarily due to their claim being reinstated or a resubmitted application; it could simply be that they have come back into contact with the Department. The vast majority (75%) of the 5,931 who reengaged have ongoing enforcement action. The remaining 25% (8% of the total of 17,316) have some form of application or appeal outstanding.

- 3. How many of the 17,316 have been granted refugee status or humanitarian protection?**

Based on the analysis of the withdrawals we previously provided in our letter of 12 January 2024, less than 1% of the total of 17,316 have been granted refugee status or humanitarian protection.

Each case is considered on its individual merits by caseworkers who receive extensive training.

- 4. Of the 33,085-cohort arriving since the Illegal Migration Act 2023 received Royal Assent, how many have been subject to reporting mechanisms, which they have breached and how are you trying to establish contact with them?**

This cohort, like any other caseload the Department manages, is subject to day-to-day operational decisions and management.

Asylum accommodation

- 5. Can you provide the full, revised Accounting Officer assessment on the value for money of the Bibby Stockholm barge?**

As confirmed in the letter the Permanent Secretary provided to the Committee on 30 January 2024, the latest running costs for the Bibby Stockholm are £120 per person per night, compared with the latest average hotel cost of £140 per person per night which, when accounting for set-up costs, represents a total-life saving from use of the Bibby Stockholm of £800,000.

- 6. Of the hotel rooms the Home Office is currently paying for, how many were empty in December 2023-January 2024, and how does this compare to the same period in 2022-2023?**

We continue to consolidate and reduce the number of surplus bedspaces in the estate through our rolling programme of relocations and hotel closures. This programme is driving down the use of hotels for asylum seekers and we have gone further than our original commitment, having closed 64 hotels by the end of January. A further 27 hotels are already fully vacated pending their final contractual end in the coming weeks.

Separately, my officials have published the new Allocation of Accommodation policy. This provides instructions to caseworkers on what factors to take into consideration when allocating accommodation and can be viewed on GOV.UK - [Allocation of asylum accommodation policy \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/asylum-accommodation-policy)

Unaccompanied asylum-seeking children

- 7. When will you provide the Children's Commissioner with all the data she originally requested in April 2023?**

Some of the data requested by the Children's Commissioner in her letter of 13 March 2023 was not held in an electronically retrievable form. We were clear that to provide all of the information requested would have required Home Office officials manually checking over 5,000 individual records, taking them away from essential front-line activity.

On 11 May 2023, in the interest of transparency and cooperation, officials contacted the Children's Commissioner's office to offer an opportunity for a more targeted request which could have included such methods as case sampling.

Home Office officials have been in regular contact with the office of the Children's Commissioner throughout this process and on 18 December 2023, the Minister of State for Illegal Migration wrote to the Children's Commissioner in response to her report, and about the information she had requested.

Since the ECPAT judgment in July 2023, the Home Office has worked in collaboration with Kent County Council, other Government Departments, and local authorities across the UK on finding care placements and stopping the use of hotels, and we have now closed all temporary hotel accommodation which was used to accommodate unaccompanied children. The last hotel closed on 31 January 2024.

8. When are you going to respond to the Children's Commissioner's report from November 2023 about unaccompanied asylum-seeking children?

The Minister of State for Illegal Migration has already written to the Children's Commissioner in response to her report.

Independent Chief Inspector of Borders and Immigration

9. Why has the Independent Chief Inspector of Borders and Immigration, Mr David Neal, not had his contract renewed?

The Independent Chief Inspector of Borders and Immigration (ICIBI) is a statutory public appointment, made by Ministers in line with the Governance Code on Public Appointments, which states "there is no automatic presumption of reappointment; each case should be considered on its own merits." A process to appoint a new ICIBI is being commenced.

10. We request again: can the Committee attend an inspection with the Independent Chief Inspector of Borders and Migration?

The Home Office is open to scrutiny, and this is undertaken through a number of functions including inspections and reporting to Parliament.

Civil Service

11. If a civil servant refuses to follow a ministerial direction not to comply with a rule 39 indication, what action will be taken?

The Permanent Secretary has written to the Committee separately on this issue in his letter of 6 February 2024 as it relates to civil service propriety.

12. What is the retention rate for caseworkers for asylum cases?

The annual attrition rate of Asylum Decision Makers to 31 January 2024 is 26%.

Rwanda

13. In preparation for flights to Rwanda, has the Home Office found an airline that will fly the asylum seekers to the country?

We work with a range of commercial providers to support the removal and relocation of those with no lawful status.

14. When will the claimants' costs for the Rwanda court cases will be finalised? (Previous correspondence, letter dated 29 January 2024)

No claimants' bill of costs has been received.

15. Could these be provided to the Committee once they have been finalised? (Previous correspondence, letter dated 29 January 2024)

We will provide an update on costs to the Committee once they are finalised.

Hate Crime Strategy

16. Can you provide an update on the Hate Crime Action Plan?

Whilst the Government does not currently intend to publish a Hate Crime Strategy, we keep our approach to tackling hate crime under constant review. We remain committed to continuing to protect all communities from crime and have a number of programmes in place to do so. For example, the Government has worked with the police to fund True Vision, an online hate crime reporting portal, designed so that victims of all types of hate crime do not have to visit a police station to report. We also fund the National Online Hate Crime Hub, a central capability designed to support individual local police forces in dealing with online hate crime.

Draft Terrorism (Protection of Premises) Bill

17. We were told in November that you were opening the Draft Bill up for further consultation. We are not aware a consultation has taken place. Can you clarify if, and when, a consultation will take place? (Previous correspondence, letter dated 7 November 2023)

I would like to thank the Committee for conducting pre-legislative scrutiny of the Draft Terrorism (Protection of Premises) Bill, also known as Martyn's Law. As you are aware, on the strength of the feedback received, the Government determined that a further public consultation, specifically on the Standard Tier, would be appropriate before the Bill is introduced to Parliament.

The Security Minister wrote to you on 5 February 2024 confirming the consultation had launched and enclosed a copy of the consultation document.

The consultation will run until 18 March 2024 and is available on GOV.UK. The consultation is open to the public, and is targeted at organisations, businesses, local

and public authorities, and/or individuals who own or operate premises that the proposed Bill would affect. We particularly welcome views from those responsible for the smaller premises which would fall within the Standard Tier, especially those in the community and voluntary sector.

18. What is the timing for the Draft Terrorism (Protection of Premises) Bill, (Martyn’s law), to be introduced to Parliament? (Previous correspondence, letter dated 7 November 2023)

As above, a public consultation, specifically on the Standard Tier, was launched on 5 February 2024. Following the conclusion of the consultation process, the Government will introduce the Bill to Parliament as soon as parliamentary time allows.

Responses to reports

To address the Committee’s reference to various outstanding reports, I can confirm the following:

Reviews in progress and/or not yet published:

- *Independent Review: Political Violence and Disruption*

The Independent Review into Political Violence and Disruption, led by Lord Walney, aims to increase the UK Government’s understanding of the increase in activity amongst the far-right, far-left, and other political groups, and the points at which their activities can cross into criminality and disruption. We will respond to the report’s recommendations in due course.

- *Inspection of Activism and Impartiality in Policing.*

The final report is due in March but may be delayed unless it is published before the pre-election period ahead of PCC elections in May.

- *Independent Review of Disclosure and Fraud Offences*

The Independent Review of Disclosure and Fraud Offences, chaired by Jonathan Fisher KC was launched on 12 October. The Review will consider:

- **(Summer 2024) Part one** will explore options to modernise the disclosure regime for all crime types, including economic crime and fraud.
- **(Spring 2025) Part two** of the Review will consider the challenges facing the investigating and prosecuting fraud and if current penalties are still appropriate.

- *Review of the Independent Office for Police Conduct.*

The review was announced on 1 March 2023. It was part of the Cabinet Office’s programme of reviews of public bodies (PBR programme) and was

led by Dr Gillian Fairfield. She reported before the end of 2023 and Home Office Ministers will make an announcement on next steps soon.

- *The Review of Investigations After Police Use of Force*

On 24 September the then Home Secretary launched the review of investigatory arrangements which follow the police use of force and police driving related incidents. With a view to ensuring the public and officers have clarity and confidence in the accountability system relating to police use of force and police driving, including the efficacy of investigations. Terms of Reference and a call for evidence were published on 24 October. The call for evidence has now closed and Ministers are considering how to proceed.

- *Undercover Policing Inquiry*

The Undercover Policing Inquiry published its Tranche One Report on 29 June 2023. The Department recognises the significance of the Tranche 1 interim report the Inquiry is working towards producing a final report by the end of 2026.

Reviews published but without a response from the Home Office:

- *Challenging Hateful Extremism, published October 2019; and Operating with Impunity, published 24 February 2021*

The Commission for Countering Extremism provides valuable advice and expertise to my Department and across Government on how to raise awareness and understanding of extremist ideologies so that we can tackle radicalisation and extremist activity.

Since the publication of the Challenging Hateful Extremism report, and the Operating with Impunity report, there have been a number of changes to strengthen the Government's approach to tackling extremism. We continue to consider the recommendations made in these reports in our work to counter extremism in the United Kingdom.

In all of our efforts to counter terrorism and extremism, we must continue to adapt to an ever-evolving landscape. The Counter Terrorism Strategy 2023 (CONTEST) is a flexible and adaptable framework that provides reassurance of HMG's continued consideration of, and adaptation to, findings of recommendations from inquests, inquiries, statutory inspectorates, and ministerially commissioned reviews and reports regarding terrorist themes and our counter-terrorism approach.

- *The Circumstances Surrounding the Former Metropolitan Police Commissioner's Resignation, published 24 August 2022.*

The former Home Secretary Priti Patel MP commissioned Sir Tom Winsor to conduct a review assessing the events leading up to the departure of the then

Commissioner of the Metropolitan Police, Dame Cressida Dick. This was not a statutory review. It was designed to establish the facts of what happened, whether the correct procedures had been followed and to make recommendations as to whether and, if appropriate, how the processes for the accountability of the relevant parties could be improved.

Sir Tom's report and its recommendations were fully considered on receipt of the report. It has fed into work to strengthen the accountability and transparency of police governance through delivery of recommendations from the Police and Crime Commissioner Review. This includes developing, in partnership with the sector, the existing PCC and Chief Constable Accountability Guidance which is designed to embed a healthy working relationship between PCCs and Chief Constables, as well as outlining a mediation framework, should any issues in the relationship occur. In addition, the updated Policing Protocol Order 2023 clearly sets out the roles and responsibilities of key policing partners, including how they should exercise their powers to facilitate cooperative working, and how they can limit or prevent overlap and conflict in the exercise of their functions.

Should we deem it necessary, we retain the option to implement changes to improve accountability arrangements for the Metropolitan Police Commissioner, including the recommendations made in Sir Tom's report. The Minister for Crime, Policing and Fire intends to keep this under review and will write to Sir Tom so that he is aware.

- *Independent Inquiry into Child Sexual Abuse, published 20 October 2022.*

The Government response to the Independent Inquiry was published in May 2023 - [Response to the final report of the Independent Inquiry into Child Sexual Abuse - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/inquiry-into-child-sexual-abuse-response).

The Government response accepted the need to act on 19 of the 20 final recommendations of the Inquiry and we are driving forward delivery of cross-government commitments made.

On the 10th January 2024 the Home Secretary provided an update to Parliament via a Written Ministerial Statement, outlining cross-government progress of the commitments made - [Written statements - Written questions, answers and statements - UK Parliament](https://www.parliament.uk/written-questions-answers-statements/written-statements).

- *Policing Productivity Review published October 2023.*

The Policing Productivity Review was commissioned in August 2022. The Review Team produced their report in the Autumn of 2023, which we published on **20 November** last year. We are supportive on the opportunities presented by the review and intend to respond to the recommendations later this Spring once we have fully considered them and engaged across government and with key stakeholders in policing.

To address the Committee's reference to **Outstanding Government Responses to Independent Chief Inspector of Borders and Immigration reports, Mr David Neal**, there are currently 14 ICIBI inspection reports and 1 annual report awaiting publication. The oldest report was sent to the Home Secretary on 26 April 2023, the most recent on 14 February.

It is unfortunate that circumstances have delayed the publication of inspection reports and I accept there are several that must be published as soon as possible.

It is important the Department considers carefully the ICIBI's findings and recommendations – these are complex areas. I am committed to ensuring reports are not unduly delayed and we will continue to keep the ICIBI updated on arrangements.

I trust this information is helpful.

With best wishes,

A handwritten signature in blue ink, appearing to read 'James Cleverly', written in a cursive style.

**RT HON JAMES CLEVERLY MP
HOME SECRETARY**