



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

4 January 2022

Dear Diana,

Oral evidence: Channel crossings, migration and asylum-seeking routes through the EU, HC 194

Thank you again for the opportunity to appear before the Committee and congratulations on your recent appointment as Chair. I am writing with the responses to the outstanding questions arising during the evidence session of 17 November.

Since I gave evidence to the Committee, we have witnessed the tragic events in the Channel resulting in the deaths of at least 27 people. The French led a search and rescue operation and requested support from the UK, which was provided by HMG Coastguard as soon as it was requested.

Our thoughts and sympathies are with the victims and their families. This tragic incident serves as a stark reminder of just how dangerous it is to cross the Channel, and that every country has a moral duty to do more to take action to protect lives.

We need to step-up action on the ground, work with the French and our European partners to tackle illegal migration upstream and accelerate the measures in our Nationality and Borders Bill, to reduce the pull factor to the UK by distinguishing between people who come here legally and people who come here illegally.

We must keep all options on the table to stop these lethal crossings and break the business model of the criminal gangs behind them.

You asked for an assessment of the statistics within the Refugee Council's report and whether the majority of people arriving in small boats are in fear of persecution.

Those who fear persecution should claim asylum in the first safe country they reach - that is the fastest route to safety. They should not put their lives at risk by leaving manifestly safe countries with well-functioning asylum systems and make unnecessary and dangerous onward journeys to the UK.

EU countries together operate the Common European Asylum System; a framework of rules and procedures based on the full and inclusive application of the Refugee Convention, the

aim of which is to ensure the fair and humane treatment of applicants for international protection. A decision by an individual to leave an EU country to travel to the UK is not therefore solely motivated by a need to seek protection, because that protection should already be available to them. The decision to move, regardless of any underlying protection need, is therefore for reasons that are not linked to that fundamental need.

Statistics published by the Home Office are subject to rigorous quality assurance in line with the Code of Practice for Statistics. While it is not appropriate to examine the specific figures provided within the Refugee Council report, I accept the broad point that certain nationalities have a higher 'grant rate' than others. However, it is important to note that the figures quoted by the Refugee Council fail to take into account or contextualise the fact that grant rates are dependent on various factors. The report appears to have extrapolated published data on all asylum claims and made assumptions on how they might apply to those arriving via small boats.

The factors to be considered includes, but is not limited to, the objective country situation at the date of decision, the type and range of supporting evidence submitted, the claimant's personal characteristics (e.g. gender, age and level of maturity, sexuality), the material facts relating to the particular case, the claimant's overall credibility, who the actors of persecution are, whether or not internal relocation is a reasonable option and the levels of complexity (e.g. vulnerability or safeguarding needs, or a modern slavery claim).

Current operational tasking also prioritises cases with acute vulnerabilities and those claimants in receipt of the greatest level of support, including Unaccompanied Asylum-Seeking Children. Additionally, we prioritise older cases and cases where an individual has already received a decision, but a reconsideration is required. This can therefore also affect grant rates over a given period, meaning it can be difficult to draw distinct conclusions from these statistics in isolation.

Although many of the individuals arriving in the UK in small boats are from high grant-rate nationalities, we do not treat them more favorably than other claimants. All asylum and human rights claims are carefully considered on their individual merits in accordance with our international obligations. Each individual assessment is made against the background of relevant case law and the latest available country of origin information.

You asked for information relating to the number of individuals whose cases have been deemed inadmissible and the costs related to those claimants.

Of the asylum claims linked to small boats that we have considered, the majority have a link to one or more safe third countries, and it is right that we consider the appropriateness of inadmissibility action in such cases.

As of 30 September 2021, 6,598 notices of intent have been served to individuals to inform them that their case is being reviewed to consider removal action on inadmissibility grounds. This related to 19% of all those who claimed asylum, irrespective of their means of arrival, in that period.

As of 30 September, 2,126 people who had been considered under inadmissibility rules had been subsequently admitted to the UK asylum system for consideration of their asylum claim and 48 individuals had been deemed inadmissible.

Our data does not currently show what proportion of the 6,598 people served notices of intent arrived in small boats. However, we do have data up to 6 July; at which point we had served 4,588 notices of intent, of which 2,501 related to small boats arrivals. The difference in arrivals and notices of intent is mainly due to the lag in those arrivals being

processed. Notices of intent will be issued once full screening has taken place to determine suitability for the inadmissible process.

We are not able to provide a total cost associated with accommodation and support for those whose claims are being treated as inadmissible because some individuals are accommodated in different places and we do not disaggregate them from total costs.

You asked for a number of statistics relating to asylum, safe and legal routes, family reunion and small boats arrivals.

Since I appeared at the Committee, the latest quarterly immigration statistics have been published. As I set out at the Committee, we have seen the number of claims for asylum on an upward trend, reflecting the large number of arrivals via small boats over the summer.

Asylum claims to the year ending September 2021 are 18% higher than the previous year and figures for the third quarter of 2021 are the highest since 2003, demonstrating the need to take urgent action.

You asked for the number of people who came to the United Kingdom for asylum, family reunion or humanitarian protection; please note that individuals do not apply for humanitarian protection upon arrival in the United Kingdom, but they may be granted humanitarian protection following the assessment of their asylum claim if they do not qualify for refugee status.

People claims year ending September 2019, 2020, 2021			
	Year end September 2019	Year end September 2020	Year end September 2021
Main applicants	34,457	31,966	37,562
Main applicants and dependants	44,145	39,688	44,140

Throughout 2021 we have provided protection through safe and legal routes to tens of thousands of people, continuing our proud tradition of providing protection for those in need and building on earlier resettlement schemes.

Through our formal resettlement scheme, family reunion, the British National Overseas route and the Afghan Relocation and Assistance Policy, over 65,000 have come to the United Kingdom through safe and legal routes in 2021, with a further commitment to resettle up to 20,000 people from Afghanistan.

There are over 80 million displaced people across the globe. The United Kingdom cannot take everyone who will be looking for refuge here; but we are playing a substantial role in the global response to the migration crisis.

<u>Routes</u>	<u>Numbers per year</u>		
	2019	2020	2021¹
Resettlement²	5,612	823	1,163

¹ As of September 2021 (latest published statistics).

² Resettlement was paused March - December 2020 due to the COVID-19 pandemic.

Refugee Family Reunion	7,456	5,428	6,542
Afghan Relocation and Assistance Policy (ARAP)			c.2,000 ³
British Nationals Overseas (BNO route)			57,361 ⁴
Total	13,068	6,251	c. 67,000

Family reunion visas granted, 2019, 2020 and 2021			
Age	2019	2020	2021 (Jan – Sep)
Under 18	3,694	2,992	2,600
Over 18	3,762	2,436	2,275
Total	7,456	5,428	4,875

Small boats arrivals			
Year	2019	2020	*2021 (Jan – Sep 21)
Arrivals	1,844	8,461	17,066

You asked whether we anticipate that there may be an increase in the number of people who end up being exploited by criminal gangs and trying to cross the Channel in these very dangerous boats, because they have no safe legal route to re-join family, but they have fled persecution in Afghanistan.

As we have set out before, the UK has a long history of supporting those in need of protection, but those seeking asylum should claim in the first safe country – that is the fastest route to safety.

There are already established safe and legal routes set out in our Immigration Rules for family reunion between Afghans. The UK continues to welcome people at risk through the Afghan Citizens' Resettlement Scheme (ACRS), UK Resettlement Scheme (UKRS), Community Sponsorship and Mandate Resettlement Schemes; in addition to our ARAP scheme that remains open.

The Government has met its statutory duty to publish a report on the outcome of its review of safe and legal routes to the UK, including for UASC family reunion, and laid that report before Parliament on 22 July.

Additionally, 6,524 partners and children of refugees living in the UK were granted entry to the UK through family reunion visas; 8% more than the previous year.

Our resettlement schemes have provided safe and legal routes for tens of thousands of people to start new lives in the UK and they are at the heart of our New Plan for Immigration – to better protect and support those in genuine need of asylum; but to deter illegal entry into the UK, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger.

You asked for a number of statistics relating to small boats arrivals in 2021 and in comparison to 2020 and 2019.

We do not routinely publish statistics relating to the methods of irregular arrivals to the UK. However, it is clear from our management information that the COVID-19 pandemic had

³ Those who entered the UK through Op Pitting have not been captured through published statistics.

⁴ Entry clearance issued, a further 18,815 visas granted from within the UK.

the effect of reducing illegal entry attempts through air and lorries, with entry via small boat being the only route that showed a consistent increase since 2018. The reopening of all travel routes, following the end of lockdown, has led, as expected, to an increase in attempts to enter the UK illegally via air and lorries, but the level of attempts through these two routes has still not reached the volume we witnessed in 2018.

When we sum all illegal methods of entry, we see that 2021 has broadly seen more attempts to enter the UK illegally since the European migration crisis of 2015. Crossings via small boat account for around a third of all clandestine events, but the overwhelming majority of all clandestine arrivals.

There has also been a significant increase between April and September 2021, which is almost all attributable to the increase in small boats arrivals. It is therefore reasonable to assume that more people are trying to enter the UK illegally, mainly via small boats, and that some displacement is taking place, with people who would have previously attempted to reach the UK via air or lorry now doing so using small boats.

Migrants and criminal facilitators have shown an increased appetite for risk, launching from wider stretches of coastline in a greater range of weather conditions and exhibiting a willingness to use violence against French law enforcement efforts to prevent crossings. We also continue to see opportunistic crossings in favourable weather windows. Boats are now bigger, and their capacities have increased, meaning that more migrants are now carried in vessels that have been specifically constructed for the purposes of migration to the UK.

You asked us to clarify the statistics relating to the period 1 January – 18 October 2021 relating to National Crime Agency (NCA) investigations into immigration related crime.

Since it was founded in July 2020, to 18 October 2021, the activity of the UK-France joint intelligence cell, has resulted in 400 facilitators being arrested.

Between 1 January and 18 October 2021, there have been 50 NCA investigations into immigration-related crime with 140 arrests; and 46 arrests in the UK by immigration enforcement for small boats-related crime.

You asked us to differentiate between the funding given for securing Calais and Coquelles and funding provided to boats and an assessment of their success.

Since 2014, the UK has been committed to investing in infrastructure to improve the security and detection capability at French ports, to prevent migrants using HGVs to clandestinely enter the UK. The Sandhurst Treaty signed between France and the UK in January 2018 reaffirmed this shared commitment to work together as part of a comprehensive strategy for combating illegal migration.

As a result of our investment in infrastructure, we have saved lives and secured the border; prevented significant port incursions with the potential to disrupt services to the UK and secured the Channel Tunnel route. As a result, we have seen a significant reduction of attempts to cross via these routes.

However, addressing illegal migration at key ports presents a different challenge to preventing small boat crossings. Migrants and facilitators are using a stretch of coastline over 200 kilometres in length to attempt Channel crossings. We have seen increased numbers of preventions as a result of our investment in French law enforcement, (over 21,000 in 2021 to date, compared with over 7000 for the whole of 2020). The geography of the French coastline means there are multiple points from which migrants can wait undetected and then attempt crossings.

We remain committed to working with France to prevent use of this route. We are investing in improved surveillance technology and increasing intelligence sharing to support French law enforcement to detect and intercept migrants prior to departure. Through the Joint Intelligence Centre (JIC) we are working with the French to identify the organised criminal groups responsible for these crossings. Since the JIC was established in July 2020, 17 organised crime groups have been dismantled and over 400 facilitators had been arrested as a result of its activity.

You asked about the assessment of the conditions at Tug Haven.

As you are aware, the function of Tug Haven is to receive migrant arrivals and get them into the asylum system as quickly as possible via the intake units. While we do understand where delays have occurred and are seeking to resolve these at pace through a programme of site and process improvements, data on processing times is not routinely collated.

However, we recognise that it is desirable to collect and analyse this information for monitoring purposes; and to mitigate risks to migrant welfare which may arise from large numbers of arrivals temporarily exceeding the capacity of the wider asylum accommodation system. We are developing a solution to be able to centrally monitor where migrant arrivals are in the system and the length of time they have been in any area. We are also developing a site at Manston to provide safe and secure accommodation for people crossing the Channel by small boats whilst the Government carries out necessary checks. The site will enable us to safely receive and process large numbers of arrivals simultaneously.

In respect of the HMIP report of an unannounced inspection in September 2020, you have requested for us to share the following provisions that are currently available at Tug Haven:

- The maximum occupancy at Tug Haven is 250 persons, with a further 250 spaces at Western Jetfoil.
- We have approximately 2000 blankets and 2000 clothing packs on site.
- There are six male clothing changing areas and two female / family changing areas in Tug Haven.
- There are a total of thirteen toilets at Tug Haven and Western Jetfoil. These consist of two male, three female, two disabled and six gender neutral toilets on site. All are lockable. In busy periods we also have access to another two male, one female and one disabled cubicle on site.
- Sanitary products are available in the female changing area, along with hand wash and sanitisers in two areas.
- Handbasins are available in the toilet cubicles.
- Tug Haven is designed to be a reception area rather than a holding facility. Infrastructure constraints mean it is not possible to provide shower facilities at the Tug Haven site.
- While the provision of hot drinks is part of the mitigating activity against the risk of hypothermia among arriving small boats migrants, hot drinks are not constantly available to all for the duration of their processing at Tug Haven.
- External catering services have been secured to provide food and can be stood up as required.

We do our utmost to prevent migrants waiting for extended periods or sleeping at Tug Haven. However, in an unforeseen circumstance, we have sufficient blankets and roll mats available to individuals; and also have catering arrangements in place.

I trust that this letter clarifies the outstanding matters raised.

With best wishes,

Yours ever,

A handwritten signature in blue ink, consisting of several fluid, connected strokes that form a stylized representation of the name Tom Pursglove.

Tom Pursglove MP
Minister for Justice and Tackling Migration