

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

First Sitting

Thursday 27 February 2025

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 3 March 2025

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The Committee consisted of the following Members:

Chairs: † DAWN BUTLER, DAME SIOBHAIN McDONAGH, DR ANDREW MURRISON, GRAHAM STUART

† Bool, Sarah (<i>South Northamptonshire</i>) (Con)	† Murray, Chris (<i>Edinburgh East and Musselburgh</i>) (Lab)
† Botterill, Jade (<i>Ossett and Denby Dale</i>) (Lab)	† Murray, Susan (<i>Mid Dunbartonshire</i>) (LD)
† Eagle, Dame Angela (<i>Minister for Border Security and Asylum</i>)	† Stevenson, Kenneth (<i>Airdrie and Shotts</i>) (Lab)
† Forster, Mr Will (<i>Woking</i>) (LD)	† Tapp, Mike (<i>Dover and Deal</i>) (Lab)
† Gittins, Becky (<i>Clwyd East</i>) (Lab)	† Vickers, Matt (<i>Stockton West</i>) (Con)
† Hayes, Tom (<i>Bournemouth East</i>) (Lab)	† White, Jo (<i>Bassetlaw</i>) (Lab)
† Lam, Katie (<i>Weald of Kent</i>) (Con)	† Wishart, Pete (<i>Perth and Kinross-shire</i>) (SNP)
† McCluskey, Martin (<i>Inverclyde and Renfrewshire West</i>) (Lab)	Robert Cope, Harriet Deane, Claire Cozens, <i>Committee Clerks</i>
† Malhotra, Seema (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† attended the Committee
† Mullane, Margaret (<i>Dagenham and Rainham</i>) (Lab)	

Witnesses

Enver Solomon, Chief Executive, Refugee Council

Daniel O'Malley, Policy and Public Affairs Specialist Manager, Scottish Refugee Council

Mubeen Bhutta, Director of Policy, Research and Advocacy, British Red Cross

Zoe Bantleman, Legal Director, Immigration Law Practitioners' Association

Dr Peter William Walsh, Senior Researcher, Migration Observatory

Dame Rachel de Souza, Children's Commissioner for England

Public Bill Committee

Thursday 27 February 2025

(Morning)

[DAWN BUTLER *in the Chair*]

Border Security, Asylum and Immigration Bill

11.30 am

The Chair: We are now sitting in public and the proceedings are being broadcast. Before we begin, I remind Members to please switch electronic devices to silent, and that tea and coffee are not allowed during sittings.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication,

and a motion to allow us to deliberate in private about our questions before the oral evidence session. In view of the time available, I hope we can take these matters formally, without debate. The programme motion was discussed yesterday by the Programming Sub-Committee for the Bill.

Ordered,

That—

1. the Committee shall (in addition to its first meeting at 11.30 am on Thursday 27 February) meet—

- (a) at 2.00 pm on Thursday 27 February;
- (b) at 9.25 am and 2.00 pm on Tuesday 4 March;
- (c) at 11.30 am and 2.00 pm on Thursday 6 March;
- (d) at 9.25 am and 2.00 pm on Tuesday 11 March;
- (e) at 11.30 am and 2.00 pm on Thursday 13 March;
- (f) at 9.25 am and 2.00 pm on Tuesday 18 March;
- (g) at 11.30 am and 2.00 pm on Thursday 20 March;

2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Thursday 27 February	Until no later than 12.10 pm	Refugee Council, Scottish Refugee Council, British Red Cross
Thursday 27 February	Until no later than 12.40 pm	Immigration Law Practitioners' Association, Migration Observatory
Thursday 27 February	Until no later than 1.00 pm	The Children's Commissioner for England
Thursday 27 February	Until no later than 2.40 pm	National Police Chiefs' Council, National Crime Agency, Crown Prosecution Service
Thursday 27 February	Until no later than 3.20 pm	Migration Watch, Tony Smith, former Director, UK Border Force, Centre for Policy Studies
Thursday 27 February	Until no later than 3.40 pm	David Coleman, Emeritus Professor of Demography, University of Oxford
Thursday 27 February	Until no later than 4.00 pm	Professor Brian Bell, Professor of Economics, King's College London
Thursday 27 February	Until no later than 4.20 pm	Home Office

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 40; Schedule 1; Clauses 41 to 47; Schedule 2; Clauses 48 to 57; new Clauses; new Schedules; remaining proceedings on the Bill;

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 20 March.—(*Dame Angela Eagle.*)

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Dame Angela Eagle.*)

The Chair: Copies of the written evidence that the Committee receives will be made available in the Committee Room.

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*Dame Angela Eagle.*)

11.31 am

The Committee deliberated in private.

Examination of Witnesses

Enver Solomon, Daniel O'Malley and Mubeen Bhutta gave evidence.

11.34 am

The Chair: We are now sitting in public again, and the proceedings are being broadcast. Before we start hearing from witnesses, do any Members wish to make a declaration of interest in connection with the Bill?

Susan Murray (Mid Dunbartonshire) (LD): I want to let the Committee know that I know Daniel O'Malley from Scotland through the Liberal Democrats.

Kenneth Stevenson (Airdrie and Shotts) (Lab): I have previously met Daniel O'Malley as well.

Chris Murray (Edinburgh East and Musselburgh) (Lab): I did too.

The Chair: Very popular. If any interests are particularly relevant to a Member's questioning or speech, they should declare them again at the appropriate time. We will now hear oral evidence from the Refugee Council, the Scottish Refugee Council and the British Red Cross. We must stick to the timings that the Committee has agreed in the programme motion. For this panel, we have until 12.10 pm. Could the witnesses please briefly introduce themselves for the record?

Enver Solomon: Thank you very much, Chair. My name is Enver Solomon, and I am the chief executive of the Refugee Council.

Mubeen Bhutta: Good morning; I am Mubeen Bhutta, the director of policy research and advocacy at the British Red Cross. I think you have all been told that I am a hearing aid user; I am just having an issue with one of my hearing aids, so I need to step out and step back in, if that is okay.

The Chair: Yes, that is okay.

Daniel O'Malley: I am Daniel O'Malley, policy and public affairs specialist with the Scottish Refugee Council.

Q1 Matt Vickers (Stockton West) (Con): First, what are your views on the functions and objectives of the Border Security Command, as set out in the Bill?

Enver Solomon: I am happy to take that one. Our view is that this legislation is rightly seeking to disrupt the criminal gangs—the smuggling gangs. The trade is heinous; it is very damaging to people and it needs to be stopped. In that context, the Border Security Command is an understandable response. I think the issue that we have with it is that it is very difficult to simply rely on enforcement to tackle what is a complex and challenging situation.

The Bill is putting multiple eggs in the basket of enforcement, not just through the Border Security Command but by introducing a number of new offences. Our view, based on our frontline practice and work over many decades with people who have come to this country from war zones, having fled persecution or having been victims of modern slavery, is that that strategy will fundamentally fall short, because it is very difficult to change behaviour by adopting a primarily enforcement approach, which is primarily driven by further prosecution and creating new laws.

Essentially, new laws, such as the offences created in the Bill, are pretty much a blunt instrument to deal with behaviour that drives people to seek protection in other countries and to come here seeking asylum. I think that the evidence, from the offences created in previous legislation, demonstrates that they have not acted as a deterrent.

To sum up, enforcement is an understandable and legitimate approach, but it is only one approach, and it needs to be combined with other approaches that focus on international diplomacy and co-operation, and, critically, on additional legal routes. If you look at the evidence, particularly from the US under the previous Administration, the combination of those three can have a demonstrable impact on reducing irregular arrivals.

Despite the intention that this Bill has set out, our concern is that it will not deliver the outcome—the understandable and credible outcome—that the Government are trying to achieve, which is to stop the people smugglers and to stop people making dangerous crossings. It is focusing too much on an enforcement-driven agenda.

Q2 Matt Vickers: What provisions would you like to see in the Bill—you talked about a broader approach—that are not in there?

Enver Solomon: We would have liked to see more provisions that look at opening up targeted, additional humanitarian pathways, additional legal routes, and additional mechanisms for people to seek humanitarian protection and make applications for asylum without

necessarily having to take dangerous journeys. We have advocated for a targeted humanitarian visa to be piloted for specific nationalities where there is a high grant rate.

We would also have preferred to see the full repeal of the Illegal Migration Act 2023—not all provisions have been repealed. It is very positive that a significant number have been repealed, and that the Government have started to clear the backlog and essentially end the meltdown of the asylum system under the previous Administration, with the failed implementation of the Act. That is positive, but we think that retaining other provisions in the Act, particularly the provisions on inadmissibility, and not repealing the differential treatment provisions in the Nationality and Borders Act 2022, contribute to greater dysfunction in the system.

The Government's laudable and correct intention to bring greater efficiency and competence to the system is absolutely right, but having multiple pieces of legislation that just create greater dysfunction will not ensure that you get an effective end-to-end system. You do that by ensuring that you have reliable, speedy decision making on asylum; that decisions are right first time; that if people are granted protection, they can move through the system effectively with appropriate support; and that if people are not granted protection, the right steps are in place to support them. The focus needs to be much more on getting the asylum system to function, with a clear vision of its purpose, than on layering more and more legislation on to an already incredibly complex legislative system, which actually just creates further dysfunction.

The Chair: Before I go to the Minister, can I just check with Mubeen that you can hear us okay?

Mubeen Bhutta: Sorry?

The Chair: If we speak louder, is that better?

Mubeen Bhutta: Yes, that is helpful. I do apologise; it is a technical thing.

Q3 The Minister for Border Security and Asylum (Dame Angela Eagle): I will try to speak louder so that everybody can hear. I must say, I am having trouble hearing some things because of the acoustics in this room, and it is quite full. Perhaps if our witnesses could speak a bit louder as well, that might help everybody.

Enver, thank you for your evidence. You welcomed the repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024 and the majority of the Illegal Migration Act, which this Bill accomplishes. Could you talk about your experience of trying to live with those Acts on the statute book? Some argue that those bits of legislation were the only deterrent that we could have had. Can I have your thoughts on whether they worked?

Enver Solomon: Absolutely. In short, they were a disaster. They were a disaster in terms of the lived experience of people who had come from places such as Sudan; we know about the civil war there. They created huge uncertainty and anxiety. Through our work, we saw a rise in levels of great mental distress, and even in suicide ideation, as a consequence of those pieces of legislation, which led to what we described as a system meltdown. That was a fundamental meltdown that resulted in the system pretty much coming to a standstill. The system slowed down, with productivity in asylum decision

making at its lowest level since the height of the covid pandemic. It is absolutely right that steps were taken to address that and to ensure that the asylum system is functioning effectively.

The asylum system has to deliver integrity. It has to ensure that the public have trust in a system that functions. It functions by ensuring that decisions are fair—the great British value of fair play—by ensuring that decisions are taken in a timely fashion and by ensuring that taxpayers' money is well spent. That means you do not have billions being wasted every year on housing people in hotels that become flashpoints for community tensions. The system also works effectively when it ensures that people are supported to integrate and to go on and contribute to communities across the country in the way that generations of refugees have done. Critically, you must also ensure that if people are not granted protection, there are appropriate pathways to support them to return to the countries they have come from.

Q4 Dame Angela Eagle: There are those—I would like the other witnesses to comment if they wish—who say that the only way of getting any coherence back into our system is to leave the European convention on human rights and disaggregate ourselves from all the human rights legislation. Do you think that that is an appropriate way forward?

Enver Solomon: I will let my colleagues come in.

Daniel O'Malley: In relation to the European convention on human rights, frankly, coming out will not help anyone—it will not make the system any more efficient. For example, when it comes to the human trafficking provisions in the Illegal Migration Act, we want to see more of those repealed because they undermine human trafficking protections in Scotland.

The broader repeal that has happened of the Illegal Migration Act and the statutory instrument laid down to alter that Act has aided, for example, the guardianship programme in Scotland, which gives a guardian to unaccompanied minors in Scotland and was put on to a statutory footing in Scotland under the Human Trafficking and Exploitation (Scotland) Act 2015. It helps that programme because asylum claims were previously just not being made under the IMA, so that programme had thousands more people in it. The programme was operating, but it was getting overloaded with more and more people.

The wider point is that there are protections that we are signed up to—for example, the UN convention for refugees. Continuing with those is absolutely right; the repeal of them will not make the system any more efficient and it will not be a deterrent to anyone.

Q5 Dame Angela Eagle: Mubeen, do you have a comment?

Mubeen Bhutta: I do not have anything more to add to the important points that Daniel made.

Q6 Mr Will Forster (Woking) (LD): I want to broaden this out. Enver highlighted the Refugee Council's view on the Bill being too narrow. What is the view of the Scottish Refugee Council and the British Red Cross on that? What do you think of safe, legal routes?

Mubeen Bhutta: I did not quite catch the first bit of your question, but I think you are asking about safe and legal routes. I endorse some of the comments that my colleague Enver has already made. We welcome the Bill. We welcome the intention of the Bill around reducing the loss of life in the channel, but that is only half of the story.

It is really important that we look at the reasons why people are putting their lives in the hands of people smugglers in the first place. It is often because there is no other choice—there is no route that they can take. We would like to see more safe and legal routes, whether that is new routes, such as enabling people to apply for a humanitarian visa in the country that they are in to come directly to the UK and then be able to claim asylum, or expanding existing routes such as family reunion, so that there is more eligibility for people to use those routes.

It is really important to look at both sides of the coin. In a way, you could consider this Bill to be looking at the supply of this sort of activity, but it does not do anything about the demand. People will still need to make those journeys if no other routes are available.

Daniel O'Malley: For us, this is another migration Bill on top of many migration Bills. The system that people seeking asylum currently face is convoluted and arbitrary, and it is founded on hostility. As Mubeen rightly said, it is about the enforcement and stopping people crossing, rather than creating a more efficient asylum system. For us at the Scottish Refugee Council, that is what we are concerned about in the Bill. You talked about the Bill being quite narrow, but there are aspects of it that are far too broad and that can be applied in too broad a manner.

For the Scottish Refugee Council, the asylum aspects of the Bill do not address an updating of the asylum system. There are points on integration that should be considered as well. Nothing in the Bill talks about the integration of people seeking asylum while they are in the system. We commend the Government for speeding up the clearing of the backlog, which is great, but work needs to be done to help people who are in the system to integrate into the country. About 75% of people in the system will typically be granted refugee status, so work needs to be done to help them to integrate into communities, rather than having them in asylum accommodation or hostile environments.

The Government are rightly looking at asylum accommodation and the Home Affairs Committee is also doing an inquiry into it, so we know the work is being done. We would have liked to see the Bill contain a point about integration. The work in Scotland on this is the “New Scots Refugee Integration Strategy”, with an approach to integration from day one of arrival. We would like to see that extended to the UK level as well, mirroring what has also been done in Wales.

Q7 Mike Tapp (Dover and Deal) (Lab): We have met previously, Mr Solomon, and I want to declare that I have worked for the National Crime Agency in the past and in a counter-terror role. I understand the points you made on enforcement, but what are your views on the fact that the Bill also includes strong disruptive measures, which is of course pre-enforcement, such as search and seizure?

Enver Solomon: I think those measures are legitimate. As I said, it is important to take steps to disrupt the activity of gangs that are causing huge harms to the lives of individual men, women and children, who are often extremely vulnerable. Attempts such as the powers you referred to are important and have a role to play—I am not disputing that. What I am saying is that they need to be used proportionately and to be clearly targeted at the individuals behind the criminal gangs and the trade of the criminal gangs.

Our concern is that, by broadening criminal powers in the Bill and specifically by introducing new offences, individuals will be caught up in that process. People who are coming across in very flimsy and dangerous vessels will end up being criminalised through no fault of their own. We are also concerned that using further laws—as has been seen across a whole range of different areas of public policy—is a blunt instrument to try to change the behaviour of people.

People will not stop getting into flimsy dinghies and coming across the channel or the Mediterranean because of new offences that they might face. They will probably know very little about the nature of those offences. They will know very little about the new rules that mean, if you get refugee protection, you will no longer be able to go on and gain British citizenship. We know that from our experience: they will know nothing about that, so it will not change behaviour or provide the deterrence that I think it is hoped it will provide.

That is why you need to use these powers in a very targeted, proportionate way that deals with the prosecution of the criminal behaviour but does not result in, in effect, punching down on those vulnerable people who are getting into the boats because they want to seek safety. It will not change their behaviour. That is our experience from having worked with refugees and people seeking asylum over many decades.

Q8 Pete Wishart (Perth and Kinross-shire) (SNP): Welcome; thank you for coming along and giving your evidence, and for your written evidence. I think you are absolutely right to focus on the new criminal clauses that are included in the Bill, and to comment on how invidious they may be in how they might be broadly applied to asylum seekers. Do you agree that, if we could find some provision or series of amendments that removed asylum seekers from the focus of these new criminal laws, that might be a useful development? One of the clauses I would like you to comment on is the one that introduces an offence of endangering another person during sea crossings. You are experienced in working with asylum seekers and refugees—do they have any cognisance of the hardening of immigration and asylum laws in the UK when they are trying to get their family to safety from a war-torn region?

Enver Solomon: I would say not. I will come to clause 18 in a second, but I encourage the Committee to look at clauses 13 and 14. In our submission, we proposed that they should be amended to ensure the focus of the new offence is on people smugglers and not on those seeking protection in the UK. We also said that clause 15 should be amended to include other items that are important for reducing the risk that people face when attempting to cross the channel, and that the Government should consult widely to ensure the list is as extensive as is necessary.

On endangering others, given that, as Committee members will know, many of the boats now used are barely seaworthy and overcrowded, and that the numbers crammed into them are increasing, clause 18 could cover many more people than those whom the offence is apparently targeted at—that is, the people smugglers. On Second Reading, the Home Secretary gave some useful examples of the types of behaviour that could result in people being prosecuted, including physical aggression, intimidation, the rejection of rescue attempts and so on. We think the wording should be amended to reflect specific actions to ensure that the offence is very clearly focused.

We argue overall that these new offences are an extremely blunt instrument to change behaviours, and they will not have the desired effect of changing behaviours and stopping people getting into very dangerous, flimsy vessels.

Daniel O'Malley: To add to what Enver says, yes, it is a blunt instrument. We operate a refugee support service across the whole of Scotland, and when people come to our services they do not talk about the deterrence or anything like that; they talk about what they see once they get here. The environment that is created around people seeking asylum and refugees does not deter them from coming here, but once they are here, they feel that there is a threat to their protection and that their status here is under threat.

The language in these deterrents does not deter anybody from coming here; it just causes a hostile environment. That was the situation created by the previous Bills under the previous Government. We hope that will not be continued with the new Bill and other changes the Home Office is making. At the end of the day, when people come to our services and talk about stuff like this, they talk about how it makes them feel when they are in the country, not about how it deters them from coming here.

Q9 Chris Murray: I should probably declare that I used to work on refugee and asylum issues in Scotland, including with the Scottish Refugee Council. Enver, you talked a bit about the fundamental system meltdown, and the disfunction that the IMA and the Rwanda Act caused. I want to ask you a bit more about that. Would I be right in saying that those Acts basically caused a complete stop, or a complete slowdown, in any processing of asylum applications? What impact does that have on the communities where asylum seekers are placed, and on the people who serve those communities—the councils and charities? Does it make it hard for them to do their job? Does it cause local tensions? If we are repealing those components of the IMA and the Rwanda Act, would that address some of the challenges those communities are facing as a result of migration?

Enver Solomon: In short, what happened with the system meltdown that I referred to is that processing did pretty much come to a standstill. You had a huge and ever-growing backlog, and people were stuck in limbo indefinitely in the system. The number of people in hotels—asylum contingency accommodation, as it is called—reached record numbers. Hotels were being stood up in communities without proper prior assessments with relevant agencies of the potential needs—health, the NHS, and tensions vis-à-vis the police.

We work in Rotherham, where a hotel was brutally attacked and refugees were almost burned alive in the summer. My staff were in contact with people in the hotel who were live streaming what was happening. They thought that they were going to get burned alive. That hotel in Rotherham should never have been opened. It was always going to be a flashpoint. It was located in an incredibly isolated area, there were not appropriate support services, the local services were not properly engaged with in advance and there was no appropriate planning and preparation. That story, I am afraid, was repeated across the country because of the dysfunction and the system meltdown that the previous pieces of legislation resulted in. It is absolutely critical that we learn the lessons from that and do not repeat those mistakes.

There is no need to use asylum hotels. As I understand it, there are roughly 70,000 individual places within the asylum dispersal system today. If we had timely decisions being made in a matter of months, people moving through the system, a growing backlog in the appeal system dealt with by ensuring the decisions are right first time, and people having good access to appropriate legal information and advice from representation, which is a huge problem, you would begin gradually to fix the system.

It will take time to fix the system and create efficiencies, but it is absolutely vital that plans to move away from the use of hotels are taken forward rapidly, and that the current contracts in place with the three private providers to provide dispersal accommodation are radically reformed, because they just create community tensions. They are pivoted towards placing people in parts of the country where accommodation is usually cheap and where there are going to be growing tensions, often without support in place for people in those communities.

Mubeen Bhutta: I did not fully catch your question, Chris—I apologise.

Chris Murray: It was about the impact on local communities of the dysfunction created by the Illegal Migration Act and the Rwanda Act, and how much you attribute that dysfunction—especially the growing use of hotels for asylum seekers—to those Acts, which we are proposing to repeal.

Mubeen Bhutta: I probably do not have a huge amount more to add to what Enver just said, but it goes back to what was said earlier about the speed of decision making, the time that people are left in accommodation, the suitability of that accommodation, the impact on their wellbeing—certainly in terms of what we three see through our services—and the need for a comprehensive strategy. It comes back to what we said at the beginning about what is in the Bill, and what needs to go alongside it that is not in the Bill, around integration.

Q10 Jo White (Bassetlaw) (Lab): How might the new offences impact individuals and organisations such as charities or non-governmental organisations that provide support to migrants? For example, if a Vietnamese woman who works in a nail bar comes to one of your services, what mechanisms do you have in place to investigate and report any illegal working?

Mubeen Bhutta: We do not fully know what the impact of that new offence will be, because it is not enforced yet. It is helpful to see that there is provision in the

drafting around charities and their role, but it is not certain how that will play out. Our concern is also that new offences could impact the overall aims around the focus on seeking protection. It could influence behaviour or the ways that people offer support if there is concern that they might be caught.

Daniel O'Malley: On the point about the new offences and the deterrent aspect on human traffickers and smuggling gangs, there are aspects of the Illegal Migration Act that have not been repealed that apply to human trafficking. For example, a provision about disqualification from human trafficking protection in section 29 of the IMA has been kept. We would like to see that removed because an individual who has been in a nail bar and might have been human trafficked, as tends to be the case, might not come to any services due to fear of being disqualified from human trafficking protection because they may have engaged in criminal activity. If you have been human trafficked, you are likely to have engaged in criminal activity by virtue of that. That is the problem with the aspects of the Illegal Migration and Nationality and Borders Acts that have been left in.

The Nationality and Borders Act still contains section 60, which raised the threshold for referral to the national referral mechanism. Someone from a legal organisation in Scotland said that before the Nationality and Borders Act—he had been a lawyer for a couple of years by then—he had done one judicial review on the national referral mechanism. Since the Nationality and Borders and Illegal Migration Acts, he has done more than 50 judicial reviews. That keeps in the Act a freezing factor. Gangs and human traffickers can scare people who have been human trafficked by saying, “You might not get this protection because these offences could be applied or your protection could be taken away.” That is the aspect we would like to see removed to make sure that any offences are not disproportionately affecting victims of human trafficking.

The Chair: The next question will be the last. Witnesses, if there is anything that you have not yet said but would like to say, please do so.

Q11 Tom Hayes (Bournemouth East) (Lab): Part of the aim of the Bill is to minimise opportunities for crossings, which involves targeting the criminal smuggler gangs that are enabling small boat crossings to take place. Do you agree that enforcement activities against those smuggler gangs will have a deterrent effect—that enforcement activity has value in its own right, but minimising the number of crossings by disrupting the business model will have a deterrent effect? On Enver's point about the asylum hotel that was at risk of burning down, would you agree that those Government policies directly and gravely put the lives of vulnerable asylum seekers at risk?

Enver Solomon: The system meltdown that came about because of the fantastical Rwanda policy and the full provisions of the Illegal Migration Act left people in a state of permanent limbo, in inappropriate accommodation, in very vulnerable situations, in communities where there were high tensions. As a consequence of that, people's wellbeing was potentially compromised. There is no question about that. We saw that through our work. We saw the rise in stress and in suicidal ideation.

There was very clear evidence from our practice about the impact of what was, as we described, a system meltdown.

On your point about enforcement, enforcement has a role to play but it has to be one strategy combined with others—one side of a multi-pronged approach. Similarly to the evidence from dismantling drug trafficking, often when you dismantle one set of smugglers or gangmasters, others will reappear and take over that part of the trade. It is very difficult to enforce and prosecute your way out of this challenge. Multiple strategies have to be adopted—

The Chair: Order. Sorry to interrupt, but we are in our last minute. Mubeen and Daniel, would you like to come in quickly?

Mubeen Bhutta: Thank you—my hearing aid has magically started working.

On disrupting the business model, going back to what we said at the beginning about this being the other half of the safe routes story, clause 34 is about taking biometrics and introduces flexibility so that biometrics can be taken outside visa centres. We would like to see that extended to people required to submit their biometrics for family reunion visas, because we know that people are making dangerous journeys to visa centres. Often there are multiple journeys, often in conflicts, and people often have to use smugglers to get across the border if the visa centre in their country is closed. There is a real opportunity to strengthen that existing safe route by extending the flexibility in clause 34.

The Chair: That brings us to the end of the time allocated. On behalf of the Committee, I thank our witnesses for their evidence.

Examination of Witnesses

Zoe Bantleman and Dr Peter Walsh gave evidence.

12.11 pm

The Chair: We will now hear oral evidence from the Immigration Law Practitioners Association and from Migration Observatory. Again, we must stick to the timings in the programme motion that the Committee has agreed. For this session, we have until 12.40 pm. Could the witnesses please briefly introduce themselves for the record?

Zoe Bantleman: Good afternoon. I am Zoe Bantleman and I am the legal director of the Immigration Law Practitioners Association.

Dr Peter Walsh: Good afternoon. I am a senior researcher at the Migration Observatory at the University of Oxford.

Q12 Matt Vickers: Do you think the new endangerment offence will make any difference to channel crossings?

Dr Peter Walsh: Evidence from academic research shows that the impacts of deterrence policies are fairly small. The main reason for that is that migrants often do not have accurate or detailed knowledge of policies in destination countries. Their understanding of those policies is often lacking in detail and wrong, and it is often influenced by what they are told by their smugglers or handlers, who have a vested interest, of course, in downplaying risks.

There is also some statistical evidence that looks more broadly at what drives unauthorised migration and asylum applications around the world. That has found that domestic policy is not statistically one of the more important factors. Instead, geopolitical developments, conflict—civil, ethnic or international conflict—ecological disaster and regime change are all statistically much stronger drivers of unauthorised migration and asylum applications in particular countries.

Finally, rounding out the picture, when an asylum seeker decides which destination country to move to, that calculus is influenced not just by policy—policy is one of the things that they take least account of—but by things like the presence of family members, members of the community, friends, language and in some cases, in the context of small boat arrivals, escaping the Dublin system. Individuals may have claimed asylum in other EU countries—maybe those claims are outstanding or have been refused—and they understand that if they move to the UK they cannot be returned to the EU, because we are no longer a part of the EU and of the Dublin system that facilitated that.

Q13 Dame Angela Eagle: Dr Walsh, you have just argued that deterrence does not really work, yet one of the big arguments on Second Reading was that somehow by repealing the Safety of Rwanda Act and most of the Illegal Migration Act we had thrown away the only thing that would work. Would you care to comment on that?

Dr Peter Walsh: Because under the IMA the Government proposed not to process people's claims, they would not have known whether returning those individuals to countries of origin would be safe or not. That is where Rwanda came in.

There were always questions about the deterrent effect of the Rwanda policy. For my part, whatever deterrent effect it would have had would have depended fundamentally on how many people were actually sent to Rwanda. You can imagine that if it was a large share of people arriving by small boat, that might make people think twice, but if it were a small share—only thousands a year when we have tens of thousands of small boat arrivals—that would imply that the chance of being sent to Rwanda was fairly small. You can imagine that the people then making the trip would view that risk as just one risk among many much greater risks—risking their lives, for example—so there were always real questions about the deterrent effect of the Rwanda policy and how many people would in fact have been sent there.

The last Government said that the scheme was uncapped, and the Rwandan Government said, “We can take as many people as you can send.” But there were logistical challenges there, not least among them where people would be detained. At that time we had about 1,800 people in immigration detention in the UK, with a capacity of 2,200. You would have to detain people if you were threatening to remove them to Rwanda, so that was a very big initial stumbling block, putting aside whatever the capacity of those Rwandan facilities would have been, and more broadly the capacity of the Rwandan asylum system to process large numbers of claims. Typically it processed only a few hundred a year, not 10,000 or 20,000, so there were real questions there.

The big risk was what to do with people who are neither deterred from arriving nor able to be removed to Rwanda. That would be a sub-population in the UK without legal status who would be here indefinitely, so they would for ever have no legal right to remain in the UK, but we would be required to provide them with asylum accommodation and support at great cost. That was the risk when it came to Rwanda and the IMA.

Q14 Dame Angela Eagle: You said something really interesting in your first comment: that you felt some of the people arriving on small boats are doing so because we are out of the Dublin system—in other words, because of Brexit. Were you surprised, perhaps, that in the withdrawal agreement there was no provision to try to opt into Dublin III and a half or whatever it might have been called?

Dr Peter Walsh: I was not surprised, because I think that was consistent with the attitude at the time on the part of the Government. I did note that they did decide not to pursue a similar kind of agreement, which hampered them in a certain sense because there was no longer a mechanism to return asylum seekers arriving by small boat to the EU. It is true that in the last five years or so that we were a part of Dublin, we were actually a net receiver of asylum seekers under the system: we received more than we sent out. That is for various reasons, including administrative ones. But yes, it was striking that a similar kind of agreement or remaining a part of the Dublin system was not pursued because that appeared to hamper the Government in that aim—namely, to remove people arriving without authorisation to the EU.

Q15 Dame Angela Eagle: Zoe, what is your view on the idea that has gained traction in certain areas of this debate—that the Human Rights Act and the ECHR are effectively preventing us from having a reasonable system, and that the only way to have an asylum system that works is to pull out of those international agreements?

Zoe Bantleman: As the witnesses in the previous session have already said, those are not the only international legal agreements by which we are bound. The UK has voluntarily agreed to be bound by a great many international legal agreements, including in relation to the rights of children, the convention on action against trafficking and the conventions on the rights of stateless persons. There are a whole host in addition to the refugee convention and the European convention on human rights.

One of the hallmarks of the new Government has been this new-found commitment towards our international legal obligations, and also restoring the UK's position as a leader in the international rules-based order, which all three of the previous Acts—the Safety of Rwanda Act, the Illegal Migration Act and the Nationality and Borders Act before it—eroded. I think it is fundamental to retain our commitment towards our international legal obligations. But there was also a case in the High Court in Belfast, brought by the Northern Ireland Human Rights Commission in relation to the Illegal Migration Act, that found that it was not only the convention on human rights that was breached by the Illegal Migration Act, but also the Windsor framework itself.

At a time when His Majesty's Government are trying to reset the relationship with Europe, it seems a very strange thing to do—to try to back out of our human

rights obligations. Again, the Good Friday agreement and the trade and co-operation agreement with the European Union are both based on our compliance with the European convention on human rights.

Q16 Mr Forster: If I may, I will turn away from these historic strategic issues back to the wording in the Bill. I would welcome your thoughts on clauses 13, 14 and 16 about the new offences. How effective do you think they would be? Zoe, what do you think of the drafting? Dr Walsh, how commonly do you think they would be used given that so much of the preparation is done abroad?

Zoe Bantleman: The offences are drafted in quite broad terms and the defences are quite narrow. There is a real concern, particularly on behalf of the legal professions, as to what would constitute a defence. For example, one of the defences is where a person was

“acting on behalf of an organisation which—

- (i) aims to assist asylum-seekers, and
- (ii) does not charge for its services.”

Would a legal aid firm charging the legal aid fund for services come within the scope of this defence? That is a real question.

We could also imagine the much more practical question of someone who is, for example, in Calais with their family member, and their family member wants to get on to a small boat and they are saying, “No, don't get on to the small boat. Look here—this is what the weather is going to be today” and they show them on their phone what the weather is going to be. That could be useful to that person in helping them to prepare for their journey to the UK, and it would be the collection, recording and viewing of that information. It is not clear that such a person would have a defence if they were to reach the UK by a safe route, if a safe route was available to them. Even though that was done in France rather than the UK, they could potentially be prosecuted once here because of the extraterritorial scope of the offences, subject of course to prosecutorial discretion.

There is a very large scope to the offences and the defences are potentially not sufficient and holistic enough to account for all situations in which persons should not be prosecuted and should not be criminalised for their behaviour.

Q17 Chris Murray: Dr Walsh, you said something fascinating that the Minister picked up on about the Dublin system and the driver of people getting on small boats. Could you say a little bit more about that? First, what is the evidence for that? Secondly, we know that people getting on to a small boat on the French side of the channel are part of a long stream of networks, illegal organisations and people fleeing. They are travelling through multiple countries. Could you give us a bit more detail on how those networks are functioning now, how they have evolved over the last couple of years in response to various conflicts and drivers, and the routes that people are taking?

Dr Peter Walsh: The Dublin system provided a mechanism for asylum seekers to be transferred between EU member states and prioritised the idea that people should have their claim processed in the first state in which they arrived. There are other things that the

decision can be based on—one might be having family members in the country; that could also be the basis for a transfer.

There is emerging evidence from when researchers have spoken with migrants in and around Calais. They ask them, “Why have you taken this dangerous journey to the UK?” They talk about family, the English language and perceptions of the UK as being safer. Often they have experienced harsh treatment at the hands of the French police. Increasingly, they specifically mention Dublin.

What we can infer from that is that these people have an outstanding or rejected claim—or claims, potentially in a number of EU member states, even though there are rules and processes to prevent that. They have exhausted what they view as the opportunity to receive a successful asylum claim in the EU. That leaves the UK. They understand that because the UK is no longer a part of Dublin, we are effectively not able to return them to the continent. That is fairly recent evidence we have found.

On the smuggling networks and how they work, one of the big challenges is that they operate transnationally, so they are beyond the jurisdiction of any single authority. That, by its very nature, makes enforcement more difficult because it requires quite close international co-operation, so the UK would be co-operating with agencies that operate under different legal frameworks, professional standards and norms and maybe even speak a different language. That challenge applies with particular force to the senior figures, who are often operating not only beyond the UK’s and EU’s jurisdictions but in countries where there is very limited international law enforcement co-operation with both the UK and the EU. I am thinking of countries such as Afghanistan, Syria and Iran.

More generally, the smuggling gangs have become more professionalised. They are very well resourced and are highly adaptable. There is a sense that law enforcement is constantly having to play catch-up. The gangs are decentralised, and there are quite small groups of, say, eight to 12 individuals, spread out across the continent, who are responsible for logistics—for example, storing equipment like motors and engines in Germany that are imported to Turkey from China and then transported in trucks to France. Those networks stretch out across the continent. That is why it is so hard for law enforcement to fight them.

Q18 Pete Wishart: I would like to pick up on that point, because it is very important. I think I saw somewhere that you commented that there is a lack of evidence about the long-term effects of prosecuting people smugglers, because they will just be displaced. It strikes me that given that there are no other means or safe routes to get to the UK and the people-smuggling gangs effectively have a monopoly on the irregular migration business, surely all they are going to do with all the legislation that the Government are bringing forward is adapt the models to accommodate what the Government are introducing. It always seems that they are a few steps ahead of Government.

Unless we tackle the demand, surely there will not be anything we can effectively do to tackle the illegal gangs, particularly if we are going to be cutting international

aid budgets, which will exacerbate the problem and drive more people into the hands of the gangs. Ms Bantleman, you have written to the Government urging them to amend the good character guidance to ensure compliance with the UK’s international obligations. Could you expand on that and elaborate on what you are intending from the Government? You are right to remind the Government of the range of their commitments and international obligations. I will come to you first, Dr Walsh.

Dr Peter Walsh: It is true that there is a real lack of evidence on what the likely impact of specific policies to disrupt smuggling networks will be, but the policies could assist in disrupting smuggling activities. If you invest more resources in enforcement and agencies have greater power of seizure, search, arrest and investigation, then you would expect that more smugglers would be brought to justice. The bigger question for me is: will that reduce people travelling in small boats? There is the separate question of whether this will eliminate the market for smuggling.

What we do know is that a lot of people are willing to pay a lot of money for the services that smugglers provide. If the effect of the policies is to disrupt smuggling operations, that could conceivably raise the cost of smuggling—a cost that would be passed on to migrants. It may be the case that some are priced out at the margins, but I suspect that demand is fairly inelastic. Even with an increase in price, people will still be willing to pay.

Another challenge is the people most directly involved in smuggling operations on the ground—the people who are tasked with getting the migrants to shore, the boats into the water and the migrants into the boats. It does not require substantial skill, training or investment to do that job. You can apprehend those individuals, and that requires substantial resource, but they can quickly be replaced. That is why it has been described as being like whack-a-mole. I think that is one of the real challenges.

Zoe Bantleman: I would like to add to that point, before I address the second question. I completely agree with what Peter says about how the most fundamental challenge in breaking the business model of smugglers is that, simply, smuggling will exist for as long as there is demand. There will be demand for it as long as there are people seeking safety. For as long as we fail to have accessible, safe, complementary routes for people to arrive here, and for as long as carriers are too fearful to allow people on to safe trains, ferries and planes to the UK, people will feel that they have no choice but to risk their lives, their savings and their families’ savings on dangerous journeys.

The focus of the Bill is not on tackling trafficking or the traffickers, or on protecting the victims of trafficking; it casts its net much wider. It is really about tackling those who assist others in arriving here, as well as those who arrive here themselves.

That leads me on to the second point, which is in relation to the good character guidance. There was a recent change, on the day of Second Reading, that also resulted in a change to the good character guidance, which is a statutory requirement that individuals must meet in order to become British citizens. The guidance says that anyone who enters irregularly—it actually uses the word “illegal”, which I have substituted with

“irregularly”—shall “normally” not have their application for British citizenship accepted, no matter how much time has passed.

Fundamentally, article 31 of the refugee convention says that individuals should be immune from penalties. It is a protective clause. It is aimed at ensuring that exactly the kind of person who does not have the time or is not able to acquire the appropriate documentation, who has a very short-term stopover in another country on the way to the UK, and who is allowed to choose their country of safety can come here and is immune from penalties. There is also an obligation under the refugee convention to facilitate the naturalisation of refugees.

We also mentioned many other conventions, including the convention on the elimination of discrimination against women, and the convention on the rights of the child. Children have a right to obtain citizenship, so stateless children should not be barred from obtaining British citizenship. In addition, they should not be held accountable for things that were outside their control. Children placed on small boats may have had no control or understanding of their journey to the UK, so arriving here in a way outside their control, in a way that the Government consider to be illegal but is not illegal under international law, is not a reason for them to be barred from citizenship. That is the substance of what we have said.

The Chair: This may be the last question, unless anybody else has indicated that they wish to ask one.

Margaret Mullane (Dagenham and Rainham) (Lab): In his evidence, Enver Solomon spoke about the “meltdown” of the immigration system—that it is chaotic. I think we all heard that. I am on the Home Affairs Committee, and we are also looking into that. Quite a few people from different groups have given evidence, and their evidence was slightly more optimistic than what has been said today.

We are all in mass communication, so I think word will get around when this starts rolling out. If the system had been chaotic and everything had ground to a halt, the gangmasters running the boats would have got to grips with it as time went on, and that would have seeped through. It therefore would not necessarily be the case that people would want to risk the boats and the gangs.

Dr Peter Walsh: On communication, many of these individuals who are travelling receive information from their handlers, agents and smugglers. Sometimes it comes from people who have already made the trip and are in the UK, but that has the effect of emboldening them. I am not sure what the prospects would be for them learning about the reality of the UK’s asylum system more broadly. We see that knowledge of the system—whether it is chaotic or functioning well—is always filtered through their agents, smugglers, handlers and those they know in the community who are making the trip or have already successfully made it.

The Chair: We have two quick questions to squeeze in.

Q19 Tom Hayes: We hear that, because the so-called Rwanda deterrent never actually happened, it is hard to assess whether or not it was a deterrent, but in a Q&A you published on 25 July, Dr Walsh, you said:

“The deterrent impact of the policy would likely have depended on the number of people sent to Rwanda.”

You estimated the probability of people crossing the channel in a small boat being sent to Rwanda to be about 1% to 2%.

You also said:

“There is no evidence that political discussions surrounding the Rwanda policy deterred small boat arrivals.”

In fact, from the day the policy was announced to the day it was scrapped, we saw 84,000 people cross the channel. Do you want to say anything about the efficacy of the so-called deterrent? Relatedly, do you agree that it is hard to make emphatic assessments of the fiscal burden of immigration owing to the quality of the available data?

Dr Peter Walsh: Yes, I would agree with that last point.

The Rwanda policy was never implemented, so it would be unfair to say that it did not have a deterrent effect. Policies of that kind typically have the bulk of their effect once they have been implemented. I cannot remember the source for the 1% to 2% figure. This is a somewhat old research paper, but at the time it was the best estimate we could point to. It was not an estimate that I or colleagues made. Can you see what the source is?

Tom Hayes: I can. It says:

“If only a few hundred asylum seekers were sent to Rwanda each year (as suggested by the Deputy Prime Minister and the Home Office’s modelling) and unauthorised arrivals had continued at rates similar to those seen in 2022 and 2023”—

the paper was published in 2024—

“then the probability of a person crossing the Channel in a small boat being sent to Rwanda would have been small—around 1-2%.”

Dr Peter Walsh: I now recall the Home Office’s modelling, and it was subject to a whole range of caveats. The Home Office was actually quite cautious about the estimates. That was the best available figure it had at the time. It was in part based on Rwanda’s capacity to process claims. The number could have gone up, but we never found out.

The Chair: Can I quickly get Kenneth’s question in?

Q20 Kenneth Stevenson: We have heard from Dr Walsh about how the small gangs operate. They are very difficult to work against. What engagement have you had to better understand the Government’s position? Would you outline your evidence directing us to an alternative approach?

It has been very interesting to hear about what does not deter people from coming across, but it would also be very interesting to hear about anything that does deter them. Could you outline that too?

The Chair: There is less than a minute left, and I wonder whether Zoe wants to quickly come in too.

Dr Peter Walsh: Strong deterrents do not necessarily operate on a psychological level. They include the physical interception of boats in the water, and the case of Australia demonstrates that quite clearly. It had an offshore processing plan, but the huge decrease in numbers arriving by unauthorised boats happened once Australia was physically intercepting those boats in the water and returning them to the countries of departure.

Kenneth Stevenson: Can you answer my original question about the engagement you have had with the Government? You are saying that small gangs are very flexible, but obviously the Government are saying that they are going after those gangs—

The Chair: Order. That brings us to the end of the time allocated for the Committee to ask questions. I thank our witnesses on behalf of the Committee for their evidence.

Examination of Witness

Dame Rachel de Souza gave evidence.

12.40 pm

The Chair: We will now hear oral evidence from the Children's Commissioner for England. Once again, we must stick to the timings in the programme order. We have until 1 pm for this panel. Could the witness please introduce herself for the record?

Dame Rachel de Souza: Good afternoon. I am Rachel de Souza. I am the independent Children's Commissioner for England. It is my job to protect and promote the rights of children. Since I took up the role, I have made working with illegal immigrant children who arrive in Kent one of my top priorities. I go down to the Kent intake unit. I talk to all the children who are in hotels. My independent advocacy body has supported hundreds of these young people. I have used my entry powers to go in and look at their situation, and I have used my data powers to track safeguarding issues. It has been really thoroughgoing work for the past four years.

Q21 Dame Angela Eagle: What is your general opinion of the changes that would be introduced to the current immigration law structures with the repeal of the Safety of Rwanda Act and the vast majority of the Illegal Migration Act? What is your opinion on strengthening the powers of the Border Security Command, which are a central part of the Bill?

Dame Rachel de Souza: I do not want to see any child crossing the channel in a small boat. I have sat in those small boats myself. I have talked to children who have come across on them. I have seen eight-year-olds, blind children and children with Down's syndrome come across on them. The crossings are dangerous. One case that sticks in my mind is that of a young Iranian lad who saw his parents killed in front of him. He was taken by smugglers and did not know where he was going, but he came across on a small boat. Anything to stop these wicked traffickers is good in my book, as long as we are protecting and safeguarding children.

You will know that I was very vocal about the Illegal Migration Act, particularly the bits that conflicted with the Children Act 1989. When a child is on this soil, up to the age of 18, the Children Act has authority over them. I was very worried about the Home Office accommodating children, and I am pleased to see that has now been changed. Every Home Office official was working hard to do their best by those children, but the Home Office accommodation and the hotel accommodation were not suitable. Children were languishing without proper safeguarding in inappropriate places. Children's social care must look after unaccompanied children, so I am pleased to see that change.

From a children's perspective, I am pleased to see the Rwanda Act repealed. Children told me that it would not have stopped them coming; they were just going to disappear at 18. It would have ended up putting them at more risk. I had concerns about that. I also had concerns about children who had been settled here for a number of years then, at 18, being liable to be moved to Rwanda, so I am pleased to see that changed.

In general, I am really supportive of this Bill. There are some things that I would like to see it go further on, and I do have some concerns, but in general I am very supportive.

Q22 Mr Forster: What are the things that you would like to see the Bill go further on? We just heard from the legal director at the Immigration Law Practitioners' Association that they have some concerns at least about the Government's rhetoric, if not some of their actions, against the international law, particularly on children. Could you comment on that as well?

Dame Rachel de Souza: Because I see so many of these children and work with them directly, I am often thinking practically about what their lives are like and how to ensure that they are okay, so I tend to come at your questions from that approach. One of the things that I am worried about is the potential for getting the scientific age assessment wrong.

There was a fantastic debate in the other House, where Lord Winston and others talked about the British Dental Association and the lack of clarity and slight vagueness around age assessment procedures. What I will say is that the social work team down at the Kent intake unit are fantastic and they have developed a strong approach to and knowledge about how to get those age assessment decisions right, with an understanding of school systems and other things about young people. I think we need to be really careful on the age assessment side.

You know that I am also going to be worried about safe and legal routes. Let me give you two examples two young ambassadors out of my large group. One is from Ukraine. She came under the Ukraine scheme, managed to complete her Ukrainian education and her UK education at the same time, and is going to King's College. She has had nothing but support. The other is from South Sudan and, with no safe and legal route, came as an illegal immigrant. Female genital mutilation was an issue; there were some really serious issues. She found it hard to find somewhere to live and hard to get a job. She is now at Oxford University, because we have supported her and she is brilliant. Those are just two completely contrasting cases.

I stood and welcomed off the boat the first child who came from Afghanistan, who spent his nights weeping because he did not know whether his parents were alive. There is that safe and legal routes issue, particularly for children we know are coming from war-torn areas—we know that they are coming. We really need to think about that and think about support for them. That perhaps answers your tone question as well.

Q23 Chris Murray: We heard from the previous panels about how the Illegal Migration Act and the Rwanda Act caused wholesale dysfunction in the immigration system and especially in asylum. I want to ask you

[Chris Murray]

about the impact that that dysfunction had on children. As we were moving unaccompanied asylum-seeking children from Kent around the rest of the UK, how dysfunctional was that system? What was it like for local authorities that were trying to support them and the local communities? They have statutory obligations about child protection.

Dame Rachel de Souza: Down in Kent, because needs must, hotels were set up, so I visited the hotels that children were in. The situation was wholly inappropriate. Many children were languishing there for months, without English teaching. Kent county council was doing its best. Some of the best provision that I saw for children who were just arriving was put on by Kent, which had managed to get school going and get interpreters in, but it was overwhelmed.

What I will say, to pay tribute to local authorities around the country, is that whenever there was a very young child or a disabled child, they would step up and help. But it was hard to get the national transfer scheme going and the children were confused by it as well. The Highland council offered a range of places to some of the children, and they were like, “Where is the highlands and what are we going to do there?” It felt discombobulated at best. It was really tricky.

Of course, let us not forget that a lot of those children were older teenagers, and a lot of the provision that they were going to was not care, but a room in a house with all sorts of other people—teenagers and older people. They were left to fend for themselves, which was incredibly disorientating. We have a problem with 16 and 17-year-olds in the care system. There was a massive stretch on social care. Every director of children’s social care who I spoke to said that it is a massive stretch on their budgets, and that they do not know what to do with those children.

I think we could be more innovative. Again, there is massive good will out there in the country. We should be looking at specialist foster care, and not sticking 17-year-olds in rooms in houses on their own. There are so many things we could be doing to try to make this better, such as settling children in communities with proper language teaching.

The No.1 thing that children tell me that they want, given that they are here, is to learn—to be educated—so that they can function well. For me, particularly with some of the children who I have seen, they do not in any way mirror the stuff that we read in the media about freeloading—coming here for whatever. Most of them are really serious cases, and given that they are here, they want to try to learn and be good productive members of our communities. There is much that we can do.

Q24 Pete Wishart: I commend you for the work you do. I think what you do is amazing, and I pay tribute to that. You are absolutely right to raise some of the issues about the age assessment procedures, and their almost quasi-scientific applications. You are right to reference the debate in the House of Lords, because I think it captured that quite well. Why do you think there is an increasing trend to try to label quite obvious children or teenagers as adults?

We are keeping parts of NABA, so that will be a feature of the Bill. There are concerns about modern slavery and the impact on children with that. Are there any amendments that we could bring to the Bill that would help to deal with that and meet some of those concerns, so that we can get to a much better place with how we deal with children in our asylum system?

Dame Rachel de Souza: Obviously, both of those issues are concerns of mine—age assessment and the modern slavery provisions not being allowed to be applied. On age assessment, it is important that we know how old children are. I have seen 14-year-olds in hostels with 25-year-olds, which is totally inappropriate. I have seen girls who say that they are not 18 be age assessed as 18 and put in adult institutions with adult men. We do not want people masquerading as children to be put in with younger children. We need to do everything we can to determine age.

The technology around scientific age assessment is going to be difficult, not least because when you are dealing with an international population—as Lord Winston talked about—it is really difficult to be precise. Being precise matters. When children arrive in Kent, they get their new clothes, then if they are sick, they are put into a shipping container until they are not sick any more. They maybe then have to sleep a bit on a bench, and then they are age assessed. That age assessment is the most important thing about the rest of their journey here. If that goes wrong, that is it; if you get that wrong, they are an adult. It is a really important and tricky thing, and it is often not supported.

There are things we can do—I always look for solutions. Maybe we ought to be saying, “This is obviously a child. This is obviously an adult.” But there is a group where there are questions and perhaps we should be thinking about housing people in that group and spending a bit more time to work out how old they are and try to get the evidence, rather than making these cut-and-dry decisions that will change people’s lives. As I said, I found a 14-year-old boy in Luton who was there for years with 25-year-olds and was really upset.

On the modern slavery provisions, all I would say—I hope this is helpful—is that I have seen with my own eyes a 16-year-old Eritrean girl arriving at Kent with an older man who was her boyfriend. She obviously said, “It’s fine—I’m 16. We can come in.” She had lost her parents. It was obviously going to be trafficking. We need parts of the Bill to pick that up. That is real, so we need to be really careful about these things.

The Chair: We have only two minutes left, and three questions to go.

Q25 Jo White: I will be quick. Thank you for the work that you do. My biggest concern is those children who come into the UK who we do not even know are coming in, because it is hidden. They are clearly victims of modern slavery or child sexual exploitation. It is important, as you said just now, that we stop the gangs that are bringing them across. How confident are you that the new Border Security Commander with his anti-terrorism powers will be able to track those gangs down and smash them?

Dame Rachel de Souza: That is the first question I asked the National Crime Agency when I came into the role. I asked, “Could you find every child in this country?”

I was told that, “With enough resource, we could pretty much do it, apart from some of the Vietnamese children who are trafficked into cannabis factories and things like that.” With resource, and with this new Border Security Command, we will get a lot nearer, and we need to do that.

Q26 Tom Hayes: Thank you for all of your work. In April 2023, you wrote to the then Home Secretary requesting information about children accommodated in hotels. Seven months later, when you received the information, you then said that it was seven months past your deadline and that the quality of the information itself was deeply troubling. Can you comment on how difficult or easy it was for you to discharge your statutory duties as Children’s Commissioner when working with the last Government to safeguard children?

Dame Rachel de Souza: The Home Office was the only Department that failed to answer my data request in time and that gave me imperfect data, but I did not stop and I kept going. I have to say: it is much better now. I was able to speak to and did have access to Ministers, and I was always able to make my case. I did not get that information in a timely manner, but I did get that information in the end. I am worried about what has happened to those children.

The data we were after was safeguarding data that showed all the concerns, and the reason I asked for it was because I knew that the safeguarding in the hotels was not as it should be. We got the data on children who had been victims of attempted organ harvesting, rape and various other things, as well as the number of children who were missing. We still do not know where many of those children are, and that is not good enough. The whole tone has changed, and I hope that the Government will still want to stop the small boats, while also being much more pro-children.

The Chair: We will squeeze in one last question.

Q27 Becky Gittins (Clwyd East) (Lab): We heard earlier about the Rwanda Act and the IMA, and their impact on the massive escalation in the use of asylum

hotels. Do you believe that it was actually our children and young people who were disadvantaged the most? You have talked a lot about not wanting to see a single child come across the channel in small boats, but we also need to focus on what is happening when the asylum hotels are unsuitable. When they are unsuitable, those young people are much more vulnerable to people outside of those asylum hotels—criminals who operate in the UK and seek to do them harm.

Dame Rachel de Souza: Absolutely. The number of tales and stories from children about how virtually the entire rest of the hotel had been picked up and driven off by gangs was really not good. They would just walk outside and be picked up, and they would go. Some of those children made their way back to Kent because they were being exploited so badly. It was really terrible. There were not proper safeguards.

One of the reasons I do not want the Home Office to accommodate children is that, while it is great at many things, it should have nothing to do with children. Children’s social care should be looking after children. The Home Office was never able to put in appropriate safeguarding. Despite its best efforts, it did not manage to structure children’s days. It did not have the personnel to deal with this.

Children were going missing regularly; some are still missing. Kids were there for months who were not learning English. What were they doing? Whereas, when they went straight into Kent’s care, they were put in school, learning English, learning what it is like to be in England, learning to understand their rights and getting used to the country they were in, but I fear that many of those children came to terrible ends—

The Chair: Order. I am afraid that brings us to the end of the time allocated and allotted for the Committee to ask questions. I thank the witness for her evidence.

1 pm

The Chair adjourned the Committee without Question put (Standing Order No.88).

Adjourned till this day at Two o’clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

Second Sitting

Thursday 27 February 2025

(Afternoon)

CONTENTS

Examination of witnesses.

Adjourned till Tuesday 4 March at twenty-five minutes past Nine o'clock.

Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 3 March 2025

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The Committee consisted of the following Members:

Chairs: † DAWN BUTLER, DAME SIOBHAIN McDONAGH, DR ANDREW MURRISON, GRAHAM STUART

† Bool, Sarah (<i>South Northamptonshire</i>) (Con)	† Murray, Chris (<i>Edinburgh East and Musselburgh</i>) (Lab)
† Botterill, Jade (<i>Ossett and Denby Dale</i>) (Lab)	† Murray, Susan (<i>Mid Dunbartonshire</i>) (LD)
† Eagle, Dame Angela (<i>Minister for Border Security and Asylum</i>)	† Stevenson, Kenneth (<i>Airdrie and Shotts</i>) (Lab)
† Forster, Mr Will (<i>Woking</i>) (LD)	† Tapp, Mike (<i>Dover and Deal</i>) (Lab)
† Gittins, Becky (<i>Clwyd East</i>) (Lab)	† Vickers, Matt (<i>Stockton West</i>) (Con)
† Hayes, Tom (<i>Bournemouth East</i>) (Lab)	† White, Jo (<i>Bassetlaw</i>) (Lab)
† Lam, Katie (<i>Weald of Kent</i>) (Con)	† Wishart, Pete (<i>Perth and Kinross-shire</i>) (SNP)
† McCluskey, Martin (<i>Inverclyde and Renfrewshire West</i>) (Lab)	Robert Cope, Harriet Deane, Claire Cozens, <i>Committee Clerks</i>
† Malhotra, Seema (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† attended the Committee
† Mullane, Margaret (<i>Dagenham and Rainham</i>) (Lab)	

Witnesses

Assistant Chief Constable Jim Pearce, NPCC Lead for Organised Immigration Crime,
National Police Chiefs' Council

Rob Jones, Director General, National Crime Agency

Sarah Dineley, Deputy Chief Crown Prosecutor, Crown Prosecution Service

Tony Smith, former Director General, UK Border Force

Alp Mehmet, Chairman, Migration Watch UK

Karl Williams, Research Director, Centre for Policy Studies

David Coleman, Emeritus Professor of Demography, University of Oxford

Professor Brian Bell, Chair of the Migration Advisory Panel, Home Office

Dame Angela Eagle, Minister for Border Security and Asylum, Home Office

Seema Malhotra, Minister for Migration and Citizenship, Home Office

Public Bill Committee

Thursday 27 February 2025

(Afternoon)

[DAWN BUTLER *in the Chair*]

Border Security, Asylum and Immigration Bill

2 pm

The Chair: Before we hear from our witnesses, do any Members wish to make a declaration of interests in connection with the Bill? No. In that case, we will now hear oral evidence from the National Police Chiefs' Council, the National Crime Agency and the Crown Prosecution Service.

Examination of Witnesses

Assistant Chief Constable Jim Pearce, Sarah Dineley and Rob Jones gave evidence.

2.1 pm

The Chair: We have until 2.40 pm for this panel. Will the witnesses please introduce themselves briefly for the record?

Rob Jones: I am Rob Jones, the director general of operations for the National Crime Agency.

Sarah Dineley: My name is Sarah Dineley, and I am head of international at the Crown Prosecution Service and the national CPS lead on organised immigration crime.

Jim Pearce: Good afternoon. I am Assistant Chief Constable Jim Pearce, the National Police Chiefs' Council lead on organised immigration crime.

Q28 Matt Vickers (Stockton West) (Con): What is the single biggest thing the Government could be doing to drive down illegal arrivals, and what could we be doing to aid your agency in doing its job?

Rob Jones: There is not one thing that you can do to tackle these problems; you need a range of measures that concurrently bear down on them. The problem that I focus on is the organised crime element, which needs concurrent effort in a number of areas, designed to undermine the business model that supports organised immigration crime. That means tackling illicit finance; the materials that are used in smuggling attempts and the supply chain that supports them; the high-value targets based overseas who are involved in supplying materials and moving migrants; and those who are closer, in near-Europe, who are involved in it. From an organised crime perspective, it is about concurrent pressure in a number of areas to make the incentives for being involved in organised immigration crime no longer viable.

Jim Pearce: From my perspective, you need to look at this at both ends of the scale. What we are probably thinking about at the moment is prosecution and putting people through the courts. Actually, we know that, in other thematic serious and organised crime, prevention

and early intervention work just as effectively. We would call that disruption. Disrupting the patterns, and the ways of working that Rob just described, earlier would obviously prevent victims from becoming victims in the end. It is the 4P approach, which I am sure most of you have heard of. It is about working from neighbourhood policing, with a local factor, in order to gather intelligence, and putting that into the system all the way up through our regional crime units and into the National Crime Agency and high-end prosecution, international and online.

Sarah Dineley: I concur with my two colleagues. I do not believe that there is one single measure that would impact so significantly that it would reduce migrant crossings to zero. It is about having a suite of measures—whether they are prosecutorial or disruptive in nature—that taken together will allow the prosecution and law enforcement teams to work together to tackle the gangs. It is always important to remember that a criminal justice outcome is not necessarily the right outcome; there are other outcomes that can tackle organised immigration crime and gangs effectively.

Q29 Matt Vickers: Are there further specific measures to strengthen the hand of your agency that you would like to see in the Bill?

Sarah Dineley: From a prosecution point of view, I would say it is a matter for the legislators to decide what legislation they feel is appropriate. The Bill as drafted does add to the toolkit of measures we have available.

Rob Jones: From my perspective, the measures that make the most difference and are the most significant in tackling the organised crime element are on preparatory acts, in clauses 13 to 16. They give us the ability to be pre-emptive, proactive and very disruptive, giving us something we have not had before—the ability to act before people actually commit an offence under section 25 of the Immigration Act 1971, which is the facilitation offence. That is an important opportunity, because we are driven by trying to reduce the highest-risk crossings and trying to prevent crossings. We would not choose to react to crossings and then investigate; we want to act as quickly as we can. These measures create the ability to do that—to go much sooner, have more impact, and build momentum, so that the people who are behind these attempts really start to feel the pressure.

Jim Pearce: In addition, the Bill provides the opportunity to increase clarity and focus, with the ability to gain information and intelligence through the seizure of electronic devices, for example. I know this is controversial. Being able to do that with a very clear power to search, seize and then download, as opposed to potentially—I am not saying this has happened—misusing existing powers, will give clarity because you can say to an operational police officer, immigration officer, or a member of the National Crime Agency, “This is what you use in order to get that defined intelligence at the end.”

Q30 Matt Vickers: What concerns, if any, do you have about the Bill as drafted?

Jim Pearce: From a policing point of view, there would be insurance around safeguarding. For the electronic devices, for example, I understand the benefits that would come from the counter-terrorism-style powers to be able to seize electronic devices. I am confident that

that is managed through the measures in place around reasonable suspicion and having to get the advice from a senior officer. It is about operationalising that, putting it into practice, and making sure that our staff understand through education and training. Any change in legislation requires training, finance and input. Those are the types of things that I would be thinking about.

Rob Jones: I agree. It is about the professional development and the guidance for officers who are using new tactics and new tools against this threat, and making sure that we are ready to go with very clear guidance on how officers should look to engage the new offences in the Bill.

Sarah Dineley: Clause 17 and one of the subsections of clause 18 create extraterritorial jurisdiction for the offences, and it would be remiss of me not to highlight some of the challenges that that will bring. We have a system of judicial co-operation, something called mutual legal assistance, whereby we can obtain intelligence and evidence from our overseas counterparts at both judicial and law enforcement level. We work very hard on building those relationships to collaborate.

To that end, the Crown Prosecution Service has a network of liaison prosecutors based across the world. Specifically, we have liaison prosecutors based in the major organised immigration crime countries—Spain, Italy, Turkey, Germany, Netherlands and Belgium—and two in France, one of whom is actually a dedicated organised immigration crime liaison prosecutor. We use them to foster and build those relationships so that we have that reciprocal exchange of information where required. That is not to say that is without its challenges. I flag that as something that we will continue to work on, but it has challenges.

Q31 The Minister for Border Security and Asylum (Dame Angela Eagle): Starting with Rob Jones, what do the witnesses think the Bill does for them operationally?

Rob Jones: It gives us the opportunity to make the most of the intelligence dividend that we have invested in tackling the threat. We have a good understanding of the people behind small boats crossings in particular, the supply of materials, the facilitation from near-Europe and further afield, but we want momentum and greater agility so that when we are aware that a crossing is being prepared—when materials are moving—we can act preemptively and proactively.

As I said earlier, we do not want to be investigating after thousands of people have arrived, and trying to put together very complex investigations that may involve months of covert surveillance and eavesdropping—a whole range of covert tactics—to get us over the line for a charging decision for a section 25 offence. The new offences give us the opportunity to act when we see that jigsaw puzzle coming together, to go to the CPS when we reach a tipping point and to go earlier than we can now. That means that we can pull more people through that system, deliver justice more quickly and be more disruptive in tackling the threat. That is a big step forward. That is lacking in the current toolbox to operationalise the intelligence we have.

Sarah Dineley: The endangerment offence potentially fills a gap between the current section 24 and 25 provisions. Each boat has a pilot—someone steering it across the channel—who, by the very nature and condition of

those boats, the overcrowding, the lack of lifesaving equipment, and so on, puts everyone in that boat in danger of losing their life. We welcome that clause and will draft guidance on how it can be interpreted in terms of practical application.

Jim Pearce: Police officers mainly deal with the inland clandestine events as opposed to the small boats. From my point of view, it would be, correctly, common practice to use schedule 2(17) of the Immigration Act 1971 to detain migrants and then pass them into the immigration system. On searches after that, yes, there are powers in the Police and Criminal Evidence Act 1984 after that provision under section 32, but that is mainly to safeguard; it is not to seize evidence.

On Rob's point about early intervention and intelligence gathering, the only way you gather intelligence is through what people tell you and what electronic devices give up. The Bill gives police officers the ability to gather intelligence through defined and clear powers in legislation, so that they are not misusing a PACE power, an operational procedure or anything else. That would be the biggest change for policing.

Q32 Dame Angela Eagle: We often hear that organised immigration crime is very lucrative, well established and transnational, and that there is therefore no point in doing a lot about it. What is your answer to that?

Rob Jones: You could say that about all serious organised crime. Where do you go from there? I do not agree with that view. It is definitely transnational and complicated, but it is a relatively new serious organised crime threat, and it is not too late to stop it. In 2018, there were a few hundred people coming on small boats. There were 36,000 last year. We need to unravel the conditions that have allowed that to happen, and this legislation will help with that. I do not take the view that you cannot stop it.

There will always be people attempting organised immigration crime, but this element of it—small boats—is relatively new. There are very specific things that organised crime groups involved in it need to do. They need access to very specific materials—otherwise they cannot move the numbers that they attempt to move—and they need to be able to operate using materials that are lawfully obtained, albeit for criminal purposes. This attacks that business model because we can pursue the dual-use materials with more vigour and have more impact. It is challenging, and it is a different challenge from drugs and other threats, but it is there to be dealt with. It is a very public manifestation of the OIC threat that has always been there. This part of it relies on a very specific business model that we can attack.

Sarah Dineley: The follow-on point from that, and one that you raised, is that people are making a lot of money out of this, so the illicit finance piece is really important. These new clauses actually give us more on which to hang illicit finance investigations. There is a lot of work going on in the illicit finance sphere; in particular, and most recent, the illicit finance taskforce between the UK and Italy, was set up specifically to look at the profits being made by the people who are preying on other people's misery.

Jim Pearce: It has been said already but I want to reinforce the point about organised crime gangs being involved in polycriminality. Organised immigration crime

is one part, but so are modern slavery, serious acquisitive crime and drug running. That is felt in local communities across the whole country. In my own force area of Devon and Cornwall, you would think that modern slavery and organised immigration crime do not exist, but we have a number of investigations and intelligence leads being developed; they are being looked at by both our regional crime units and members of Rob's team. This exists everywhere across the country. As I say, if you are prepared to effectively smuggle people into the country, or at least to facilitate that, you are prepared to get involved in very serious things indeed.

Q33 Mr Will Forster (Woking) (LD): I want to look at clauses 13 to 17 and what the Crown Prosecution Service thinks of them, so this question is more directed at you, Sarah. Considering their application both inside and outside the UK, what do you think the chances of successful prosecution are? How likely do you think the CPS is to take this up? We heard earlier today that some are concerned about how wide the powers in clauses 13 to 16 could be. We were told this morning that, if I was in Calais and someone asked me, "What's the weather like today?", technically I would have committed a crime under these clauses. What is your view of that?

Sarah Dineley: I will deal with the second point first, as it is probably the easiest and it flows into the first. In relation to clauses 13 to 16, with any new legislation, the Crown Prosecution Service always publishes guidance on how it is to be interpreted. Certainly, the example that you gave about asking what the weather is like in Dover when you are stood in Calais would not fall within the guidance as meeting the evidential test. Of course, it is not just about an evidential test being met, but a public interest test as well. Our guidance always deals with that specific question of whether it is in the public interest, so that prosecutors can do that balancing exercise and ask, "Are there factors that weigh in favour of prosecution? Are there factors that tend away from prosecution?" They want to come to a decision that is compliant with our code for Crown prosecutors, so it is a mixture of guidance and application of the code that hopefully gets us to the right conclusion.

Going back to your first point, I mentioned that we have mutual legal assistance and that we can issue what are called international letters of request. They require the recipient country to execute the action, or to provide the information that we have asked for. One of the problems is that there has to be something called dual criminality—there has to be the equivalent offence in the country that we are making the request to, and there are some gaps across Europe in establishing dual criminality for all the immigration offences that we currently have on our books. However, we are confident that there are reciprocal laws in the major OIC countries in Europe to allow us to make those requests for information under mutual legal assistance. We are aided by the network of prosecutors based abroad, which I mentioned. We also have Eurojust and the joint investigation teams run out of Eurojust. We are well versed in working internationally and with the measures that we can deploy to make sure that we build a strong evidential case.

Q34 Mike Tapp (Dover and Deal) (Lab): I should declare that I have worked for the National Crime Agency in a counter-terror role.

We have talked a lot about the upstream side, which publicly people are well aware of. Is there a significant domestic angle here? Are we confident that we have a sound intelligence picture—as much as we can? Are there crossovers with other crime? Does the Bill help us to disrupt and arrest people in this country?

Rob Jones: I will come back on that first. There is a footprint in the UK for organised immigration crime. The footprint for the small boats crossings has typically been driven by Belgium, Germany, Turkey and further afield, with Iraqi Kurdish and Afghan groups. As more and more people have successfully exploited that route, however, they put down ties, they get involved in criminality and they know it has worked for them, so that drives the problem. There are organised crime groups in the UK that we are targeting. Some of our most significant cases to date have involved a footprint in the UK.

When we look at those groups and what it took to bring them to justice, we have either had to extradite them to another country following a judicial investigation, or we have done very complex covert investigations for many months. This helps with that issue, because when we have got good evidence from covert tactics—this was my earlier point—we are able to go earlier with it. The majority of the criminality that drives the small boats element, however, is based overseas. We have a good intelligence picture through OIC, which has improved dramatically since 2015 when we started targeting this, when the crisis first started.

Jim Pearce: I have a follow-on from policing. I probably have two points to make. First, tomorrow you will start hearing national media on interventions across the country, which are termed Operation or Op Mille—police interventions to do with cannabis farms. A lot of the intelligence linked to that particular operation involves workers who have been brought in illegally from abroad, and all those disruptions will be from across the whole country. That might just bring this to life.

The second point I want to make is on legislation changes, which you just asked about. The two changes—well, there are more than two, but the ones I particularly want to focus on—relate to serious crime prevention orders and the ability of law enforcement, which is the police, the NCA and of course the CPS, to apply for interim orders, especially those on acquittal. Serious crime prevention orders are probably a tool that is underused at the moment. We are keen to push into that space moving forward.

Sarah Dineley: To put that into context, at the moment there are effectively two types of serious crime prevention order: one is imposed on conviction, and between 2011 and 2022, we had 1,057; the other is what we call the stand-alone serious crime prevention orders. Those are made before any charges are brought and they are heard in the High Court. To date, there have only been two applications, one of which was successful. The introduction of this new serious crime prevention order does fill a massive gap in that restrictive order.

Rob Jones: I agree with that, and I welcome those measures. There is a similar regime for sexual offences, which allows control measures for people who are suspected of offences. That has been very successful. We welcome that.

Q35 Pete Wishart (Perth and Kinross-shire) (SNP): I can sense your enthusiasm for the new criminal clauses in the Bill. To a certain degree, I get it, but it is going to keep you busy, is it not? There will be a lot of asylum seekers caught up in the various provisions in clauses 13 to 18. I am wondering what the proportion of ordinary asylum seekers will be compared with members of gangs and people who operate this business.

Mr Jones, I am struck by your confidence that you are going to end this. I think you made a comparison with illegal drugs. You are probably right to make that comparison—they are both demand-led and operated by illegal gangs—but we have not been particularly successful with illegal drugs over the course of the past decade.

Lastly, Ms Dineley, you said something about pilots of the boats. I hope your intelligence is telling you exactly the people who are piloting the boats. It is not the gang members or people associated with this crime. It is ordinary asylum seekers who cannot afford the fare or are forced into piloting these boats. I hope that when approaching the new powers in the clauses you will be proportionate, you will know what is going on and will not endlessly prosecute innocent people who are just asylum seekers fleeing oppression and warfare.

Rob Jones: We are not looking to pursue asylum seekers who are not involved in serious and organised crime. That is not what we do. This is about tackling serious and organised crime and being as effective as we can be in doing that. There are examples of people involved in piloting boats who are connected to the organised crime groups.

Q36 Pete Wishart: Would you be able to supply the Committee with evidence of that?

Rob Jones: People have been convicted of those offences, so that has passed an evidential test. Our role is undermining a specific element of the business model. It is not like drugs trafficking. Drugs trafficking has been established since the Misuse of Drugs Act 1971. It is a lot older, a lot more established and involves billions of pounds and tens of thousands of people internationally, if not more. The small boats threat is different from that. It is the highest harm manifestation of organised immigration crime. I have not said that I will stop organised immigration crime. I said that we will tackle the small boats business model and then continue to tackle the OIC threat, as we have been doing since 2015.

Sarah Dineley: In relation to asylum seekers piloting boats, under the Immigration Act 1971 we have two offences: sections 24 and 25—section 25 being the facilitating offence. Our guidance is very clear on when we charge the section 25 facilitation offence. It is very clear from our guidance that it is not just about having a hand on the tiller; it is about being part of a management chain and being part of the organisation of that crossing.

You mentioned people who are coerced into taking the tiller. We would look under section 24—arriving illegally—on whether an offence of duress would be sustained. That would form part of our considerations on whether evidentially it is made out and, secondly, whether it is in the public interest to prosecute that person. We do look at the whole set of circumstances, and our guidance sets out in very clear terms what is required, both in terms of the evidential test and the

public interest test—that balancing exercise. We also have specific guidance in relation to how we treat refugees and asylum seekers. Again, that plays into the charging decision equation, as I will put it, and the balancing exercise.

Jim Pearce: I am not sure what I could add to my colleagues' comments.

Q37 Pete Wishart: You could say what proportion of asylum seekers compared with gang members you think you will secure with the new powers under the Bill?

Jim Pearce: I am not sure I am going to be able to answer that question, but I can tell you that for 12 months since November 2023 the police were involved with just under 2,000 inland clandestine incidents. What I mean by that are, for example, relevant persons who have been found in the back of an HGV who walk into police stations declaring asylum or those who have been left at petrol stations and are then picked up by police patrols and brought in. There were 2,000 incidents and nearly 3,000 persons. Obviously, they are not all being arrested for organised immigration crime offences, because they have not necessarily committed them, and my colleague here has spoken about the aggravating factors that sit within section 24, which are the key points to prove. As I say, that is probably all I could offer you at this time.

Sarah Dineley: Perhaps I could put things into some sort of numerical context. Last year, we had 37,000 arrivals in the UK through small boats crossings alone, and, in the period from April to September last year, there were only 250 prosecutions.

Pete Wishart: And were they gang members?

Sarah Dineley: I cannot break that down, but that would include gang members. That is the total number of prosecutions.

Q38 Kenneth Stevenson (Airdrie and Shotts) (Lab): This might be a lag question, which is quite engineering-based, but you mentioned proactive, pre-emptive and disruptive, and those are engineering terms as well. I am really interested in how they react and would work within the Bill, how they would help the Bill and how the Bill would help them. Could you give us some idea of that?

Rob Jones: In relation to the powers in clauses 13 to 16?

Kenneth Stevenson: Yes. I apologise—I think I have cut across the Minister, because she asked a very similar question, but, if you could give us an idea of how those three things that you spoke about before could be helped by the Bill, that would be really helpful.

Rob Jones: When we identify somebody from the UK who is involved in organising small boats crossings, for instance, we have to get very good, sophisticated surveillance control over that individual to get enough evidence to be able to produce a full file submission to the CPS for a section 25 facilitation offence. That could mean months of surveillance, or covert activity, in terms of eavesdropping and audio recordings.

In the meantime, we are seeing that individual with a public profile on social media, researching crossings, communicating with people overtly and meeting people. When you are looking at the commissioning of the

offence, and you are living with somebody who is involved in serious organised crime, you are seeing that play out in front of you.

These clauses allow us to take elements of their business model—as they are meeting people, as they are researching, and as they are taking the preparatory steps to the section 25 offence—then go to the CPS and say, “We think we’ve got enough; we think we could go now.” That gives you more momentum, more speed and more agility.

It is the same mindset as trying to prevent attacks in the CT world. You would not choose to reactively investigate a terrorist attack; we would not choose to reactively investigate highly dangerous crossings in the English channel during which people get killed. We would choose to pre-emptively stop them, and that is what the new offences would introduce.

Q39 Tom Hayes (Bournemouth East) (Lab): My question is regarding the asylum decisions backlog that the country faces, which we are now starting to move through. As a consequence, of course, some people will have their grants rejected and others will have them accepted. Where the grants are accepted, what would you say to anybody who claims that that could be a pull factor for people to try to access this country?

Then, just picking up on your point, Mr Jones, about criminal gangs starting to feel the pressure because of this new suite of tools, would you say that the tools provided for in this Bill, which will have a disruptive effect, could in consequence also have a deterrent effect on the criminal smuggler gangs?

Rob Jones: I will take the second question first. Obviously time will tell but, adding to what we are doing already, these tools will rack up the pressure, and that starts to change behaviour. It increases costs and increases friction in the business model. Those things contribute to deterring people from getting involved, and we see that with other areas of criminality. I will allow others to answer the asylum question.

Sarah Dineley: I am going to dip out, rather, and say that it is not really a matter for the Crown Prosecution Service, but I can tell you that the Home Office is undertaking a piece of work looking at what the pull factors are for migrants wanting to reach the UK, and at what point they reach the firm decision that the UK is their final destination.

Q40 Tom Hayes: If I reframe the question, then, have you seen any evidence to suggest that it may be a pull factor?

Sarah Dineley: There is nothing that I have read in any interview provided by a migrant to suggest that that is a pull factor.

Jim Pearce: I have a personal view, but I am speaking on behalf of the national police chiefs, and I am not sure that I am in a position to do that. That is probably a question for either Immigration Enforcement or the Home Office.

Q41 Chris Murray (Edinburgh East and Musselburgh) (Lab): Thank you for the really interesting testimonies that you have brought today; we really appreciate it.

I have two questions. We heard from the Migration Observatory earlier that one of the challenges in this world is that demand is essentially inelastic: they could double the price of the crossings and there would still be a market of people who would pay it, even for very flimsy boats. Picking up Tom’s question, it strikes me that the Rwanda scheme, which this legislation repeals, was ostensibly focused on deterrence and therefore trying to tackle demand—but, because demand is inelastic, it was not having the effect. It sounds like you are saying that this legislation is focusing on the supply and just making it impossible for people to cross the channel, no matter how much demand there is for it. Is that right? Have I understood that correctly?

My second question is for Sarah. I should probably declare an interest because I was previously the home affairs attaché at the embassy in Paris. You talked about international co-operation and mentioned things like JITs and Eurojust and the challenges we face there. We heard from a previous witness about how the UK no longer being in Dublin is being cited by migrants as one of the reasons that they are going in. Can you say more about the challenges that the UK is facing post Brexit? How do we build relations with key allies to overcome them?

Sarah Dineley: I will start with how we rebuild relations with key allies. I have talked about our network of liaison prosecutors. We regularly engage and hold engagement events with our overseas prosecutors: this year alone, we have had engagement events in Ireland, Spain and, two weeks ago, Italy. That is about building those relationships and finding out what their challenges are, as well as finding out about their legal systems and what barriers there are to the co-operation that we are seeking. I think we do have to recognise that different countries have a different legal framework, and we cannot simply impose our framework on another country; we have to be able to work around their framework to try to get what we need from them.

The Chair: I want to get Mike Tapp’s question in quickly so that you can summarise. We have got just two minutes left.

Q42 Mike Tapp: I will make it quick. I am really pleased to see the enthusiasm for the disruptive approach, by the way. How do you see the Border Security Command working strategically and operationally?

Rob Jones: For me, I have worked really closely with Martin Hewitt already, and it works well. It allows me to focus on the operational leadership of tackling the organised crime threat and Martin to have the convening power and to work across Whitehall on a range of issues. It provides clarity, and we have more than enough to get on with in the NCA in tackling the organised crime element.

Jim Pearce: I sit on Martin’s board, so strategically I am heavily involved, and members of my team sit within the operational delivery groups. Speaking from a personal point of view, his strategic plans over the next few years make absolute sense in terms of what he is seeking to achieve for the Border Security Command. Exactly as Rob just said, it feels as though the co-ordination is there and it is driving a system response across law enforcement and more widely.

Sarah Dineley: Although we contribute to the Border Security Command, as an independent prosecuting authority we cannot be tasked or directed. However, we do value the collaborative work that we can do within that sphere.

The Chair: That brings us to the end of the time allocated for the Committee to ask questions. On behalf of the Committee, I thank the witnesses for your evidence and for your service.

Examination of Witnesses

Tony Smith, Alp Mehmet and Karl Williams gave evidence.

2.40 pm

The Chair: We will now hear oral evidence from the former director general of UK Border Force, from Migration Watch UK and from the Centre for Policy Studies. We have until 3.20 pm for this panel. Could witnesses please briefly introduce themselves for the record?

Karl Williams: I am Karl Williams, the research director at the Centre for Policy Studies. I have written several reports on legal and illegal migration.

Tony Smith: Hello, my name is Tony Smith. I spent 40 years in the Home Office, between 1972 and 2013, from immigration officer right the way up to director general of UK Border Force.

Alp Mehmet: I am Alp Mehmet, chairman of Migration Watch. I am also a former diplomat and a former immigration officer.

Q43 Matt Vickers: A nice broad question: are there any provisions you would like to see added to this Bill to strengthen our ability to drive down illegal crossings?

Alp Mehmet: May I just make a few remarks? Would that be acceptable?

The Chair: We have a limited amount of time, so if you could answer the question, that would be great.

Alp Mehmet: I welcome the Bill in many respects. It is the sort of thing that needed to be done, and it is now happening. I welcome the co-ordination taking place across Government, and the potential co-operation with the EU and EU member states is also to be welcomed. The setting up of Border Security Command and the Border Security Commander will be helpful. My only gripe is that I strongly disagree with the repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024—I think that is a mistake. I also think that repealing certain parts of the Illegal Migration Act 2023 is a mistake. That is my personal view, and I am happy to explain why in a moment.

I wonder whether primary legislation was necessary to do a lot of what is happening, but we are where we are. If anything, I think repealing the Rwanda Act will encourage illegal immigration, or whatever we may call it, to some degree, which is unfortunate. A lot of people entering the EU—240,000 were declared to have entered illegally last year—will end up coming to us. There is no deterrence because, once they arrive here, the likelihood is that they will be able to stay. I believe the only deterrent is to restrict arrivals, and to contain and

remove quickly. That will send the right message. I do not think anything in the Bill suggests that is going to happen. That is broadly my view.

Tony Smith: Looking at the relevant clauses, the first thing that struck me is that the Border Security Commander will be another civil servant. I think it will be a director general post in the Home Office. I was a director general, and we already have quite a lot of them. I am not sure he will actually be able to command anything. He is probably going to be more of a co-ordinator.

I would like to see the Border Security Commander and his team have law enforcement powers so that they can arrest and detain, the same as officers in Border Force, the National Crime Agency and Immigration Enforcement. I think that whole governance structure needs attention. It needs someone to pull it all together. I am not sure we have pitched the post right in immigration law enforcement teams.

On the Border Security Commander's reporting requirements under the Bill, I think he regularly needs to publish details of irregular arrivals by way of nationality and age, and provide regular updates on where they are in the process, so we can all see whether there are logjams in the process from arrival to either removal or grant. We can check the timelines. I think they already have a dashboard in the Home Office that does that, so I presume he will be able to take responsibility for that.

I would also like to follow up on the point that Alp Mehmet made about data on removals and the numbers of people who can currently be excluded under NABA because they have come from a safe third country. That is still there, but we do not know the data on how many of them are actually being removed on a case-by-case, so I would like to see a list of all the countries to which we can remove people: safe first countries, source countries and third countries.

We know the EU will not take third-country returns. In fact, other than Rwanda, I do not think there are any countries that will take third-country returns. There are countries that will take back their own nationals, but under this new system where we are doing away with SORA and most of the IMA, there does not seem to be a third-country outlet. Therefore, people who come here from Iran, Iraq, Syria or Afghanistan know that, from the other side of the channel, they need only get into British territorial waters and they will probably be allowed to stay in the UK. They might well get asylum, but even if they do not, it is impossible to return them for one reason or another.

I am really interested in that returns piece. I am keen on capturing data from mobile devices. Some of them keep their mobile phones. That data is being used for prosecution purposes only. I think it should be made available to officials who are considering their asylum claim. Passport data, identity data, age data and travel history data are often held on those phones—all data that would be useful when considering an asylum application. We need legislation to do that.

I would also use mobile devices to track people who are given bail so that we can use the tracker to know where they are in the event of an adverse decision from the Home Office, so that we are able to find them. At the moment, we do not have powers to do that because of the Regulation of Investigatory Powers Act 2000. I would like to see an amendment that enables that to

happen. We know the tagging systems have not really worked. In the unlikely event that we keep SORA or the Rwanda plan—I do not expect the Government will—we really need to look at options for offshoring asylum claims from people who have arrived from a safe third country. If we cannot send them back, we could send them to another safe country—ergo, Rwanda—where they could be resettled safely without adding to the continuing flow of arrivals by small boat from France.

Q44 Matt Vickers: Do you have anything to add on that, Karl?

Karl Williams: I have two brief points to reinforce what Tony was saying. It feels to me like the Bill focuses on disruption and the interdiction of routes for entering the country illegally. It does not do much on deterrence. As the impact assessment says, on pillar 3, the changes to measures for going after the gangs, it is very uncertain what the outcome will be. That is because there is no evidence base here. The only country that has succeeded in stopping small boats is Australia. There was some interdiction work with Indonesia, but it was primarily about the offshoring agreement, which was a major plank of its deterrence. I would like to see deterrence measures added, not just disruption.

Secondly, on the Border Security Command, to reinforce what Tony said, data information is really important. Migration policy, legal and illegal, has generally been bedevilled by very poor quality Government data. It seems the new Border Security Commander will have limited ability to take operational control. One thing I would like to see them have is power to access and pull together data, so that we can have a much better picture.

Q45 Matt Vickers: Are there any lessons from abroad that we are failing to learn at this point?

Tony Smith: One thing I have raised is the possibility of a biometric entry/exit system, which we do not have in this country. I chair a lot of conferences around the world, on border developments, border security and border technologies. Your face will become your passport sooner or later—sooner in some countries than here. If we had the powers and authority, we could capture a digital biometric image of everybody entering and exiting the country, and we could require the carriers to do likewise—we do not have physical embarkation controls.

This is happening in America. It is happening in Dubai. It is happening in Singapore. We are going to Curaçao, which now has a walk-through border. All it does is capture your face. It matches you to the API data that you already have, uploads it into the cloud and recognises you straightaway, so you have a more seamless border. It will give proper figures on who is in this country and who is not. Your net migration figures will be a lot more accurate than they are currently, provided that we have the powers to capture and retain everybody's facial image. That means UK passports, Irish passports, electronic travel authorisations and visas, and permanent residents. I think that is achievable, and I would love to see it happening in this country.

Q46 Dame Angela Eagle: Migration Watch's website says that you are worried about population projections and a

“significant fall in the percentage of the indigenous (white British) population.”

Can you explain what your worry is, and could you define “indigenous white population”?

Alp Mehmet: First, I am a first-generation migrant. I came here as an eight-year-old. I have been here since the mid-'50s. The immigrant ethnic minority element of the population in those days was something like 4%. In the 1951 census, it was 3.9%, and it is now 25%. That has substantially happened over the last 30 years.

What worries me, if that is the right word, is the fact that people are being added to the population, and migration is the only driver of population increase at the moment. I know you have David Coleman coming up next. He will tell you a great deal more about the likely evolution of the population's demographic mix. That is my concern. Having arrived here as a migrant, and accepted and joined this country and made it my own, I see it now changing very rapidly into something that the majority of people in this country do not want to happen.

Dame Angela Eagle: You still have not told us what indigenous means, but thank you very much.

Q47 Mr Forster: Karl, you talked about how the Bill does not have very much deterrence in it. What is your view on safe, legal routes? If we had safe, legal routes, would that not deter people from unsafe, illegal routes?

Tony, you talked about your perfect solution to borders. You did not mention the costs. Do you have an idea of the set-up and running costs?

Karl Williams: The short answer is that we do have safe and legal routes. The new Home Office immigration data, which was published this morning, pointed out that last year 79,000 people arrived through safe and legal routes. Since 2020, about 550,000, maybe slightly more, have arrived by safe and legal routes: Ukraine, Hong Kong, the Afghan resettlement schemes, and people arriving through UN programmes and from Syria, yet that does not stop the crossings.

The fundamental problem is that there will always be more demand to come to this country than we would probably be willing to allow for through safe and legal routes. One stat is that, a couple of years ago, Gallup did a very wide-ranging poll of attitudes on migration and found that, globally, about 900 million adults would migrate, given the opportunity—30 million of those people put Britain as their first choice. There is always going to be a longer queue to get in than we have capacity for at any given time. That is my view.

Tony Smith: I do not have a detailed financial breakdown for you, but I can say that the direction of travel in the UK and around the world is to take away officers from the border and to automate a lot of the processes. We are doing that here already: we move, I think, more people through e-gates than any other country does. This is an automated border that will reduce the number of officers required to do frontline, routine tasks, which they really do not want to do, and enable them to target the people they want to focus on. If you were to do that detailed analysis, you would probably find that it will be cost-neutral in the end.

Q48 Mr Forster: Thank you for the answer, Karl. Are you suggesting that, to combat the small boats issue, we should have more schemes like the Ukrainian one?

Karl Williams: I do not think it combats it, and I do not think it is a disincentive. The ideal solution is that, once we have control over the small boats, and therefore who is coming to this country, we can have a serious conversation about, if we want, expanding safe and legal routes, what that might look like and what other parts of the world we might want to help. But so much resource is now sucked up by dealing with the downstream consequences of the channel crossings, such as the hotel bills and so on—this is a sequence of things. I do not think having a safe and legal route is in itself a disincentive to small boat crossings.

Q49 Jade Botterill (Ossett and Denby Dale) (Lab): All three of you have expressed disappointment at our scrapping the Rwanda scheme as part of the Bill. What part of the £700 million spent by the previous Government do you think was good value for money for the taxpayer?

Tony Smith: I do not think any of it was good value for money for the taxpayer, was it? The history and record speak for themselves. But we need to think about why it did not work and look at the reasoning behind why it took three years to try to get the process going. An awful lot of work was done in Rwanda and the Home Office to try to make it happen, but it was subject to continual legal challenge. Legal challenges were made in Europe, in the domestic courts and by judicial review. On a number of occasions, flights were lined up that did not happen, and a lot of money was therefore wasted in the process.

I am not a big fan of the Illegal Migration Act. Some of it was cumbersome, because it put all the eggs in the Rwanda basket. Rwanda was a limited programme—obviously, we could not send everybody to Rwanda—but under NABA, you had the option to triage and put some people into the Rwanda basket: those hard country removals, where you could not remove them anywhere else. You had that option, but you could still do what you are doing now and process people from places like Turkey and Albania, put them through the asylum system and return them to source.

Losing that triage option is going to be a big drawback, and it is going to cost a lot more money in the long run. The intake will continue to come, and you will then have to rack up the associated asylum, accommodation and settlement costs that run along with that.

Karl Williams: I would ask: “Value compared with what?” There is one argument around the counterfactual of if you had a deterrent, but I would also refer to the Office for Budget Responsibility’s analysis last summer on the fiscal impact of migration. It estimates that a low-skilled migrant, or low-wage migrant as the OBR puts it, will represent a lifetime net fiscal cost to the taxpayer of around £600,000. We know from analysis from Denmark, the Netherlands and other European countries that asylum seekers’ lifetime fiscal costs tend to be steeper than that, but even on the basis of the OBR analysis, even if everyone ends up in work, if 35,000 people cross a year, which is roughly where we were last year, at that sort of cost range, it will probably be £50 billion or £60 billion of lifetime costs. Compare that with £700 million—it depends on what timescale you are looking at.

Q50 Pete Wishart: Does the panel agree that there will be increasing demand to come to the UK from right across the world? We are not going to deal with

war-torn situations, oppression and absolute poverty, so people are going to continue to move in. The movement of peoples has never been so profound as in the last decade. I do not know exactly how you plan to stop that.

If I am unfairly characterising your view, you can correct me, but your view is that they should not get into the UK, that they should be stopped either in the sea or the minute they arrive in the UK, and that at that point they should be booted out somewhere—if not Rwanda, some other country—or just put back to country of source. Is that roughly your view? You can just shake your head or nod.

Tony Smith indicated assent.

Q51 Pete Wishart: That is fine. I am just wondering: have you even the slightest scintilla of sympathy, compassion or concern for these poor wretched souls who end up on our shores with absolutely nothing and who have fled oppression, warfare and extreme poverty?

Tony Smith: I do have sympathy with them. I do sympathise. Many of us, I suspect, would do the same. My issue is that they have travelled through a great many countries to make it to the UK. We used to have the United Nations High Commissioner for Refugees resettlement programme, when we had control of our borders. I was a big fan of that; I went to Canada and studied it for three years. We were actually searching the world and working with the UNHCR to identify the most vulnerable people and set a cap on the numbers that we could take. That was going on in Canada, Australia and the UK.

If you look at the UNHCR website and see the numbers of people who are going through that programme now, they are not getting resettled. The reason why not is that the business model has been taken over by the smugglers. That is why we are getting large numbers of young men who can afford to cross multiple borders and pay smugglers to get here. I would like to see a return to the system where we have control of those irregular routes. Then we could start looking, as Karl said, at reintroducing UNHCR resettlement programmes, going to the UNHCR and taking a certain quota into the UK in a managed way.

Alp Mehmet: Out of Gaza, there are going to be potentially 2 million people who would like some comfort, so they would like to move to somewhere a bit more convivial than Gaza is at the moment. But, if I may ask the question, why is it assumed that—because people like us advocate control and discouraging people, a lot of the time, from risking their lives, not just in crossing the channel but in living rough as they do—discouraging them from coming is in some way inhuman, insensitive and unkind?

Q52 Pete Wishart: That is not what I said. I was just asking for your response to the people who arrive on our shores, and whether you feel empathy, compassion and concern about them.

Alp Mehmet: We do, and even in my day as an immigration officer 50 years ago, that was exactly what we did. Tony rose to run the show, but I would argue that we had far more leeway in the ’70s as very junior, humble individual immigration officers. We were properly trained, we were monitored, we did things entirely within the law and we dealt with people humanely. It

does not mean that that will not happen because we are saying, “No, you shouldn’t jump into a dinghy and make your way over here.”

Q53 Jo White (Bassetlaw) (Lab): From the moment the Rwanda deal was signed until the moment it was scrapped, 84,000 people arrived here on boats. How can you define that as a deterrent?

Alp Mehmet: Tony, you start, and then I will catch up with the question, because I did not quite hear.

Tony Smith: We may well say the same thing. The question was about the fact that the Rwanda plan did not deter anybody because we still had 84,000 people arrive. I think the reason for that was that it was never, in fact, implemented. The intelligence coming across from Calais was that the smugglers and migrants never believed that it was going to happen. Once it became clearer that the Safety of Rwanda Act had passed, and that it might well become a reality, there was intelligence to suggest that some people were thinking twice about getting into dinghies, and there was some displacement into Ireland as a result. Of course, we will never know now, because we never actually implemented it.

We had a change of Government, and the new Government made it very clear that they were going to abolish the Rwanda plan, so we are where we are, but I would have liked an opportunity to see what would happen if we had started at least some removals. We had flights ready to go. I would have liked to see the impact that starting some removals would have had on the incoming population. We will never know now, I am afraid. Clearly, we hardly removed anybody to Rwanda in the end—I accept that—but I would have liked us to at least try, to see if it had an impact.

Alp Mehmet: It was never going to be the solution. It was not going to be the way to stop those people jumping into boats and coming across, but it was going to help. There needed to be other changes. I appreciate that we are not going to resile from the European convention on human rights any time soon, but while it is there, it is very difficult to be certain that people will be dissuaded. Some will be, some would have been, and we know that some were already being deterred. It was a pity, I am afraid, that the Rwanda deal went.

Q54 Katie Lam (Weald of Kent) (Con): We have heard today about clauses 13(3) and 14(4) exempting NGOs from criminal charges for helping asylum seekers to cross the channel. What do you think of those?

Karl Williams: If we are talking about what deterrence we might need or what pull factors there are, having charities that in some circumstances are facilitating people crossing the channel is clearly an extra pull factor—probably a small one in the grand scheme of things, but it is there. I am thinking about organisations such as Care4Calais, which provide, for example, phone-charging services to migrants who are waiting in the sand dunes and the camps around the beaches where the crossings are made. They can recharge their phones; they are therefore in contact with the smuggling gangs. I think that there is a hole in the system that needs to be closed, and I do not think that this Bill does it.

Tony Smith: There are charities and charities. Some charities are not in any way involved in facilitation; it is a pure “care in the community” exercise or function in

Calais. But I think other charities are a little bit more mischievous: they might be helping people with what to say when you are near the border, how to present your asylum claim, and how to get to a beach that might not be patrolled. I would like to see more work done on that.

Q55 Becky Gittins (Clwyd East) (Lab): Thank you to the panel for your spirited contributions so far. We know that the processing of asylum claims ground to a halt under the previous Government, which was due in part to the Rwanda scheme and to the Illegal Migration Act 2023—that being the route through which, other than the four who went to Rwanda, people were either granted asylum or returned to the country from which they came. We also know about the impact on our communities of the asylum system grinding to a halt; about the massive influx of people being placed, for indefinite periods, in asylum hotels; and about the impact that that had on our local authorities and their ability to provide services to the rest of our communities.

Given that the Bill clearly provides a deterrent to smugglers, to the people-smuggling business and to the criminal gangs in the channel by disrupting their activity, and by making it a greater expense, why do you still think it is a mistake—I think two or three of you said it outright, but you all seem broadly supportive of the Rwanda scheme—to be repealing those Acts with the Bill?

Tony Smith: There is the Nationality and Borders Act 2022, and there is the Illegal Migration Act 2023. I said earlier that I was not a great fan of the IMA, for the very reasons that you have stated: it brought in the ban too early, and people were being banned from re-entering this country before we had even removed them. That was impacting on port cases. It was a hugely difficult time, because that law put all of the eggs in the Rwanda basket. As you say, that left increasing numbers of boat people being served with a notice that they were going to Rwanda, when they were never going to go to Rwanda; they were going into the system that you described. I do not think that that was a very good idea. If we had put the IMA to one side, with the duty to remove, we could have stuck with NABA.

Then we had SORA, the Safety of Rwanda (Asylum and Immigration) Act, which would have turbocharged NABA. It would have given you a triage option: either to accept people into the asylum system quickly and process them, as you are doing now, or—for others, where you wanted to make a point that it is not okay to come across in a small boat and get to stay in the UK—to send some of them to Rwanda. That is what we could have done under NABA and SORA, and my view is that the IMA disrupted that.

Karl Williams: I suppose the asylum backlog of inadmissible people is a function of the disjunction whereby different parts of the legislation are being implemented at different speeds. Obviously the intention at the beginning was that we would have the flights going off in January or February 2023. When the ECHR injunction stopped the first flight, that derailed it. You could conceivably have had a situation in which a combination of some offshoring and the deterrent effect of that meant that the backlog of inadmissible cases did not grow. The fact that Rwanda was stalled in the courts for a couple of years, and then just did not happen at all, meant that that amount was inevitably going to increase. That was then locked in.

Q56 Mike Tapp: I have a couple of questions for Mr Smith. First, in your earlier comments you spoke quite enthusiastically about biometric collection at the borders. Are you aware that we are looking at a new entry/exit system with biometric collection, to come in this year? Secondly, you spoke quite negatively about the Border Security Command. I believe that you retired in 2013. Now, 12 years on, the director general of the National Crime Agency, who we had in before you, speaks very enthusiastically about the Border Security Command and this Bill. Have you spoken to them since you retired?

Tony Smith: No, I have not spoken to the DG of the National Crime Agency. I am retired, so there are probably different constraints on what I can say versus what you can say when you are still working for the Government. But I am very close to Border Force immigration enforcement and a lot of my former colleagues who are still working. I went out on the boats with them last year and am very much in touch with what is going on there.

I worked under the UK Border Agency. We had agency status, and we were at arm's length from Government. I had specific removal targets that I had to deliver. I had end-to-end teams: I had front-end teams, asylum teams and immigration enforcement teams in a region, working a case from start to finish, with rigorous case conclusion targets. I liked that system, because I thought it worked, but it got broken up into silos—we now have directors general for Border Force, immigration enforcement, migration and borders, and homeland security, and now we are putting another one in for Border Security Command. That is quite a jumbled mirage of civil servants. If you then have crime agencies—NCA, the police, and the security services—it gets really complicated, so I can see why you want a co-ordinator. But that is what it is: a co-ordinator, not a commander.

I was Gold commander for the UKBA at the London 2012 Olympics. I was in charge, basically; obviously I was answering to the Home Secretary on decision making, but it came to me because I had command over all those units. Now, you do not have that, because the Home Office is very gradeist. You have all these directors general for a whole bunch of silos, so it is going to be a heck of a job for the new security commander to actually direct activities to those agencies that have other priorities and other responsibilities. That is why I would like to see them have agency powers—arrest powers, enforcement powers—and to have a look at that whole structure of Border Force enforcement and migration enforcement, and ask, “Is this too unwieldy? Can we have a more streamlined process whereby we have somebody calling the shots?”

Q57 Mike Tapp: Thank you—so obviously you differ from those who are currently serving. On the biometric checks, are you aware that we have a new system?

Tony Smith: I know you have an order coming in next week that will allow biometrics to be captured, but I do not think it goes far enough.

Mike Tapp: Does the new, Europe-wide entry/exit system, which will be implemented—

Tony Smith: Yes, the EU EES; that is what I mean.

Mike Tapp: Yes, the EES. We are having it at our borders.

Tony Smith: No, we are not.

Mike Tapp: Yes, we are. It is coming in this year.

Tony Smith: We do not have a biometric entry/exit system. The EU is bringing in EES, which means Brits will have to give their biometrics on entry and exit. We are bringing in the electronic travel authorisation—the ETA—but that is different from an entry/exit system.

Q58 Tom Hayes: My question is for Mr Williams. In a previous panel, I asked Dr Walsh whether he thought it was difficult to make emphatic assessments of the fiscal burden of migration, given the quality of the data available. You authored a February 2025 report that makes broadly the same points about some of the quality gaps. I would welcome you talking about the gaps in that data, which obviously affects the ability to make emphatic assessments.

I also want to ask you about that report. In a previous answer, you raised the importance of counterfactuals. In reaching the overall recommendations and assessments in your report, did you consider counterfactuals such as the fact that migrants might move up the wage and skills distribution and might not always remain on low pay? In the absence of migrant workers, for instance in health and care settings, there would need to be other people who could do their work. Did you consider the economic impact of having nobody in those roles to do that health and care work, and whether that would affect the worklessness in our country? Did you consider whether there could be a reallocation of British workers into higher-skilled and higher-wage jobs as a consequence of those migrant workers? Did you think about the economic impact of potentially more people doing unpaid care because of a lack of paid carers?

I ask those questions not because I feel we should rely on migrant workers—I do not—but because your report has been lauded by the shadow Home Secretary and other Conservative Members of Parliament. I want to make sure that if it is being used as a point of reference, the data and the assessments have integrity. If you were to consider those counterfactuals, I wonder whether that would affect your report.

Karl Williams: To clarify, we are talking about the report on indefinite leave to remain that came out recently, not the report from last year.

Tom Hayes: I forgot the name of it. The “Here To Stay?” report?

Karl Williams: Yes, that is the one. That is purely about the fiscal impact. There is some analysis, which I can go into in a minute, on the broader economic picture in the previous report, but this report was more tightly focused.

Tom Hayes: But inevitably the counterfactuals would have an impact on the fiscal burden carried by the state.

Karl Williams: Indeed, yes. The counterfactuals we did think about were different levels of stay rates and different rates among different wage profiles. Migrants earning more as they go through the system clearly does happen to some extent, whether through out-migration

or through career progression. In conducting that analysis, we stuck to the fiscal profiles used by the OBR, because, as you say, the data quality is fairly poor. That was the best there was, without trying to construct our own estimates for ingoings and outgoings as migrants progress over their life course in the UK. The OBR models it by age, so it captures the different wage contributions that you make at different points in your life, which will be higher in some points and lower in others. It also captures the different burdens of, for example, healthcare in old age.

I am glad that you have raised the quality of the data. We have repeatedly pointed out, as have the Governor of the Bank of England and the Office for National Statistics, that the labour force survey is very broken. In that report and in previous reports, we have always pushed the point that we need better data. Everyone needs better data. This is one area where there is broad consensus, whether you are restrictionist or want more migration or whatever else. I understand that the reference here is to Denmark and the Netherlands.

Q59 Tom Hayes: Would you feel cautious about Members of Parliament emphatically assessing that there would be a fiscal burden of £234 billion over the lifetime, as your report concludes, based on your concerns about data, but also the fact that consideration of some of the counterfactuals I listed—and there could be many more—would impact that overall figure?

Karl Williams: The report is very clear about the assumptions we have made at various points and the unknowns. With any modelling exercise, whether you are conducting a fiscal model of an effect of a tax change or whatever else, you have to make reasonable assumptions.

The Chair: Thank you. That brings us to the end of the time allocated for the Committee to ask questions of this panel. On behalf of the Committee, I thank our witnesses very much for their evidence.

Examination of Witness

David Coleman gave evidence.

3.22 pm

The Chair: Good afternoon. We will now hear evidence from David Coleman, emeritus professor of demography at the University of Oxford. We have until 3.40 pm for this witness. Could you please introduce yourself briefly for the record?

David Coleman: Yes, of course. My name is David Coleman. I am emeritus professor of demography at the University of Oxford. I have been retired for over 10 years, and I interest myself in all sorts of aspects of demography—not just migration, but mortality, fertility and all the other things that we play with.

Q60 Matt Vickers: Do you have any particular concerns about the Bill as drafted, or any suggested ways in which it might be improved to achieve its ends?

David Coleman: The sad fact is that I do have reservations about the Bill, but I do not have any magical solutions to put that right, I am sorry to say. It is, after all, an intractable problem, this question of asylum and migration.

My concerns are that we have to, we are forced to, restart or intensify a war that we may not easily win. Rather like, as I suggested in my note, the war against drugs, it will be difficult—probably perpetual and probably indecisive. It will have some effect. It will consume a great deal of effort. It may involve unkindness to asylum seekers and possibly risk to those doing the investigations. It is, I think, very much second best to the idea of trying to deter migration for asylum claiming in the first place. That, of course, was dismissed by the present Government as being unfeasible, unworkable and unkind, so the Rwanda scheme was scrapped. However, although it sounds rather brutal, it seems to me that the only obvious way of deterring movement to Britain is by making the movement to Britain unattractive. The obvious way of doing that is to divert at least some of the claimants somewhere they will be safe but will not enjoy the benefits of being in a rich country.

There are four ways of dealing with the issue, are there not? One is to have open borders, so that everybody who wants to come can come. Then there are two ways of being nasty: one is being nasty to the smugglers themselves, which is, I suppose, what the Bill is primarily about, and the other is being rather nasty to people who wish to claim asylum, which the previous policy did. Alternatively, you could have special routes for selected people who can be investigated, possibly by the United Nations High Commissioner for Refugees, and then admitted. That has, as far as I can make out, been ruled out by the Government for the time being.

Q61 Matt Vickers: Are there any lessons from abroad that we are failing to learn?

David Coleman: The lesson that everyone cites is the example of Australia, which, depending on which Government are in power, has a policy of diverting people right across the other side of the Pacific to an island where they were notionally safe, but where they were not able to enjoy being in Australia. That is supported or not supported depending on which Government is in power, which is one of the problems with migration policy. Generally speaking, whether the doors are tight shut, half open or fully open depends very much on the swings and balances of electoral change and is rather unpredictable. That is inevitable.

Q62 Dame Angela Eagle: Professor Coleman, are you a member of the Galton Institute?

David Coleman: Yes and no. The Galton Institute does not exist any more; it has changed its name to the Adelphi Genetics Forum.

Dame Angela Eagle: But it is a eugenics organisation?

David Coleman: No, it is not. It is devoted to genetics research and has conferences every year on genetics research. It promotes research into that and has a small grant fund that people can apply for. It is a very pukka organisation.

If you have any doubts about it, I suggest that you look at its publications and its website. You will find something by me on that that is only slightly connected to genetics: “New Light on Old Britons”—it is about palaeontology and human evolution. That is one of the things that the organisation was interested in. You are quite right that it started off as the Eugenics Society,

and before that it was the Eugenics Education Society. That was in the days when progressives of every kind clustered around to support eugenic ideas because they were thought to be improving and beneficial to society. Society has changed its mind—

Q63 Dame Angela Eagle: Eugenics was discredited because of the rise of Nazi Germany and the Holocaust, was it not?

David Coleman: It got a terribly bad name for that reason—exactly so. That is why, over the last century, opinion has moved against using that word and using those notions. But I respectfully point out that it has nothing to do with asylum seeking.

Q64 Dame Angela Eagle: Do you believe in universal human rights—that all human beings are equal and deserving of universal human rights?

David Coleman: I suppose, as a rather bad Christian, I am bound to believe that, but the problem with human rights definitions is that they tend to be infinitely extendible. All kinds of entitlements that started off being universally accepted by almost everyone of good will tend to get expanded beyond reason.

Q65 Dame Angela Eagle: You mentioned that trying to deal with the problems of illegal or irregular immigration can mean being, in some ways, “nasty to the smugglers”, which the Bill is, but also nasty to asylum seekers. Do you want to talk about what you mean by that?

David Coleman: I mean making the prospect of life in the country of intended asylum less attractive than otherwise might be the case. That is what the Rwanda policy was. I suppose I was speaking slightly tongue in cheek in calling it “nasty”, but it certainly is not the same thing as being welcoming, is it? The idea of the Rwanda Bill was to secure the safety from persecution and risk of death for asylum seekers, which is the aim of asylum, without admitting them to Britain and all the benefits of being in a rich country.

Q66 Dame Angela Eagle: But the reality was that tens of thousands of people had arrived and could not be processed, because of the Illegal Migration Act and its flaws. They were just living in hotels forever, as they were not able to be processed and not able to be sent anywhere else. How is that a solution to the issues that we are trying to deal with?

David Coleman: I am not here to defend the Rwanda policy, although I think that, in principle, it had some merit. That is a problem that would arise whether there was a Rwanda policy or an Illegal Migration Act or not, because of the sheer pressure of asylum seeking from all corners of the world. That has been the case in the past for a long time and will continue to be the case. We now have asylum claims up to 99,000 in the last year, so it is not just to do with the Illegal Migration Act; it is a worldwide process.

Q67 Dame Angela Eagle: Of course, asylum claims are up because they were not being processed, but now they are. That is dealing with the backlog that was caused by the problems with the Illegal Migration Act.

David Coleman: I do not know how important the Illegal Migration Act was in increasing the number of the backlog, to be perfectly honest. In the past, it has

been the same height without the Illegal Migration Act. About 15 or 20 years ago, it was also 90,000 per year, and that was way before any of the past legislation was enacted.

Q68 Pete Wishart: I was actually very excited when I found out that there was a professor of demography coming to this panel; I have a particular interest in population demography. Using your vast knowledge of the subject, could you explain what the population and demographic trends will be for practically every European nation towards the middle part of the century and the end of the century? How will these nations cope with population stagnation, population decline and the assorted problems with a smaller working-age workforce supporting an older generation, with a falling birth rate around the world? What will they do to deal with that?

David Coleman: This is a formidable tutorial group to try to give such an answer to. If I could say with any kind of confidence what was going to happen by the middle of the century, I would deserve a Nobel prize.

Q69 Pete Wishart: We all know. Professor, you must know.

David Coleman: I can do my best. The present situation, as you are obviously suggesting, is rather dire from the point of view of domestic demography, such as the fact that the so-called total fertility is down to 1.44 and may fall further. Therefore, it presages considerable population ageing and decline should it continue.

At the risk of being technical and boring, I would point out that total fertility is a snapshot. It is only a calculation of, on average, how many babies the average woman—if you can imagine an average woman—will produce over a lifetime, if the same levels of age-specific fertility were to continue, which refers to the same levels of birth rate at the ages 15 to 19, 20 to 24, and so on. If that continues at the present level, in the long run you will get 1.44 babies. This is a very volatile measure; it goes up and it goes down. Back in 2010, it was 1.94, which is really very healthy and probably as high as you could possibly get.

Q70 Pete Wishart: You need two to one. You need two children per woman to sustain it—I am not telling a professor that.

David Coleman: Yes, or 2.1. That is true, although there is a risk of starting another hare. I suggest that some degree of population ageing and population decline is tolerable, particularly when we are faced with a world whose habitable area is shrinking and productivity is declining, thanks to the inevitable level of global climate change. The last thing we want, it seems to me, anywhere, is population growth. Population stabilisation and population decline, as long as it is modest and eventually comes to an end, is to be welcomed. I have said that with colleagues on a number of occasions.

I do agree that the present level of fertility is very unsatisfactory; it would be much healthier if it were higher. One gets into perilous waters trying to persuade people to have more children. The important thing is to identify those obstacles that stand in the way of the family size that people keep on saying they want to have. Despite all the problems at the present time, opinion polls suggest that people still want to have, on

average, almost two babies or even more than two babies, but they cannot, for all sorts of reasons. In this country, some of those reasons are very obvious. One is the atrocious cost of housing. House prices are now at nine times the level of the average income, compared with three or four times, which was normal in the past.

The Chair: Sorry, we have four minutes left and I have three people to get in.

David Coleman: Forgive me; I ran away with myself. I am so sorry.

Margaret Mullane (Dagenham and Rainham) (Lab): Following on from what the Minister asked you about how we have to be mean or have open borders, I looked at your written evidence, in which you have put as your ninth point, “Make Britain unattractive again”, and then you refer to the Rwanda policy. You say that you do not really know, but we had the National Crime Agency in before you and they were quite optimistic about the deterrent aspects of the Bill. Are you saying that you are not at all?

David Coleman: I am not, but at the moment it is to some extent a matter of opinion. The sorts of measures being proposed in the Bill are a development and accentuation of what has been done already. After all, the Government are not doing nothing to try to moderate asylum seeking; they have already, like the previous Government, been involved in discussions with our neighbours to try to come to an agreement on all sorts of aspects of migrant trafficking. The Bill is trying to ratchet that up, perfectly reasonably.

So far those measures, although admittedly not as intense as this Bill wants to impose, have not been notably successful. I drew a parallel with the war against drugs, which has an effect. It reduces the volume of drugs in circulation and puts drug pushers in prison, but it also puts up the price of drugs. There is a rather depressing parallel there.

Q71 Chris Murray: In 2018, the Government was spending £18,000 per asylum seeker, per year. Then they brought in the Illegal Migration Act, the Nationality and Borders Act, and the Safety of Rwanda Act. By 2024, they were spending £47,000 per asylum seeker, per year. If you have any respect for public money at all, is it not self-evident that this legislation has failed and that we should try a different approach on immigration?

David Coleman: That, I suppose, is the reason why the previous Government wanted to try to do something very different indeed in the Rwanda policy.

Chris Murray: But they passed the Act.

David Coleman: It was never tried. It might well have failed, but it was certainly a different avenue. It was not the one you had in mind, I am sure, but it was none the less a different way of doing it. It was attacking the problem from a different angle—from the question of demand rather than control.

The Chair: I had Tom Hayes to ask a question, but we have literally 20 seconds.

Q72 Tom Hayes: Professor Coleman, would you on a level accept the description of being a eugenicist?

David Coleman: No.

Q73 Tom Hayes: In that case, I will use the rest of my time. Are you familiar with the—

The Chair: Order. That brings us, unfortunately, to the end of the time allocated for the Committee to ask questions. On behalf of the Committee, I thank our witness for his evidence.

Examination of Witness

Professor Brian Bell gave evidence.

3.41 pm

The Chair: We will now hear oral evidence from Professor Brian Bell from King’s College London. We have until 4 pm for this panel. Could the witness please briefly introduce himself for the record?

Professor Brian Bell: I am Professor Brian Bell, the chair of the Government’s Migration Advisory Committee.

Q74 Matt Vickers: Do you think that the Bill will be effective in achieving its aims? How could it be made more effective?

Professor Brian Bell: I think it is fair to say that it is an open question whether it will be effective. The evidence from lots of previous experiences is that it is actually very hard to deter this kind of activity, but I suppose you have to try everything you can and see what works. If something does not work, you try something else.

In some sense, it is an unanswerable question at this point, and it may be unanswerable in the long run. Suppose that the Bill is passed and small boat numbers go up. That does not prove that the Bill failed, because we do not know what the counterfactual is of what would have happened without the Bill, and vice versa: if the numbers go down, it could just be that the number of people who wanted to come to France and then on to England had fallen. It is going to be very difficult to directly observe the effect. Whenever you think about these issues, you always have to think about both the deterrence and sanction effect, which is what the Bill is focused on, and then how you change the underlying incentives.

Q75 Matt Vickers: Are there any lessons that we are failing to learn from abroad?

Professor Brian Bell: I do not think so, in the sense that I do not think any country has experienced these issues and dealt with them particularly successfully. There are different approaches—obviously, Australia has taken a different approach—but I do not think that any country would claim that it has really succeeded in significantly addressing this kind of problem.

To me, it is very much the same kind of problem as any sort of criminal activity. You can change the sanctions and the effectiveness of the police, and that has some effect. The evidence tends to suggest on this sort of thing that it has a fairly small effect. The deterrence effect tends often to be quite small with these policies, so in the end the right response will almost certainly be about changing the incentives as well, in terms of both what is the attraction to come to the UK and whether there are ways we can encourage people to stay in France, in this case, instead of wanting to make those journeys.

Q76 Dame Angela Eagle: Professor Bell, do you think that in a democracy it ought to be the elected Members and the Government who decide who can come to our country, rather than criminals and people smugglers?

Professor Brian Bell: Yes.

Q77 Dame Angela Eagle: Therefore, do you share my view that, when we see the establishment along our borders of serious organised immigration criminals who are profiting greatly from their illicit activities and putting people's lives at risk, we should try to do all we can to put a stop to it?

Professor Brian Bell: Absolutely, but that is sort of true of all crimes: if someone is committing a crime, you want to stop them doing it. I think the difficulty is in the question: if you stop one criminal doing it, what happens? Is there a substitution effect where you just get the next organised crime organisation taking action? The risk is that you may well succeed, but the overall macro effect of that may be not as positive as you might hope.

Q78 Dame Angela Eagle: But of course that is not a reason for not doing it, is it?

Professor Brian Bell: Absolutely not.

Q79 Dame Angela Eagle: Could you therefore comment on whether the new powers in the Bill will have an effect on our ability as a society with law and order to crack down on some of that abuse?

Professor Brian Bell: It is likely to have some positive effect. In some sense, it cannot have a negative effect, so it must have some positive effect. The difficulty is that, as almost everyone would accept, it is impossible to judge *ex ante* what the size of that effect will be, but that sort of tells you that you should try it and see how it works.

Q80 Dame Angela Eagle: We are taking evidence to see whether people think these things will be effective. I am not asking you to produce a crystal ball and tell us in advance, but I am trying to get a handle on whether you think this is an effort worth making. It seems to me that you are saying that it is.

Professor Brian Bell: It is an effort worth making, but I would caution that in other areas of police and crime activity, the impact of being tougher with sanctions and new offences does not necessarily lead to very substantial changes in crime rates. The overall crime rate in the UK is almost certainly driven more by incentives and economic outcomes in the long run than it is by particular offences and statutes that are passed.

Q81 Dame Angela Eagle: Is it desirable to use counter-terrorism-style powers to disrupt so that we can prevent some of these crossings from happening rather than waiting until after people have died in the channel and then trying to pick up the pieces?

Professor Brian Bell: Completely.

Q82 Mr Forster: How would the changes to His Majesty's Revenue and Customs data sharing improve border security?

Professor Brian Bell: I do not have expertise in that area. I am confused as to how significant it will be. As I understand the Bill, it will allow HMRC to share customs data with other parties. It is not clear to me what that achieves. It would be wrong of me to imply that I have any particular operational understanding of how that will help operations.

Q83 Mr Forster: We have heard a lot today about supply and demand factors for migration, which you do understand. Data sharing is meant to be one of the examples of, "This is our way as a country of clamping down on immigration." In your experience, does it have a de minimis impact?

Professor Brian Bell: Data sharing overall can be phenomenally valuable in thinking about immigration more broadly. The Migration Advisory Committee has been very clear that we need to improve the data. We have access to data from HMRC that we find very useful on the legal migration side. Fundamentally, the question is: what data does HMRC hold that will provide useful information to border security in terms of stopping organised immigration gangs? Presumably, the Government think that there are some useful points. My view is, "Why wouldn't you try it and see if it helps?" If it does not, you are no worse off.

Q84 Chris Murray: Thank you for coming today. We heard some evidence this morning about the Illegal Migration and Safety of Rwanda (Asylum and Immigration) Acts. Witnesses have called them a disaster, a meltdown, and a fundamental system breakdown. What is your assessment of those Acts on the functioning of the Home Office systems and on the cost to the public purse? How effective have they been in reducing migrant numbers?

Professor Brian Bell: I will take those questions in reverse order. I do not think they were very effective. Again, I would caution that there is always this problem that you see a piece of legislation passing and then look at the numbers and try to guess whether it was the legislation that caused the change that you see. Other things are going on, so it is always difficult to do that.

More broadly, the evidence that we have from people seeking asylum is that the exact nature of the rules that exist in the country they are going to are not big drivers of their decision to go there. People have asked asylum seekers to list the reasons they want to come to the UK, and very rarely are they things like the legal system in operation for dealing with asylum claims. It is all about the fact that English is the most common language in the world and often the second language of these people. There is often a diaspora in the country, or labour market opportunities are potentially better than in some of the other countries. Those things are generally much more important than whether your asylum claim will be dealt with in Rwanda. I do not think that many people concern themselves with that.

The numbers are certainly not consistent with a story of a very significant deterrent effect from the Rwanda Act. Of course, asylum seekers might have been really clever and spotted that it was probably going to be declared illegal by the Supreme Court—perhaps they were prejudging the legality of the measures. The cost was staggering for a policy that was very unlikely to have a significant

deterrent effect. The previous Government's difficulty was that they could never actually tell you how many people they thought would be sent to Rwanda. It is not a deterrent if you are sending a few thousand people every year.

Q85 Chris Murray: Or four.

Professor Brian Bell: Well, four went voluntarily, but if the policy had been implemented in full, there were never any guarantees. We certainly would not have been able to send 100,000 a year to Rwanda; Rwanda was never going to accept that. The cost was astounding, given the likely deterrence effect. It illustrates a problem in the Home Office at the time: there was little rational thinking about what the costs and benefits of different policies were. My personal view is that getting asylum claims dealt with more quickly would have been a much more effective use of public resources. That is in the interests of not only the British public but asylum seekers, as most of their claims are accepted. If we could have got them through the system faster, got them approved if they were approved, got them into work and integrating within their communities and, if they were rejected, actually deported them, that would have been a much better use of public resources.

Q86 Pete Wishart: You are an expert in immigration and crime—you have been doing some work on that. The clauses concerning criminalisation are main features of the Bill. How many more asylum seekers do you think will be put through the criminal courts as a result of this legislation, and how many members of gangs, and those that do the people smuggling? What, roughly, will be the proportion of each of those groups?

Professor Brian Bell: I think the numbers will be quite small. In some senses, a good piece of legislation makes a criminal offence so serious, and a penalty so severe, that no one commits the crime. There is a risk that you think you have failed because no one is convicted, but actually if you deterred the behaviour then it succeeded. The reality is that if there are any convictions, it will be almost entirely asylum seekers who are convicted. I do not see how the gangs will be convicted because, as I understand it, they are not on the boats.

Q87 Pete Wishart: It is not really going to affect the gangs, and very few of them will be caught under the Bill. I had a dispute earlier with a director general of the National Crime Agency about piloting the boats, which will, as you know, be an offence under the new legislation. In the last three years, 205 people were convicted on that basis, and it is not even in the Bill. Are we likely to see more people convicted for steering a boat because they were probably forced or compelled to do so?

Professor Brian Bell: That is the implication of the legislation. I am not a lawyer, so I should be careful here, but I understand that there is a defence in the legislation that would allow you to claim that you were essentially forced into doing it, under sort of human slavery conditions.

Pete Wishart: Not according to the current numbers: 205 is a lot of people being convicted for being compelled to drive a boat—

The Chair: Order. Sorry—we only have eight minutes.

Q88 Jo White: Just over a week ago, the Government announced that there will be no automatic right to British citizenship for a person who comes here illegally by boat or lorry. Do you think that will act as a deterrent to people coming here?

Professor Brian Bell: It is probably not a very strong deterrent. To repeat myself, all the evidence is that when asylum claimants think of where to claim asylum they do not have detailed knowledge of the ins and outs of the procedures of different countries. They almost certainly do not know what might happen in five to 10 years, which is the length of residence that they would need to apply for citizenship, so I am not sure it will be a significant deterrent. However, it is important to recognise that citizenship is not a right; it should be viewed as a privilege that people earn. It is reasonable for the Government to take the view that citizenship should not be given to certain people. I do not think there is anything wrong with that—it seems a legitimate observation.

Q89 Katie Lam: Perhaps on a related note, you have talked about incentives and mentioned a couple of reasons why people do not come over from France. What is your sense of why people do? Can those incentives be disrupted?

Professor Brian Bell: You would not want to disrupt some of the incentives. For example, the unemployment rate is 7.8% in France and 4.4% in the UK. The gap is slightly larger for young people than for the population as a whole. I am sure the Government would not want to change that incentive, although the French probably would. If you have a buoyant economy relative to your neighbour, at least in the labour market, that is an incentive. There is an incentive in terms of things that you would not necessarily want to change. The English language is really important as a pull factor, and the fact that there are diasporas already in the country.

There tends to be some evidence that the UK has been somewhat more successful than France at integrating immigrants into society, particularly second-generation immigrants: there is some evidence that whereas employment rates are always very poor for first-generation immigrants relative to natives, that gap narrows quite a bit in the UK when you look at second-generation immigrants. That is less true in France, so people may think the opportunities are better here.

The area where the Government could take action—and they are with the Employment Rights Bill—is that we have lots of employment rights in this country, but do not bother enforcing any of them, because we do not spend money on HMRC minimum wage enforcement teams and the Gangmasters and Labour Abuse Authority does not have enough money to employ people to do all the work it needs to do. If the Fair Work Agency can take over and actually be beefed up, then we can enforce labour standards a bit more and that may discourage people, because one of the attractions of coming to the UK is that our looser enforcement of rules in labour market makes it easier to employ people who are here irregularly.

Q90 Katie Lam: So make it harder to work illegally or outside the rules?

Professor Brian Bell: Yes.

Q91 Tom Hayes: My questions are speculative. First of all, are you familiar with a report by the Centre for Policy Studies called “Here to Stay?”

Professor Brian Bell: Yes.

Q92 Tom Hayes: Could you comment on that? There is a headline figure that says that, in its analysis, the fiscal cost of those who might be granted indefinite leave to remain in the next four or five years would amount to £234 billion.

Professor Brian Bell: That is a speculative number. It is actually extremely difficult to work out the fiscal impact of migration. We are doing it at the MAC at the moment. We can only do it because we have access to data that the CPS could not possibly have. I do not know how you do that kind of analysis without making really very brave—and some may say foolhardy—estimates of what these people are going to do when they are in the UK. To give a very simple example, we currently do not know what dependants do when they come into the country. Let us say we issue a skilled worker visa and a dependent comes in. We will know nothing about what they do because the Home Office, quite fairly, does not pursue finding out about that dependent because they are here legally, but you need to know how much they earn and if they are in a job to work out what their contribution will be over the next 50 to 60 years of their life.

I think it is very dangerous to just make broad assumptions about, “Oh, they are going to be like this and they are going to earn this”, and then you can come up with a very big number. I could choose a big group of British people who will also have very big negative effects, because if you just choose people who are low earners and perhaps people who are disabled, you automatically get those numbers because they are entitled to more benefits in the long run, and they do not pay as much tax. I am not particularly sure what that tells us.

Q93 Tom Hayes: I am going to smuggle in a very quick question. Could you comment on the validity of the comparison between the Australian offshore processing immigration approach and the Rwanda scheme? Are they actually comparable, and do you have anything to say about the efficacy of the Australian approach?

Professor Brian Bell: As I understand it, the big difference is that in the Australian system, if your asylum application was granted, you were brought to Australia; the system was just offshore processing of the application. That is very different from the Rwanda scheme, where we were essentially washing our hands of any responsibility going forward for those asylum applicants. The Australian model is worth thinking about if you could find countries that would be willing to process the applications, because we are spending—let us be honest—an absolute fortune on housing asylum seekers here while we consider their claims. If you could find a cheaper and more effective way of doing that, while still recognising that we have the responsibility to take those asylum seekers who have claimed asylum in this country, that would be worth considering.

Q94 Tom Hayes: So it is not entirely appropriate to compare the Australian offshoring approach to the Rwanda scheme?

Professor Brian Bell: I would not have thought so.

The Chair: That brings us to the end of the time allocated for Members to ask questions. On behalf of the Committee, I thank the witness for his evidence.

Examination of Witnesses

Dame Angela Eagle and Seema Malhotra gave evidence.

4 pm

The Chair: We will now hear evidence from Dame Angela Eagle MP, Minister for Border Security and Asylum, and Seema Malhotra MP, Minister for Migration and Citizenship at the Home Office. We will have until 4.20 pm for this panel.

Q95 Matt Vickers: Looking at the changing approach, particularly around the repeal of the Illegal Migration Act, repealing section 2 of the Act removes the obligation on the Government to remove people who arrive here illegally. What is the rationale behind that?

Dame Angela Eagle: The Illegal Migration Act was flawed legislation, which did not actually work. It was so flawed that the previous Government, even though they put it on to the statute book, did not actually commence much of it at all.

Q96 Matt Vickers: On the obligation to remove people who arrive here illegally, whether it is in that Act or in the Bill being brought forward, why are we removing that as a principle?

Dame Angela Eagle: The issue was that we did not think it was possible to make the suite of legislation, which involved the Rwanda Act and the Illegal Migration Act, work together coherently. Its effect was essentially to allow people into the country but make it illegal to process them and leave them stuck in an ever-lengthening backlog and in limbo. The whole approach established by the interplay of those two Acts of Parliament, one of which was barely commenced even though it was on the statute book, had to be taken away so that we could bring some order to the chaos that we inherited from the previous Government, as a result of the practical outcomes of those two pieces of legislation.

Q97 Matt Vickers: I understand that comment, but do you not think that, as part of that approach, it should be an obligation on the Government to remove people who come here illegally?

Dame Angela Eagle: No, we certainly have not said that. As soon as people’s asylum claims have been properly processed, and the appeals that they are allowed to make are finished, if they have failed, we will seek to remove those people—but not to a third country.

Q98 Matt Vickers: Further to that, the principle in the previous legislation was that if someone arrived in this country illegally, they could not become a British citizen. That was there in the legislation, but it will not be there when this Bill has gone through. What message does it send to the world if people who break into this country can then go on to gain citizenship?

Dame Angela Eagle: The Home Secretary has made it perfectly clear in the changes to the advice that if you come to this country illegally, we do not expect that you will be granted citizenship.

Q99 Matt Vickers: But we have taken that out.

Dame Angela Eagle: We have taken that out of primary legislation because it was connected with the duty to remove, which was about the interplay of the Illegal Migration Act and the Rwanda Act. As I have just said, it was flawed legislation that did not work in practice.

Q100 Matt Vickers: The Illegal Migration Act also made provisions, in sections 57 and 58, for scientific age verification. We are removing that as well. Why would we want to remove those powers from our agencies? We have seen the consequences for safeguarding and the impact that that could have on young people. Why would we not want to give the agencies all the powers that they could have?

Dame Angela Eagle: There are real issues about the accuracy of scientific age assessment. At the Home Office, we are in the middle of doing work to see whether we can get a system of scientific age assessment that is robust enough to use. We are certainly not ruling it out, but the effects in that legislation were all about the duty to remove—it was about trying to define children. You will remember that in the IMA, the duty to remove excluded children, which perhaps created a bigger incentive for people to claim that they were children when they were not. The scientific age assessment clauses in that Act were related to the duty to remove. Given that we are repealing the vast majority of the Illegal Migration Act in this Bill, we removed those clauses.

I would not, however, want to give the hon. Gentleman the false impression that we have completely abandoned the idea of doing scientific age assessment. Currently, we are trying to assess whether there are ways of doing it that not only are cost-effective, but can be relied on. It is not an easy thing to do; there are no very easy solutions to whether it is accurate. We are exploring those areas ahead of making any subsequent announcements about if—and how, if we do—we use scientific age assessment.

Q101 Matt Vickers: I am sure that we could spend all day arguing about the pros and cons of Rwanda, but specifically, we see the effectiveness of returns agreements where those are in place. For countries where we cannot return people, if those people are not going to Rwanda, where will the Government put them?

Dame Angela Eagle: First, we will always seek to return people if they fail the asylum system, and have had all their claims and appeals, as soon as it is safe to do so. That is the first thing to say, and we must never lose sight of that. Situations in particular countries change—sometimes for the better, sometimes for the worse, as the hon. Gentleman knows. We never give up on that. Clearly, if people are here and have failed, we want them to leave, and we will facilitate them to leave.

Q102 Martin Vickers: What about where we do not have the ability to return—with countries where we cannot return those people? They were going to go to Rwanda; now, where are they going?

Dame Angela Eagle: With all due respect, I do not think they were ever going to go to Rwanda.

Q103 Mike Tapp: Since you started in your role, 19,000 people have been deported, which I believe is a 24% increase on the same period last year. How have

you managed to achieve that in such a short time? Combined with the Bill, do you think that that will start acting as a deterrent?

Dame Angela Eagle: One of the important things for the integrity of any asylum system is that if people fail it, there are consequences that are different from those if they do not. It is the hard and nastier end of any asylum system: if you have no right to be here, we will want you to leave—voluntarily, if at all possible. Sometimes we will even facilitate that, but we will return you by force if we have to. The 19,000 returns that we have achieved since 4 July are an indication that we want to ensure that enforcement of the rules is being put into effect more than it was. There had been very big falls in returns, and very big falls in enforcement, and we want to put that right.

Q104 Mr Forster: We have heard a lot of mixed comments in the evidence sessions today, but quite a few witnesses have highlighted that the Bill only tackles half the story of border security, asylum and immigration. It tackles the supply side, not the demand. Based on today, will you consider some potential amendments, or another potential strategy, to attach to the Bill to tackle the whole picture that, as we heard today, people as a country want us to tackle?

Dame Angela Eagle: Clearly, it is important that we try to deal with the development of organised immigration crime on our borders. Colleagues will have heard the comments from the NCA and the National Police Chiefs' Council about how important it is to assert the rule of law in such areas. It is very important. That is the main aim of the Bill.

If the hon. Gentleman is talking about safe routes, we heard some evidence today about safe routes. I am personally sceptical that those would stop people wanting to come across in boats. If one takes the example of our Afghan scheme—a safe route for particular people from Afghanistan who have been put in danger by supporting UK forces—that is a legal route that is safe. At the same time, last year the largest nationality represented among small boat arrivals was Afghans.

We have people arriving on small boats who come from countries where we have visa regimes, so I am not convinced that we could provide enough places on safe routes to prevent people smugglers benefiting from that kind of demand. That is my opinion from having looked at what goes on and I accept the hon. Gentleman might have a different one.

Seema Malhotra: If I may add to that, we also heard in the evidence about the scale of the challenge that we face and how small boat crossings are a relatively new phenomenon, in that we had around 300 in 2018, but the number is now 36,000. In a very targeted way, this Bill is looking at what more tools we can bring in along with the Border Security Command to tackle the criminal gangs that are literally making millions—if not more—out of people who are very vulnerable.

The fact that there were more deaths in the channel in 2024 than in previous years shows that the situation is becoming even more dangerous, so we absolutely have to do everything we can to disrupt those criminal gangs. Therefore, I want to focus on that for this Bill, because we cannot do everything in one piece of legislation.

It is important, however, to correct, from my understanding, a bit of evidence that was given earlier by Tony Smith that the UK resettlement scheme was closed—it is actually still open. We have had over 3,000 refugees resettled via that scheme since its launch four years ago. The number of refugees arriving on that depends on a range of factors, and that includes recommendations from the UNHCR as well as how many offers of accommodation we have from local authorities; that is an ongoing system. This is legislation around tackling the small boats and the criminal gangs that are enabling that as a new trade.

Q105 Mr Forster: If I may briefly follow up, I appreciate the Minister for Border Security and Asylum's thoughts on safe routes. Ukraine has long been held up as a good example: we housed a lot of people safely and one Ukrainian person tried to cross the channel.

To be more specific, I have a follow-up on clause 18. We are creating a new criminal offence of endangering someone on a sea crossing—why is it an unauthorised sea crossing? Why is it not a blanket endangering of someone when crossing the sea? Should that offence not be wider or is it more like an aggravating factor?

Dame Angela Eagle: I will talk about the very detailed aspect of that during our line-by-line scrutiny.

There has been a certain behaviour that has begun to happen, which has been perceived on the crossings in the small boats and which this offence is designed to deal with. That is the various kinds of violent intimidation that goes on, such as putting women and children in the middle of boats that then collapse, so they are crushed and die in that way, or holding children over the edge of boats to prevent rescue.

Sometimes if there has been a fatality on a boat—and we have seen what has happened—we go to pick people up and return them to France. The French authorities also do that. There is then a battle not to be returned and violence is sometimes used to prevent people from accepting the rescue that is offered to them. So there are some very particular things that this endangerment clause and this new offence are seeking to deal with.

Q106 Jo White: Thank you, Ministers, for your evidence. In his evidence, Tony Smith, who retired 12 years ago, was very critical of the role of the Border Security Commander and defined him as a “co-ordinator”. Do you believe that the Border Security Commander's powers need to be enhanced?

Dame Angela Eagle: Well, the Border Security Commander is very happy with the powers that he has—he has been appointed. Again, we will talk about this in some detail, but it is important that we get co-ordination across different areas of activity. I think you will have heard what the NCA witness said about how he wants somebody else to do the co-ordination while he does the basic work. Everybody is working together very well across the people who have to have regard. The Border Security Commander is bringing together a range of very important players in this area to strategise and co-ordinate, and he has not told me—I meet him regularly—that he needs any more powers.

Q107 Pete Wishart: I know that we do not have much time, but I have two quick points following the compelling evidence we have heard today. It has been a very good

session. One of the things that came across powerfully was the view that this Bill will do very little to actually tackle the gangs; we heard consistently throughout the evidence that, “They’ll just adjust their business model; they’ve got a monopoly on the irregular migration trade, so they are obviously going to do what they can to maintain it.”

The other thing is that it will have very little impact on people making the decision to come to the United Kingdom. They are fleeing oppression, poverty and war, and they do not care about the laws of the United Kingdom—what Angela Eagle is doing in a migration Bill is not going to deter them from coming here. So what are we going to do to get on top of this issue? Should we not be thinking, as we go through this Bill process, about fresh, new ideas to tackle it?

Dame Angela Eagle: Well, we have just come out of a period of fresh new ideas and gimmicks—

Pete Wishart: Yes, but that is gone.

Dame Angela Eagle: And very expensive they turned out to be. We have inherited such a mess, with huge backlogs and very long waits for appeals, that we have to try to clear up. We have an asylum system that essentially broke down—I think one of our witnesses was talking about it being “in meltdown” earlier today.

We are going to do the day job and start to get that system working. I think that having fast, fair and effective immigration decisions is a very important part of all of this, as is removing those whose claims fail so that we can actually get to the stage where people know that, if they come to this country and they do not have a reasonable chance of being accepted as an asylum seeker, they will be returned. I think that is what the deterrent is.

Seema Malhotra: If I may add one point, it is absolutely valid and right to say that this Bill is one part of trying to tackle both the criminal gangs and the demand. Certainly, the other side of the work that the Home Secretary has been leading on—in terms of agreements with other countries for returns, as well as the reasons why people are coming and what more could be put in place as a deterrent—is work that was also talked about in evidence today; international diplomacy is also an important part of the overall framework. That is going on in parallel, and it is important to be working upstream through diplomacy and agreements with other countries too.

Q108 Kenneth Stevenson: Listening today has been very interesting; I have written down some of the points. There were the points about organised crime, and about the Border Security Commander and the border post that he—or it might be a “she”, and I am not ultra-woke—would be in charge of. There is also the point about 2 million people coming over from Gaza, and that the tagging system has not worked, although I did not hear any evidence of that—I wanted numbers; as an engineer, I wanted to hear the background to that.

I then heard that there were no magical solutions and that war was not easy to win—so we are in a “war” with migrants. We then spoke about unkindness to asylum seekers. I think that the most important words that I heard today were proactive, pre-emptive and disruptive—

[Kenneth Stevenson]

that is what the Government are trying to be. Do you agree that that has to start with the gangs who are starting this and are pulling—or pushing—people across?

Dame Angela Eagle: Yes. There are many genuine asylum seekers, many of whom are granted asylum when they are finally processed, who have come in that way. There are also people who are trafficked, who are in debt bondage, who go into sex work in nail bars, say from Vietnam, or who end up—as the police chief told us—growing cannabis in hidden farms in all our communities or being involved in serious crime. Some of them are victims of modern slavery, and some of them are the perpetrators of all that kind of evil.

The Chair: Order. That brings us to the end of the time allotted for the Committee to ask questions. On behalf of the Committee, I thank the Ministers for their evidence.

4.20 pm

The Chair adjourned the Committee without Question put (Standing Order No.88).

Adjourned till Tuesday 4 March at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

BSAIB01 Work Rights Centre

BSAIB02 Hope for Justice

BSAIB03 Project for the Registration of Children as
British Citizens (PRCBC) and Amnesty International
UK (joint submission)

BSAIB04 Public Law Project

BSAIB05 Law Society of Scotland

BSAIB06 Migrant Voice and Amnesty International
UK (joint submission)

BSAIB07 Angie Pedley

BSAIB08 Law Society of England and Wales

BSAIB09 British Association of Social Workers (BASW)

BSAIB10 Refugee Action

BSAIB11 Anti-Trafficking Monitoring Group (ATMG)
and the Anti Trafficking and Labour Exploitation Unit
(ATLEU)

BSAIB12 Refugee and Migrant Children's Consortium

BSAIB13 David Coleman, Emeritus Professor of
Demography, University of OxfordBSAIB14 Refugee Law Initiative, School of Advanced
Study, University of London

BSAIB15 Stephen Francis MSc

