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Rt Hon Harriet Harman QC MP
Chair, Joint Committee on Human Rights
House of Commons
London
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17 January 2022

Dear Harriet,

Thank you for your invitation to give evidence before the Joint Committee on Human Rights as part of the Committee's work on the Nationality and Borders Bill.

During the session, Ms Cherry asked me whether, in our dialogue with the French, we have discussed whether to permit claims to the UK asylum system to be made from France. I committed to coming back on this point in writing.

The UK has a longstanding policy position of not accepting asylum claims from abroad or allowing people to travel to the UK in order to claim asylum in the country, a position which is underpinned by legal and policy factors.

Legally, under the 1951 Refugee Convention, a person is not a refugee while they remain in the territorial jurisdiction of their home country. And there are no provisions in our Immigration Rules which allow for the consideration of asylum claims lodged outside of the territory of the UK.

More broadly, in terms of policy, we consider that individuals who are in danger and need protecting should take the fastest route to safety to ensure their protection, rather than exposing themselves to further dangers by undertaking a potentially long and difficult journey to a country of choice. Primarily, this is for the individual's own safety. But it also helps to manage the practical challenges around secondary movements, including for economic reasons.

I must also point out that permitting claims to our asylum system to be made from France would not be supported by the French Government. Indeed, I would draw attention to remarks made by Interior Minister Darmanin to Calais MP Pierre-Henri Dumont, at the French Parliament on 7 December, where Minister Darmanin made it clear that "the UK will not send British officers to Calais to process asylum claims" saying "that will never happen" and it would be "unacceptable". And so, in conclusion, this policy would not be workable in any event.

I would nevertheless like to assure Members of the Committee that we are of course working closely with France and our other international partners to tackle the unacceptable rise we have seen in the number of small boat crossings of the Channel. This includes improved intelligence sharing, increased patrols in Northern France and investigations by Immigration Enforcement and the National Crime Agency. This important work is delivering results. The French are stopping increasing numbers of migrants leaving their beaches,

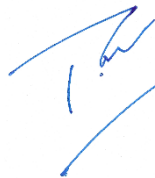
stopping over 23,000 people from crossing in 2021, compared to just 7,000 in 2020. And since our Joint Intelligence Cell was established in July 2020, we have, with France, dismantled 17 small boat organised criminal groups and secured over 400 arrests. Members of the Committee will no doubt join me in recognising the importance of this international co-operation, to stop the vile people-smuggling gangs and to ensure that vulnerable people do not risk their lives by getting into unseaworthy boats. The Home Secretary has therefore made it clear that we will continue work to tackle these shared challenges with our partners across Europe, including our near neighbours in France, Belgium and the Netherlands, as well as our other friends and allies across the continent.

Finally, I would like to clarify one further point that arose over the course of our discussions on age assessments. As you are aware, we are introducing a set of reforms to the age assessment process, including the creation of a National Age Assessment Board (NAAB), introducing a new statutory right of appeal for age disputes, codifying the age assessment process, and implementing scientific methods of age assessment. I can confirm that before bringing forward regulations setting out a scientific method, or methods to be used, the Home Secretary will seek scientific advice from the Home Office Chief Scientific Adviser on their potential use for age assessment purposes. The Home Office Chief Scientific Adviser will, at her discretion, consult a wider group of experts. These scientific experts are distinct from the NAAB, which is intended to be a team of social workers in the Home Office acting as a centralised point of expertise for carrying out age assessments.

Once again, thank you for inviting me and I trust that this letter is helpful.

With best wishes,

Yours ever,

A handwritten signature in blue ink, appearing to be 'T. Pursglove', with a stylized flourish at the end.

Tom Pursglove MP
Minister for Justice and Tackling Illegal Migration