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The House met at half-past Nine o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Mr David Nuttall (Bury North) (Con): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163), and negatived.

Foreign National Offenders (Exclusion from the UK) Bill

Second Reading

9.35 am

Mr Philip Hollobone (Kettering) (Con): I beg to move, That the Bill be now read a Second time.

I congratulate my hon. Friend the Member for Wellingborough (Mr Bone) on promoting the Bill. As you will appreciate, Mr Speaker, it is no easy task to get a private Member's Bill on to the Order Paper. It involved quite a few days and evenings sitting and sleeping in the corridor upstairs to ensure that this Bill was selected for one of the 13 sitting Fridays. However, this is not its first appearance, because it was submitted in my name in its original form in 2013 when my hon. Friends the Members for Wellingborough, for Christchurch (Mr Chope) and for Bury North (Mr Nuttall) and I suggested some 40 private Members' Bills upstairs in what was dubbed by some commentators as the alternative Queen's Speech.

I had wanted to call the Bill the "Foreign National Offenders (Send Them All Back) Bill" but that was not allowed by the parliamentary authorities, so it is now called the Foreign National Offenders (Exclusion from the UK) Bill, and it does what it says on the tin. It is designed to address a serious issue that this country has failed to tackle over the past 10 years, namely that we simply have far too many foreign nationals in our prisons who have committed serious criminal offences. The scale of the problem is quite frightening.

You will not be surprised to know, Mr Speaker, that there are some 85,000 prisoners in total in jail in this country. In fact, the latest figures from the Ministry of Justice are that there were 85,886 prisoners in our jails as of September 2015; that number was given to me in answer to a parliamentary question tabled at the end of January this year. Of those 85,886, 75,010 are British nationals, 10,442 are foreign nationals and, bizarrely, there are 434 whose nationalities are somehow not recorded. Frankly, it escapes me how 434 individuals could be imprisoned in our country and yet no one seems to know where they came from. I find it worrying for our national security that there is this large number of people in our prisons about whom we know nothing. How many more are there not in our prisons about whom we know nothing and of whose nationality we have no record at all?

There are 10,442 foreign national prisoners in our prisoners out of a total of 85,886—12% of the prison population. You will perhaps be surprised to learn, Mr Speaker, that those 10,442 come not just from one, two, three, four, half a dozen or a dozen countries, but from some 160 countries from around the world. Indeed, 80% of the world's nations are represented in our prisons. We are truly an internationally and culturally diverse nation, even in our imprisoned population. Very worryingly indeed, something like a third of them have been convicted of violent and sexual offences; a fifth have been convicted of drugs offences; and others have been convicted of burglary, robbery, fraud and other serious crimes.

It is a good thing that the crimes have been detected, the evidence has been gathered and these people are being punished for their offences. It is, however, completely wrong that the cost of that imprisonment should fall on British taxpayers, because these individuals—every single last one of them—should be repatriated to secure detention in their country of origin, so that taxpayers from their own countries can pay the bill for their incarceration and punishment.

Several hon. Members *rose—*

Mr Hollobone: I will be delighted to give way to all those whom I can see. First, I give way to my hon. Friend the Member for Crawley (Henry Smith).

Henry Smith (Crawley) (Con): My hon. Friend is, as ever, making a very compelling case. Does he have any idea of the annual cost to British taxpayers of imprisoning foreign nationals? I know that many of my constituents are very concerned about this issue, and thank him for raising it.

Mr Hollobone: I am most grateful to my hon. Friend for his pertinent intervention and question. He demonstrates not only his attention to detail and his determination to ensure that he represents his constituents here on a Friday, but that he can get straight to the nub of the issue. He is as concerned as I am about the cost to his constituents of any aspect of Government expenditure. The answer to his question is that if there are 10,500 foreign national offenders in our prisons, the estimated cost is something like £300 million a year. The Home Office figure for the cost of imprisoning a prisoner is something like £26,000.

Mr David Nuttall (Bury North) (Con) *rose—*

Mr Hollobone: I would be delighted to give way to my hon. Friend in just a moment, once I have answered the question of my hon. Friend the Member for Crawley. I did promise to give way to my hon. Friend the Member for Calder Valley (Craig Whittaker)—I keep thinking of Hebden Bridge, which is in his constituency—but then I will give way to my hon. Friend the Member for Bury North. I think that the figure is £26,000.

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley) *rose—*

Mr Hollobone: The good news for my hon. Friend the Member for Crawley is that he does not have to rely on me for an accurate figure, because the Minister herself is now going to intervene.

Karen Bradley: I thank my hon. Friend for giving way. He is, as has been said, making a very compelling case. I just want to clarify one point: it is the Ministry of Justice, not the Home Office, which deals with prisoner figures. I would be very happy, later on, to provide the figures, but it is the Ministry of Justice that has the figures. I am sure that he would like to correct the record.

Mr Hollobone: I am delighted to be corrected by my hon. Friend, who is doing a fantastic job in her role as a Minister of the Crown in the Home Office. I am slightly concerned that, as we are talking about foreign national offenders in Her Majesty's prisons, we do not have a representative from the Ministry of Justice here today.

Karen Bradley: Again, Mr Speaker, I would just like to clarify that point. The Under-Secretary of State for Women and Equalities and Family Justice, my hon. Friend the Member for Gosport (Caroline Dinenage) is in the building, and will be attending the Chamber shortly. I think that she had a couple of things to do beforehand.

Mr Speaker: It is very reassuring that the hon. Lady is able to drop in on us. We will be deeply grateful to her.

Mr Hollobone: Thank you, Mr Speaker. I share your sentiments, but at least it is reassuring that the Minister will turn up to the debate. Let us hope that we can ask questions of her later on. Before I take the interventions that I promised, let me say that part of the problem is that foreign national offenders and their deportation, removal, transfer, repatriation, or whatever we want to call it, is a major policy issue that falls between two stools. There are two major Departments of State that are basically responsible for this area, and all too often one blames the other for why the situation is not being tackled. That is why it is the Prime Minister himself who needs to take on board this issue. Indeed, he promised the House that he would, yet six years into his premiership, the problem is not going away. If anything, it is getting worse.

Craig Whittaker (Calder Valley) (Con) *rose—*

Mr Hollobone: I give way with a great deal of delight to my hon. Friend.

Craig Whittaker: I thank my hon. Friend for giving way. He has obviously done a great deal of research, as he has some impressive figures. I think that he said there are 10,442 foreign national prisoners from more than 160 different nationalities. Can he enlighten the House on the mix between EU and non-EU foreign nationals who are in our prisons?

Mr Hollobone: The forensic analysis of my hon. Friend's brain is illustrated to us all, because that is exactly the question that needs to be addressed. According to the figures that I was sent in response to my parliamentary question at the end of January, the breakdown, continent by continent, is as follows: 20% of foreign national offenders in our country come from Africa; 18% from Asia; 1.5% from Central and South America; a whopping 47% from Europe; 7% from the West Indies; and a negligible percentage from Oceania.

Sir Edward Leigh (Gainsborough) (Con): One of the difficulties is that, under article 8 of the Human Rights Act, we are not allowed to deport people to so-called unsafe countries. If 40% of these people come from Europe, by definition they do not reside in unsafe countries. Therefore, we need a Bill such as this so that they can all be sent back immediately to France, Italy, Germany or wherever.

Mr Hollobone: I agree with my hon. Friend and I thank him for that intervention. He is far more expert than I am in legal matters, given his extensive parliamentary experience, legal training, and great deal of common sense, but I am not sure whether he is correct. My understanding is that, in our bizarre human rights system, even member states of the European Union are not deemed to be safe countries to return to. I believe that Greece is classified as a country to which it is not safe to return individuals, either under the asylum regulations or the prison regulations. That is a country to which millions of our fellow citizens go on holiday every year—

Mr Jim Cunningham (Coventry South) (Lab) *rose—*

Mr Hollobone: I am happy to give way in a moment. Our citizens go there on holiday every year and yet we are not allowed, legally, to send back to that country people whom we do not want here.

Mr Cunningham: Will the hon. Gentleman give way?

Mr Hollobone: I will give way to the hon. Gentleman after I give way to my hon. Friend the Member for Bury North, to whom I promised to give way some time ago.

Mr Nuttall: I just wanted to answer specifically the question that my hon. Friend posed a moment or two ago regarding the exact costs of placing a prisoner in secure accommodation. The latest figures are taken from the National Offender Management Service annual report and accounts for 2014-15, which was released on 29 October last year. They reveal that the costs per place are £36,259 a year, and the costs per prisoner are £33,291 a year.

Mr Hollobone: I am most grateful to my hon. Friend for that informative intervention. I congratulate him, as I always do, on the extent of his reading in his own private time outside of this place. If he is reading national offender management statistics with that level of detail, it shows that he spends a great of his own personal time researching issues that are important to his constituency.

Philip Davies (Shipley) (Con) *rose—*

Mr Hollobone: I will give way to my hon. Friend, but in all fairness I did promise that I would give way to the hon. Member for Coventry South (Mr Cunningham) first.

Mr Cunningham: The hon. Gentleman is making a very interesting speech. What is the reason for the Government not deporting these people to their countries of origin, particularly to Europe?

Mr Hollobone: That is an interesting question. It is probably a combination of political correctness, Government incompetence, human rights legislation and an obsession with not upsetting our friends in the European Union. It is probably a combination of those four factors, with some other issues thrown in.

Jeremy Lefroy (Stafford) (Con) *rose—*

Mr Hollobone: I will happily give way to my hon. Friend after I have given way to my hon. Friend the Member for Shipley (Philip Davies).

It is probably about a combination of those four factors, and the fifth point, which is important, is that this issue falls between two major Government Departments and needs to be seized by the Prime Minister himself if we are to make any substantial progress on this issue. The number of foreign national offenders in our prisons first rose substantially during the last period of office of the previous Labour Government, triggered in part by their acceptance of human rights legislation. The problem stems from that time, but to be fair neither the coalition Government nor the present Conservative Government have, in my view, addressed the issue sufficiently to see any meaningful progress.

Philip Davies: I am grateful to my hon. Friend for giving way, and apologise for going back to the point that was first raised by my hon. Friend the Member for Crawley (Henry Smith) about the cost of foreign national offenders, because I can trump the figures that were given earlier. The National Audit Office estimated the cost of administering foreign national offenders in the UK for 2013-14, including police costs, Crown Prosecution Service costs, legal aid costs and prison costs, to be between £769 million and £1 billion a year. The most likely estimate was £850 million a year.

Mr Hollobone: I am most grateful to my hon. Friend for that intervention, and frankly I am shocked, and my constituents will also be shocked, by those figures. I have no reason to doubt the veracity of what he has just told the House, but I am disappointed that those figures should come from him during a debate on one of the 13 sitting Fridays when the Government themselves should be flagging up this information about the huge financial burden to British taxpayers of incarceration, prosecution, capturing these people, and sorting them out after they leave. All of that together adds up to nearly £1 billion, which is an awful lot of money.

Julian Knight (Solihull) (Con) *rose—*

Mr Hollobone: I will happily give way to every hon. Member, but I just want to finish this point before giving way to my hon. Friend the Member for Stafford (Jeremy Lefroy) and then to my hon. Friend the Member for Solihull (Julian Knight). At a time when each and every year this country is spending more money on public services than it raises in taxation, a state of affairs that has been true ever since 2002 and which the Chancellor himself said will not be fully addressed until 2019—here we are in 2016, spending more money each year than we raise in taxation and we still have an annual deficit—this issue is costing this country £1 billion a year, according to my hon. Friend the Member for Shipley, and I am sure that he is absolutely right. That is a shocking state of affairs.

Philip Davies: Let me clarify that the figure is not according to me but according to the National Audit Office, which has far more intelligence in these matters than I do.

Mr Hollobone: I doubt that, but I am happy to take my hon. Friend's comments on board.

Jeremy Lefroy: I am grateful to my hon. Friend for giving way and congratulate him on this Bill, which is extremely important. May I raise a sixth point that might be in the Home Office's mind and that will concern all of us? Victims of crime want to see justice and sometimes people are a little concerned that if someone is repatriated they might go to a country where, through a bribe or something else, they might suddenly be on the street despite having committed a very serious offence. How does my hon. Friend propose to deal with that? Justice must be done, and victims of crime need to see people pay the price for what they have done to them.

Mr Hollobone: My hon. Friend makes a very intelligent intervention—naturally, because he is that sort of fellow, but also because he has in his constituency HMP Stafford, so he is more attuned than most Members of this House to issues involving prisoners, their families, deportation, repatriation, punishment and rehabilitation. He makes an extremely good point. The Bill does not seek to send convicted foreign national offenders back to their country of origin only to see them released in that country, and potentially able to come back to our shores. There would need to be a system in place—a Government-to-Government agreement—whereby individuals can be transferred, often against their own wishes, to their country of origin, and it is guaranteed by that Government that they will then serve the requisite time in incarceration in that country.

Julian Knight *rose—*

Michael Tomlinson (Mid Dorset and North Poole) (Con) *rose—*

Mr Hollobone: I will happily give way, but I just want to finish this particular point. The other crucial aspect of the Bill, which might not now be as explicitly mentioned in it as it might be after we have had a go at it in Committee, is that in my view and that of my constituents, if foreign national offenders are sent back to their country of origin they should be banned from returning to this country. Their personal details—their name, date of birth, fingerprints and all the rest of it—should be with our Border Force so that if they ever attempt to gain re-entry into this country they are stopped from doing so.

Julian Knight *rose—*

Sir Edward Leigh: Will my hon. Friend give way on that point?

Mr Hollobone: I have a wealth of parliamentary talent before me and I am happy and keen to give way to all my hon. Friends, but I am operating a taxi queueing system, and to be fair to all my hon. Friends I shall take the interventions in order.

Julian Knight: I thank my hon. Friend for giving way; he is being most generous and diligent in how he is taking interventions. His account has been forensic in its detail, and he is making a compelling case. I am absolutely shocked at the figure of £850 million, but this is not just about numbers or forensic analysis. It is also about individual stories and individual victims, and a country that is wronged. I draw his attention to the case of William Danga, 39, a Congolese national and convicted rapist who, while challenging his deportation proceedings on human rights grounds, went on to abuse two children in this country. Will my hon. Friend reflect on that?

Mr Hollobone: I am most grateful to my hon. Friend for giving us a specific and individual example of how rotten the system has become. How has it come to pass that in Britain in 2016 we are unable to deport a Congolese rapist? It should be one of the first duties of Government to keep our country and our citizens safe, and we need to send back to their country of origin people who believe they can get away with such horrendous crimes in our country. My hon. Friend has given us an individual and specific example of why we need to change the system.

Michael Tomlinson: I do not apologise for coming back to the issue of cost, as it is first and foremost in the minds of my constituents. We have heard a variety of different figures cited today, so perhaps we can explore the issue a little further. Has my hon. Friend considered that with 10,000 fewer prisoners we could have fewer prisons, so the costs that we have heard cited could in fact be higher still?

Mr Hollobone: That is a very intelligent observation from my hon. Friend, and I congratulate him on being in the Chamber to listen to today's proceedings. I know that he represents his constituents with great assiduity. Obviously the Minister will correct me if I am wrong, but I think we now have two prisons devoted wholly and specifically to housing foreign national offenders. Clearly, if we did not have any foreign national offenders in our prisons that would be two prisons we could either not have or free up to imprison our own offenders. That would be a cost saving—we are talking about a potential sum of £1 billion—but some of us in the Chamber today would see the saving of that cost as an opportunity to implement a proper penal policy for our domestic offenders. We believe that if an offender is caught, convicted and sentenced to a term of four or five years, or whatever it is, they should then serve that amount of time in prison. We are constantly told that we cannot afford to do that, but here we are presenting the Government with £1 billion of savings that would enable us to implement a far more realistic and effective criminal justice policy.

Henry Smith: My hon. Friend is always skilful in the Chamber, and as always he is being very courteous. I am grateful to him for allowing me a second intervention.

I want to come back, if I may, to the personal effects of foreign national offenders in this country. In the last Parliament, I had a constituent who was the victim of a rape by somebody from north Africa. After the offender had served his sentence, he was released back into my local community and not deported. Will my hon. Friend reflect on how such a situation could come about? I suggest that the problem lies in article 8 of the European convention on human rights, as set out in the Human Rights Act. Perhaps we should repeal that Act and replace it with a British Bill of rights and responsibilities that better protects our constituents.

Mr Hollobone: My hon. Friend speaks not just for Crawley and its good citizens, but for the nation. He is spot-on. We need to get rid of the Human Rights Act and replace it with a Magna Carta-like domestic Bill of Rights that we can all understand and that implements justice in the way that the British people would like to see it implemented.

My hon. Friend probably has more foreign national offenders going in and out of his constituency than any of the rest of us, because of the location of Gatwick airport. I am shocked and appalled, as I know his constituents will be, that such a violent offender was released back into his local community. That cannot be right on any level. Such people need to be sentenced and convicted, serve their time in jail in full in their country of origin and not be let back into our country. Then the citizens of Crawley and the rest of the United Kingdom would be able to sleep safe in their beds at night.

Sir Edward Leigh: We are now hearing nothing about the repeal of the Human Rights Act. What has happened to that? A moment ago my hon. Friend mentioned the return of foreign criminals. If I am fortunate enough to catch your eye, Mr Speaker, I hope to deal with that in more detail later, but the problem with the present system is that there is nothing to prevent deported foreign criminals—however few are deported—from returning later, because no biometric information is kept. That is one of the points made by Migration Watch, and the Government should change it. As biometric visas are introduced in the future, we will be able to track people who have been convicted and sent to jail here and then sent back to their country of origin.

Mr Hollobone: My hon. Friend is correct. We could strengthen the Bill in Committee with specific clauses to that effect. In Justice questions this week I asked the Under-Secretary of State for Justice, my hon. Friend the Member for Esher and Walton (Mr Raab), whether it was true that as a member of the European Union, we are not allowed to deport EU foreign nationals who are in prison in our country and ban them from ever returning, and he confirmed that that is the case. We can therefore say without fear of contradiction in the Chamber today that it is not absurd to say that if we remain a member of the European Union, crime will be higher and we will have more criminals in our country. Under the rules of free movement we are not able to stop EU criminals coming into this country, and we are not able to deport back to EU countries those who have been convicted of serious offences and imprisoned.

Julian Knight: I thank my hon. Friend for showing characteristic generosity in taking interventions. I echo his views on the Human Rights Act. It seems anathema to me that as a country with the best part of 1,000 years of common law, we have to accept a Human Rights Act designed for countries that have experienced fascism within living memory. We did not go down that road. We are Britain and we have the common law.

The point about increased capacity in prisons is interesting. That would allow us to pursue a more vigorous justice regime, particularly in the case of burglary. My hon. Friend is aware that it is becoming commonplace that many burglars are not receiving custodial sentences, which is an appalling state of affairs. Burglary is a crime that impinges on people's lives. Will he reflect on the need for greater capacity in our prisons?

Mr Hollobone: Interventions of such quality will, I hope, earn my hon. Friend a place on the Bill Committee. We could put a robust clause in the Bill specifically to deal with burglars and burglaries. He is right—for some reason, the seriousness of burglary has gone down the Home Office's agenda.

The same is true of the breaking of shop windows in our high streets. I remember 20 years ago speaking to my local police commander, who said, "Philip, it's an absolute rule of mine that we will not accept shop windows being broken in high streets, and we are going to clamp down on this really hard." I think most hon. Members would say that shop windows are broken regularly in their high streets, perhaps even monthly. That shows that when we do not keep pursuing such problems vigorously, the seriousness with which they are taken declines.

That is a concern for our constituents, who are frightened about burglaries. Even if nobody is injured in a burglary, somebody's home is tainted permanently by the intrusion and the theft of articles. Particularly for elderly people, that can often lead to a deterioration in health, and ultimately, in some cases, the old person sadly dies, not directly at the hands of the burglar but as result of the trauma of having been a victim of burglary. My hon. Friend speaks for his constituents and the country in highlighting that issue.

Michael Tomlinson: I am grateful to my hon. Friend for giving way again. I want to correct a potential misapprehension. My direction of travel for reducing the prison population of foreign national offenders holds true for the prison population as a whole. There may be a divergence of views here. I believe we should have a vigorous justice system, and I believe that the Bill is right about foreign national offenders, but I also believe that this should be the direction of travel for our entire prison population. I may have caused a misapprehension about that earlier. We can have both a vigorous justice system and a smaller prisoner population overall. This point of view may get me off the Bill Committee, but it is one that I hold firmly.

Mr Hollobone *rose—*

Mr Speaker: Order. I have no objection to the number of interventions—that of itself is perfectly orderly and many would say that it should be encouraged. But if Members could have some regard to their length—shortening thereof—that would greatly assist our deliberations.

Mr Hollobone: I am grateful, Mr Speaker, for your ever wise guidance, but I am sure you will agree that the interventions have been most illuminating, helpful and constructive.

I thank my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) for his intervention. I can see that we might disagree on aspects of justice policy, but I believe that Bill Committees should be inclusive. Members who hold a range of different opinions should be included, so my hon. Friend is back on the Committee. That is one of the mistakes that the Government are making, most recently with the Enterprise Bill, where all those who were against extending Sunday trading suddenly found they were not on the Bill Committee. The result was the events of this week, when the Government lost that part of their legislation. Given his views, which might be contrary to those of other Members, my hon. Friend would play a very constructive role in debating these issues on Committee, so I encourage him to pursue his views with great vigour.

It is shocking that 160 countries around the world are represented in our prisons.

Henry Smith *rose—*

Mr Hollobone: I shall read the list of shame of the countries that top that chart, based on the latest figures from the Ministry of Justice, but first I give way to my hon. Friend the Member for Crawley, as I promised.

Henry Smith: I am grateful to my hon. Friend for his generosity. I noticed that one continent was missing from his list—Antarctica. I do not mean to make light of a serious issue, but it illustrates the seriousness of the matter if every part of the globe except the most inhospitable part is represented in our prison population. That is an untenable situation.

Mr Hollobone: I am grateful for that intervention. My hon. Friend's attention to detail, which he has just demonstrated, is legendary in this place. He gives me a good idea. I have been struggling to think of somewhere to send the 434 individuals who refuse to declare their nationality. I wonder whether the prospect of a prison place in Antarctica unless they state where they originally came from might encourage them to reveal their true identity.

At the top of the list of shame is Poland, because 951 Polish nationals are incarcerated in our prisons.

Philip Davies: Is my hon. Friend aware that before we had the free movement of people within the European Union, which Polish people took advantage of, the number of Polish people in our prisons was only in double figures? Indeed, I think in 2002 it was as low as 45.

Mr Hollobone: My hon. Friend makes an extremely helpful point. It demonstrates one of the major themes that I want to get across today, which is that by being a member of the European Union we are importing crime into this country. Our membership of the European Union means that we have more crime and more criminals on our streets. The fact that Poland is in first place on the list of shame does that country no credit at all.

Jeremy Lefroy: My hon. Friend is talking about a very serious matter. I must declare an interest, because I believe that I have some Polish ancestry. Does he not agree that an awful lot of Polish people make a big contribution to this country? In Stafford I have a Polish club that resulted from the sacrifice and service that

[Jeremy Lefroy]

many free Poles gave to the allies during the second world war. Indeed, the Poles who come over and work hard on fruit farms and in factories around Stafford do a tremendous job. What we are talking about is a very small minority who abuse this country's hospitality.

Mr Hollobone: My hon. Friend is absolutely right. I am second to none in my admiration for the Polish people, the Polish nation and individual Poles. The Polish work ethic, frankly, would give many of our own citizens an example of how to behave in life. We have a lot to learn from them. My criticism is not of Polish people; it is of the EU system. Under EU rules, we are unable to prevent Polish citizens with criminal records from coming into this country, we are unable to send back to Poland the few Polish citizens who are convicted of criminal offences and imprisoned in our country, and we are unable to prevent them from returning. I am full of praise for the Polish nation and for hard-working Polish citizens. As on so many issues, my hon. Friend is absolutely right, but we must not ignore the fact that of the 160 countries represented in our prisons, Poland is in first place.

Mr Christopher Chope (Christchurch) (Con) *rose—*

Mr Speaker: Order. I say very gently to the hon. Member for Kettering (Mr Hollobone) that I hope he is not intending to provide biographical details of each of the people from Poland before proceeding to the second of the 160 countries of which he wishes to treat. If that is his intention, it might test the patience of the Chair. I feel sure that he is planning no such mission. On that note, no doubt he will take the intervention from the hon. Member for Christchurch (Mr Chope).

Mr Hollobone: Indeed, I give way to my hon. Friend.

Mr Chope: I am grateful to my hon. Friend for what he has said. Can he explain why the Polish Government are not prepared to allow Polish prisoners sentenced in this country to serve their sentences in Poland, which I understand is possible under the transfer of prisoners legislation promoted by the Council of Europe?

Mr Hollobone: I am grateful to my hon. Friend for that intervention, and I bow to his huge knowledge and experience of the Council of Europe and its various pronouncements. He is right to highlight the EU prisoner transfer agreement, introduced some years ago, which was meant to be the great panacea for the number of EU citizens in our jails. We were apparently going to be able to send EU prisoners in our jails back to their EU countries.

Craig Whittaker: I want to apply a different principle. My hon. Friend has noted that there are 10,442 foreign nationals in our prisoners. Can he tell us how many British nationals there are in prisons around the world? If we applied the same principle to them, how much would it cost us to have them back in our prisons?

Mr Hollobone: My hon. Friend makes a very helpful intervention; his lateral thinking on the issue demonstrates that he is an assiduous Member of the House. In answer to his question, I believe that each year about 4,000 people with British nationality are imprisoned overseas. I got that figure from Prisoners Abroad, which seems a very worthwhile human rights and welfare charity; it provides those people with humanitarian aid, expert advice and emotional support.

I hope that we will get the official figure from the Home Office or the Foreign Office when the relevant person arrives. Some of those British nationals will be in prison not because they have been convicted of any crime, but because they have been detained by the authorities of whatever country they might be in—and most of those countries will have criminal justice systems that are far less rigorous than our own.

It seems to me that, were we to sort this system out, 4,000 British nationals could be repatriated to serve their time here. I am not suggesting for one moment that all 4,000 would return immediately, but my hon. Friend asked for a figure and that is the one I have. In practice, the number of returnees would be a lot lower. Of course, that number is still a lot lower than the number of foreign nationals convicted and imprisoned in this country.

Julian Knight: Presumably the figure would be far lower, because many of the people imprisoned overseas will have been imprisoned for short periods of time, and perhaps for relatively minor offences that, for the purposes of the Bill, would not require deportation.

Mr Hollobone: My hon. Friend makes an extremely good point.

Mr Speaker, you will be relieved to hear that I do not actually know any personal details of any of the Polish prisoners, so I will not trouble the House with that information, but I am grateful, as ever, for your wise counsel and guidance.

Henry Smith: Before my hon. Friend moves on to the next country, could he say—perhaps he will come to this point later in his remarks—whether the Bill envisages a minimum custodial sentence before somebody is exchanged, perhaps six months, or would it be on the provision of being sent to prison?

Mr Hollobone: My hon. Friend makes an extremely good point about a key issue, and I will answer it, but his intervention has reminded me that I did not answer fully the point made by my hon. Friend the Member for Christchurch on the EU prisoner transfer agreement. Now that we have that agreement, apparently we can send back to EU countries those foreign EU nationals convicted and imprisoned in our country. But it is not working.

Specifically, Poland has a derogation until December 2016. Given that Poland is No. 1 on the list of shame, I would have thought that a key part of our renegotiation of the terms of our membership of the EU would have been for that derogation no longer to apply to Polish citizens living in the UK. As far as I am aware, however, Her Majesty's Government made no attempt at all to tackle the issue during the renegotiation. Poland has the largest number of foreign nationals in our prisons, yet Her Majesty's Government have done nothing, as far as I can see, to tackle the issue.

Mr Chope: The Polish people are renowned for their sense of family values. Why is it, then, that Poland does not wish to have its own patriots back in their country so that they can serve their sentences with their friends and family, thereby facilitating their rehabilitation?

Mr Hollobone: That is an extremely good question. The honest answer is that I do not know.

Mr Nuttall: May I suggest to my hon. Friend that one reason is that Poland might prefer this country's taxpayers to pay the costs, rather than its own?

Mr Hollobone: My hon. Friend may well be absolutely right.

Michael Tomlinson: I may be pre-empting my hon. Friend, but could I encourage him to look in due course at the term "qualifying offence", because there are some important provisions relating to whether that involves a term of imprisonment, as in the Bill, or whether a foreign offender would have to be in prison to qualify? Perhaps there are some interesting points there to develop. Will my hon. Friend come back to that in due course?

Mr Hollobone: It is okay: my hon. Friend is back on the Committee. He has made an extremely good point, which I hope he can repeat in Committee. My hon. Friend is quite right: we need to define what a qualifying offence is.

Clause 1(1) says that

"the Secretary of State must make provision in regulations for any foreign national convicted in any court of law of a qualifying offence to be excluded from the United Kingdom."

Subsection (4) of the clause—there are, of course, only two clauses—then defines a qualifying offence as meaning

"any offence for which a term of imprisonment may be imposed by a court of law."

That is important.

Henry Smith: I am grateful to my hon. Friend for giving way—he is the very model of generosity. I asked specifically whether the clause meant any custodial sentence, because we had an arrival over new year who was a resident of the Netherlands but an Afghan national. He assaulted a member of check-in staff at Gatwick airport. He was then released on to the streets of Crawley without any address. A few days later, he assaulted a female police officer with a hammer. He was then, finally, arrested again. I put it to the House that this foreign national should never have been allowed into this country. He also had a previous murder conviction in the Netherlands. I am therefore pleased to support the Bill, which would mean we were able to remove people from this country at the earliest opportunity.

Mr Hollobone: I knew the situation was bad, but the example brought to the House by my hon. Friend makes me think that it is a lot worse than I had feared. I invite him to intervene on me again to update the House on where this individual is now.

Henry Smith: I understand that this man is still being processed through the criminal justice system. I sincerely hope that, for two assaults within a week in my constituency, this Afghan national, who is a convicted murderer in the Netherlands, will receive a custodial sentence. I only wish that my hon. Friend's Bill were on the statute book so that this man could be deported back to the Netherlands to serve his sentence. Alas, I do not think that your Bill will make it on to the statute book in time, but I hope this case illustrates that the Bill is very necessary.

Mr Speaker: Order. Two things. First, "pithiness personified" is normally the title that I would accord the hon. Gentleman, and I hope that he will want to recover that status. Secondly, he referred to "your Bill". Debate, of course, goes through the Chair—I have no Bill before the House, but the hon. Member for Kettering has.

Mr Hollobone: In fairness, Mr Speaker, it is not actually my Bill. The Bill is in the name of my hon. Friend the Member for Wellingborough. However, I do have the privilege of being one of the sponsors, and I am pleased to be one of them.

Michael Tomlinson: Perhaps my hon. Friend could tease out a little more the meaning of "qualifying offence". As drafted, the definition is very wide and would cover even the most minor offences. For example, small, petty shoplifting has a maximum term of imprisonment of seven years and would, therefore, be caught by subsection (1). *[Interruption.]* I hear a "Hear, hear", but, on the other hand, this is a very petty offence. Is it really the intention of the Bill to cover such an offence?

Mr Hollobone: I can see that the Bill Committee will be extremely interesting. I appreciate my hon. Friend's point. I would take the view—I think other members of the Committee, although perhaps not all, would too—that a foreign national in this country who shoplifts should be removed forthwith and never be allowed to darken our shores again.

Julian Knight: On the definition of "may be" and the point that trivial crimes may be offences

"for which a term of imprisonment may be imposed by a court",

if foreign nationals commit a crime such as burglary, which is potentially due a custodial sentence in law, but that sentence is not dished out by the court, they would, effectively, come within the remit of the Bill.

Mr Hollobone: My hon. Friend is absolutely right, and I agree with him. That is why we have to be so careful about the wording. It may be that we need to strengthen the clarity of these provisions in Committee, because all too often, sadly, our courts do not impose a custodial sentence, even though they have the opportunity to do so. My understanding, and my intent in the Bill, would be that, even if a prison sentence is not imposed, as long as the offence carries the potential for imprisonment, the person should be deported, removed, transferred or repatriated—whatever the technical term is.

Philip Davies: I do not want to put too many flies in the ointment, but the term "may be" is ambiguous, because we also enter the realm of sentencing guidelines. If a sentencing guideline did not indicate that a prison sentence would be given, even though the crime comes, at its worst extent, with a custodial sentence, the term

"may be imposed by a court of law"

would be difficult to interpret.

Mr Hollobone: It is that sort of intervention that confirms my view that the Bill would be poorer if my hon. Friend were not on the Committee. He would bring to it a wealth of experience, not only as a Member of this House, but because he has concentrated on justice issues since he arrived here in 2005. The Bill would be far better were he kind enough to serve on the Committee.

Sir Edward Leigh: Has my hon. Friend received any notification from the Government about whether the Bill will be allowed to proceed to Committee?

Mr Hollobone: I have not received any such helpful indications from the Government, but I do not usually receive helpful indications about very much at all, so I am not necessarily taking the lack of an indication as a negative. I would hope that, given the presence of so many hon. Members here today, the Government might realise that the issue is important to our constituents and needs to be taken seriously.

I am still in a state of shock, having heard the intervention from my hon. Friend the Member for Crawley. We are told that we are safer being a member of the European Union, but my hon. Friend has given the House a clear, explicit example of how we are not safer. Here we have an Afghan national—he is not even a national of the Netherlands, but a resident there—who is a convicted murderer, but who can none the less fly into this country. Border Force does not know anything about him. He then commits an offence and is out on the streets in Crawley before being apprehended again. How on earth can we be safer and more secure in our nation with rules such as that?

Henry Smith *rose—*

Mr Speaker: Order. Just before the hon. Member for Kettering takes an intervention from the hon. Gentleman, I just remind him that the Bill contains two clauses, the first of which is the only substantive clause, containing four subsections. The second clause is simply the short title and commencement date of the Bill, and the Bill itself takes up a little over one page. As the hon. Member for Kettering has now dilated very eloquently and with great courtesy for 53 minutes, he might perhaps consider focusing, with that laser-like precision for which he is renowned in all parts of the House, upon the first clause of his two-clause Bill.

Mr Hollobone: I genuinely seek your guidance, Mr Speaker. Is it in order for me to suggest during the moving of the Bill's Second Reading that additional clauses be added to strengthen and clarify aspects that some Members feel are not necessarily covered by clause 1?

Mr Speaker: The Bill, of course, can be amended and, therefore, notably changed in all sorts of ways in Committee, but that cannot be done today. I have allowed the hon. Gentleman considerable latitude to establish the context and to explain the background to the introduction of his Bill, and I have no regrets on that score, but I feel sure that he will have plenty of meat to present to the House in respect of clause 1. On that clause I am sure he will shortly focus.

Mr Hollobone: Thank you, Mr Speaker.

Henry Smith *rose—*

Mr Hollobone: I give way to my hon. Friend the Member for Crawley.

Henry Smith: Before you leave the Chair, Mr Speaker—two esteemed Deputy Speakers are standing nearby—I just want to say that I am very disappointed in myself for not being pithy earlier and not observing the parliamentary protocol, so I offer my sincere apologies. I say to my hon. Friend that I think that one of the reasons why the majority of people in Crawley will vote to leave the European Union on 23 June is that they are so disappointed with this function of that organisation.

Mr Hollobone: I am grateful for that intervention. My hon. Friend speaks not only for his constituency, but for the nation in saying that we will have a better, safer, more secure and prosperous future outside the European Union.

I had mentioned No. 1 on my list of shame. I know hon. Members have been anticipating who No. 2 might be, and it is our good friends the Irish Republic. There are 783 Irish nationals in our jails. It seems to me that we have had a number of opportunities to negotiate their repatriation, not least when this country lent, I believe, £7 billion to help bail out—

Jeremy Lefroy: It was £3.5 billion.

Mr Hollobone: It was lots of billions to bail out the Irish economy. As part of that agreement for the lending of a substantial amount of money, I am sure we could have done something on repatriating Irish nationals.

No. 3, which, given the size of its population, might be a surprise to some, is Jamaica. There are 567 Jamaican nationals in our jails.

Sir Edward Leigh: It is completely absurd that we cannot deport people back to Jamaica, which is a completely safe country. If I am fortunate enough to catch Mr Speaker's eye, I shall make the point later that there is a particular case of our not being able to deport somebody back to the West Indies. The situation is so difficult that the British taxpayer is now actually funding a prison in the West Indies so that we can pay for people to go back to a prison for which we are paying.

Mr Hollobone: I am most grateful for my hon. Friend's intervention. May I welcome you to the Chair, Madam Deputy Speaker? It is always a delight to see you grace the Chamber with your presence, and your appearance has certainly made my day.

I have given the House some wrong information—perhaps my eyesight has let me down. I said that Jamaica is No. 3, but it is in fact No. 4. No. 3 is Romania with 629, and Jamaica is No. 4 with 567.

Jeremy Lefroy: I congratulate my hon. Friend on the Bill. I just want to make the point again about the enormous contribution that the Irish people have made to the United Kingdom. I declare again my Irish ancestry, but I hope I will not have to declare ancestry from 160 different countries. It is incredibly important that we do not let this distort the view of the huge contribution that the Irish people make to the economy of the UK,

and I hope the same is true the other way around. There are also many British people who commit crimes abroad, and they should be equally castigated. I would just like my hon. Friend to re-emphasise that we are talking about the very, very small minority of people who commit crimes in this country. We are not referring to the people as a whole.

Mr Hollobone: My hon. Friend speaks a great deal of common sense, as always. I have nothing but admiration for hard-working Jamaicans in this country who contribute much to our economy. What I would say, though—this is, in part, the purpose of this Bill—is that the fact that 160 nations around the world are represented in Her Majesty's prisons is a stain on those countries' reputations, which I would have thought those countries would want to try to get rid of. The way to get rid of it properly is to come to an agreement with this country, under which they take back their prisoners to prisons in their country. Then we will not have to have debates like this or read out lists of shame. Of course, the numbers from each of the countries involved are small, but as a percentage of our national prison population they are significant, and the cost to British taxpayers, as we have heard, could be north of £875 million a year.

Julian Knight: In actual terms, I suppose the numbers are small, but is my hon. Friend aware that the Polish figure is just over 900 from a population of, I believe, about 40 million, whereas the Jamaican figure is over 500 from a population of 3 million? That is a stark difference. I also echo the views of my hon. Friend the Member for Stafford (Jeremy Lefroy) on the contribution of the Irish and Jamaican populations.

Mr Hollobone: My hon. Friend is right to highlight those figures. There is a particular issue with Jamaica and drugs, and I think that is where the problem arises. To be fair, Her Majesty's Government have recognised that. In September 2015, the UK made an agreement with the Jamaican Government to start sending Jamaican prisoners serving time in British jails back to Jamaica. That is exactly the sort of arrangement that needs to be put in place with as many as possible of the 160 countries.

The agreement was concluded at the end of September by the then International Development Minister, my right hon. Friend the Member for Welwyn Hatfield (Grant Shapps). The official announcement of 30 September 2015 said:

"The agreement was concluded today after years of negotiations as the Prime Minister made the first visit by a UK Prime Minister to Jamaica in 14 years.

It is expected to save British taxpayers around £10 million over 30 years once the first prisoners are returned from 2020 onwards.

The UK will provide £25 million from the government's existing aid budget to help fund the construction of a new 1500 bed prison in Jamaica…The prison is expected to be built by 2020 and from then returns will get underway."

I know many supporters of the international aid budget are present, as are one or two Members who have slightly different views. Whatever one's views on Britain's international aid budget, I think we can all agree that it is extremely generous. I believe we are the only major western economy to hit our millennium goal target of spending 0.7% of our economy on international aid. I would hope that we can all agree that spending part of the international aid budget in this way makes a huge amount of sense. If we spend it on building prisons in those countries that have a large number of nationals imprisoned in our country, we can start to send these people back to those prisons, saving British taxpayers' money being spent on incarcerating them in our jails.

I am disappointed, however, that it seems to take so long to build those prisons. I do not understand why it takes five years to build a 1,500-bed prison in Jamaica. If we asked the Royal Engineers to put up a building, I am sure they could do it in double-quick time, and then we could start shipping these people back pretty soon.

I encourage Her Majesty's Government to make more such arrangements. They could certainly look at my list of shame for further opportunities. We have got to No. 4 on the list, which is Jamaica. No. 5 is Albania; there are 472 Albanians in our jails. Close behind in equal sixth place is Latvia. Let me get that right—I think it is Lithuania with 471, in equal sixth place with Pakistan. I am not an expert, but I believe the population of Pakistan is a lot bigger than that of Lithuania, so for Lithuania to have the same number of prisoners as Pakistan says something to me about why our membership of the European Union is not doing us any favours.

Mr Chope: Is there not an additional problem in relation to the large number of Lithuanian offenders in that they necessitate the use of very expensive translation services in the court system and in prisons?

Mr Hollobone: My hon. Friend is right. I know that he has raised that issue in the Chamber on numerous occasions, and rightly, because there are few issues that enrage our constituents more than the public money spent on translating things for people who, frankly, should learn to speak English if they want to stay in this country.

Pauline Latham (Mid Derbyshire) (Con): My hon. Friend is talking about the international development budget and prisons abroad. In the very uncertain world in which we now live, does he not agree that it is good that our Government are spending money on strengthening the legal systems in these countries so that they can deal with their own prisoners?

Mr Hollobone: Yes, I support that. A stronger legal system in these countries would help to facilitate the return of their nationals imprisoned in this country.

Michael Tomlinson: Clause 1(1) in fact refers to

"any foreign national convicted in any court of law".

I fear that my hon. Friend the Member for Christchurch (Mr Chope) may need to introduce a new Bill if we are to seek savings in translation services, because costs will inevitably be racked up in court proceedings to ensure that a foreign national is convicted so that they qualify under clause 1(1).

Mr Hollobone: My hon. Friend is right in part, but my hon. Friend the Member for Christchurch is of course talking about translation services as a whole. The longer a foreign national offender stays in this country, the greater the demand for translation services they will inevitably trigger during their incarceration.

[Mr Hollobone]

They may learn English while they are in prison, but it might not be the sort of English we want to encourage them to learn.

Jeremy Lefroy: My hon. Friend mentioned Lithuania. I have not detected that I have any Lithuanian ancestry. Does he agree that the fact that Lithuanians are prisoners in this country shows that they have freedom, whereas 20 or 30 years ago, when they were under the Soviet yoke, they were not able to travel to this country to work? As I have said, they and nationals from all the other countries that have been mentioned do a tremendous amount of good for the British economy. I agree that of course a few get into trouble and should be sent home, but does he agree that it is tremendous that the Baltic and other eastern European countries are now free from the Soviet yoke?

Mr Hollobone: I agree with my hon. Friend that it is fantastic that eastern Europe is now free from the Soviet yoke. He and I spent much of our political life worrying about the cold war—not seeing how it would end, and perhaps thinking that it would never end. Everyone is delighted that it has ended and that eastern European countries are now firmly on their way to becoming fully developed, westernised economies with democratic values and freedoms. That is all fine, but the problem with our membership of the European Union—this is one of the issues that the Bill seeks to address—is that we are not able to check which of the Lithuanians coming to our shores have got criminal pasts. It is an absolute fundamental of our national security that we should be able to stop anyone coming into this country and check whether they have some kind of criminal record, but our membership of the European Union means that we are simply not able to do that.

Sir Edward Leigh: Before my hon. Friend gets on to another country and mentions the number of criminals we would like to deport, and before my hon. Friend the Member for Stafford (Jeremy Lefroy) praises that country, may we just establish one fact? Those of us who support the Bill have absolutely no objection to the wonderful work done by Poles, Jamaicans, Lithuanians or Latvians; we simply want to deport people who are convicted criminals. That is all we want to do.

Mr Hollobone: It is not quite all we want to do. We actually want to stop convicted criminals coming into this country in the first place. I readily admit that that is not clear in the Bill as drafted, but that is something that we could strengthen in Committee. I am sure that that would enjoy my hon. Friend's support. The main aim of the Bill, however, is to send back foreign nationals convicted of offences to wherever they come from.

Henry Smith: I encourage my hon. Friend to consider, in Committee, greater controls and information flows from other countries, so that we can stop people who are already convicted criminals in other countries entering the United Kingdom in the first place. Our constituents would assume that that already happens, and if they found out that it does not, they would want—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Gentleman will be aware that what we must discuss this morning are matters in the Bill, not matters that are not in the Bill. The Bill is a short one, and I am well aware of what is in it. I am sure that the hon. Gentleman knows that sticking strictly to what is in the Bill is essential.

Mr Hollobone: I am grateful to you, Madam Deputy Speaker, as ever, for your wise counsel and guidance.

I want to praise Her Majesty's Government for the prisons initiative in Jamaica. We now come to No. 8 on the list, which is India.

Karen Bradley: As my hon. Friend is talking about prisons, I want to point out that the Under-Secretary of State for Women and Equalities and Family Justice is listening to the debate in the Chamber. I know that she will take note of all points that are specific to Ministry of Justice matters and feed them back to her officials.

Mr Hollobone: I am very glad that our hon. Friend is in the Chamber. I hope that she will be so impressed by my remarks that she will invite me to visit the prison in Jamaica, because I am keen to see for myself how our international aid money is being spent. I think that the initiative offers a sensible solution to the problem.

Mr Chope: Lithuania benefits enormously from the NATO presence in the Baltics. Is it not a disappointment that, while we are using our public money to help to secure Lithuania against an external threat, it is not prepared to use its resources to secure our people against the threat from their prisoners?

Mr Hollobone: As ever, my hon. Friend sums it up really rather well. He makes the case that his constituents would make, which is that our membership of these international organisations should work both ways. We are spending a great deal of British taxpayers' money in defending Lithuanians from the Russian threat, and the very least they could do is to take back their 471 nationals from this country to prisons in their own country. After all, we are supposed to have an EU prisoner transfer agreement, from which Lithuania does not have a derogation, so I do not understand why there is a problem.

I am anxious, as I am sure you are, Madam Deputy Speaker, to complete my list so that I can move on to other aspects of the Bill. There are some important countries at the bottom of the top 10. India, with 458, is No. 8, and I am looking for No. 9 on my list—

Craig Whittaker: Will my hon. Friend give way?

Mr Hollobone: Yes. I am grateful to my hon. Friend because while he intervenes, I shall try to find No. 9.

Craig Whittaker: Clause 1(1) will exclude

"any foreign national convicted in any court of law of a qualifying offence".

Will my hon. Friend clarify what would be a qualifying offence? We have trivialised things such as shoplifting as minor offences, but, having been a retailer for 30 years, I can assure him that some of us feel that it should be a

qualifying offence. I also point out that a former Minister for Crime Prevention said at the Dispatch Box not too long ago:

"Someone might start with shoplifting, but who knows where they will end up?"—[*Official Report*, 5 January 2015; Vol. 590, c. 10.]

Mr Hollobone: My hon. Friend makes a very helpful intervention. He speaks from personal experience and with great knowledge of these matters.

Bob Stewart (Beckenham) (Con): Personal experience of being a shoplifter?

Mr Hollobone: He has personal experience of being shoplifted, not being a shoplifter. The point that he makes is absolutely right, and it is an issue that the Committee could explore. Opinions will differ in Committee, but I share his view that shoplifting should be taken seriously. Unless criminal behaviour is nipped in the bud, it tends to get worse. If a foreign national thinks it is acceptable to shoplift in this country, I think most of my constituents would say, "That is not acceptable. Go and do it in your own country."

Michael Tomlinson: My point was not that shoplifting is trivial, but that it is trivial in comparison to other aspects of theft. It is a question of scale. I want to clarify that, because I would hate people to think that my personal view was that shoplifting is trivial. It is not: all crimes are serious, but there is a scale and it is well known that, among thefts, shoplifting is towards the bottom end of the scale.

Mr Hollobone: I suspect that my hon. Friend brings some legal experience to his advice to this House, for which we are all very grateful. That is why he will be such a valuable member of the Committee.

I just want to reach the end of my list before ending my speech and encouraging others to take part. There are two important countries at the bottom of the top 10 list of shame: Somalia has 430 and Nigeria is at No. 10 with 385. I know that my hon. Friend the Member for Stafford takes a lot of interest in Nigeria. If he wants to say some nice things about Nigerians, I am happy to give way.

Jeremy Lefroy: I am most grateful, and I will. All the countries in the top 10 that I have not yet commented on—India, Pakistan, Nigeria and Somalia—have nationals who are in this country legally and who are abiding by the law, as we would want them to. Those people are making a tremendous contribution. My hon. Friend is talking about people who are not abiding by the law. In just the same way, we would expect our own citizens who do not abide by the law in another country to be imprisoned and, perhaps, repatriated to this country.

Mr Hollobone: This might be an issue that the International Development Committee, on which he sits, might want to explore, because when one compares the list of the top 10 countries with the most foreign national offenders in our jails with the list of the 28 countries to which this country gives the most international development aid, three countries stand out—Nigeria, Pakistan and Somalia. All three countries are on the list of the 28 countries to which the Department for International Development gives international aid and in the top 10 list of countries with the most foreign national offenders in prison in this country.

Pauline Latham: Does my hon. Friend accept that many nationals from those countries send a huge amount of their own money back to their country to help their families who are still there? As my hon. Friend the Member for Stafford (Jeremy Lefroy) said, those people are good, contributing members of this society because they have chosen to come here and they add to what we have in this country. Obviously the criminals are the worst offenders we could possibly have and we need to get rid of them, but there are so many people here who work hard to help their families back home.

Mr Hollobone: And those people will be very embarrassed indeed that their fellow foreign nationals are clogging up our prisons in this way. They may be keener than us to see a sensible resolution to the problem.

The point that I want to make in drawing my brief remarks to a close is that, if we are giving so much money in international aid to Nigeria, Pakistan and Somalia, but those three countries are in the top 10 list of shame in respect of having foreign nationals in our prisons, surely we should do in those countries what we are doing in Jamaica—spending the international aid money that we are already giving them on building prisons in those countries, so that the prisoners in our country can be sent back to them.

Bob Stewart: If we do not build prisons, perhaps we should make it a condition of our giving aid to those countries that they take back their prisoners who have offended under our laws.

Mr Hollobone: My hon. Friend's bid to be on the Bill Committee is accepted. That is exactly the sort of constructive suggestion we need to strengthen the legislation.

Pauline Latham: Does my hon. Friend agree that if we did do that, the standard of the prisons we would provide would be far superior to the standard of the prisons that many developing countries provide for their citizens?

Mr Hollobone: I am not sure that my constituents are that fussed about the standard of prisons that are built in other countries—they just want the foreign nationals to be sent back to them—but I take the point that my hon. Friend makes.

I want to highlight one other issue that is of concern. I asked the Secretary of State for Justice how many foreign national offenders were serving their sentence in prison, and I have read out to the House the list of shame that I received. However, I also asked how many foreign national offenders were serving their sentence outside prison, and the answer that I got from the Ministry of Justice was:

"The number of convicted foreign national offenders serving their sentence outside prison is not published due to data quality."

In other words, "We don't know." I am very worried indeed about that.

Mr Chope: That answer surprises me because one of the Justice Ministers told us at Justice questions that the number of foreign national offenders in our prisons

[Mr Chope]

had declined. It is surely in the public interest to know whether the number has declined because they are serving their sentences outside prison.

Mr Hollobone: That is a very good point. Neither my hon. Friend nor I—nor, indeed, the House—is any the wiser because of Her Majesty's Government's obfuscation over providing the data. We can all sense that it is a real problem that we do not know how many foreign national offenders are loose on our streets. We have heard a couple of examples today from my hon. Friends the Members for Solihull and for Crawley of foreign national offenders being at large in our communities.

If this Bill became law, it would send a clear signal to our constituents and to the world at large—if you are a foreign national and you are in our country, you must not break our laws, and if you do break our laws, you will be sent back to the country from where you came and banned from ever returning. I commend the Bill to the House.

10.57 am

Sir Edward Leigh (Gainsborough) (Con): I am very grateful to you, Madam Deputy Speaker, for calling me to speak on this important Bill. The House will be relieved to hear that my comments need not be very long, because my hon. Friend the Member for Kettering (Mr Hollobone), with his characteristic courtesy, skill and devotion to the procedures of this House, has made such a comprehensive case in favour of the Bill that I cannot for the life of me understand why anybody would oppose the entirely common-sense proposals that he is elucidating this morning.

As we have heard, this issue is of enormous importance. Some 10,000 of our prisoners in custody are foreign nationals, but only about 1,000 recommendations for deportation are made each year. That is even more surprising given that this has been a matter of national debate for so long. There is immense public interest in this issue. Only this week, Rod Liddle, who is not an hon. Friend but a well-known journalist, wrote a most interesting article in *The Spectator* on precisely this subject. This is a not just a matter for a quiet Friday morning in the House of Commons, but a subject that is constantly discussed all over the nation.

Rod Liddle, in his inimitable way, portrayed the problem we are dealing with. We have heard that there are all these people gumming up our prisons who are not deported, but at last, apparently, the Home Office had decided to get tough in the case of Myrtle Cothill, a

"South African widow aged 92 who wished to see out her final days with her daughter in the UK."

But the Home Office said "tough luck, Myrtle" and told her she had to get on the next plane and leave the country.

Last week, I mentioned the case of a leading American Shakespearean scholar, who was frogmarched to the airport by the Home Office because he had stayed a few days longer. What the public cannot understand is why so many good people are being kicked out of our country, not least Myrtle Cothill—although after a national campaign and a huge petition, the Home Office finally relented—and yet all these convicted criminals are not being deported, at a massive cost to our taxpayers of up to £1 billion.

Mr Chope: Following our debate on this subject last week, I have received correspondence from people who are not my constituents but who know people—for example from the United States—who are being picked on in most unsatisfactory circumstances. It seems that the Home Office is going for the soft-touch people.

Sir Edward Leigh: That is the problem. Is the Home Office going for soft-touch people? We had that debate last week with the Under-Secretary of State for Refugees. He gave a skilful performance from the Dispatch Box, but he could not really deny my hon. Friend's impeccable case. Indeed, the Minister admitted that there are more than 30,000 illegal asylum seekers who cannot be deported, on top of the people we are talking about today, and all that has to do with the Dublin convention and the Human Rights Act 1998.

There was a firm pledge in the Conservative party manifesto to deal with article 8 of the European convention on human rights. There has been massive controversy and publicity about that, and I cannot understand why we are still waiting. I hope that when the Minister replies to the debate, she will tell us what has happened to our reform of human rights legislation, because this is a matter of great public interest.

Rod Liddle gave some interesting examples of such cases, and others have been enumerated in other newspapers. Let us consider the case of Baghdad Meziane. Baghdad is a convicted al-Qaeda terrorist, with links to the appalling people who committed that atrocity in Paris recently. As Rod Liddle states:

"He was convicted in a British court of raising money for al-Qaeda (and also of the ubiquitous credit-card fraud) and sentenced to 11 years in prison. At his trial the judge pointed out, perhaps unnecessarily, that Meziane was a very dangerous man and recommended deportation once his term of incarceration had expired."

But no. This "very dangerous" and unpleasant man, was actually released from prison five years early and allowed to return to Leicester. He was not put on the first available plane to Algiers, whence, despite his name, he originates.

"Baghdad argued that to deport him would contravene his human right to a normal family life."

Therefore this man, this dangerous individual, has been released back into our community in Leicester because he claims a right to family life, and despite lengthy legal battles, all our debates, and the Home Secretary's attempts at legislation, in Leicester he now resides.

Julian Knight: May I draw my hon. Friend's attention to another example where process and legality are failing? Andre Babbage was released from detention by the High Court because there was no prospect of deporting him to Zimbabwe, because he does not have a passport and does not wish to return there, despite a high chance that he will reoffend.

Sir Edward Leigh: That is what the public cannot understand. People are laughing at our system, and we are asking the Government to take action. Rod Liddle

also mentioned the case of J1—we are not told his real name, because that would apparently breach his privacy:

"J1 is a known friend and colleague of one Mohammed Emwazi, usually referred to by his stage name of Jihadi John"—

that is the Islamic State's late madman whom we know all about.

"J1 is known to be a senior organiser for Somalia's exciting Islamic terror franchise, al-Shabab, and has links to the Muslim extremists who tried to blow up London on 21 July 2005. For five years we tried to kick him out, but we have now given up and he is not even under surveillance any more".

Or how about CS? Again, we do not know CS's real name because of her right to privacy:

"But at least we know that CS is a Moroccan woman and the daughter-in-law of…Sheikh Abu Hamza al-Masri, now serving a life sentence in the USA for terrorism-related offences. It's the European Courts of Justice blocking her deportation, because she is the sole carer of her son in this country…She was found smuggling a sim card into Hamza's Belmarsh cell."

We cannot kick her out of this country, and we clearly need a Bill such as the one we are discussing. When the Minister replies, she needs to tell the British people why we cannot deal with such people.

Let us leave jihadists for a moment. The article continues:

"There's always the child rapists. Shabir Ahmed, aged 63, is serving a 22-year sentence for having been the ringleader of a gang of Pakistani paedophiles in Rochdale. Ahmed is petitioning the European Court of Human Rights to prevent his deportation. He claims that his trial was 'institutionally racist'".

The Home Office may fight, but I suspect that this man will be staying in a prison in this country.

Bob Stewart: I would go further than the Bill and say that when a foreign national commits a crime, we should have some sort of arrangement by which we send them back to their own country as soon as their sentence begins. If necessary, we will pay the costs of that, but let us get them out of our country as soon as possible.

Sir Edward Leigh: I will deal with that point in a moment, and that is precisely what Migration Watch UK—a very respected charity—is arguing. The article continues:

"We can't even get rid of the criminals who actively want to leave. Mohammed Faisal is a convicted 'drug lord' who is reportedly 'desperate' to get back to Pakistan."

However, the Home Office has messed up his papers, so he is staying put in this country.

"And what of the Yardies?" —

Jamaicans have already been mentioned—

"We couldn't send them to serve their sentences in Jamaica because the prisons are so bad it would breach their human rights."

So, as I made clear in an intervention on my hon. Friend the Member for Kettering, "in desperation", we are spending £25 million of taxpayers money on

"building them a nice prison there, maybe with views over Montego Bay. There is a plethora of national and supra-national legislation protecting the rights of the foreign criminal: the Human Rights Act, the Dublin Convention, the European Court of Human Rights, the European Courts of Justice. But none protecting the rest of us."

There are all those conventions and Acts of Parliament, but what about the British people who are paying for all this? They cannot understand how, after 10 years of debates, these people are still with us. They are laughing at us. It is not just a question of money; they are literally laughing at us. Many of them are not just serving time in prison, but they are being let out of prison and back into our communities, having committed appalling crimes. They are not being kicked out. *[Interruption.]* And no doubt they are indeed receiving benefits. That is why the British people are fed up and want action to be taken. It is unlikely that my hon. Friend's Bill will get to Committee because it is a private Member's Bill, but therefore the Government should act, and that is why this debate is important.

There have been many other cases. *The Daily Telegraph* and *The Sunday Telegraph* have run a long-standing campaign, and we owe them a great debt for dealing with this issue and trying to raise it on the national stage. *The Daily Telegraph* put it well:

"Sixty years ago, with the horrors of the Second World War still fresh and raw, lawyers devised a set of principles designed to prevent a repeat of the Holocaust and other depravities. This was the European Convention on Human Rights, enshrined in British law under Labour's Human Rights Act in 1998. In 1950, those lawyers did not set out to protect an immigrant's right to bowl a cricket ball on a Sunday afternoon"—

or any of the other absurd examples that we have seen in the press recently—

"nor did they agonise over any of the other absurd scenarios, uncovered by our campaign".

Julian Knight: The tentacles of the Human Rights Act spread far and wide and in ways that are perhaps not obvious at first to the outside observer. Does my hon. Friend agree that it is unacceptable for the Advocates General of the European Court of Justice to argue that the UK cannot expel a non-EU national with a criminal record who happens to be the parent of a child who is an EU citizen?

Sir Edward Leigh: Yes. There are so many absurd examples. Those lawyers, who were dealing with a Europe that had been devastated by fascism and Nazism and trying to create a reasonable body of law to protect us all, could not have foreseen how their work in 1950 in setting up the Council of Europe, on which my hon. Friend the Member for Christchurch (Mr Chope) and I are proud to have served, would mean that criminals could deliberately misuse and abuse the system.

There are appalling examples. For instance, Lionel Hibbert, a 50-year-old Jamaican criminal who fathered three children by three mothers within four months of one another, claimed he should not be deported because of his right to family life. Hon. Members will think that that is a ridiculous claim, but British judges agreed with it and overturned the Home Office decision because of that man's claim to family life. In another example cited by *The Daily Telegraph*, the violent drug dealer, Gary Ellis, a 23-year-old Jamaican, convinced a court that he had a stable family life with his young daughter and girlfriend, when in fact she had split up with him years previously and refused to allow him into her home.

The court's willingness to believe those stories and attach inappropriate weight to them is a huge problem—I concede that to the Government—but therefore we need more legislation. Ultimately, the courts have to subscribe to legislation passed by this House to make this absolutely watertight: if someone is convicted and if they are a danger to our society, they can be deported. That is what the Bill is about.

[Sir Edward Leigh]

Let me deal with the suggestion from Migration Watch, which is very much like what is suggested in the Bill. We know that there are some 10,000 foreign nationals in custody, and that only about 1,000 recommendations for deportation are made each year. We know that something is wrong. Should there not be—this is what the Bill is about—a presumption that deportation will be recommended for a wide range of offences that attract a sentence of 12 months or more, as well as for offenders who are illegal immigrants? The trigger should be lower for a second or third offence. Central records should be kept, including biometric information, which should be available to visa-issuing posts overseas to prevent offenders from applying for a visa under a false identity. I refer again to my intervention on my hon. Friend the Member for Kettering. That is a problem—there is nothing to stop somebody whom we have finally managed to deport from simply changing their identity and coming back.

We know that the current arrangements for the deportation of foreigners convicted of criminal offences are extremely unsatisfactory. Let us a least agree on that. When the Minister replies to the debate, let her acknowledge that the arrangements are unsatisfactory and that we should do something about it.

There are no clear guidelines for the courts. The general principles have not been revised sufficiently. Only 5,000 to 6,000 recommendations were made annually in recent years. There are no statistics on the number of deportations that are carried out, and no feedback to the courts. An offender cannot only appeal against a recommendation for a deportation; they can also appeal against a subsequent deportation order. They can claim asylum and appeal against a refusal of asylum. They can then seek judicial review of removal instructions following the failure of their claim. Who is paying for all those procedures? Who is benefiting from them? Is it the British public or is it lawyers and the convicted criminal? As I have said, that all happens at public expense.

Deportation cannot be recommended as a sentence in its own right, and nor can it justify a reduction of a sentence. Deportation recommendations are often considered towards the end of a custodial sentence. Why not at the beginning? That is what the Bill is about. If someone is convicted, on day one, this should be part of the sentence: "It's deportation, chum." Why are we still arguing about it years into someone's sentence?

As I have said, there is nothing to stop a deported criminal from returning to Britain under a false identity. A recommendation for deportation is a matter for the courts, but a decision is for the Home Secretary, who takes into account the circumstances in the offender's country of origin, humanitarian aspects and considerations of public policy. That sounds very fair, but what is being done on the ground?

The offender may appeal to an immigration judge against the Home Secretary's decision. The current position in law is that the court must consider whether the accused's presence in the UK is to its detriment. I believe—Migration Watch and many other people believe the same—that that is the wrong yardstick. There should be a zero-tolerance approach to serious criminal behaviour by foreign nationals, which should involve a presumption that deportation will be recommended for any offence that results in a 12-month prison sentence.

That sounds entirely logical, and if the Bill by some miracle becomes law, that is effectively what will happen. My hon. Friend the Member for Kettering talked of the Bill going to Committee, where I am sure he would prepared to accept a compromise. If the Minister comes back to us with a sensible compromise, we will consider it. I am sure he would be prepared to withdraw the Bill if the Minister announces today that we are adopting that policy of zero tolerance that involves a presumption that deportation will be recommended in any offence that results in a 12-month sentence.

That is a moderate proposal—it is the Migration Watch proposal, but my hon. Friends might want to ask for more. Migration Watch and I believe that the trigger should be a six-month sentence on a second conviction and a three-month sentence on a third conviction. Currently, magistrates may impose a maximum sentence of only six months, but that is to be increased to 12 months. Until that change is made, the approach I have suggested would mean that magistrates could recommend deportation for a second offence only. That, too, is a moderate proposal.

It is currently not possible to make deportation part of the sentence. Why? That is what we are asking for in the Bill. The law should be changed to permit that, to reduce the amount of time that foreign prisoners spend in prisons. Our jails are already so heavily overcrowded that we cannot carry out proper rehabilitation—we cannot afford it, and it is bad for prisoners. Surely the approach we are suggesting would be much better for prisoners. It is much better for the welfare of prisoners that those 800 Poles who are currently in our jails, or the 500 Jamaicans or Irish, are sent back to prisons in their countries, particularly when there is a foreign language involved, so that they can be rehabilitated and gradually put back into their own societies. It is not good for them or for our taxpayer that they are kept in our prisons.

Bob Stewart: That would be very good for the other inhabitants of our prisons, who would have more space. Our prisons are so overcrowded, and currently, more than 10% of our prison population are foreigners.

Sir Edward Leigh: That is what we are talking about—10%—so this is a matter of enormous importance.

As I have said, it is vital to avoid lengthy delays in custody, which is what the Bill would do, as I understand it. Deportation proceedings should commence on the very first day of the sentence. That is the key point.

Michael Tomlinson: Does my hon. Friend or Migration Watch have a practical solution on where to send the 400-odd prisoners my hon. Friend the Member for Kettering (Mr Hollobone) mentioned, who have not declared where they come from?

Sir Edward Leigh: That is an interesting question, and I confess that I do not have an instant response. My hon. Friend the Minister has heard that intervention, and I am sure she can deal with it. That just shows, does it not, how people are deliberately laughing at our system and abusing it? People should be aware of that.

Mr Hollobone: That is a tricky part of the issue—the 434 people who will not declare their nationality. How, on any basis, can we let them out of prison if they are

not prepared to tell us where they came from? Do we have to make special provision for them—a prison in a remote location, another country or elsewhere? Surely we cannot have those people walking our streets when they will not tell us where they come from.

Sir Edward Leigh: If, having been convicted, they are not prepared to tell the authorities where they are from, there should be a presumption that they will remain in prison until they do so. That might actually concentrate a few minds. Again, that is something for the Minister deal with.

As long as the United Kingdom remains a signatory of the 1951 refugee convention, criminals cannot be denied the option of claiming asylum, even after conviction. I believe that any such applicants should remain in detention and be put through the fast-track procedure I am talking about.

A serious weakness of the present system is that there is nothing to prevent criminals from returning to Britain under a false identity. Given that they are criminals, they would presumably have no compunction about changing their identity. To help tackle that weakness in the system, all those convicted should have their biometric information recorded and held centrally. As biometric visas are introduced overseas, visa applicants should be checked against the database. The records would detect those reoffending under a different identity. Perhaps the Minister will deal with the serious point raised today about the return to this country of criminals who change their identity. At the moment, we can apparently do nothing about it. We should keep biometric information so that we can identify them and stop them coming back.

Central records should, at the very least, include the immigration status of all those convicted, the number of recommendations for deportation and the number of deportations carried out. The courts should be informed of the outcome of the recommendations—I understand that at present they are not. I may be wrong about that, but the Minister can correct me if she wishes. There should also be a presumption that deportation is recommended for certain classes of offences, including drug offences, such as importation and supply but not necessarily possession; manufacture of class A drugs; people-smuggling offences; forgery of travel documents; serious violent and sexual offences; firearms offences; fraud; all offences involving the handling of the international proceeds of crime; and all defined immigration offences.

On day one, when someone is convicted under the proposals set out in the Bill, and under my suggestions to toughen it up if necessary, deportation proceedings should start immediately. They would be triggered by a certain length of sentence or a sentence for particularly serious types of crime. That is clear and simple, and it should be done. There should also be an automatic recommendation of deportation for offenders who are illegal immigrants and a presumption of deportation for offenders who are in Britain on a temporary basis, for example for work or study, which was dealt with in the Bill that we discussed last week.

As we know, the whole question of article 8 is a mess. We know why it was originally created, and I talked about how lawyers devised the arrangements in the early 1950s, but they are in urgent need of reform. Actually, article 8 specifically states exceptions to the right to family life. So far as those exceptions are in accordance with the law, they include public safety, the economic wellbeing of the country, the prevention of disorder or crime, and the protection of the rights and freedoms of others, for instance of law-abiding citizens.

It is difficult to know how many deportations from the United Kingdom are stopped on appeal due to article 8 arguments, as official figures vary depending on who we ask. Again, I hope the Minister deals with this point. The Courts Service says that in 2010—I am sure there are more up-to-date figures, but maybe these give a good example; I have just got them from the Library—223 people won their appeal against deportation. Of those, 102 were successful on the grounds of article 8. The independent chief inspector of the UK Border Agency said that in the same year 425 foreign national prisoners won their appeal against deportation, primarily on the grounds of article 8. If this debate achieves nothing else, perhaps we can get more up-to-date information on the exact effect of article 8.

Michael Tomlinson: Does my hon. Friend consider that the Bill, as drafted, would be strong enough to stop lawyers engaging in article 8-type arguments?

Sir Edward Leigh: We need to consider in Committee whether the Bill is strong enough to override article 8, if we are lucky enough to get the Bill to that stage.

Mr Hollobone: My hon. Friend is making an interesting and informative speech. Does he agree that one reason for the opacity of the figures is that it depends on how we ask the question? In researching this topic, I came across the fact that there are deportations, removals, transfers and repatriations. I do not know what the difference is between those four things, but depending on which one we ask about, we get a different answer.

Sir Edward Leigh: Exactly. This is an absolute minefield, and because of that it is prone to manipulation by clever lawyers—I can put it no other way. Frankly, the law needs to be cleared up. I suspect we cannot clear it up unless we repeal the Human Rights Act 1998 and repatriate this whole part of our law into a British Bill of Rights. Lawyers would still argue about the provisions of a British Bill of Rights, but at least we would have created the law in this House and tried to bring some clarity to these matters. Above all, we could try to recreate public confidence. We can become enmeshed in the details, and I am sorry if I have had to go into some of them, but let us focus, laser-like, on what the public are talking about. The public cannot understand that there are 10,000 people convicted of offences sitting in our jails who we are not sending home. Worse, many of them are coming out of our jails and staying in this country. That is what the public want the Government to deal with.

Michael Tomlinson: I mentioned lawyers a few moments ago. I declare an interest as a lawyer. Lawyers can find arguments, but the law needs to be clear. The clearer the law is, the less room there is for argument in courts by lawyers and the less reason for judges to make mistakes.

Sir Edward Leigh: Like my hon. Friend, I, too, am a lawyer. We are only doing our jobs. Give us unclear law and a client to represent, and we will put forward our

[Sir Edward Leigh]

best case. It is up to the Government to give us clear law. Judges have been known to reconsider deportation on appeal if they feel that it is a punishment disproportionate to the crime committed. That even happened in the case of a crime that resulted in death, in Gurung *v.* the Secretary of State for the Home Department. If the law is unclear, we open up all sorts of possibilities for lawyers to drive a coach and horses through what we are trying to achieve.

Mr Chope: Does my hon. Friend not agree that the ancient English principle of equity should be applied in these cases—that people cannot seek justice unless they come with clean hands?

Sir Edward Leigh: That is an interesting point. As usual, the common law of our country, developed more than 1,000 years ago, has an enormous amount of common sense. Perhaps we should worry less about bringing in more laws and more about enforcing present common law.

I will come to the end of my speech in a moment, to allow others to speak. To be fair to the Government, they have tried to do something because of the massive public debate. When the Minister responds to the debate, I suspect she may say that the Bill is not necessary because there is already legislation to deal with the problem. Is she shaking her head, or she is nodding? It is not fair of me to interpret her sedentary signs. However, that is a common response from Ministers.

Let me end on this point. Section 32 of the UK Borders Act 2007 provides:

"The Secretary of State must make a deportation order in respect of a foreign criminal"

if they have been convicted of an offence and sentenced to at least 12 months' imprisonment. The Act specifies that in those circumstances the deportation of persons will be

"conducive to the public good"

for the purposes of the Immigration Act 1971. Section 33 of the 2007 Act, as amended, identifies six exceptions to automatic deportation. In addition, section 3(6) of the 1971 Act provides that non-British citizens over the age of 17 are liable to deportation from the UK if they are convicted of an offence punishable with imprisonment and their deportation is recommended by the court, although the 2007 Act has somewhat curtailed the scope for criminal courts to make recommendations for deportation. A person cannot return to the United Kingdom while a deportation order remains in force against them, although they can apply for the order to be revoked.

I am sorry to have read out those points. I do not want to sound too much like a Minister—[Hon. Members: "No!"] God forbid. But one would think, would one not, that the law was clear, given the 2007 Act, coupled with the Immigration Act 1971 and recent pronouncements by the Home Secretary? One would think that clear powers were available to Ministers to deal with the problem and deport these people. However, that is simply not happening. There are still 10,000 of them in our prisons, and many of them are living in our communities having left prison and not been deported. I am worried about what is happening on the ground. We have in power for the best part of six years, and this has been an issue of public debate for many more years, so I should like the Minister to explain why we are still waiting for action.

The problem involving the European Union has already been mentioned, but I want to say something about European economic area nationals. The scope to deport EEA nationals is restricted by European law. Specifically, directive 2004/38/EC—often referred to as the free movement of persons directive or the free movement of citizens directive—sets out the circumstances in which an EEA national with a right to reside in another member state, or the family member of an EEA national, may be expelled. The directive does not specify any particular sentence thresholds that must apply to expulsion cases. Instead, it requires that expulsion must be proportionate and based exclusively on the personal conduct of the individual concerned and the level of threat that they pose to public policy or public security. Previous criminal convictions cannot, in themselves, be grounds for expulsion, nor can expulsion be justified on general prevention grounds. Furthermore, more demanding grounds are required to deport EEA national offenders who have resided in a host member state.

In November, in a letter to Donald Tusk, the Prime Minister set out the United Kingdom's demands for reform in the area of immigration and social benefits, which included a demand to:

"Crack down on abuse of free movement, e.g. tougher and longer re-entry bans for fraudsters"

—this is the Prime Minister speaking, not me—

"and those involved in sham marriages, stronger powers to deport criminals and stop them coming back"

—some of that is in bold type—

"addressing the inconsistency between EU citizens' and British citizens' eligibility to bring a non-EU spouse to the UK, and addressing ECJ judgments that have made it more difficult to tackle abuse."

Moreover, in the Conservative party manifesto, on which we all stood and which we wholeheartedly endorse in every single respect, we said:

"We will negotiate with the EU to introduce stronger powers to deport criminals and stop them coming back, and tougher and longer re-entry bans for all those who abuse free movement".

Why is there so much dissatisfaction with politicians? Perhaps it is partly because, despite what we sometimes say in letters to high officials of the European Union or in our manifestos—we stated specifically in the Conservative party manifesto that we would deal with this problem and deport these people, and that a negotiation was taking place—we are still discussing this issue on a Friday. I predict that we will not secure the Minister's agreement to this Bill, or to a Bill like it, but the matter is urgent and should be dealt with.

11.33 am

Philip Davies (Shipley) (Con): I congratulate my hon. Friends the Members for Wellingborough (Mr Bone) and for Kettering (Mr Hollobone) on, between them, ensuring that we are debating the Bill this morning, because it deals with a matter that is of great concern to my constituents.

I want to focus on two questions relating to the Bill. The first is the question of whether it is needed, and the second is the question of whether its provisions are

satisfactory. It could be argued, in answer to the first question, that the Bill is extremely timely. Members may have seen, only yesterday, an article in *The Times* which focused on the fact that five foreign criminals leave UK jails every day and stay in the UK. It stated that nearly 6,000 are waiting to be deported. The number of foreign offenders in the community has risen by 53% in five years, despite Government attempts to speed up deportations.

I think that support for the Bill is more widespread than many Members may imagine. The Chairman of the Home Affairs Committee, the right hon. Member for Leicester East (Keith Vaz), was quoted in the article as saying:

"The Prime Minister promised to make the speedy removal of foreign national offenders a priority but these figures show the Home Office has failed…The public will be alarmed that 1,800 offenders are still here after five years. This demonstrates either incompetence, inefficiency or both."

The number of foreign offenders released from jail pending deportation rose from 3,772 in 2011 to 5,789 in the final quarter of last year, and, as the Chairman of the Home Affairs Committee made clear in his remarks—I think that this needs to be reiterated—more than 1,800 of them have been living in the community for five years or more. That is a disgrace. Moreover, a further 1,300 have been living here for between two and five years, and of 416 prisoners who were released in the last three months of last year, only six were deported. That is an absolute disgrace. The Bill is, as I said, very timely.

Probably the most shocking thing of all—I know that my hon. Friend the Member for Kettering will be particularly shocked by this—is that the Home Office figures that were released showed that foreign offenders convicted of 16 murders, 56 rapes and hundreds of robberies and violent attacks were still living in the UK at the end of last year. That is the nature of the beast with which we are dealing. I am afraid that, whatever the Government are doing, it simply cannot be seen as good enough. Those figures should shock all of us, and I hope that they shock the Government.

The widespread support for the Bill is also made clear by an intervention, during questions on an urgent question in 2014, from the former shadow Home Secretary, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), who said:

"When people come to Britain, they should abide by the law, and the whole House wants to see foreign criminals being deported."—[*Official Report*, 27 October 2014; Vol. 586, c. 903.]

She said that only a couple of years ago, from the Labour Benches. I look forward to seeing support for the Bill not just from Conservative Members, but from Members on both sides of the House.

Given that the EU referendum is to take place on 23 June, and given that EU national offenders make up an increasingly large part of our prison population each year, I think it right for people to be informed of the realities of our EU membership, and of what control this country actually has over the removal of foreign national offenders, particularly those from the EU.

Mr Chope: Is it not depressing that the Government are not even prepared to name and shame the member states of the EU that are not taking back foreign prisoners? Their excuse is that publishing such data could undermine diplomatic relationships with those countries.

Philip Davies: I agree with my hon. Friend. In my view, it is the failure of those countries to take back foreign offenders that is undermining diplomatic relationships, rather than the release or otherwise of the information.

The Bill clearly aims to do something that I think most people would consider to be common sense: to deport criminals who are not citizens of this country if they commit an offence that is serious enough to warrant a prison sentence. I think that it is important to establish whether someone qualifies for deportation, but I shall come to that when I go into the details of the Bill.

Governments have not resisted the principle of deporting foreign criminals. In fact, it was the last Labour Government who introduced measures for their automatic deportation in certain circumstances, in the form of the UK Borders Act 2007. I do not propose to bore everyone rigid by quoting from its provisions here and now, but suffice it to say that it made a clear attempt to define foreign criminals and to ensure that, in certain circumstances, they were removed from prison. The key part of that Act, the first condition, was that a person is sentenced to a period of imprisonment of "at least 12 months"—along the same lines as what my hon. Friend the Member for Gainsborough (Sir Edward Leigh) mentioned in his speech. The Labour Government introduced that provision back in 2007.

There were some exemptions within the Act. I shall not bore everybody rigid by going through every single one, but there were quite a few, if anyone would like to look through the legislation. The exceptions included where deportation would breach a person's convention rights under the ECHR; where people were covered by the refugee convention; where the offender was under 18 years old at the time of offending; where the deportation breaches the offender's rights under Community treaties; and where the foreign criminal is subject to the Extradition Act 2003 or to the Mental Health Act 1983.

Herein lies the problem, because the exemptions make it virtually impossible to deport anybody. That is the key issue. It is all very well saying, "We're going to have an Act of Parliament with this particular provision in it", but if people cannot be removed because of a potential breach of the Human Rights Act or rights under the Community treaties, which provide for the free movement of people, we are in big difficulties. Given the high proportion of EU citizens who count as foreign offenders, the legislation is barely worth the paper it is written on.

Mr Chope: Is that not why clause 1 of this Bill includes the words

"Notwithstanding any provision of the European Communities Act 1972"?

Philip Davies: My hon. Friend is absolutely right and he explains why that part of the Bill is essential. I shall come on to some of the detail in the Bill later.

Our former colleague and the former Member for Wells, David Heathcoat-Amory, in his book "Confessions of a Eurosceptic", reminded us of what happened when it was reported that more than 1,000 foreign prisoners

[Philip Davies]

were released without being considered for deportation when Charles Clarke was the Home Secretary. That particular scandal cost Charles Clarke his job. The public believed it was a huge scandal, which it is. The release of 1,000 foreign prisoners without being considered for deportation was sufficient for the Home Secretary to resign, yet as a newspaper reported yesterday, 1,800 of them have been here for more than five years. If 1,000 was enough for the Home Secretary to resign, one wonders what the trigger point for a scandal is these days.

A fair deportation system should, it seems to me, treat all foreign offenders in the same way. I do not think there can be any justification for saying that a foreign offender from one country should be treated differently from a foreign offender from a different country. This has become a growing problem. As my hon. Friend the Member for Kettering said, there have been more than 10,000 foreign national offenders in prison since 2006. This is not a new problem. Given current levels of immigration into the UK, of course, there is no prospect at all of the number going down anytime soon.

Mr Hollobone: My hon. Friend is quite right to cite these statistics on the number of foreign national offenders in our jails, which has been over 10,000 for about 10 years. The obvious and simple point to make is that these are not the same 10,000, because each year there is a rotation of foreign national offenders through our prisons. People who commit offences in our country are then released back into our country, so the scale of the problem of foreign national offenders in Britain committing crimes amounts to more than 10,000.

Philip Davies: My hon. Friend is absolutely right. Someone could argue that it is no good deporting foreign nationals if border control has no way of knowing whether people have got a criminal conviction; they will simply re-enter the country in no time at all. If deportation is to be meaningful, it seems to me that we have to do something different at the border control to make sure that these people cannot come straight back into the country again.

Michael Tomlinson: The 10,000 figure relates to prisoner numbers, but according to clause 1(4), far more than that would be caught by these provisions. It is not those who are sentenced that counts on the face of it, but those for whom a term of imprisonment for an offence "may be imposed" by a court, which means far more than 10,000.

Philip Davies: Yes, indeed—and that is good news, as far as I am concerned. I am not sure that my hon. Friend would agree, but it is good news for me. I shall come back to the detail of that provision later because it raises an important point.

Interestingly, when it comes to this Bill, my hon. Friends have removed the provisions that make it applicable to someone sentenced only for 12 months or more, which was the intention of the 2007 Act. There had to be that trigger point, and the issue was raised in interventions earlier. I believe it important that the Bill removes the 12-month criterion. There are many reasons, but basically, I do not think we want any foreign criminals in the UK—whatever the length of prison sentence, which should be irrelevant.

This issue has led in some cases to what I would call dishonest sentencing. Sentences have been deliberately manipulated in order to avoid the deportation trigger. In the case of the Crown *v.* Hakimzadeh in 2009, the Court of Appeal approved an adjustment in the structure of the sentence in order to avoid the automatic deportation criterion, imposing instead two consecutive sentences of nine months and three months. This not only promotes dishonesty in sentencing, but undermines the basic principle of abiding by the law. In another case, a drug dealer was sentenced in the Inner London Crown Court in 2011. In sentencing him, the judge said:

> "The sentence I have had in mind was 12 months, but it seems to me that it isn't necessary for me to pass a sentence of 12 months, because a sentence of 11 months will have the same effect, and it would take away the automatic triggering of deportation. I have taken into account that if you were to be deported it is bound to have a devastating effect on your three children, who I'm told are lawfully here in the UK."

So we have judges who are not giving the sentences they think should be given, on their admission, in order to avoid the 12-month trigger. That cannot be right.

Michael Tomlinson: My hon. Friend has highlighted two important and interesting cases where judges have explicitly stated their reasoning for giving a sentence lower than they might otherwise have done. Again, however, we are in danger of criticising lawyers and judges—a very popular thing to do—when it is in fact the law that must be clear. If this Bill is to pass, it must be absolutely clear, and it should be this place that determines the policy, not our judges.

Philip Davies: I have some sympathy with what my hon. Friend says, but he is being kind to judges, which is typical of the legal profession. On the same principle, MPs are always kind to the Speaker because they feel that something bad will happen to them if they start criticising. It seems to me that the law is clear. If someone is sentenced to prison for 12 months, they get deported. There is no problem with the clarity of the law. The problem is the judges manipulating the sentence to show a wilful disregard for the law.

Mr Hollobone: Is not the first consequence of this that foreign national offenders are getting lighter sentences than a British domestic prisoner would get for the same offence?

Philip Davies: My hon. Friend is absolutely right; it is a scandal, whichever way we look at it. The person was given 11 months rather than 12 months, despite the fact that he had arrived in Britain in Christmas 2000—11 years previously—when he was given permission to stay for only four days! He was convicted 11 years later.

Mr Nuttall: Does my hon. Friend agree that the deliberate frustration of the will of elected parliamentarians in this place on behalf of the people is what brings politics into disrepute, when people subsequently blame us rather than the judges? They say, "It must be the politicians' fault because our MPs did not put in place sufficiently strong pieces of legislation to stop this from happening."

Philip Davies: My hon. Friend is absolutely right. It is incumbent on us to point out when such things happen so that people can draw their own conclusions as to what the problem is. It seems that the law, which is clear and was created with all the right intentions—I do not criticise the previous Labour Government for that—has been thwarted by judges who have clearly decided that they do not agree with it. I have no problem with a judge who does not agree with a particular law, but if that is their position and if they want to affect the law, they should quit being a judge and try to get themselves elected to Parliament. They should not use their position to thwart the will of Parliament. That is not what they are for, but that is clearly what they are doing.

The point made by my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) about the qualifying offence is an issue that has arisen in previous debates in the House on these matters. My right hon. Friend the Member for East Yorkshire (Sir Greg Knight) raised the issue the last time that such a Bill was debated and also thought that the qualifying offence was perhaps a little too wide, which is something that we should consider today. The Bill states that the qualifying offence

"shall mean any offence for which a term of imprisonment may be imposed by a court of law."

As my hon. Friend the Member for Mid Dorset and North Poole quite rightly said and as my right hon. Friend the Member for East Yorkshire said in a previous debate, that does not necessarily mean that the offender has to have been sent to prison, just that they have to have committed an offence that may be punishable with imprisonment.

The problem is that I am not entirely sure what that means. Other people may also not know what it means. Most importantly of all, judges may not know what it means. It could mean that if somebody is convicted of an offence that could lead to a prison sentence, they are automatically deported. That may well be the Bill's intention; I get the impression from my hon. Friend the Member for Kettering that that is the intention, and I have no quibble with that. In fact, to be perfectly honest, I would prefer it to go a bit further and say that the imprisonment does not matter and that if anybody commits a criminal offence—full stop—they should be deported from the country. I would make it very simple so that there is no argument at all.

Henry Smith: That is precisely the point that I wanted to make when I intervened on my hon. Friend the Member for Kettering (Mr Hollobone) to refer to the case in Crawley over the new year, in which an Afghan national, a Dutch resident, committed a violent offence against check-in staff at Gatwick airport and yet was released on to the streets of my constituency. Such measures would have prevented that from happening.

Philip Davies: I agree with my hon. Friend. The problem is that we see all the time how difficult it is to be sent to prison in the UK. Someone either has to commit serious offences or be a persistent offender. Even if someone is a persistent offender, the chances are that they may not get sent to prison.

In fact, a while back, I asked a parliamentary question about the proportion who are sent to prison of people who come before the courts with 100 previous convictions. Would you believe it, Madam Deputy Speaker: if someone goes to court with more than 100 previous convictions, they are statistically more likely not to be sent to prison? If the Bill referred only to people on whom a term of imprisonment is imposed, that would be hopeless, because people will be getting away with crime after crime, being given community sentence after community sentence, and still causing havoc in the community.

Mr Hollobone: Does my hon. Friend know what happened to "three strikes and you're out"?

Philip Davies: As I have already suggested, an awful lot of things on the statute book are not being implemented by judges. Some offences do not carry a prison sentence, so that would not apply no matter how many strikes someone has. We now have a mandatory prison sentence for a second offence of possession of a knife, but we saw just this week that only half of the people to whom that should apply have been sent to prison. The House's intention is clearly not being followed by the courts, which is why we have to make the law as clear cut as possible to avoid such problems in future.

Pauline Latham: Rather than bring in yet more legislation, should we not put pressure on judges to follow the current legislation? They are clearly failing in their duty to send to prison the people who should be sent to prison. It is also clear that we are regularly not deporting the people who should be deported.

Philip Davies: I agree with my hon. Friend's sentiments, but, given where we are, we are going have to do something to give judges as little discretion as possible, because the more discretion we give them, the more they defy the will of Parliament.

Sir Edward Leigh: I apologise to my hon. Friend if during my remarks I stressed my personal point of view, which is that if someone is sentenced to more than 12 months, they should be deported. I am not agonising too much about that. The problem is that so many of the people who are sentenced to more than 12 months are not being deported. Does my hon. Friend see that point? We should just concentrate on doing away with article 8 and getting our own Bill of Rights so that we can actually deport these serious criminals.

Philip Davies: I could not agree more with my hon. Friend.

For completeness, I should say that the Court of Appeal stated in R *v.* Mintchev:

"As a matter of principle it would not be right to reduce an otherwise appropriate sentence so as to avoid the"

automatic deportation provisions. A further clarification stated that

"automatic deportation provisions are not a penalty included in the sentence. They are instead a consequence of the sentence."

My public service broadcasting message from today to judges is that they should look at the Court of Appeals judgment in that case, so that we do not end up with any other problems like that. There are many crimes for which sentences cannot be appealed, so it is important that judges deal with things the first time. We cannot always rely on the Court of Appeal.

Mr Hollobone: I am sure that most judges in this country have my hon. Friend on their Twitter feed and will be updated instantly with his pronouncements in

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the House. Might it do a service to the country for the Ministry of Justice to recirculate to judges the findings in that case so that they are reminded of what the Court of Appeal has said?

Philip Davies: My hon. Friend makes a helpful suggestion. I hope that the Parliamentary Under-Secretary of State for the Home Department takes note and will deal with that.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Would the hon. Gentleman mind repeating the name of the case? I did not hear what he said.

Philip Davies: I apologise for not being clear. The case was from the Court of Appeal in 2011 and was that of R *v.* Mintchev. I appreciate your seeking clarification, Madam Deputy Speaker.

I fear that my Twitter feed would not be enough. I have 12,000 followers, all of whom hate me, so I am not entirely that the message would get across to my target audience.

As for how effective we currently are in removing foreign national offenders, the Public Accounts Committee released a report in January 2015 called "Managing and removing foreign nationals" that considered the effectiveness and efficiency of managing foreign offenders in UK prisons. I must say that the Committee's summary was damning. It said:

"It is eight years since this Committee last looked at this issue. We are dismayed to find so little progress has been made in removing foreign national offenders from the UK. This is despite firm commitments to improve and a ten-fold increase in resources devoted to this work. The public bodies involved are missing too many opportunities to remove foreign national offenders early and are wasting resources, through a combination of a lack of focus on early action at the border and police stations, poor joint working in prisons, and inefficient caseworking in the Home Office."

I will not go through all of the conclusions, but it was a damning report. We can clearly see that the system is not working.

When we consider the success rate of the Home Office in removing foreign criminals, we can see that it falls short of its own figures. The number of removals is very low compared with the number of referrals to immigration enforcement. Of the 5,262 referrals to the immigration enforcement team up to September 2015, only 2,855 people —50%—were removed. The Department was handed these people on a plate, but only half of them were removed.

I will not go into the figures for foreign national offenders in prison, because my hon. Friend the Member for Kettering went through them very clearly. His figures match mine and also match those of the National Audit Office. It is interesting to see why these removals fail. In its 2014 report, the National Audit Office concluded that 523 removals failed because of issues deemed to be within the control of the Home Office, and 930 failed removals were due to factors outside the control of the Home Office.

In 2013-14, of those reasons deemed to be within the Department's control, 159 removals failed because emergency travel documents, EU letters or other documentation needed to transport the offender were unavailable. In seven cases, they failed because the tickets for travel had not been booked. It is a farce that someone had forgotten to book the tickets—you couldn't make it up. How on earth that can happen, Lord only knows.

According to the NAO, the largest reason for failed removals that were deemed to be outside the Department's control was offenders making an appeal outside the 28-day deadline. They might have submitted an asylum claim, a leave to remain claim or human rights claim. There might have been an injunction, a judicial review or representations received from a medical professional, a Member of Parliament or another Government Department. In 2013-14, 323 removals failed due to those reasons.

We have a situation where the Home Office is trying to kick someone out of the country, and another Government Department is working hard to keep them in the country, which does not say a great deal for joined-up Government. Perhaps the Minister can explain that. The National Audit Office produces a list of all the various failures, the reasons and how many there were for each, and I encourage people to look at it.

One problem is litigation. Indeed, in 2014, in response to an urgent question on this very subject, the Home Secretary said:

"The main problem we face is the rise of litigation; we have seen a 28% increase in the number of appeals."—[*Official Report*, 22 October 2014; Vol. 586, c. 905.]

With an estimated £81 million spent in legal aid costs for foreign national offenders, it is clear that the whole process is not only time-consuming, but very expensive. In effect, the Government are paying to thwart the Government in deporting people from the country.

I am not sure whether my hon. Friend the Member for Gainsborough mentioned the case of William Danga in his remarks, but let me explain that Danga was convicted of raping a 16-year-old girl. After completing his prison sentence, he challenged deportation on the grounds that he had a right to a family life. It was deemed that he could remain here because he had a girlfriend and a young child. This is someone who had raped what I would consider to be a child. Commenting on the case in 2011, a judge said that it was remarkable that he had not been deported for committing the rape. Clearly, there are some sensible judges around.

I raised this very issue with the Home Secretary in 2014, and suggested that, because we are not deporting people, we must ensure that we are tougher at the borders; and that we should take the DNA of foreign nationals who want to enter our country, which I thought was a small price to pay for keeping us safe.

Another concern is over foreign national offenders who are subject to deportation orders and who are then moved to open prisons—you couldn't make it up. A foreign national has committed an offence and the Government clearly want to deport them, but the Ministry of Justice moves them into an open prison, where people can literally just walk out of the gates. Again, the Government have to do something about the scandal of foreign nationals subject to deportation orders doing that. In 2013 alone, 190 foreign national offenders absconded from our prisons. These are schoolboy mistakes in keeping tabs on people we want to deport.

Mr Hollobone: This is the most interesting aspect of the whole subject that my hon. Friend is developing. He said that 190 foreign national offenders absconded from open prisons, but does he have the figures—perhaps the Minister could provide us with them later—for the number of foreign national offenders in open prisons subject to deportation orders at any one time?

Philip Davies: I have that information somewhere, but it would try the patience of the House if I were to stand here rifling through my papers in order to find it. However, I can tell my hon. Friend that the information is in the public domain. The Ministry of Justice holds that information and publishes it, so I hope that he will find it for himself. If I come across it, I will tell him, but that might be hard.

Mr Hollobone: Perhaps the Minister can update the House when she responds, but what I am trying to get at is whether the figure of 190 is a large or small percentage of the number of foreign offenders in open prisons subject to deportation orders. What is my hon. Friend's feel for the scale of that part of this problem?

Philip Davies: It is a significant figure. All these things add up; there are many different elements. I want to come on to the cost, which has been one of the issues raised in the debate.

Craig Whittaker: On that same point, will my hon. Friend elaborate on what he thinks are the reasons that those awaiting deportation are sent to open prison rather than a closed prison?

Philip Davies: It is not for me to answer for the Ministry of Justice, but it seems that the policy it adopts is that foreign national offenders are treated just like any other prisoner and, even if they are subject to a deportation order, will be sent to an open prison if they meet the criteria. One can understand that logic, but clearly there is a flaw in the procedure when somebody has an easy way of avoiding deportation.

Michael Tomlinson: Before my hon. Friend moves on to the issue of cost, I want return to his point about lawyers. I am not trying to be kind or nice to lawyers or judges, but simply make the point that the cases he cites emphasise the need for us in this place to pass laws that are as clear and simple as possible so that the will of Parliament can be effected.

Philip Davies: Yes. I agree with and endorse my hon. Friend's point.

Mr Hollobone: Will not cost be the answer to the question from my hon. Friend the Member for Calder Valley be cost? The fact is that the Ministry of Justice, with our prisons full and with 10,500 foreign national offenders mainly in two prisons, will be looking to save costs wherever it can, and if it can get away with putting some foreign national offenders in open prisons it will do so.

Philip Davies: That might well be the case: as I say, I cannot speak for the Ministry of Justice. Perhaps the Minister will be able to clarify.

One of the main reasons the Bill is so necessary is the cost. Interestingly, in its 2015 report the Public Accounts Committee said:

> "The Home Office admitted that it did not know the cost of managing foreign national offenders and accepted that its cost data were not robust enough to enable it to make a judgment as to which of its interventions or processes were more cost-effective than others".

The National Audit Office estimated the costs; I suspect that the Home Office probably could make a very good estimate of them but just does not want to do so, because it would be rather embarrassing for it if it did.

The NAO gave a lower estimate, a higher estimate and a most likely estimate of the cost, and broke it down into the costs before conviction and those after conviction. The lowest estimate was that the costs were £266 million up to conviction and £503 million after conviction, with a total cost of £769 million a year. The high estimate was £536 million up to conviction and £504 million after conviction, giving a total of more than £1 billion a year. The most likely estimate was £346.8 million up to conviction and £503.7 million after conviction, giving a total of £850 million. The interesting part of that information is that the costs after conviction are the same for the lowest, highest and most likely estimates—they are within £1 million of each other. So the costs after conviction are pretty clear. They are the cost of keeping people in prison, the cost of the deportation orders and so on.

Craig Whittaker: I asked my hon. Friend the Member for Kettering how many British nationals abroad were sent to prison and the answer was 4,000 per year. That does not tell us how many UK nationals are physically in foreign jails. Does my hon. Friend have a figure for that?

Philip Davies: I can do no better than my hon. Friend the Member for Kettering (Mr Hollobone) did earlier with his answer. I suspect that that is about as robust as we are going to get. If the Minister has a better answer, we will accept those figures.

The costs up to conviction included police costs, which are shown as £148 million a year for dealing with foreign national offenders, CPS costs of £119 million a year and legal aid costs of £81 million a year. When we are spending £850 million to £1 billion a year on dealing with foreign national offenders, it is clear why the Bill is so important.

One of the complications for the Bill and for the whole subject is the free movement of people. As I have pointed out on many occasions, free movement of people within the EU also means free movement of criminals within the EU. My hon. Friend made a point about how many EU citizens made up the prison population. EU citizens account for about 40% of foreign inmates in England and Wales. The figures are 60% in Northern Ireland and 55% in Scotland. There is a far higher proportion of EU nationals in prisons in those two countries, which is interesting.

My hon. Friend listed by country the number of EU nationals in our prisons today, but he did not give the figures that show the scale of the problem and the fact that it is growing, which means that the Bill is probably more urgent than people give it credit for. He did not point out how many prisoners from those countries

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were in our prisons 10 years ago. He said that top of the list of countries whose nationals are in our prisons was Poland, and I have no information to contradict that. His figures were more up to date; mine go up to 2014.

In 2014 there were 867 Polish nationals in our prisons. In 2002 there were just 45. If we look down the list of EU countries, the figures are very similar. In 2014 there were 614 Romanian nationals in our prisons, but only 49 in 2002. There were 115 Slovakian nationals in 2014, and just four in 2002. The list goes on. I will not go through the figures for every country. The point is that since we have had the free movement of people, the growth in number of foreign national offenders from other parts of the EU has gone through the roof. That is a direct consequence of being in the European Union and having free movement of people.

Whether people want to argue for staying in or leaving the European Union is a matter for them. There are sincerely held views on both sides, but people must at least be honest about the consequences of our EU membership, and one of those is that the free movement of people has seen a massive growth in the number of foreign criminals coming to the UK.

Mr Hollobone: I am so pleased that my hon. Friend has highlighted this important aspect of the issue. It is true to say that with the accession of the east European countries, there has been a wave of criminality in this country. We have imported crime and criminals as a result of our EU membership. As the EU gets larger, with the potential accession of Turkey, does my hon. Friend agree that the situation is only going to get worse?

Philip Davies: My hon. Friend is right. Of course the situation is only going to get worse. We had net immigration into the UK last year of more than 320,000 people. It is not necessary to be the chief statistician to work out that the number of foreign national offenders will keep going up and up, as the number of foreign nationals coming into the UK goes up.

Sir Edward Leigh: It is the settled policy of Her Majesty's Government—I see the Minister for Europe speaking with the Deputy Speaker now—that Turkey should enter the European Union. They support that application, and indeed it has been fast-tracked. There are 77 million Turks. Turkish jails are notoriously appalling. There is absolutely no doubt that if Turkey joined the EU, as is our settled policy, every single one of these 77 million Turks would have an absolute right of entry into this country. A proportion of them would naturally end up in prison, and I predict that very few of them would ever be sent back to Turkish prisons.

Philip Davies: My hon. Friend is right. In many respects the problem is even more immediate, because my understanding of last week's negotiations is that Turkish people will be able to enter the EU without visas, so we do not even have to wait until Turkey joins the EU to see that happen, so of course the problem is going to get worse. That is why the Bill is absolutely urgent. We cannot wait to implement its measures; we need to do something now.

When we look at the number of EU foreign nationals in UK prisons since the introduction of free movement, we see that just six countries—the Czech Republic, Slovakia, Latvia, Lithuania, Romania and Poland—account for over half that population. It is from those countries that we have seen the huge growth in the number of people coming over to the UK from the EU. The numbers from countries such as Spain and Germany are much smaller by comparison.

Of course, the point that my hon. Friend the Member for Kettering did not make—I mention it for completeness' sake—is what has happened to prisoner numbers in those EU countries. Members may or may not be surprised to learn that at the same time that we have been taking more Polish and Romanian prisoners into UK jails, there has been a corresponding reduction in the prison population in those countries. Members may speculate on why Romania's prison population has plummeted at the same time as the number of Romanians in UK prisons has gone through the roof. I suggest that the two may be linked, and it is for others to try to disprove that link. It seems to me to be rather more than a coincidence.

My hon. Friend the Member for Kettering said—it was the one part of his speech with which I disagreed—that that was a stain on countries such as Poland, and that it besmirched them. Good luck to them, I say. They seem to be playing a very sensible game. I make no criticism of Poland for wanting to export its criminals to other parts of the European Union. My quibble is not with Poland, but with the UK Government for allowing these people into the country in the first place and not kicking them out at the first possible opportunity. I make no criticism of Poland; I criticise the UK Government for not getting a grip of the situation.

This is a growing problem in our prisons. As my hon. Friend the Member for Kettering rightly said, we have very few prisoners from other parts of the world. We have 180 from the whole of central and south America put together. That tells its own story. This is a direct consequence of our membership of the EU.

We must do something to prevent re-entry. The Bill, on its own, is essential, and hopefully I have explained why we need to do something about kicking people out of the country more efficiently than we are currently doing, but that will be pointless if we do not also have measures in place to prevent re-entry. Otherwise it is just a token gesture. The hon. Member for Bassetlaw (John Mann) tabled an early-day motion on this issue. It states:

> "That this House notes that the criminal convictions held by EU citizens that are revealed by a Disclosure and Barring Service check are only those held in central records in the UK; is concerned that this does not therefore include convictions held abroad of foreign nationals; further notes that it is not obligatory for an employer to require an employee to provide a certificate of good conduct from their home country; and therefore calls on the Government to introduce and enforce the obligatory disclosure of any previous convictions held by EU and other foreign-born citizens upon application for a job in the UK."

That is a very sensible early-day motion, and it goes to show that the Bill's provisions, and indeed going a bit further than my hon. Friend the Member for Kettering, would command support from not just people such as me, but Members on both sides of the House.

Given the points raised by Opposition Members—whether the Chairman of the Home Affairs Committee, the hon. Member for Bassetlaw, who is a senior Member

of the House, or a former shadow Home Secretary—I hope we can look forward to the shadow Minister telling us that the Labour party also agrees with the provisions in the Bill and would actually support going further.

What the shadow Minister says will be important, because this is the last day for private Members' Bills in this Session, and there will be no further opportunities to take the further stages of any Bill scheduled for today. Therefore, if the Labour party could indicate its support for making it easier to deport foreign nationals, that would give the Government some encouragement to make their own provisions when time runs out for this Bill. I am sure the Minister would be encouraged to know that Opposition parties welcomed more work being done on this issue in the House.

We have no way of knowing the criminal past of any EU citizen entering the UK, contrary to what somebody said in a debate I took part in on the EU. We will have to do a top 10 list of the most outlandish claims by those who want to stay in the EU, but my No. 1 at the moment is that when somebody comes to passport control, we scan their passport and the computer comes up with all their criminal offences in their home country, so we do not have to let them in if we do not want to. I would love that system to be in place, but I am afraid it is a work of fiction—it does not exist at all, as I hope the Minister will also be able to confirm.

I do not want to test the patience of the House—others want to contribute, and there are other matters to be debated today—but I want to make it clear that the Bill is essential; it would certainly command the majority of support among my constituents, and I have indicated that it would also command the support of people on both sides of the House.

Had we been able to kick people out of the country, and had we had a robust policy of border control so that we could take fingerprints or DNA, that might have helped to prevent the Romanian burglar who left his fingerprints and DNA at many of the 31 homes he burgled from getting away with all those crimes because he was not on any DNA database when he entered the country. It might also have dealt with the Lithuanian burglar who was released from prison early and deported, only to be found living back in Britain 12 days later, along with his accomplice, who had apparently been deported from the country not once but twice.

That is what is actually happening in our country day in, day out, week in, week out. We are exposed to dangerous foreign criminals. We have many unnecessary victims of crime in the UK because we are not controlling our borders and not deporting foreign national offenders, even when we know who they are.

The Bill could have prevented the Lithuanian convicted of a knife-point robbery before he came to the UK from going on to rape two women shortly after his arrival. There could be no more tragic example of the problem we face than the death of 14-year-old schoolgirl Alice Gross. The man suspected of killing her had come from Latvia after apparently serving a paltry seven-year prison sentence for killing his wife, yet nobody here knew of his terrible past. The Government have a duty to protect people who live here, and their scandalous failure to do so has had the most dire consequences for many families, including that of Alice Gross.

There is no more important matter facing the House today than this. I hope we will hear from all parties that they will support provisions to make it easier to deport foreign national offenders to keep us safe. The current situation is unacceptable. I commend my hon. Friend the Member for Kettering for doing something about it, and I hope the Government will indicate today that they will do something about it too.

12.24 pm

Mr David Nuttall (Bury North) (Con): It is a pleasure, as always, to follow my hon. Friend the Member for Shipley (Philip Davies), who brings to the debate his own inimitable style and has demonstrated once again this morning his expertise on the whole issue of justice and home affairs, particularly the issue of foreign national offenders.

I thank my hon. Friend the Member for Kettering (Mr Hollobone) for picking up the baton at short notice and moving the Bill's Second Reading on behalf of my hon. Friend the Member for Wellingborough (Mr Bone). He did so with great skill and demonstrated his own considerable expertise in this area. I am delighted to be one of the Bill's supporters, because there is no doubt that it attempts to deal with a major problem that is of great concern to my own constituents.

My hon. Friend the Member for Wellingborough, in whose name the Bill stands, has demonstrated his considerable know-how in navigating the procedure for private Members' Bills. The fact that he has managed to ensure that his Bill is at the top of a very long list of no less than 67 Bills set down for consideration today is evidence of that.

My hon. Friend should be commended for his perseverance with the Bill, because it is almost a year ago to the day—6 March 2015—when a previous version received its Second Reading. He noted at the time that he hoped that after the 2015 election, which was looming in the minds of all hon. Members a year ago, a Conservative Government would renegotiate the terms of our membership of the European Union and consequently make the Bill unnecessary, and that its proposed measures would be one of the red lines in the renegotiation.

As history has shown, my hon. Friend was right that a Conservative majority Government would be elected, but sadly he was wrong that they would insist that these matters would be a red line in the negotiations. Indeed, we now know that absolutely nothing was agreed in the negotiations to stop the free movement of people, which includes, of course, the free movement of foreign national offenders from within the European Union.

One reason my hon. Friend promoted the Bill again is the sheer scale of the problem of foreign-born individuals who commit crime in this country. I am not trying to suggest that everyone who comes here commits crime. It is all relative, and the scale of immigration into this country naturally brings with it an increase in the number of foreign national offenders.

According to figures provided by the House of Commons Library, between January and December 2014 there were approximately 5.3 million people with non-British nationality living in the UK, and a total of 8.3 million people who were born abroad. It is further estimated that, on top of that, some 25,800 asylum seekers entered the United Kingdom in 2014, and they were part of

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approximately 632,000 long-term international immigrants who entered during that year. On top of that are all those who are in the country illegally. For obvious reasons, it is difficult to be precise about the number of illegal immigrants, but there are many of them and, by definition, every single one of them has broken the law, because they have broken the terms of the Immigration Act 1971, as we heard last week on Second Reading of the Illegal Immigrants (Criminal Sanctions) Bill.

It is, perhaps, not surprising, given the huge number of foreign nationals living in our country, that some of them turn out to be wrong 'uns or bad apples. Each year, the Metropolitan police alone arrest, on average, 230,000 suspects, of whom 70,000 are foreign nationals. Only last month, the *Daily Mail* reported the staggering administrative costs involved in dealing with the arrests of foreign nationals, including the cost of interpreters.

It reported:

"Scotland Yard has arrested 11 people claiming to be from Dahomey—a West African nation which ceased to exist from 1975."

That highlights the importance of checking, on arrest, the actual background of those arrested. The bill to the taxpayer for providing translators for suspects, witnesses and victims was £6.8 million between April 2014 and April 2015. The analysis by the *Daily Mail* showed that the translation bill worked out at an average of £100 per arrest of every foreign national.

Figures released following a freedom of information request showed that 227,535 people were arrested by the Metropolitan police in 2014, the latest year for which full figures are available. Of those, 159,294 were British nationals, and the remaining 68,241 were born abroad.

Mr Hollobone: I am enjoying my hon. Friend's speech immensely. He is painting a very vivid picture of the wave of criminality that this country, and especially London, has experienced in recent years. Until recently, I served as a special constable with the British Transport police on the London Underground. I can tell him that something like eight or nine out of every 10 people arrested for pickpocketing on the underground in recent years were Romanians and Bulgarians, who had entered this country under the free movement regulations, for thieving from commuters.

Mr Nuttall: I am not surprised by my hon. Friend's observation because I was going on to say that Romanians made up the largest group of foreign nationals arrested: 7,604 Romanian suspects were held, followed by 7,429 Polish, as well as 3,618 Lithuanians, 2,928 from India, 2,740 from Nigeria and 2,280 from Jamaica.

Philip Davies: In his remarks, will my hon. Friend comment on whether the Bill is compatible with the EU charter of fundamental rights? The 2010 manifesto—we both stood on that platform, which catapulted the Prime Minister into 10 Downing Street—said there were "three specific guarantees", including one on the charter of fundamental rights, and that we would

"seek a mandate to negotiate the return of these powers from the EU to the UK."

Unfortunately, the Prime Minister appears to have forgotten to include that in his letter and it was not therefore part of the negotiation.

Mr Nuttall: My hon. Friend opens up an entirely new area of debate. I suspect that the European Court Justices would rule against the content of the Bill under the charter of fundamental rights, because they would find that it was against the freedom of movement provisions of the treaties. That is why the very first line of the Bill says:

"Notwithstanding any provision of the European Communities Act 1972".

It would be an interesting situation if the European Court of Justice ruled that the provisions in the Bill fell foul of the charter, but this House said that it would disregard the ruling because of what was in the manifesto, regardless of whether that matter was included in the terms of the renegotiation. As we now know, there are to be no changes to the provisions relating to the free movement of people.

Even though the latest offender management statistics for England and Wales show that, for the first time in a decade, the number of foreign national offenders held in custody and immigration removal centres operated by the National Offender Management Service had fallen below 10,000, some 12% of the current prison population in England and Wales is made up of foreign national offenders, so one in eight of those in our prisons are foreign national offenders.

The latest number that I have is that, as of 31 December 2015, there were 9,895 of them. That is, it has to be said, a decrease of 6% compared with 31 December 2014, but that is mainly due to the closure of the Home Office-commissioned places at the Haslar and Dover immigration removal centres, which took place last year. The Ministry of Justice's figures for the period up to 31 December 2015 include 345 prisoners whose nationality has not been identified and recorded. Of course, if those unrecorded foreign national offenders were included, we would still be above the 10,000 mark.

It is still the case that 12% of the prison population in England and Wales is made up of foreign national offenders, at an enormous annual cost to UK taxpayers. That is 10,000 people who are likely to be released at some point in the future; 10,000 people who, if they are not deported, could live in our communities; 10,000 people who have chosen, of their own free will, to break the law of the country that has welcomed them in and provided them with a home.

The latest offender management statistics bulletin from the Ministry of Justice states:

"The five most common nationalities after British Nationals in prisons in England and Wales are Polish, Irish, Romanian, Jamaican and Lithuanian, accounting for approximately one third of the foreign national population and one in twenty of the prison population overall."

It is absolutely right that we, as a country, should seek to attract the brightest and the best to contribute to our society, where they are needed, but it is equally right to put in place a robust mechanism to ensure that those who choose to break the rules are excluded. The Bill is intended to do just that. Foreign national offenders are in prison because of a wide variety of offences, but the very fact that they are in prison signifies that they are the most serious of offences.

Henry Smith: My hon. Friend is rightly focusing on foreign nationals who are given a custodial sentence. However, over the past decade or so, UK Government statistics have shown that less than 10% of those who are convicted of a crime receive a custodial sentence. That suggests that the number of foreign nationals who have been convicted is in the region of 80,000 or more.

Mr Nuttall: My hon. Friend is right that much of the debate this morning has focused on the foreign national offenders who are in our jails, who, by definition, are those who have committed the most serious offences. As my hon. Friend the Member for Shipley said, even those who have committed 100 offences are more likely than not, when appearing before the courts, not to be sent to prison. When somebody is convicted of a minor offence, it is pretty difficult to sentence them to a term of imprisonment.

The latest figures from the Ministry of Justice on the prison population, up to 31 December last year, show that 978 foreign national offenders have committed crimes so serious that they are subject to extended determinate sentences. The same figures reveal that 2,399 foreign national offenders have sentences of less than four years, so those people could well be—and most likely will be—back on our streets before the next election.

The Under-Secretary of State for Justice, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), confirmed in a written answer on 23 March last year, in response to a question from the hon. Member for Wirral South (Alison McGovern), that the foreign national prison population in the UK included 1,657 people who had committed violence against the person, 1,035 who had committed a sexual offence, 1,192 who were in prison for drug offences, 527 who were in for robbery and 400 burglars.

Let me bring those thousands of offences to life with just one example. Mircea Gheorghiu is a Romanian national who served a six-year sentence for rape in Romania, where he had also been jailed twice for cutting timber without a licence. He reportedly entered the UK in 2002 following his release, after serving only two years and eight months of his sentence. He remained in the country while his wife and children stayed in Romania. In January 2007, Romania joined the EU, so he was allowed to stay in the UK. He was arrested for drink-driving and convicted in November 2007, and banned from driving for 20 months. When his criminal past was uncovered, the Home Office rightly deported him under the new "deport first, appeal later" scheme. However, following an appeal at the immigration tribunal, the press reported on 28 February that because Mr Gheorghiu was an EU citizen, incredibly he was allowed to return to the UK. Why? Because the two judges in the tribunal ruled that his crimes—he had originally been convicted of rape in Romania—were not serious enough to warrant deportation, and that EU citizens should be removed before their appeal hearings only in exceptional circumstances because of their right to free movement and the human right to family life.

Mr Hollobone: I am listening to my hon. Friend with great interest. He is bringing fresh information and new insight to the debate, and informatively extending the scope of our deliberations. Did the judges in that case give any indication of how serious a crime would have to be for deportation to be triggered?

Mr Nuttall: In truth I do not know whether they gave such examples, but I think that the ruling put future deportations at risk. Understandably, it will only serve to increase the sense of frustration that so many of our fellow citizens feel at how powerless this country now is to keep out convicted criminals.

Mr Chope: The "deport first, appeal later" provision was at the core of the Government's last Immigration Bill, but from what my hon. Friend says, the European Court of Justice has driven a coach and horses through that.

Mr Nuttall: That provision already seems to have run into the quicksand, if I can put it like that. As my hon. Friend the Member for Shipley pointed out regarding the UK Borders Act 2007, despite the Home Office's latest plan—at least it is trying to do something, to be fair to it—the will of elected Members of this House has yet again been frustrated by the judiciary, who seem to think they know better than those of us who represent our constituents.

Mr Hollobone: I am not a lawyer, which I am rather proud of—*[Interruption.]* Someone says, "Evidently". Perhaps, but maybe those of us who are not lawyers are more in touch with the real world than those who have been. Is it the Human Rights Act or our membership of the European Union that is preventing deportations in cases such as he mentioned, or an element of both?

Mr Nuttall: It is a bit of both, and partly because the European Union now includes the EU charter of fundamental rights, which essentially replicates the European convention on human rights—for these purposes those things are one and the same. If we are powerless to stop convicted rapists entering our country, we must ask what has become of our national sovereignty. I have no doubt that millions throughout the country will believe that the case that I have mentioned alone demonstrates that we need to change that state of affairs and why the Bill is so necessary.

Clause 1(1) requires the Secretary of State to make regulations, which I believe should deal with the process of removal. We are fortunate that the National Audit Office has investigated the costs and processes of returning foreign national offenders, and that it published a detailed report, "Managing and removing foreign national offenders", in October 2014. Before anyone starts to complain that this situation is all the fault of the current Government, it is worth noting briefly that, according to the report, back in 2006, the Home Office found that more than 1,000 foreign national offenders had been released from prison without even being considered for deportation.

Although the NAO report acknowledged that the coalition Government put more resources into managing and removing foreign national offenders, it also made it clear that progress on reducing the number of foreign national offenders in our jails was slow. It confirmed—this deals with the point that my hon. Friend the Member for Kettering has just raised—that the difficulties that hindered removals were caused by the application of the European convention on human rights, as well as

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the application of European law on the free movement of persons. There we have it: the National Audit Office has confirmed his concerns.

Pauline Latham: Does my hon. Friend agree that it is rather strange that Nigerian prisoners call on the European Court of Human Rights when they are not European? They live in this country but retain their Nigerian nationality.

Mr Nuttall: If that is the case, it does seem strange—I am sure it will seem very strange to our constituents.

The NAO report acknowledged that the Government have put more resources into managing and removing foreign national offenders and made it clear that progress had been made, but it highlighted that the police had carried out an overseas criminal record check on only 30% of foreign nationals arrested. It made it clear that obtaining relevant documents such as passports at an early stage would greatly speed up the process of removal, and that fostering closer links between immigration officers and front-line police officers would speed up the process.

The Public Accounts Committee provided a commentary in its report, "Managing and removing foreign national offenders", which was published in January 2015 following the NAO report. The Committee's report states that

"police forces have been slow to recognise the importance, when arresting foreign nationals, of checking their immigration status and whether they have a criminal record overseas and they rarely use search powers to find evidence of identity and nationality."

Whatever the reasons for that—it could be a lack of training or a lack of awareness—it is significant, because establishing nationality at an early stage would allow for further background checks to be carried out.

The report also states:

"Only 30% of foreign nationals arrested were checked against one key overseas database for a criminal record in 2013–14, and the great majority of police forces do not have automated links between fingerprint machines in their police stations and the Home Office's immigration databases."

The Committee suggested that a massive £70 million could be saved by fostering and developing such links.

The NAO noted in its report that in 2013-14, more than one third of foreign national offenders who were removed left as part of the early removal scheme. That is the scheme that returns foreign national offenders to their country of origin before they would be let out of prison if they were back here in the UK. The NAO also noted a key improvement in reducing the number of failed removals from 2,200 down to 1,400, but 1,400 still fail. That number is still far too high. I hope we will hear some detail from the Minister on why so many removals fail and what is being done to improve the situation.

Very often, we hear that problems with the delivery of Government services are due to a lack of resources, but the Public Accounts Committee noted that the number of staff working in foreign offender management had actually increased from fewer than 100 in 2006 to more than 900 in 2014—a huge percentage increase. The taxpayer can rightly expect to see an enormous improvement for that increase.

It is helpful to consider the cost to the taxpayer of dealing with foreign national offenders, because it demonstrates what an enormous drain on taxpayer resources this problem is. The NAO estimated that the average cost of managing a single foreign national offender was about £70,000 a year. The total bill for 2013-14 was an estimated £850 million, which confirms a figure that was mentioned earlier. I should add that that does not represent the total cost of a foreign national offender to British society. The figure is an estimate from the NAO, because there is an absence of definitive data. There is of course the possibility that the actual cost is much higher when one considers all the costs, from the investigation of the crime through to managing an offender in the community. Perhaps the most notable finding by the NAO, which the PAC also raised, was that managing foreign national offenders costs an estimated £100 million a year more than managing British prisoners. The Committee also noted that the Home Office did not know the reoffending rates of foreign national offenders in the community. The public will want to have confidence that such matters are now being addressed and recorded. I look forward to hearing the Minister's comments on that point.

Both the NAO and the PAC highlighted the delays in the removal process. The NAO carried out a review of 52 cases in which a foreign national offender had been successfully removed and discovered that 20 cases had had avoidable processing delays. They included seven instances where the case had not been worked on for an average of 76 days, and a further six cases where administrative errors had delayed the process. In order to gather information on foreign national offenders, the Home Office sends out to each one a 50-question paper form. On average, it takes 32 days just to send out the questionnaire, which does not exactly give the impression of speed or urgency. It is perhaps not surprising that foreign national offenders are not so keen on administrative matters such as paperwork. It is not a surprise that almost half of the forms are never, ever returned.

Mr Hollobone: Are these forms being sent to foreign national offenders in English, or are they in the language of the offender themselves? Or is there yet a further burden to the taxpayer in having to translate that document for the offenders to respond to them?

Mr Nuttall: That is a good point. I am sure my hon. Friend the Minister will know the answer to that question and will be able to enlighten my hon. Friend when we hear from her later in the proceedings. As my hon. Friend noted in his speech, foreign national offenders are from every corner of the globe. It would indeed be an enormous task to ensure that the form sent to each foreign national offender was in a language that that individual could understand. I rather wonder whether all the forms are sent out in English. That might go some way towards accounting for why fewer than half are returned to the Home Office.

There were 1,453 failed removals in 2013-14, and although 36% of the cases in which the Home Office tried to remove a person but could not occurred for reasons that the Home Office considered to be within its control, nearly two thirds of the remaining 930 were classified as being outside its control. If the Home Office has lost control of the process, I think it fair to ask who has that control.

Another issue that arises from the removal of foreign national offenders is the compensation that is payable to those against whom legal proceedings are taken by the Home Office, and who then take proceedings against the Home Office for unlawful detention. That, I think, is another reason why it is so important for the Bill to be passed and the law clarified. The National Audit Office reported that between 2012 and 2015, £6.2 million in compensation was awarded to 229 foreign national offenders. It really is a case of adding insult to injury. On average, about £27,000—approximately the average UK salary—had to be paid out following claims alleging breaches of the processes under the Immigration Act 1971 and the UK Borders Act 2007.

Not much has been said today about prisoner transfers. On 5 November 2014, when asked about transfer agreements, the permanent secretary to the Home Office said in evidence to the Public Accounts Committee:

"Most prison transfer agreements are with the consent of the prisoner, and that is worldwide. That has mostly been because we have tried to get Brits back to serve their sentences within the UK. The big change in the EU...is to make prison transfer compulsory—without the prisoner complying."

The permanent secretary was referring to a fundamental change from the previously exclusively voluntary approach to international prison transfers. He went on to say:

"There are specific arrangements in place with the Irish Republic. For Poland, there is a stay in implementation while they improve their prison system."

The Committee noted that over the past few years, the number of British nationals returned to UK prisons through the prison transfer agreements to complete their sentences had been about double the number of foreign national offenders being removed. Noting that imbalance, my hon. Friend the Member for Peterborough (Mr Jackson) observed during the oral evidence session:

"So we are actually not exporting criminals; we are importing criminals. One of our growth areas is importing foreign criminals. It takes a special genius to put in place a system under which we are net importing foreign criminals into our prison estate."

There is clearly a real problem here. Surely we ought to be removing more foreign national offenders than we import. The problem is there are relatively few effective prison transfer agreements in place. Poland, which has the highest number of foreign national offenders on the prison estate, has been exempted until the end of this year.

The principle of exclusion or removal of foreign national offenders is at the heart of the Bill, and I think it would be helpful to be clear and simple about that process. I would have hoped that serious offenders would be prevented from entering the country in the first place, but sadly that is not always possible. There are many cases of criminals being allowed into the UK, where, not surprisingly, they commit further crimes. We must improve border checks, but once a foreign national is in the UK, if they commit a crime, the police must check their identity and check whether they have been engaged in any previous criminal activity. Clearly, the administrative process of removal should then be straightforward. If a foreign national is convicted, a caseworker should be attached and should determine as soon as possible whether there are likely to be any barriers to deportation. That could be an appeal based on human rights legislation, a lack of co-operation from the home country, or a lack of co-operation from the offender. If those problems were identified early, the relevant authorities could take action so that when the time for deportation came, it could proceed smoothly.

In his Policy Exchange speech on prison reform only last month, the Prime Minister spoke about action in this area. I agreed with him when he said:

"Of course, there is one group I do want out of prison much more quickly, instead of British taxpayers forking out for their bed and breakfast: and that is foreign national offenders."

He announced plans to legislate to give the police new powers. In light of those comments, I hope we will hear from the Minister that the Government will support the Bill today.

Caroline Lucas (Brighton, Pavilion) (Green): On a point of order, Madam Deputy Speaker. Is it within your power to suggest to Government Members that they begin to bring their comments to a close? They have now been debating a two-clause Bill for three and a half hours—a Bill that was debated last year and then withdrawn from the Floor of the House. I think this practice risks bringing the House into disrepute. There are so many people who really want us to get on to the next business about the NHS, which is incredibly important. For these few Conservative Members to be talking for so long is simply not courteous either to the rest of the House or to the people outside the building who want to see what is going on.

Hon. Members: Hear, hear!

Madam Deputy Speaker (Natascha Engel): Order. I thank the hon. Lady for her point of order and for her advance notice of it. She knows the answer to the question she has raised. Some hon. Members still wish to speak in this debate, and it is for hon. Members who have been here all day waiting to speak in this debate to determine what time we get on to the following business. The hon. Lady is, I think, voicing the frustrations that many hon. Members have expressed about private Members' Bills on Fridays. If she has not done so already, I direct the hon. Lady to the Procedure Committee, which is carrying out an inquiry into proceedings for private Members' Bills.

Philip Davies: Further to that point of order, Madam Deputy Speaker. Would it be in order for the hon. Member for Brighton, Pavilion (Caroline Lucas) to move a closure motion if she is so determined to get on to the next Bill?

Madam Deputy Speaker: As the hon. Gentleman knows, it would be in order, but it is entirely up to the hon. Lady.

Dr Philippa Whitford (Central Ayrshire) (SNP): Further to that point of order, Madam Deputy Speaker. As a new Member in the House, I find what is happening to be shocking—not just because of the waste of time of so many Members who want to speak on an issue that is so important, but because our constituents are writing to us all, including to Conservative Members, to ask us to discuss and vote on the National Health Service Bill. *[Interruption.]*

Madam Deputy Speaker: Order. Before this degenerates into a slanging match, let me make it clear that the hon. Lady is doing exactly the same thing as the hon. Member

[Madam Deputy Speaker]

for Brighton, Pavilion (Caroline Lucas)—voicing the frustration that many Members have had over the years about our proceedings for private Members' Bills. There are other ways in which hon. Members can raise issues. There are vehicles other than private Members' Bills. Today, however, is devoted to private Members' Bills, and the current Bill that is being discussed is on the Order Paper.

Owen Thompson (Midlothian) (SNP): On a point of order, Madam Deputy Speaker.

Madam Deputy Speaker (Natascha Engel): This had better be a point of order. Thus far, we have not had points of order, but points of frustration.

Owen Thompson: This is the second Friday on which I have been unable to be in my constituency on account of the private Members' Bills on the agenda today. It is obviously not going to be taken, and we are looking at a future notional date of 22 April—to be fair, I might as well suggest Julember the tenteenth as the next date for the Bill to have a hearing. Will you advise me, Madam Deputy Speaker, on how I can take the matter forward and get issues that are so important to my constituents heard?

Madam Deputy Speaker: These are no longer genuine points of order; they are points of frustration. The Procedure Committee is currently doing an inquiry into private Members' Bills, so I direct the hon. Gentleman to that. There are other avenues through which he can raise issues that are of concern to himself and to his constituents. Now is not the time. With that, I think that is the end of points of order on this matter.

Mr Nuttall: According to information released by the Home Office on immigration enforcement transparency data for the fourth quarter of 2015, of the 5,789 foreign national offenders subject to deportation action, 1,865 had been living in the community for 60 or more months, showing how complex some cases can be and the obstacles that the Home Office faces when trying to deport people. Hon. Members may be aware that, according to Home Office figures, the average time taken to deport a foreign national offender is 149 days. Were the Home Office to take action today, a foreign national offender would not have to worry about being deported until 5 August.

When a person is sentenced to 12 months or less in prison, the Government can consider deportation only on a public interest basis by looking at the cumulative effect of the offending. The Bill would ease that administrative burden. For example, a foreign national offender from a non-EEA country with a six-month sentence would be excluded from the UK under clause 1. As has been noted, if we turn to EU nationals we come up against the problem of the principle of free movement of people. If people abuse that right, it is absolutely right that this country should have the right to exclude them if they break our laws.

In conclusion, this is, on the face of it, a modest Bill, but one with huge potential to help remove from the country those who seek to abuse our generosity by breaking our laws. We have heard how big the problem is: around one in eight of the prison population is a foreign national. The price tag attached to keeping all these foreign nationals in our jails is somewhere in the region of a huge £250 million a year, so there is a massive incentive to get the problem sorted out not only for law and order, but for the British taxpayer. The Bill seeks to move the pendulum back in favour of the law-abiding majority and the taxpayer, and I hope it receives the unanimous support of the House.

1.7 pm

Craig Whittaker (Calder Valley) (Con): I am pleased to be able to contribute to this important debate, which is of course just as important to my constituents as many other debates in this Chamber. I thank my hon. Friend the Member for Wellingborough (Mr Bone) for bringing the Bill forward and my hon. Friend the Member for Kettering (Mr Hollobone) for his excellent presentation today.

The Bill's purpose is straightforward: if someone came to this country, committed an offence and was given a term of imprisonment, they would be deported to the country from which they came. Furthermore, that person would not be permitted to enter the UK again. Of course, the Government already use a range of measures and powers to remove foreign national offenders from the UK, a point to which I will return shortly. As such, the Bill's real emphasis relates to countries within the European Union, as made clear in the first line of clause 1. Indeed, my hon. Friend the Member for Kettering said that 40% of the 10,442 foreign nationals in our prison system are actually from the EU.

Mr Hollobone: It was some time ago now, but I think I said 47%.

Craig Whittaker: I thank my hon. Friend for that intervention. I stand corrected if I misheard the figure that was given to the House.

Under the Bill's provisions, foreign criminals would not have the right to return to the UK once they had been sent back to the European Union. Thus, they would be removed without any reference to human rights legislation, the stipulations of the European Communities Act 1972 or any other enactments.

Britain is a tolerant, welcoming country for those who come here to work hard and to create a better life for themselves. Those who abide by our rules and contribute towards society will always be welcome. However, I appreciate the concerns of my constituents in relation to those foreign nationals who come to this country legally, in receipt of our hospitality, and then go on to commit serious offences.

Philip Davies: My hon. Friend says that this matter is of concern to him and to his constituents; it is also of concern to my constituents. Is he not shocked therefore that the Scottish National party and the Green party think that this is not an important issue for debate? They do not care about foreign national offenders who cannot be kicked out of the country.

Craig Whittaker: I thank my hon. Friend for his intervention. Like many other Members, I receive letters, emails and phone calls from my constituents on many matters. This issue is as important to my constituents as any, so, yes, he is right to make his point.

Such behaviour can undermine the trust that exists in our communities and create tensions that others can exploit. Although I have considerable sympathy with the broad intentions of the Bill, we need to consider what measures are already in place to deal effectively with this matter.

The Government are already able automatically to deport non-European economic area nationals who are convicted in the UK and given a single custodial sentence of 12 months or more for one conviction. I think that that has already been pointed out by several Members in the Chamber today. In circumstances where automatic deportation cannot be applied, the power already exists to seek to deport a foreign national offender on the grounds that it would be in the public interest to do so. When somebody has been removed, they are then prohibited from re-entering the UK while the deportation order against them remains in force. As a deportation order has no expiry date, it remains in force indefinitely unless a decision is taken to revoke it. Those individuals who have been handed a deportation order will be subject to the relevant Border Force checks, which means that, under the existing system, the Government are able to keep out those who have previously been deported.

Members will be aware that the Immigration Act 2014 contains a public interest consideration in relation to deporting foreign nationals. Section 19 clearly states that the law should be on the side of the public and that the starting point is to accept that foreign criminals will be deported. Indeed, it says:

"The more serious the offence…the greater is the public interest in deportation of the criminal."

In addition, the Government have previously made it clear that article 8 of the European convention on human rights should not be used to allow the private and family life rights of criminals to supersede the rights of ordinary members of the public to be protected from serious criminals.

Section 17 of the Immigration Act also provides for a revised deportation process so that, in cases where there is no real risk of serious irreversible harm to the individual, a foreign national offender can exercise their right of appeal only from outside the UK, thereby allowing for a more timely deportation. That section is particularly relevant when one considers that most foreign national criminals do not appeal once they have returned to their home country. By the end of 2015, more than 2,600 people had been removed under these new "deport first, appeal later" powers since they were introduced in July 2014.

In October 2014, the Government reduced, from 17 to four, the number of criteria on which foreign criminals could appeal against their deportation. That was a welcome reform that was necessary to stop criminals exploiting the system and lodging one appeal after another to avoid deportation. Finally, in situations where the level of the crime committed does not meet the threshold for deportation, the Government can take administrative action to remove offenders who have no legal right to be in the United Kingdom. Subject to certain expectations, foreign national offenders who have received a custodial sentence can be administratively removed from the UK and will face a mandatory refusal under immigration rules of entry clearance or leave to enter the United Kingdom.

The measures that the Government have introduced over the past few years have undoubtedly strengthened our ability to adopt a firm and vigorous approach in protecting the general public, although the management and removal of foreign national offenders will continue to present many challenges, as has been mentioned today. The number of foreign criminals removed from the UK increased last year to 5,277, representing a significant improvement on the 2011-12 numbers.

Of course, when it comes to deportation, there is a distinction between EU and non-EU nationals, as my hon. Friend the Member for Kettering has made very clear. It is important to remember that the free movement of people is not unqualified, and the existing requirements pertaining to free movement are that a person has to exercise their right to work, study or set up a business. In the event that they fail to exercise any one of those rights and, furthermore, that they abuse our hospitality by committing an offence, they should be removed and kept out of the country. Our existing power of imposing a re-entry ban of one year helps to facilitate that too.

Furthermore, the UK has implemented the free movement directive—that is, the 2006 EEA regulations on immigration. Under the regulations, EEA nationals can be removed from the United Kingdom on the grounds of public policy, public security or public health. All EEA nationals who receive a custodial sentence are considered for deportation or administrative removal. However, it is important to bear in mind that a decision to remove somebody from a country cannot be made solely on the basis of a criminal conviction, as other factors must be taken into account. As it stands, the Bill stipulates that an EEA national who has been convicted of an offence should be deported solely on the basis of that conviction without due consideration being given to a wider range of factors and, indeed, to the individual's circumstances as required under the regulations.

For that reason, the Bill is incompatible with the freedom of movement directive. In relation to that point, I am sure that my hon. Friend the Member for Kettering will draw my attention to clause 1(1) and argue that it reinstates our national sovereignty and removes the UK from some of our previous obligations under EU migration law. However, I am not convinced that the issue is quite that simple and would in fact suggest that it is far more complex than the Bill acknowledges. As a nation, we are bound by a plethora of European and international obligations, directives and treaties that all require careful consideration as part of the Bill. Indeed, the European immigration regulations to which I referred a few moments ago are only a small part of the wider legislative and regulatory landscape that must be taken into account.

There is also the small matter of a referendum to consider and, depending on the result, many of the issues discussed as part of this debate might need to be approached in a different light. I wonder whether we are being slightly premature in considering these issues now.

Mr Hollobone: I am listening closely to my hon. Friend's interesting remarks, but he seems to imply that the incompatibility of the Bill with the EU freedom of movement directive is a bad thing. I think many of us would say that it is a good thing.

Craig Whittaker: I thank my hon. Friend for his always considered interventions. On this point we may have a slight disagreement. In the Calder Valley we have 1.8% unemployment and I can assure my hon. Friend that without freedom of movement and the labour that that brings to the factories in the Calder Valley, many of the factories would not be there. Perhaps we could have a further discussion about that.

Mr Hollobone: I am grateful to my hon. Friend for giving way a second time. He began his remarks by saying that we have freedom of movement in the EU, but that is not without qualification. Would it not seem sensible to those like him who want to stay in the European Union for the EU states to negotiate and agree that freedom of movement does not apply to convicted criminals? I cannot see why there should not be an EU-wide agreement whereby someone convicted of a qualifying offence would not be allowed to cross any of the boundaries within the European Union. If staying in the European Union really does make us safer, which is what my hon. Friend believes and I do not, surely that would be a sensible measure to take.

Craig Whittaker: My hon. Friend has a point, but what are qualifying convictions? Many of us and many of our children committed silly crimes in our youth. Would we exclude people from freedom of movement around the EU because of a previous misdemeanour? There would have to be tight and clear criteria for qualifying convictions.

Even if we leave the European Union, we may well find ourselves bound by other international treaties and obligations which restrict our ability to exclude foreign nationals, in much the same way as this Bill suggests the European Union does at present.

The Government already employ a range of powers to remove foreign national offenders from the UK and have legislated over the past few years to strengthen their approach. I know that my hon. Friend the Member for Kettering supports the measures that this Government have taken, and was somewhat reassured by the response of the Immigration Minister when my hon. Friend the Member for Wellingborough presented this Bill only last year.

However, I appreciate that my hon. Friend has genuine concerns about our existing ability to deport foreign prisoners to EU countries, and that those concerns are shared by many people throughout this country. I thank my hon. Friend the Member for Kettering for highlighting the challenges that we continue to face in protecting the public from those who come to this country and abuse our hospitality by committing serious offences.

Although I have considerable sympathy with the aim of the Bill, I believe it must be considered alongside an evaluation of our existing international and European obligations and responsibilities. Whether we agree with them or not, the fact remains that those currently exist, and debating these issues in isolation from our pre-existing legal commitments is not the most conducive approach and fails properly to acknowledge the inherent complexity of the subject. It is worthy of detailed discussion and debate in the House and, although I cannot support the Bill in its current form, I hope that Members can explore some of the wider issues at stake in greater detail on other occasions.

1.23 pm

Pauline Latham (Mid Derbyshire) (Con): I am extremely disappointed: I have sat here since 9.30, unlike the Members of the SNP and the Green party who have only come in recently and not all of whom have stayed. They are trying to stop democracy in this Chamber. They do not want us to speak. Most of us have been here a long time and probably intend to stay till 2.30. It is a bit rich that they should try and stop democracy on private Members' Bills when no private Member's Bill is more important than any other.

I congratulate my hon. Friend the Member for Wellingborough (Mr Bone) on securing a Second Reading of his Bill, particularly after sleeping in the corridors of this place to ensure that the subject would be aired. SNP and Green Members would not have done that. I am grateful to my hon. Friend the Member for Kettering (Mr Hollobone) for taking the Bill forward. I believe it was national homelessness week recently. I am sure my hon. Friend the Member for Wellingborough is not in that situation, but was merely sleeping in the corridor to ensure that his Bill was listed and heard in this place, which I bet none of those SNP and Green Members would have done.

As other Members will have noted, the House debated an almost identical Bill this time last year, when a few of the Members who support this Bill were candidates trying to secure election. The Conservative manifesto platform on which they ran explicitly pledged to tackle criminality and the abuse of free movement. That included negotiating with the EU to introduce stronger powers to enable us to deport criminals and stop them coming back, and tougher and longer re-entry bans for all those who abuse free movement.

I have little doubt that the sentiment of this concise Bill—preventing foreign nationals who commit a crime in the UK from remaining or returning—is supported by the vast majority in this House and of the public. Britain is one of the most generous and hospitable nations in the world, and every one of us should be proud to be lucky enough to call this country home. Understandably, it is also one of the most sought-after countries to live in. Rightly, we have to be careful about how many people we allow into the UK, and we must have strong protections in place to ensure that those who pose a threat to our way of life and our established customs and traditions do not have the chance to come here. I believe that we do have provisions firmly in place and that this Government, and the Conservative-led Government in the previous Parliament, deserve credit for the work they did to tighten restrictions and increase resources to let the border police and Home Office do their job.

Because we are such a generous nation, there are few things more frustrating to the public than when those who come here and abuse our hospitality do not adhere to our laws and waste taxpayers' money going through our legal system. There have been high-profile cases of the processes for removing individuals from the United Kingdom taking too long and costing too much money. Members have today given many examples of that. Again, that is understandably frustrating for the public when the obvious solution is to remove them from the country and not let them back in.

It is especially frustrating when human rights are invoked as part of the reason they cannot be removed.

This week saw International Women's Day and I think of the many women and girls around the world who suffer real human rights abuses without legal recourse, not the tenuous human rights claims that have been used to stop the eviction of criminals from the United Kingdom. I was in Nigeria last week and met the families of the girls who have been abducted by Boko Haram. We are coming up to two years since their abduction, and the world should be shocked that many of them are still missing. Those girls have suffered abuses of their human rights, whereas some of the human rights claims evoked in this country are total rubbish.

There is particular frustration about the over-generous use of article 8 of the European convention on human rights, as my hon. Friend the Member for Calder Valley (Craig Whittaker) explained, which prevents deportation of EEA and non-EEA nationals if it would breach a person's right to private and family life. How a criminal's right to family life has ever been allowed to supersede the safety of the British public I shall never understand. It is also hard to believe that Greece is an unsafe country to return its nationals to, as my hon. Friend the Member for Kettering mentioned.

I therefore have a lot of sympathy with the Bill and the Members who have brought it forward. I also admire its simplicity and brevity; the main part, clause 1(1), is just 43 words long. Unfortunately, however, I am unable to support the Bill as it stands, because I believe that we already have functioning procedures in place to keep criminals out. The language of the Bill, brief though it is, is too ambiguous. We would have to withdraw from a number of conventions and treaties that benefit us in order to implement it. It also disregards any idea of individuals being able to rehabilitate themselves, which is something this Government are making positive efforts with in this Parliament.

As I am sure the Minister will outline, the UK already has provisions for deporting foreign criminals enshrined in law. They have not always been as strong as they are now, so the previous Government deserve credit for the steps they took to address the problems of deporting foreign criminals who commit a crime in the UK. Perhaps the Government should, as my hon. Friend the Member for Kettering mentioned, look at simplifying the four definitions of how people can be returned to their country: if they had just one, it might be easier for judges to implement.

In the Immigration Act 2014, the Government set out that the law should be on the side of the public, and the starting point is the expectation that foreign criminals will be deported. The Act also rightly changed the law so that, when there is no risk of serious, irreversible harm, foreign criminals can be deported first and have their appeal heard later. It also changed the rules so that those who do have a right to appeal will be able to appeal only once, thus avoiding wasting time and UK taxpayers' money on drawn-out legal appeals, which have happened far too often in the past. That is on top of the long-standing rules we have in place on deporting foreign nationals, including on the automatic deportation of non-EEA nationals who are convicted in the UK and who receive a single custodial sentence of 12 months or more for one conviction. It is shocking to hear that judges sometimes say they will give only an 11-month sentence so that people do not have to be deported.

A non-EEA person who has been deported is already prohibited from entering the UK while the deportation order against them remains in force. Such orders are indefinite, unless a decision is made to remove them. That leaves open the possibility that a person who commits a crime when they are young can appeal to return later in their life when their character is proven to have changed. The Bill affords no such second chances and proposes no scale for different offences.

There is a range of petty crimes that could technically merit a prison sentence but for which courts may, based on the individual, judge that not to be necessary. The Bill is rigid in its definition of what crime has to be committed for someone to be excluded from the UK, referring to

"any offence for which a term of imprisonment may be imposed by"

a UK court of law. Such strict terms—free from provision for any individual consideration, which our legal system currently has—are a flaw in the Bill.

We already have in place a tough system to refuse visas or entrance to individuals applying to come to the UK who have a criminal history in the UK or elsewhere. I know it is not Government policy to publicise exclusion decisions, but I believe the Home Secretary when she says those measures have successfully kept hundreds of criminals out of the UK. That, however, does not get to the heart of the issue the Bill is aimed at—a swift repeal of European law, which prevents EEA nationals from being excluded from the UK if they are sentenced. Under the European directive on freedom of movement, more demanding grounds than previous criminal conviction are required to deport EEA national offenders who have resided in a host member state for over five or 10 years. I was pleased that the Prime Minister made easing restrictions on deporting EU national offenders part of his renegotiation deal and, in particular, that the Commission agreed to examine the five and 10-year residence thresholds for expulsion.

The Bill does not acknowledge that the freedom of movement directive contains restrictions. I agree that there has been abuse of free movement in the EU, but EU offenders who commit a crime in the UK can already be removed and kept out, with a re-entry ban of one year. I hope the Prime Minister does not give up on his efforts to have that re-entry ban extended. The Secretary of State already has the power to exclude those deemed a serious threat to public policy or public security.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): Will the hon. Lady give way?

Pauline Latham: I thought SNP Members wanted us to conclude, but I will give way.

Dr Cameron: First, I must declare an interest, having previously completed risk assessments in this regard. Does the hon. Lady agree that it is important that foreign national offenders receive comprehensive risk assessments so that appropriate judgments can be made?

Pauline Latham: The hon. Lady makes an interesting point, but it might be difficult to do comprehensive risk assessments, and that would delay the process. If somebody has been convicted, they need to go back to their own country immediately.

[Pauline Latham]

As part of the Prime Minister's EU renegotiation deal, the EU Commission will clarify the meanings of the "serious" and "imperative" grounds on which we can exclude people from the UK, removing ambiguity and making it easier for our immigration services to carry out their duties.

For those who are removed and deemed to be a threat to the UK, we still have border checks in place to make sure that they cannot be allowed in. This Government and the Conservative-led previous Government deserve credit for strengthening the data our border police have through the warnings index, specifically those on whether anyone coming through our border is subject to an outstanding deportation order. The Bill would also do away with the Schengen information system, which allows European states to share information on criminals, thereby preventing them from getting into the UK in the first place.

Ultimately, although I agree with the sentiment behind the Bill—all of the speakers have spoken powerfully, mainly in favour of the Bill, and I understand where they are coming from—we already have in place a lot of what it is trying to achieve, namely the exclusion of those non-UK individuals under discussion from enjoying the opportunities and hospitality that this country offers. Therefore, I do not believe the Bill is necessary.

1.36 pm

Mr Christopher Chope (Christchurch) (Con): It is a pleasure to follow my hon. Friend the Member for Mid Derbyshire (Pauline Latham), although I do not agree with her conclusion. This is the 13th Friday in this Session on which I have been present, and I am sorry that not all Members feel it necessary to be here every Friday. I share the frustration of some Opposition Members that it is not always possible to discuss the business one wants.

I sympathise very much with the hon. Member for Brighton, Pavilion (Caroline Lucas), whose Bill refers mainly to England. Clause 23 is the only clause in her Bill that extends to Scotland, and I find it extraordinary that a lot of Members from Scotland do not wish to address this Bill, which relates to a UK-wide issue, but wish to retain their interest in debating just one particular clause of the second Bill on the Order Paper. My understanding is that the problems, costs and frustration caused by foreign national offenders extend as much to people in Scotland as they do to those in the rest of the United Kingdom. It is a pity that we have not heard any SNP Members set out their policies on those important issues.

The Bill fits in with the principles we hold dear. We are privileged to be members of the sovereign United Kingdom. We are privileged that we are able to have control over our own borders as a sovereign nation, and as a sovereign nation we should be able to decide who comes, who stays and who leaves our country if they are not citizens. We welcome visitors to our country, but we expect them to comply with our laws. If they do not, it is a basic principle that we should be able to require them to leave. If they commit a criminal offence, they should be forced to leave, and quickly rather than slowly.

In response to the Home Affairs Committee report, "The work of the Immigration Directorates", the Government state:

> "Foreign nationals who abuse our hospitality by committing crimes in the UK should be in no doubt of our determination to deport them."

The problem is that there may be determination to deport, but there is no ability to do so in many cases. There is a big difference between the two, and that is the essence of the Bill promoted by my hon. Friend the Member for Kettering (Mr Hollobone). He is trying to ensure that the people who abuse this country's hospitality are deported.

Importantly, the Bill does not discriminate between one type of foreign national and another. It treats them all equally. That is why I disagree with my hon. Friend the Member for Calder Valley (Craig Whittaker). Why should we treat citizens of the EU who are not citizens of the United Kingdom more favourably than other foreign nationals? Why do we not treat them all equally? The only way we can do that is to rid ourselves of our current relationship with the European Union.

The Prime Minister promised that he would get fundamental change in the European Union. My understanding was that that would include a significant revision of the free movement arrangements, the bugbear causing the difficulties to which so much reference has been made during this debate. But the Prime Minister did not achieve the fundamental reform of the European Union that we wanted and, in attempting to achieve it, we supported him so strongly.

Having failed to achieve that, the only way in which we will be able to regain control over our own borders and ensure that those foreigners who abuse our hospitality are forced to leave this country is by voting to leave the European Union on 23 June or, in any event, by introducing a Bill soon afterwards to make sure that the Government exercise their sovereign power to clean up our prisons and remove from them the foreign nationals who should be serving prison sentences in overseas countries.

In a sense, the weakness of the Government's position is summed in their response to the Home Affairs Committee:

> "We do not routinely provide data relating to specific countries as publishing such data could result in undermining diplomatic relationships with those countries, particularly where they might have less incentive to co-operate with us."

That is the same argument made in relation to those who wish to remain in the European Union—that if we do not do as the remain campaign ask, our European partners might not wish to co-operate with us so much. I think the best way to ensure that EU countries co-operate is to name and shame those that are not taking back the foreign national offenders they should take back under the EU rule of law. As with so many aspects of EU law, that aspect is applied more in the breach than in the observance.

The only way in which we can achieve what the Bill sets out is to leave the European Union. We will then be able, once again, to re-establish our position as an independent, sovereign country—masters of our own destiny, and in control of events—with a democratically elected House of Commons that can decide such issues for itself, without interference from foreign courts. I have great pleasure in supporting the Bill, and I am proud to be invited to be a co-sponsor of it.

1.42 pm

Michael Tomlinson (Mid Dorset and North Poole) (Con): It is great pleasure to follow my hon. Friend and constituency neighbour the Member for Christchurch (Mr Chope). I agree with his sentiments and I, too, rise to speak in favour of the Bill. Having sat in the Chamber throughout this debate, it would be remiss of me not to add one or two words, but I note your earlier stricture, Madam Deputy Speaker, and I will keep my comments brief.

I used to practise at the bar, and came across at first hand the experience of attempting, at sentence, to deport foreign offenders, so I have seen the difficulty for the courts and the contortions they have to go through under the current regime. I want to praise the simplicity of the Bill. Many comments and criticisms have been levelled at lawyers and judges—not just during this debate, but elsewhere—but I fear that many of those criticisms are unfounded. This place has a duty to ensure that the Bills and laws we pass are as clear and simple as possible to remove any risk of lawyers being able to make such arguments in court. I therefore praise the simplicity of the Bill and how the provisions are set out. I also praise my hon. Friend the Member for Kettering (Mr Hollobone) for setting out the principles behind the Bill so clearly.

I want to pick up on one or two points, the first of which is the question of what is a qualifying offence. My hon. Friend the Member for Shipley (Philip Davies) suggested that he would be satisfied if there were no such definition and the Bill covered all offences for which foreign offenders are convicted. As it stands, clause 1(4) states that it is an offence for which

"a term of imprisonment may be imposed by a court of law."

We have heard an exchange on what precisely that means and what it covers. My view is that it is clear and that it covers any offence for which a term of imprisonment may be imposed.

Philip Davies: Will my hon. Friend address my point about the sentencing guidelines? Is there not a doubt about whether the Bill would apply to cases in which somebody commits an offence for which prison is not an option within the sentencing guidelines?

Michael Tomlinson: My view is that there is not. My hon. Friend raises an interesting point, but my firm view is that it is clear: on a plain reading of the Bill, any offence where a term of imprisonment may be imposed would be caught. We discussed theft and the example of shoplifting a few moments ago. My view is that, because there is a maximum sentence of seven years' imprisonment, the offence is clearly covered by the Bill, even though shoplifting is towards the lower end of the scale and one would not expect there to be a sentence of imprisonment in any event.

Philip Davies: But in a case of shoplifting, particularly if it is a first offence, the judge may not impose a custodial sentence, because that would be outside any kind of sentencing guideline, so surely in such a case, the Bill may not apply.

Michael Tomlinson: I do not believe that to be the case. My firm view is that, on a plain reading of the Bill, even shoplifting would be covered.

I want to make the slightly different point that perhaps that is going a bit too far for shoplifting. Indeed, my hon. Friend the Member for Gainsborough (Sir Edward Leigh) said that it was his view and that of Migration Watch that a sentence of imprisonment for 12 months was about the right level. There could be a debate about what precisely is the right level, but as drafted the definition is very wide indeed.

My hon. Friend the Member for Kettering spoke about the number of prisoners for whom no nationality has been recorded. I believe the figure was 434 or thereabouts. I would like the Minister to address that point, because if the Bill is to have effect, we cannot have foreign national offenders or, indeed, any offender flouting our laws by refusing to give up their nationality.

I also ask the Minister to address the point that has been raised with regard to article 8 of the European convention on human rights. As drafted, the Bill is very simple. The intention behind clause 1(1) is very clear when it says:

"Notwithstanding…the European Communities Act 1972".

My fear is that the Bill may still be caught by article 8. Perhaps the solution is around the corner with the British Bill of Rights. This place will have the opportunity to address each and every one of the articles and determine whether it is right or not for them to be included in our British Bill of Rights.

I must touch on the issue of cost, which has been impressed upon me by constituents. I am staggered by the figures that have been given in this debate—up to £1 billion. I am not sure whether that includes the costs that would be saved by shutting prisons. I know that my hon. Friend the Member for Shipley and I are on slightly different sides of the argument on this point, but I firmly believe that if 10,000 foreign national offenders were deported, it would give us an opportunity to make even more savings by closing prisons down.

The hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) raised the issue of risk assessments. I fear that bringing in that sort of test would undermine the purpose of the Bill, which is very clear and simple. If someone comes to this country, they are very welcome if they want to work hard—they can come to Mid Dorset and North Poole, work hard and add to our economy. If someone commits an offence, especially one so serious that it can lead to a term of imprisonment, the principles behind the Bill are that it is right for them to be deported. No risk assessment, no delay, no quibble—those are the rules, pure and simple, and I praise the simplicity of this Bill, which aims and intends to do just that. Given the time and your earlier strictures, Madam Deputy Speaker, I will leave it there, but I entirely support the purpose and thrust of this Bill.

1.50 pm

Christina Rees (Neath) (Lab): I will keep my comments brief. Members throughout the House agree that foreign criminals who are guilty of serious crimes have no place in this country. British hospitality should extend only so far, and those who pose a risk to public safety should have their requests to remain here refused.

We are therefore in agreement with the Bill in principle, and I welcome the opportunity to debate this crucial issue. The question, however, is how we tackle the problem in practical terms, and I suggest that the

[Christina Rees]

introduction of new laws, extra court time, and added strains on our overburdened criminal justice system, is not the solution. The solution is for the Government properly to enforce existing laws—something that they are failing to do on a grand scale.

Just yesterday it was revealed that the Home Office is releasing five foreign criminals a day on to Britain's streets, instead of deporting them. The Home Affairs Committee said in a shocking report that in the three months to December last year, 429 foreign national offenders were freed into the community when they should have been deported. Those are people who, according to our existing laws, should no longer be allowed to remain in this country. It is unacceptable that the Committee found that a total of 5,267 overseas criminals are living in Britain and due for deportation, including those convicted of the most serious crimes. That is the highest number since 2012.

It is little wonder that the Home Office has been accused of a "complete failure" to get a grip on the system for deporting overseas convicts. The Chair of the Home Affairs Committee, my right hon. Friend the Member for Leicester East (Keith Vaz), said of his Committee's findings:

> "The Prime Minister promised to make the speedy removal of foreign national offenders a priority but these figures show the Home Office has failed to do so. The public will be alarmed that 1,800 offenders are still here after five years. This demonstrates either incompetence, inefficiency or both."

Michael Tomlinson: Does the hon. Lady accept that not just this Government but Governments throughout history have failed to get to grips with this issue? That is why this important and clearly presented Bill should be supported.

Christina Rees: I take the hon. Gentleman's point, and I will come on to that in due course.

The Committee's findings add to a long list of damning reports on the Government's failure to crack down on foreign criminals. The Public Accounts Committee released a scathing report in 2014, which found that more than a third of failed removals were the result of factors within Home Office control, including poor co-operation between relevant bodies on detention, release and deportation, poor use of IT, failure to use the powers available, cumbersome and slow referral processes, and inefficiency in processing. Crucially, it found that only 30% of foreign nationals were being checked against international databases. Two years on from that report, the Government have not learned from their mistakes. By contrast, the last Labour Government made this issue a priority and increased the number of foreign prisoners who were removed.

In conclusion, as I have made clear, we support the principle behind the Bill that more foreign criminals should be deported, especially given how poor the Government's track record has been. However, the Bill's proposals are not the way to tackle the problem. As a shadow Justice Minister, I know all too well how strained our criminal justice system already is, as indeed are our police, prisons and probation service. Wasting extra court time is not the remedy, and we need the Government to honour their promise to deal with the dangerous criminals who Parliament, the public, and the authorities have already agreed have lost their right to remain in the UK. Labour Members welcome this timely debate, and call on Ministers to stop dragging their feet and deal as a matter of urgency with this issue that is so crucial to public safety.

1.54 pm

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): I congratulate my hon. Friend the Member for Kettering (Mr Hollobone) on moving the Bill, and other hon. Members on their contributions. This is third time we have debated such a Bill—they have been promoted by him and by my hon. Friend the Member for Wellingborough (Mr Bone), so perhaps next year, we can call it the Foreign National Offenders (Northamptonshire) (Exclusion from the UK) Bill. We shall see.

I am conscious that hon. Members want to debate the National Health Service Bill. I, too, wish to debate the NHS in England, and will therefore restrict my comments to give the hon. Member for Brighton, Pavilion (Caroline Lucas) time to move her Bill. I should make the point that that is dependent on my not taking interventions and not having significant debate. I hope hon. Members will understand if my comments are significantly shorter than I was expecting them to be. My time spent preparing my speech could have been used to do other things, but let me get on to a few specific points.

I join the shadow Minister and others in assuring my hon. Friend the Member for Kettering that the Government are determined to deal with the problem of foreign national offenders. We agree that they need to be dealt with and deported as soon and as effectively as possible, but I am afraid that the measures in the Bill do not deliver that.

The Government are doing a significant amount—I am afraid I do not have time to set out the many things we are already doing—but it might be worth my pointing out some of the new things we are about to do, particularly regarding individuals' nationalities. Establishing the nationality of individuals at the earliest possible point in the criminal justice process obviously helps to avoid significant delays when the Home Office wishes to deport foreign national offenders and illegal migrants from the UK. On top of existing measures, we are seeking through the Policing and Crime Bill to amend the UK Borders Act 2007, to introduce a requirement for a suspect foreign national to state their nationality on arrest. That will help to ensure that the person's identity is established early on, and that overseas criminal record checks are conducted with the correct country of origin, so that we can properly assess the risks posed to the public by that individual.

Reducing the number of foreign national offenders is a priority. Provisional data show that, in the calendar year 2015, we removed 5,602 foreign national offenders from the UK, which is a 6% increase on the previous year and the highest number of removals in a year since records began in 2009. It is worth my making the point that more than half of those removed were European Economic Area foreign national offenders—we are deporting both EEA nationals and non-EEA nationals. More than 29,000 foreign national offenders have been removed since April 2010.

Philip Davies: Is the Minister trying to make the case that the Home Office is doing a good job? Given the figures in *The Times* yesterday, that would be an extraordinary claim to make. Is it her case that the Home Office is doing a good job, because most hon. Members in the Chamber think it is failing miserably?

Karen Bradley: I have the highest respect for my hon. Friend, but I am sure he would not expect me to agree with his comments. The officials and people in the Home Office, including my team, are incredibly dedicated and determined. This Government and the previous coalition Government have been dealing with the failures of the Labour Government, who for 13 years made it more and more difficult to deport foreign national offenders. We have taken steps to make a difference and will continue to do so—we will continue to do all we can.

In the short time I have, I should like to make one further point. I realise that some of my hon. Friends will disagree with me on this—in particular, my hon. Friend the Member for Kettering, who makes his position clear with his tie. I am absolutely clear that European Union co-operation, and discussion and working with our European Union counterparts, enables us to deport foreign national offenders effectively, through information sharing, including through the Schengen information system and the European criminal records information system. We are also working through the serious offending by mobile European criminals—SOMEC—scheme to share information. We have talked about free movement. I agree that free movement is not an unconditional right. I want free movement of criminal information before any criminal gets to our shores, so we know exactly who they are and that we can stop them from causing trouble and committing crimes on our shores.

Sir Edward Leigh: I know the Minister is trying to get to the end of her speech, but this is a very important point. Will she at least reply to the point we made that the Government should introduce legislation to ensure that as soon as someone is convicted—on day one—deportation procedures begin?

Karen Bradley: As my hon. Friend knows, we have introduced zero tolerance and "deport now, appeal later". We continue to work further, but it is only by working with our European Union counterparts in other member states that we can hope to achieve what we all want: the UK as safe as possible, so that British citizens can live their lives free from concern that a foreign national offender is walking the streets and may seek to harm them.

With that, I hope my hon. Friend the Member for Kettering will withdraw his Bill. I know he has the very best of intentions, but I also understand that we need to get to on to other business. I would have liked to have spent more time debating the Bill, but I hope he will withdraw it at this point.

2.1 pm

Mr Hollobone: With the leave of the House, I thank my hon. Friends the Members for Gainsborough (Sir Edward Leigh), for Shipley (Philip Davies), for Calder Valley (Craig Whittaker), for Mid Derbyshire (Pauline Latham), for Bury North (Mr Nuttall), for Mid Dorset and North Poole (Michael Tomlinson) and for Christchurch (Mr Chope) for their most illuminating speeches, and my hon. Friend the Member for Crawley (Henry Smith) for his multiple intelligent interventions. This has been a thoroughly well-informed debate about an issue that is very important to our constituents. I, too, want to get on to the next Bill, not least to discuss part 5, clause 22, where the hon. Member for Brighton, Pavilion (Caroline Lucas) proposes the abolition of the NHS charge for immigrants using our national health service. That, too, is of interest to my constituents, but we have time, before that debate, to test the will of the House.

Question put, That the Bill be now read a Second time.

The House divided: Ayes 5, Noes 25.

Division No. 213] **[2.2 pm**

AYES

Fitzpatrick, Jim
Nuttall, Mr David
Rosindell, Andrew
Smith, Henry
Tomlinson, Michael

Tellers for the Ayes:
Mr Philip Hollobone and Philip Davies

NOES

Barwell, Gavin
Bingham, Andrew
Bradley, Karen
Coffey, Dr Thérèse
Dinenage, Caroline
Elphicke, Charlie
Gauke, Mr David
Gibb, Mr Nick
Gummer, Ben
Hancock, rh Matthew
Hollingbery, George
Hurd, Mr Nick
Kirby, Simon
Lancaster, Mark
Latham, Pauline
Lefroy, Jeremy
Lewis, Brandon
Lidington, rh Mr David
Milton, rh Anne
Perry, Claire
Rudd, rh Amber
Soubry, rh Anna
Stewart, Rory
Syms, Mr Robert
Whittaker, Craig

Tellers for the Noes:
Mr Christopher Chope and Sir Edward Leigh

The Deputy Speaker declared that the Question was not decided because fewer than 40 Members had taken part in the Division (Standing Order No. 41)

National Health Service Bill

Second Reading

2.13 pm

Caroline Lucas (Brighton, Pavilion) (Green): I beg to move, That the Bill be now read a Second time.

It is an honour to have brought this Bill to Parliament today. It is the result of widespread consultation and has extensive backing from a raft of doctors and nurses delivering front-line care, as well as from local NHS campaign groups. Its backers include the British Medical Association council, the president of the Royal College of Paediatrics and Child Health and many local NHS staff and campaigners. I want to pay tribute to them all for their amazing work. I pay tribute, too, to Allyson Pollock, the professor of public health research and policy at Queen Mary University of London, and to Peter Roderick, a barrister and senior research fellow there, for their expertise and help.

The incredibly positive and wide-ranging popular support for the Bill reflects a strong belief in a publicly provided NHS. People are rightly worried because the NHS, consistently ranked one of the best in the world, is under threat like never before. It is under threat from underfunding dressed up as efficiency savings; under threat from cuts; under threat from the wasteful bidding of the internal market; under threat from increasing commercialisation and the steep increase in corporate sector contracts since the Health and Social Care Act 2012.

Dr Philippa Whitford (Central Ayrshire) (SNP): A Select Committee on Health report in 2010 showed that the NHS's running costs had more than doubled from 6% to 14%, based on the purchaser-provider split, and that was before the outsourcing and tendering of the Health and Social Care Act 2012.

Caroline Lucas: I am grateful to the hon. Lady, who speaks with great expertise in this area. She is absolutely right that the creeping privatisation and marketisation are, along with all the other problems they bring, incredibly inefficient.

Mr Andrew Smith (Oxford East) (Lab): I am sure that everyone in the House sympathises with the lack of time for Second Reading of the hon. Lady's Bill. Does she agree that the NHS is also direly threatened by the imposition of brutal pay restraint policies that do such damage to recruitment and retention, particularly in places such as Oxford?

Caroline Lucas: I absolutely agree with the right hon. Gentleman. It is no wonder that we cannot recruit more nurses and doctors when the Government treat them so badly and their expertise is so unappreciated.

Mr Jim Cunningham (Coventry South) (Lab): Further to the point that my right hon. Friend the Member for Oxford East (Mr Smith) made, the Government extol the virtues of those who work in the national health service, yet they have offered them a paltry 1% pay rise. Does the hon. Lady think they could do better than that?

Caroline Lucas: Yes, I was about to come on to that exact point. The 1% pay rise is frankly insulting. It is unsurprising that there is so much concern among NHS staff, because it is not only about finances but about how they are being treated in general. We have a Health Secretary who constantly undermines their professionalism, helping to push our NHS into crisis.

To see off the many threats facing our NHS, the Bill is guided by the principles of the National Health Service Act 1946. It would reinstate the Secretary of State's duty to provide services throughout England. It is time to put an end once and for all to the purchaser-provider split, which is the harmful cornerstone of the commercialisation of our health service. It is the open door that lets the health corporations in to pick off the most profitable NHS contracts.

Joanna Cherry (Edinburgh South West) (SNP): I congratulate the hon. Lady on bringing forward this Bill, which attempts to stop the dismantling of the NHS in England and Wales. Does she appreciate that that dismantling poses a threat to the NHS in Scotland, because our funding is linked to English public expenditure through the Barnett formula? Does she also recognise that Scottish National party MPs are here in numbers today at the request of their constituents?

Caroline Lucas: The hon. and learned Lady is absolutely right. I am grateful to my SNP colleagues for being here today and for being patient as we waited to get to this point. What happens to the NHS in England has consequences for the NHS in Scotland. They are absolutely linked, which is why I am so grateful that she and her colleagues are here today.

Craig Whittaker (Calder Valley) (Con): Will the hon. Lady give way?

Caroline Lucas: If the hon. Gentleman does not mind, I will not, simply because I want to make a bit more progress and many Opposition Members have waited a long time to speak in this debate.

The purchaser-provider split has allowed NHS privatisation in England to increase dramatically since the 2012 Act. The most recent official figures show that the NHS paid £6.6 billion to private healthcare firms in 2013-14. Some have suggested that that figure has now increased to as much £10 billion.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): The Bristol clinical commissioning group, which issues contracts for local NHS services, is in the process of striking out rules that prevent tax-avoiding private companies from securing NHS contracts, for fear of litigation. Does the hon. Lady share my worry that the only health concern for some private contractors is ensuring that they get healthy profits?

Caroline Lucas: I agree with the hon. Lady's strong and compelling point.

Valerie Vaz (Walsall South) (Lab): I remind the hon. Lady that Labour Members are also here. As a member of the Health Committee between 2010 and 2015, I know that the Bill is vital. Does she agree that it is necessary to overturn the reorganisation that nobody wanted and that cost £3 billion?

Caroline Lucas: I pay tribute to Labour colleagues who are here. Unfortunately, there were not enough to ensure that we could have had a closure motion earlier,

about which I am sorry. However, the hon. Lady is absolutely right that we need to tackle reorganisation head-on. Some will argue that the NHS cannot face yet more reorganisation. I agree with that on one level, but the alternative of carrying on down the current route is absolutely impossible. The Bill is framed in such a way to ensure that reforms are implemented organically over time. Frankly, I do not think that we can do without it.

Dr Philippa Whitford: The NHS is being reorganised on a daily, weekly and monthly basis. Every time a service is outsourced, it is completely reorganised. By being taken over, people's contracts are altered, and the shape of the service changes. In Scotland, we reversed the purchaser-provider split in 2004, and it was relatively painless. What we need is simply a decision not to outsource further and gradually to move back to geographical health planning instead of the fragmentation of clinical commissioning groups at a time when we need integration.

Caroline Lucas: That intervention is incredibly helpful, as it shows what is possible. The fact that it has been done in Scotland without major problem demonstrates that, if the political will is there, changes can be made.

Rachael Maskell (York Central) (Lab/Co-op): The urgency of the Bill is notable. In my constituency, a hospital was closed within five days because of competition and the fragmentation of services. Is it not essential that we do everything we can to bring about a collaborative, planned service now?

Caroline Lucas: I am grateful to the hon. Lady for her intervention. She must have very good eyesight, as I was about to come on to exactly that point. We need a planned service, not one based on competition all the time. To those who say that the private sector is only a small part of our NHS, I make three important points. First, the private sector causes enormous harm by cherry-picking profitable services. Secondly, there has been an undeniable escalation of private sector involvement since the Health and Social Care Act 2012, and the direction of travel is plain. Thirdly, material harm is being caused by the purchaser-provider split, which puts competition above co-operation and sees NHS bodies literally bidding against each other, and I simply cannot see whose interest that is in.

Philip Davies (Shipley) (Con): Will the hon. Lady give way?

Caroline Lucas: No, I will not, because the hon. Gentleman has already had about two hours in which to speak this morning.

I will say a little more about each of those points. On cherry-picking, the inescapable truth is that the private sector is camping out on the NHS's lawn. It is using all the corporate machinery available to it to pick off the low-hanging fruit—the non-urgent, easy and profitable services. The 2012 Act handed the private sector unprecedented access to NHS markets. Invited in to browse, it has predictably seized the simple, profitable work, sending complications back to the NHS to mop up any mistakes or unforeseen outcomes.

Dr Philippa Whitford: I have asked on several occasions in the Chamber about the contribution of the Health and Social Care Act to the current financial state of the NHS in England. We constantly hear that it is all just due to agency nurses, yet when we look at the five years before the change, we see that the NHS managed, somehow, to balance its books. It then had a debt of £100 million, then £800 million, and now we are looking at a debt of £2.5 billion. That is because we are not looking after everyone. We are giving the private sector the cheap people and the NHS ends up with the expensive people.

Caroline Lucas: The hon. Lady puts her point well.

Liz McInnes (Heywood and Middleton) (Lab): I thank the hon. Lady for bringing the Bill to the House—I am glad that she has finally been able to do so. Does she agree that the real issue with the privatisation of the health service is that the money that is made goes into the pockets of shareholders and not back into patient care?

Caroline Lucas: Absolutely. It is just criminal that the money that the NHS so desperately needs to provide front-line care is going to line the pockets of private companies' shareholders.

Philip Davies: Will the hon. Lady give way?

Caroline Lucas: No, I will not. I will not give way to a gentleman who has spent about two hours boring on this morning.

The private sector is profiting from NHS training, but it is depriving the NHS of income and removing valuable day-to-day training experience. Let us take the example of a surgeon who no longer gets to practise on scheduled elective work and who, as a result, has to refer an emergency shoulder injury to a specialist unit. It could have been dealt with at a lower level, but the experience and practice were lost.

Mr Jamie Reed (Copeland) (Lab): I congratulate the hon. Lady on bringing this Bill forward. In communities such as mine, in Whitehaven, Millom, Keswick, Maryport, Workington and elsewhere, we are really feeling the effect of Government policy right now—there are no two ways about it—as it is hollowing out the NHS. The Bill requires a lot of work, and I do not favour another reorganisation. Where in the Bill would provision be made for the NHS to recognise explicitly the difficulties and differences in providing healthcare in isolated rural peripheral areas? It is fundamentally different from how it is provided in more urban areas.

Caroline Lucas: I thank the hon. Gentleman. I think that point will be explored in Committee. I cannot point him right now to the relevant clause, but it is a serious point. I would say that we will have a better chance of having such a managed and planned NHS, in which we can ensure that there are appropriate services in rural and urban areas, if we have a guiding mind back in charge of the NHS. That is exactly what was broken by the provider-purchaser split. The hon. Gentleman's point is a good one, and I would love to see it debated further in Committee.

[Caroline Lucas]

When it comes to the overall direction of travel and the duty to provide, it is shocking that the private hospital share of NHS-funded patients grew rapidly between 2006 and 2011. By 2010-11, private companies performed 17% of hip replacements and 17% of hernia repairs, and handled 8% of patients. First attendances for orthopaedics or trauma, such as broken limbs, also increased, yet it is the NHS that invests in training and picks up the pieces when things go wrong in the private sector, and it is the NHS that so often innovates.

Following the coalition's Health and Social Care Act 2012, the NHS Support Federation has been charting the impact of Government policy on the use of outside providers to deliver and plan NHS care. Its report, which came out last month, charts the continuing steep escalation of creeping private sector involvement in the NHS. Its research shows that more than 400 NHS clinical contracts, worth £16 billion, have been awarded through the market since April 2013. Over that time the private sector has won nearly £5.5 billion of them, so let me give a few examples of the kind of corporate takeover that we are talking about.

In September 2015, Capita, despite its chequered record in the provision of public services, took control of a contract worth £1 billion to be the provider of primary care services in England. In October 2015, Virgin Care won a five-year, £64 million contract from Wiltshire clinical commissioning group, Wiltshire Council and NHS England to provide community child health services in Wiltshire. As of April 2016, services including children's specialist community nursing, health visiting and speech and language therapy will all transfer to Virgin Care. In my constituency, the private company Optum, part of the giant American corporation UnitedHealth, last year won a £1.5 million contract from Brighton and Hove CCG for referral management services.

Such outsourcing goes on despite a trail of failed, terminated and collapsed contracts, such as the £235 million contract for provision of musculoskeletal services in West Sussex, which was awarded but never begun once it was determined just how much damage it would do to other NHS services in the region. Then there was the collapsed £800 million contract for Cambridgeshire and Peterborough older people's services. There are estimates that the collapse of that contract has cost the local hospitals, GPs and community care providers about £20 million. There is a third example, of course—that of Circle, the private company running Hinchingbrooke hospital, which pulled out after just two years of a 10-year contract. That company's announcement came just after the publication of a damning report on the hospital from the Care Quality Commission that raised serious concerns about care quality, management and the culture at the hospital.

Dr Philippa Whitford: One of the areas in which I have concerns relates to the case of Mid Staffordshire. A lot of the blame in the Francis report was on the drive for foundation status, which meant that senior management were totally fixated on that instead of on the quality of care to the patient. Consideration should be given to clinical governance, so that management are responsible for the clinical outcomes and not just the financial outcomes.

Caroline Lucas: I thank the hon. Lady for making that important point.

In the last moments that are left to me in this debate, I want to talk a little about how what is happening to our NHS, sadly, did not just happen with the 2012 Act. It goes back further than that. To protect the NHS for future generations, we need to recognise that there were several other stealthy acts of vandalism before that Act. Margaret Thatcher's Government introduced the internal market right back in the 1990s. The right hon. and learned Member for Rushcliffe (Mr Clarke) was in charge, following on from the so-called options for radical reform set out by the right hon. Member for West Dorset (Mr Letwin). In its 1997 manifesto, new Labour promised to end the Tory internal market but afterwards embedded it even further.

On those foundations, the now Lord Lansley, Secretary of State for Health in the coalition, drove forward the Health and Social Care Act. With that Act, no longer do the Government or anyone else have a legal duty to provide hospital services throughout England. That duty to provide was severed. Universal provision was replaced with commissioning for registered patients. Healthcare was thrown open to "any willing provider"—hastily changed to "any qualified provider".

Shockingly, last October we learned that Lord Lansley has since been hired as a consultant to Bain & Company, which, according to its website,

"helps leading healthcare companies work on the full spectrum of strategy, operations, organization and mergers".

That appointment at Bain was signed off in July 2015 by Baroness Browning, who herself chairs the Advisory Committee on Business Appointments—

2.30 pm

The debate stood adjourned (Standing Order No. 11(2)).

Ordered, That the debate be resumed on Friday 22 April.

Business without Debate

HOUSE OF LORDS (PARLIAMENTARY STANDARDS ETC) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

LOCAL AREA REFERENDUM (DISPOSAL OF SCHOOL PLAYING FIELDS) BILL

Resumption of adjourned debate on Question (22 January), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 22 April.

RAILWAYS BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

PERSONAL, SOCIAL, HEALTH AND ECONOMIC EDUCATION (STATUTORY REQUIREMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

BENEFIT SANCTIONS REGIME (ENTITLEMENT TO AUTOMATIC HARDSHIP PAYMENTS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

NEGLIGENCE AND DAMAGES BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

ACCESSIBLE SPORTS GROUNDS BILL [*LORDS*]

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

CORONERS AND JUSTICE ACT 2009 (DUTY TO INVESTIGATE) (AMENDMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

HOMES (FITNESS FOR HUMAN HABITATION) BILL

Resumption of adjourned debate on Question (16 October), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 22 April.

VICTIMS OF CRIME ETC (RIGHTS, ENTITLEMENTS AND RELATED MATTERS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

FRACKING (MEASUREMENT AND REGULATION OF IMPACTS) (AIR, WATER AND GREENHOUSE GAS EMISSIONS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

SUGAR IN FOOD AND DRINKS (TARGETS, LABELLING AND ADVERTISING) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

ARBITRATION AND MEDIATION SERVICES (EQUALITY) BILL [*LORDS*]

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

PROTECTION OF FAMILY HOMES (ENFORCEMENT AND PERMITTED DEVELOPMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

AUTOMATIC ELECTORAL REGISTRATION (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

FREE SCHOOL MEALS (AUTOMATIC REGISTRATION OF ELIGIBLE CHILDREN) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

AIR QUALITY (DIESEL EMISSIONS IN URBAN CENTRES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

FOOTBALL GOVERNANCE (SUPPORTERS' PARTICIPATION) BILL

Resumption of adjourned debate on Question (4 March), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 22 April.

ENGLISH NATIONAL ANTHEM BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

TRANSPORT OF NUCLEAR WEAPONS BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

COMPULSORY EMERGENCY FIRST AID EDUCATION (STATE-FUNDED SECONDARY SCHOOLS) BILL

Resumption of adjourned debate on Question (20 November 2015), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 22 April.

REPRESENTATION OF THE PEOPLE (YOUNG PERSONS' ENFRANCHISEMENT AND EDUCATION) BILL

Resumption of adjourned debate on Question (11 September), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 22 April.

FOOD WASTE (REDUCTION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

ON-DEMAND AUDIOVISUAL SERVICES (ACCESSIBILITY FOR PEOPLE WITH DISABILITIES AFFECTING HEARING OR SIGHT OR BOTH) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

MARRIAGE AND CIVIL PARTNERSHIP REGISTRATION (MOTHERS' NAMES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

MESOTHELIOMA (AMENDMENT) (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 22 April.

OFF-SHORE WIND FARM SUBSIDIES (RESTRICTION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 May.

DEFENCE EXPENDITURE (NATO TARGET) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 May.

CONVICTED PRISONERS VOTING BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 May.

UK BORDERS CONTROL BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 May.

HOUSE OF LORDS (MAXIMUM MEMBERSHIP) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 May.

WORKING TIME DIRECTIVE (LIMITATION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 May.

Luton Railway Station

Motion made, and Question proposed, That this House do now adjourn.—*(Anne Milton.)*

2.37 pm

Mr Gavin Shuker (Luton South) (Lab/Co-op): It was my hon. Friend the Member for Luton North (Kelvin Hopkins) who last secured a debate on the rebuilding of Luton railway station, some 2,179 days ago. I regret to inform the House that, despite his powers of persuasion, and mine since I was elected to this place, progress on the rebuild, which the Government, the council and the operator all agree needs to go ahead, has not advanced in that period at all, and in some areas it has gone backward.

That is despite the fact that Luton is easily in the top decile of stations, in terms of passenger numbers, and is growing rapidly, serving an urban conurbation in excess of a quarter of a million people. My constituents and I daily experience the frustration of this old, tired and inaccessible station. As a result of how it is situated, even non-passengers are disadvantaged by its presence and current state. It effectively cuts off the town centre to pedestrians with mobility issues coming from the vast majority of the town to the north.

My constituents pay some of the highest ticket prices in the south-east, but virtually none of that is reinvested in our station. Residents have to put up with a total lack of disabled facilities for getting down to the platforms, and those passing between High Town and South wards cannot travel either way with their pushchairs or heavy baggage on the regular stretches where the station's single lift is inoperable, even if they are not seeking to access the station in the first place. Frustratingly, we have been close to securing the requisite funding on multiple occasions, only for our hopes to be dashed. I seek the Minister's assurance today that the rebuild project is a priority for her Department and, if so, that it can proceed in this control period.

Built in 1868 on the midland main line, Luton station expanded in a piecemeal manner in the 1930s and the 1960s to serve a growing town. It was key to the expansion of my home town, serving the town's gas works, power station and industries such as hat making and, later, car making. However, over the last century, Luton's proximity to London has led to a massive growth in commuter traffic. We are just 22 minutes from St Pancras by direct train, and we link directly to towns such as Nottingham, Derby, Sheffield and Brighton, to name but a few. In short, Luton is a major railway station that is key to the south-east network and to our town's prosperity.

However, the station also serves as the gateway to our borough and, as such, first appearances matter. If the Minister were to make the short journey up to Luton today, she would be greeted by runs of heavy glass windows that have been boarded up because they have a tendency to fall out on to the tracks and, potentially, on to passengers below. If it were raining, she might see the ingeniously named platform 3 "water feature", which cascades down from the bridge above. As she exited our inadequate ticket gates and took the overcrowded stairs heaving her ministerial boxes, she would have to hope that the station's lift was working—this week, by the way, it is not. My constituents report that the station is inconvenient, grubby, unwelcoming and embarrassing. We are proud of our town, but not of our railway station.

Since the 1990s, a number of abortive schemes have sought to rectify the situation. Luton Borough Council has invested heavily in the station quarter, with improved links to Dunstable and the airport through the landmark guided busway, giving access to education and employment opportunities to the east and west. Local businesses and charities have bought and restored the old hat factories that sprung up in the 1800s around the station, and the area is a hub of activity and young, creative businesses, with many people wanting to start their entrepreneurial careers there. The business improvement district and The Mall have improved access to the town centre and its appearance, and the town's single further education college intends to relocate to a new build just metres from the station. The new Network Rail-built car park is an iconic building and a statement of investment in the town. In short, the area has been transformed and befits a town of the size and status of ours.

However, just as the surrounding context has improved, the station itself has gone backwards. The net effect of the £6 billion Thameslink programme investment in Luton station and the surrounding area, which I welcome, has actually been to further diminish the facility's accessibility—that surely cannot have been the aim of the programme—because 12-car running has cut off access for those with mobility problems.

The 2009 better stations programme identified Luton as one of the 10 worst stations in the country and gave the project sponsors access to a £50 million fund intended to improve category B railway stations. To unlock the potential of the scheme, that funding was to be provided alongside contributions from the local authority and the then operator—First Capital Connect—as well as Access for All funding. However, on the election of the coalition Government in 2010, the money was pulled, without a plan to proceed. Despite my best efforts and those of the local authority, the project stalled, and it has not advanced since.

Let me turn to the present situation. In April 2014, the Government announced that Luton was one of 42 stations that would be authorised to access about £100 million of Access for All funding. That was for the control period 5 delivery plan, which runs from 2014 to 2019. Access for All funding is key to advancing the project. In stark terms, there are two options available: either we use the funding to deliver a stand-alone footbridge, disconnected from the station, but seemingly offering better accessibility; or we use it to leverage in funding for a larger redevelopment.

The first option is a non-starter. If the footbridge were disconnected from the railway station, it would offer greater accessibility to only a small number of my constituents. It would not link to the station's car park, in which there has already been significant investment, or to the ticket office or the retail sites. Once used, the funding could not be used to leverage in further funding from other available sources.

Assurances from Network Rail, the station redevelopment sponsor, that that could be the first phase of a multi-phase development spanning the control period—that is what Network Rail has advocated to me recently—are politically naïve. Once the legal requirements

[Mr Gavin Shuker]

were fulfilled, the moral imperative for greater, more positive improvements to the station would be quietly sidelined and dropped.

Therefore, the second option—that of a comprehensive scheme made up of funding from the station commercial project facility, the national stations improvement programme, Access for All, the Thameslink operator, local government and commercial funds—is vastly superior and appropriate for our needs. That is the route by which we would seek to deliver the approximately £20 million required for a perfectly adequate scheme.

The dilemma is that either we spend the Access for All funding, which would meet a legal requirement and would be delivered in this control period, or we delay the project in the hope of securing additional Department for Transport funding for an adequate scheme, which would cost time and delay delivery. The Access for All scheme, together with funding from other sources, is a once-in-a-generation opportunity to get this job done.

There is, of course, a third option, namely that the Department demonstrates that this is a priority scheme and signals that a masterplan should be agreed for the delivery of improvements starting before the end of this control period in 2019. The Minister has the power to make that happen, and I ask her to do it.

Having worked actively on the issue in recent months, alongside my local authority colleagues, I am pleased to say that Network Rail has accepted that we will not accept a stand-alone footbridge project and is now working with Luton Borough Council to create a masterplan. It will incorporate some of the elements of the previous options, but it will seek more straightforward ways to deliver the benefits. The local authority has been generous in authorising the early release of funds to enable that, and Network Rail has provided match funding. The council recognises that the improvement of the station is complex. There are constraints on public finances and it will involve the pulling together of a number of different pots of funding, but this really is the only way forward.

Last month, the Secretary of State for Transport wrote in a letter to Luton Borough Council:

> "I agree with you that the condition of the station needs to be addressed and that investment is needed to bring it up to the standard Luton residents have every right to expect."

With that in mind, I ask the Minister to consider a few points. First, will she ensure that, in the forthcoming Budget, the Chancellor understands the depth of feeling among my constituents and takes the first step towards the delivery of a new masterplan by approving Govia's £2.5 million bid for station commercial project facility funding? That is a vital part of the various pots of funding that will need to be assembled, and it will ensure the political viability of such an approach.

Secondly, will the Minister instruct her officials to create a publicly transparent timescale and work programme for the project, and ensure that it is given prioritisation by both Network Rail and the Department for Transport, with a named lead officer at the Department?

Thirdly, will she take this opportunity to make it clear that a footbridge-only or footbridge-first scheme is unacceptable? It would reduce mobility for some and permanently exclude it for others. Will she instruct Network Rail to drop that idea forever and instead work to expedite progress on the masterplan with Luton Borough Council?

Fourthly, and finally, will the Minister give an assurance that she will do all in her power to ensure that a comprehensive project starts in control period 5, with shovels in the ground before the end of that control period in 2019? It would be understandable if a project of such a size and scale sought to span control periods, but it would be unacceptable for my residents and businesses, who have shown great forbearance in recent years, to continue to suffer from the state of the station through to the mid-2020s at least.

Last year, 100,000 more passengers entered and exited Luton station than in the preceding year. We are a growing town, and we need adequate facilities. We need this Government to do the right thing, as I hope the Minister wants to do, by the people of Luton.

2.50 pm

The Parliamentary Under-Secretary of State for Transport (Claire Perry): It is always a pleasure to respond the hon. Member for Luton South (Mr Shuker). He is a Lutonian born and bred, and he speaks very passionately on many issues relating to his constituents.

I want to say that I absolutely share the aspiration of getting this project started. The hon. Gentleman has made the compelling case that, for too long, Luton station has not had the investment it needs. It is the 136th busiest station in the UK, and is used by 3.5 million passengers a year. It is not only an important commuter link to London, but a gateway to the midlands and beyond. The growth and development of the town will only continue, so ridership numbers will increase.

I gently point out to the hon. Gentleman that the Thameslink project—I am very proud that we are close to delivering on this very large investment for his constituents and those in the wider region—will run with brand-new trains. I take his point about 12-car rolling stock, but the upgrade of the tracks and trains was probably neglected by successive Governments. I am very proud to be part of a very pro-rail and pro-rail infrastructure Government.

As the hon. Gentleman knows—I have been pretty fully briefed about this—there are a number of moving parts, so let me summarise my understanding of what is happening. There is a commitment of almost £2 million to the national stations improvement programme: it is funded, ring-fenced and available to go. There are also proposals for the relocation of the ticket machines, and improvements to waiting facilities, as well as retail units, cycle storage and other things that will benefit the station.

Govia Thameslink Railway has made an application to the stations commercial project facility. The hon. Gentleman will understand why I cannot comment on that, given the current stage of the bid allocation process. The announcement of the successful bids will be made shortly.

The area on which there has been great disappointment, because the money is available, is the Access for All funding. We have committed more than £500 million for this work. As the hon. Gentleman pointed out, Luton was one of the first stations selected. It seems as though the whole project has been dogged by delay. As I

understand it, Luton fell out of the first wave. It reapplied for the extended programme, which was made available in 2014, and qualified for it, as was absolutely right.

I gently say to the hon. Gentleman that my concern is that if we do not get a scheme started, what happened last time might happen again. It will become harder and harder to defend a scheme when money has been committed but the work has not yet started, given the clamour for support for other commitments from right across the UK. I am very keen to make sure that the money is kept for the improvements at Luton. It would be absolutely ideal to take the two pots together as the start of a project facility and begin to develop a plan.

I want to point out to the hon. Gentleman that he must not doubt this Government's commitment to investment in infrastructure both in his town and in the region. There has been £26.5 million from the regional growth fund for the improvements to junction 10A on the M1. There has been the further £15 million for the Woodside pinch point link scheme. There have been various other schemes, such as the £126 million from the local growth fund for the area. It is a shame that some of that has not been pulled through to support the station project, as has been done in other areas. Another £80.3 million has come in for the Luton to Dunstable busway, which is helping passengers right across his area. The £24 million Luton town centre transport scheme, to the north of the town centre, was opened in July 2014, with the support of £16 million of Government funding. I hope I have convinced him that the Government have no interest in not investing in the area; it is simply a question of pulling together the available funding and coming up with a scheme that will work.

I do not want to ascribe blame or point fingers at anybody, but it is incumbent on the council, Network Rail and GTR to come together to put together a feasibility scheme. I am sure that the hon. Gentleman would be keen to be heavily involved in that, and I will do whatever I can to help him. My Department is fully aware of this matter and has been working closely with Network Rail. Indeed, the council has written to ask for a meeting in the next few weeks and I have asked my officials to arrange it so that we can understand what the scheme looks like.

The hon. Gentleman is a very pragmatic person, so let us focus on what can be delivered for the money that we have to spend on the station, then let us think about what else could be bid for, what could be attracted from the development that is going on in the town and what we could get from broader growth funds. Many of the new station projects that I have the pleasure of going to and welcoming are part-funded by Network Rail and part-funded by other local government pots and growth money. Of course we want to build multi-modal systems and better bus travel, but we must not put other transport modes before the rail passenger experience. The station is a gateway not only for the railway but for the town. Many stations were built as the showcase for the railway that they served, but sadly many of them have fallen into neglect.

I want to point the hon. Gentleman towards a couple of examples that may help him in his conversations with the council, which may want to deliver the big bang scheme that is not fully funded. In Putney, a phased approach was taken to station development. First, the platforms were lengthened, which improved the business case for Access for All, because there was higher passenger usage. That helped to improve the business cases for the new mezzanine raft, then the new ticket office and then the additional retail units. The station became more and more interesting as a place in which to invest both public and private money through that staged approach.

I know that it is more difficult, and of course one wants to have a vision towards which one is working, but a phased approach might be the way to get the project moving and, as the hon. Gentleman said, to get shovels in the ground. At Leyland, which has a smaller station, Lancashire County Council spent £100,000 to draw in match funding to improve the station. That led to £500,000 for a new ticket office and £4 million for three new lifts, delivered in phases.

The hon. Gentleman has to help me make the business case for these investments, against a clamour of competing interests. If he goes off and leads the charge with his local council to come up with a scheme that works—something that can be delivered and that will achieve his aims—we will be able to plug in the funding that is already available and get it spent before the end of this control period. I cannot believe that I am saying those words, Madam Deputy Speaker, but I want to get this money out the door and spent on these disability improvements. He should then look at how that can enhance the business case, so that match funding can be drawn in over a longer period.

As I said, my Department will meet the council over the next few weeks. I hope that the hon. Gentleman will keep me informed of the results, because I want his passengers and his constituents in Luton to benefit from the Government's record investment plan for rail.

Question put and agreed to.

2.57 pm

House adjourned.

Written Statements

Friday 11 March 2016

CABINET OFFICE

Commissioner for Public Appointments

The Minister for the Cabinet Office and Paymaster General (Matthew Hancock): I announced on 2 July 2015 that the Government had asked Sir Gerry Grimstone to lead a review of the public appointments system. I am now pleased to announce the completion of the review.

The role of Commissioner for Public Appointments was established in 1995 following a recommendation made by Lord Nolan and his Committee on Standards in Public Life. Lord Nolan also recommended seven principles of public life, which have been adopted throughout public life, including in public appointments.

The Government agree with the emphasis Sir Gerry places on the original conclusions reached by Lord Nolan in 1995 that Ministers should be at the heart of the public appointments system and that ultimate choice, responsibility and accountability for making appointments should rest with Ministers. Lord Nolan's principles have stood the test of time and are as applicable today as they were 20 years ago. This is reflected in Sir Gerry's updated principles for public appointments which will be known as the public appointments principles.

The Government welcome the review and thank Sir Gerry for his work. The Government also published today their response. This response, along with the full report "Better Public Appointments" can be found on gov.uk and copies have been placed in the Library of both Houses.

Attachments can be viewed online at http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-11/HCWS609/.

[HCWS609]

TREASURY

Finance Bill 2016

The Financial Secretary to the Treasury (Mr David Gauke): Finance Bill 2016 will be published on Thursday 24 March.

Explanatory notes on the Bill will be available in the Vote Office and the Printed Paper Office and placed in the Libraries of both Houses on that day. Copies of the explanatory notes will be available on gov.uk.

[HCWS610]

HEALTH

NHS (Charges and Payments) Regulations 2016

The Minister for Community and Social Care (Alistair Burt): Regulations have today been laid before Parliament to increase certain national health service charges and voucher values in England from 1 April 2016.

In the 2015 spending review, the Government committed to support the five-year forward view with £10 billion investment in real terms by 2020-21 to fund front-line NHS services. Alongside this, the Government expect the NHS to deliver £22 billion of efficiency savings because we must make the best use of NHS resources.

We have increased the prescription charge by 20p from £8.20 to £8.40 for each medicine or appliance dispensed. 90% of prescription items are dispensed free, and this will remain the case. To ensure that those with the greatest need, and who are not already exempt from the charge, are protected we have frozen the cost of the prescription prepayment certificates (PPC) for another year. The three-month PPC remains at £29.10 and the cost of the annual PPC will stay at £104. Taken together, this means prescription charge income is expected to rise broadly in line with inflation.

Charges for wigs and fabric supports will also be increased by an overall 1.7%.

The range of NHS optical vouchers available to children, people on low incomes and individuals with complex sight problems are also being increased in value. In order to continue to provide help with the cost of spectacles and contact lenses, optical voucher values will rise by an overall 1%.

Attachments can be viewed online at http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-11/HCWS607/

[HCWS607]

NHS (Dental Charges) (Amendment) Regulations 2016

The Minister for Community and Social Care (Alistair Burt): Regulations have today been laid before Parliament to uplift dental charges in England from 1 April 2016.

In the 2015 spending review, the Government committed to support the five-year forward view with £10 billion investment in real terms by 2020-21 to fund front-line NHS services. Alongside this, the Government expect the national health service to deliver £22 billion of efficiency savings because we must make the best use of NHS resources.

We have taken the decision to uplift dental charges for those who can afford it, through a 5% increase this year and next.

This means that the dental charge payable for a band 1 course of treatment will rise by 80p in 2016-17, from £18.90 to £19.70, and by 90p in 2017-18, from £19.70 to £20.60. The dental charge for a band 2 course of treatment will increase by £2.60 in 2016-17, from £51.30 to £53.90, and by £2.40 in 2017-18, from £53.90 to

£56.30. The charge for a band 3 course of treatment will increase by £11.20 in 2016-17, from £222.50 to £233.70, and by £10.60 in 2017-18, from £233.70 to £244.30.

Dental charges remain an important contribution to the overall cost of dental services, first introduced in 1951, but we will keep protecting the most vulnerable within society. NHS dental treatment will remain free for those under the age of 18, those under the age of 19 and receiving full-time education, pregnant women or those who have had a baby in the previous 12 months, and those on qualifying low-income benefits. If someone does not qualify for these exemptions, full or partial help may be available through the NHS low-income scheme.

Attachments can be viewed online at:
http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-11/HCWS606/.

[HCWS606]

HOME DEPARTMENT

Biometrics Commissioner (Annual Report)

The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning): My right hon. Friend the Minister of State, Home Office (Lord Bates) has today made the following written statement:

"I am pleased to announce that today my right hon. Friend the Home Secretary is publishing the second annual report of the Biometrics Commissioner.

The Biometrics Commissioner, Alastair MacGregor QC, is appointed under Section 20 of the Protection of Freedoms Act 2012. His responsibilities are:

To decide applications by the police for extended retention of DNA profiles and fingerprints from persons arrested for serious offences but not charged or convicted;

To keep under review national security determinations made by Chief Officers under which DNA profiles and fingerprints may be retained for national security purposes;

To exercise general oversight of police use of DNA samples, DNA profiles and fingerprints.

His report is a statutory requirement of section 21 of the Protection of Freedoms Act 2012."

I am grateful to Mr MacGregor for this report. No redactions to it have been made on the grounds of national security. The Government will consider it and produce a full response shortly.

Copies of the report will be available from the Vote Office.

[HCWS613]

Home Office 2015-16 Funding

The Secretary of State for the Home Department (Mrs Theresa May): The Home Office is seeking an advance of £195,000,000 (one hundred and ninety five million pounds) in 2015-16 from the Contingencies Fund under Category D of the Supply Estimates Guidance Manual to meet its cash funding obligations. Contingency funds are used as standard across government to cover cash flow pressures and in this case will be repaid to HM Treasury before the end of the financial year.

The Home Office has come under significant cash funding pressure towards the end of the 2015- 16 financial year. A number of core and policing pressures have contributed to this. The Department pays out a large proportion of its monthly cash requirement (predominantly police related) within the first week of the month. This leads to a funding shortfall at the start of March, until the additional funds secured through the Supplementary Estimates become available towards the end of the month. Parliamentary approval for additional net cash requirement of £1,328,197,000 (one billion, three hundred and twenty eight million, one hundred and ninety seven thousand pounds) has been sought in a Supplementary Estimate for the Home Office. Pending that approval, urgent expenditure estimated at £195,000,000 (one hundred and ninety five million pounds) will be met by repayable cash advances from the Contingencies Fund.

[HCWS614]

Forensic Strategy

The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning): I am pleased to announce that my right hon. Friend the Home Secretary is today laying before the "House the Forensic Science Strategy - a national approach to forensic science delivery" (Cm 9217), copies of which are available from the Vote Office.

This strategy articulates the Government's vision for a clearer system of governance to ensure quality standards and proper ethical oversight, and a cost effective service that delivers robust relevant forensic evidence across the criminal justice system, strengthening public and judicial trust in forensic science.

Through consultation with our key partners including the police, Forensic Science Regulator, Crown Prosecution Service and forensic service providers, the strategy sets out how forensic science will keep pace with the changing world to deal with significant threats and challenges—for example, child sexual exploitation and the proliferation of digital forensic material generated by this crime. It also addresses what can be best delivered at national and local levels, setting out the Government's expectations in the following areas:

consistent quality management across policing, including a clearer statutory role for the Forensic Regulator,

enhanced governance for the forensics system, including a wider role for the ethics group,

a review by policing of the case for moving current fragmented provision into a Joint Forensic and Biometric Service,

ongoing oversight of the health of the supply chain, including contingency plans developed by policing to cope with disruption to the market

use of the Police Innovation Fund to encourage innovative new approaches to the application of forensic science,

working closely with research councils to identify new opportunities and influences for forensic science cost effectively,

working with the College of Policing to understand the capabilities required within the forensic science workforce, and:

nurturing a stronger partnership with industry and education to ensure that learning programmes are future proofed and aligned to the business requirements.

[HCWS612]

Changes in Immigration Rules

The Minister for Immigration (James Brokenshire):

My right hon. Friend the Home Secretary is today laying before the House a Statement of Changes in Immigration Rules.

A new rule is being added to the general grounds for refusal rules (with consequential changes to armed forces, family and private life, and visitor provisions), to provide a new discretionary power to refuse applications on the basis of litigation debt. Each year, the Home Office is awarded considerable litigation costs by the immigration and asylum chamber of the tribunal and the courts. A number of applicants do not pay these costs. At present such litigation debts are not taken into account when considering applications to be granted entry clearance, leave to enter or leave to remain. The new rule provides a power to refuse such applications if the applicant has not paid a litigation debt, in order to encourage payment of such debts. It is right that people who are ordered to pay costs to the Home Office should do so.

The threshold is also being reduced from £1,000 to £500 at which foreign nationals who incur NHS debt can be refused entry clearance or further leave to enter or remain in the UK. These changes are aimed at preventing the abuse of our valuable public services.

There are a number of changes to visitor rules, which will:

- allow Kuwaiti citizens to benefit from the electronic visa waiver and for holders of Indonesian diplomatic passports to travel visa free to the UK as a visitor
- update the permit free festival list (which allows visitors to perform at listed festivals and receive payment) for 2016-17
- remove the mandatory entry clearance refusal for holders of 'non-national' documents, which do not establish a nationality, owing to the holder's status, but which the UK is otherwise prepared to accept as they are recognised as valid for travel in all other respects
- simplify the journey for those non-EU citizens who usually do not require a visa for the UK, but whose passport has been lost or stolen and are therefore returning home on an emergency travel document.

Updates are made to the definition of 'public funds', to include payments made by local authorities and devolved Administrations in Scotland and Northern Ireland which replace the discretionary social fund.

The changes insert appendix SN into the immigration rules. This specifies how notices that applications are invalid or void and the outcomes of administrative review applications will be served. The new rules set out unified provisions for service of the notice types that it covers.

The statement also makes changes to the immigration rules on skilled and highly skilled work routes, students, family and private life, and administrative review, and the changes to the rules concerning overseas domestic workers set out in my statement of 7 March 2016.

LAW OFFICERS' DEPARTMENT

State Opening of Parliament

The Leader of the House of Commons (Chris Grayling): As I informed the House yesterday, Her Majesty the Queen will open a new session of this Parliament on Wednesday 18 May 2016.

[HCWS608]

WORK AND PENSIONS

Personal Independence Payment

The Parliamentary Under-Secretary of State for Disabled People (Justin Tomlinson): Later today I will be publishing Command Paper Cm. 9194: "The Government response to the consultation on aids and appliances and the daily living component of Personal Independence Payment".

PIP was introduced with the intent of supporting claimants with the greatest need to help them meet the extra costs arising from their disability or long-term health condition. In line with this, it was expected that these extra costs would be significant and ongoing. In December last year, the Department for Work and Pensions launched a consultation on aids and appliances and the daily living component of personal independence payment because of concerns that the policy on aids and appliances might not be not working to achieve this.

This was in light of concerns highlighted by the first independent review of the PIP assessment undertaken by Paul Gray, and evidence that suggested that significant numbers of people who are likely to have low or minimal ongoing extra costs are being awarded the daily living component of the benefit solely because they may benefit from the use of aids and appliances for certain activities. These aids and appliances are often provided free of charge by the NHS and local authorities or can be purchased for a low one-off cost. The number receiving the daily living component of PIP solely as a result of needing aids or appliances had also tripled in the space of 18 months for claims assessed under normal rules. In addition to this, there had been a number of judicial decisions, based on the current legislation, that had broadened the scope of aids and appliances to include articles, such as beds and chairs, which are unlikely to be a reliable indicator of extra costs.

The consultation ran from 10 December 2015 to 29 January 2016 and invited views on how support can best be provided to help meet the costs of people who rely on aids and appliances. The Department was keen that as many people and groups as possible had the opportunity to contribute their views, and held a number of meetings and events with key stakeholders to ensure this.

Having carefully reviewed the evidence, I have decided to proceed with halving the number of points awarded from two to one for the use of aids and appliances in

relation to the fifth and sixth daily living activities. The considered view of the Department is that the need for an aid or appliance when completing activities five and six is a less reliable indicator of extra costs than for other activities, and that halving the points for these activities will allow us to continue to deliver PIP in line with our initial policy intent. Points will continue to be awarded for the use of aids and appliances, including on activities 5 and 6, and the points awarded for all other descriptors remain unchanged.

My intention is that these changes will take effect in January 2017, following review by the Social Security Advisory Committee (SSAC), in line with normal procedure. Additionally, as PIP is due to be devolved in Scotland, I will be discussing these changes with the Scottish Government following the Scottish Parliament elections to ensure implementation is in line with the recommendations of the Smith Commission. The Government continually monitor the effectiveness of PIP to ensure it is delivering its original policy intent and that improvements are implemented where they are identified. A second independent review of PIP is due to be delivered by April 2017.

In addition to delivering these changes, I remain committed to ensuring that we offer the most appropriate and effective support and best possible claimant experience for disabled people. In my meetings with disabled people and stakeholder organisations I am often told about the need for better co-ordination across health and disability support services and the potential to improve outcomes for those with a long-term disability or health condition through closer working between services. That is why I am announcing that the Government will be considering the case for long-term reform of disability benefits and services that is fair for the taxpayer and for those with disabilities or health conditions. Work will be taken forward over the coming months across Government and in consultation with those who provide relevant health and disability services. The findings will be reported to the Prime Minister later in this Parliament.

Petition

Friday 11 March 2016

OBSERVATIONS

EDUCATION

Funding for Sunderland College

The petition of residents of the UK,

Declares that the level of cuts to the further education budget will be damaging to Sunderland College and could lead to the ending of this essential education service and further declares that a petition on this matter was signed by 266 students and staff of Sunderland College.

The petitioners therefore urge the House of Commons to oppose these cuts, and to call for fair funding for further education in England.

And the Petitioners remain, etc.—*[Official Report,* 16 September 2015; Vol. 599, c.13P]

[P001545]

Observations from the Minister for Skills (Nick Boles): Sunderland College will receive around £25 million in education funding (£19 million from the Education Funding Agency, and £6 million from the Skills Funding Agency) for this academic year.

Adult skills funding

In the spending review announced in November 2015, Government committed not to cuts but to significant overall increases in spending on further education for adults. Funding for the core adult skills participation budgets will be protected in cash terms, at £1.5 billion. We will also double our spending on apprenticeships in cash terms by 2019-20 compared to 2010-11, including income from the new apprenticeship levy. In addition, we will expand Advanced Learner Loans to 19 to 23-year-olds at levels 3 and 4 and to those aged 19 and over at levels 5 and 6 to provide a clear route for students to develop high-level technical and professional skills.

This combination of measures means that the total spending power of the FE sector to support participation will be £3.41 billion by 2019-20, which is a cash terms increase of 40% compared with 2015-16.

16 to 19 funding policy

The funding for all institutions that contain 16 to 19 provision comes from the same national funding formula. The precise amount of funding is based on the numbers of students enrolled in the previous academic year and the types of study programme or training that the institution offers their students. As part of the spending review, we announced that we will protect the national base rate of £4,000 per student for the duration of this Parliament. This will bring stability to the sector, and demonstrates a vote of confidence in 16 to 19 education.

As such, 16 to 19 institutions will continue to be funded for an average of 600 teaching hours per year per full-time 16 to 17-year-old student. This supports a significant programme of study: for example, three A Levels and one AS Level, plus around 150 hours of enrichment or tutorial activity across each two-year course.

That said, like the rest of the public sector, 16 to 19 education will be expected to play its part in tackling the budget deficit, and will need to identify some further savings. The Education Funding Agency (EFA) have set out the detail of savings in 2016-17 within their annual letter to the sector, which is available here: https://www.gov.uk/government/publications/16-to-19-funding-funding-for-academic-year-2016-to-2017 . The Department will set out as soon as possible details of the reductions which will apply in the remainder of the spending review period. For now, I can confirm that formula protection funding (FPF) will be phased out over the next six academic years, so the final year in which any FPF will be payable will be academic year 2020-21.

With regards to Sunderland College specifically, while the college has seen a reduction in their 16 to 19 allocation recently, this is almost entirely driven by declining student numbers. Indeed EFA analysis shows that the average funding per student at Sunderland College has seen very little change over recent years.

WRITTEN STATEMENTS

Friday 11 March 2016

PETITION

Friday 11 March 2016

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