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HOUSE OF COMMONS
OFFICIAL REPORT

European Committee B

SCHENGEN AND EU-TURKEY CO-OPERATION
ON MIGRATION

Wednesday 22 March 2017

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The Committee consisted of the following Members:*Chair:* IAN PAISLEY

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| † Costa, Alberto (<i>South Leicestershire</i>) (Con) | † Huq, Dr Rupa (<i>Ealing Central and Acton</i>) (Lab) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Mackinlay, Craig (<i>South Thanet</i>) (Con) |
| † Davies, Byron (<i>Gower</i>) (Con) | † McDonald, Stuart C. (<i>Cumbernauld, Kilsyth and Kirkintilloch East</i>) (SNP) |
| † Foster, Kevin (<i>Torbay</i>) (Con) | † Pursglove, Tom (<i>Corby</i>) (Con) |
| † Goodwill, Mr Robert (<i>Minister for Immigration</i>) | Shah, Naz (<i>Bradford West</i>) (Lab) |
| † Grady, Patrick (<i>Glasgow North</i>) (SNP) | |
| † Griffiths, Andrew (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Kenneth Fox, Leoni Kurt, <i>Committee Clerks</i> |
| Hopkins, Kelvin (<i>Luton North</i>) (Lab) | † attended the Committee |

European Committee B

Wednesday 22 March 2017

[IAN PAISLEY *in the Chair*]

Schengen and EU-Turkey Co-operation on Migration

8.55 am

The Chair: It may be helpful if I remind Members of the procedure in European Committees. Proceedings must conclude no later than two and a half hours after we begin. First, I will call a member of the European Scrutiny Committee to make a brief statement about why it decided to refer the documents before us for debate. I will then call the Minister to make a statement. That will be followed by questions for up to an hour, although I have some discretion to extend that, if appropriate, if Members have the appetite for it, and if the Minister is in good form. The Committee will then debate the Government motion, and I will put the question on the motion when debate, or the time available, is exhausted, whichever comes first.

8.56 am

Craig Mackinlay (South Thanet) (Con): It is a pleasure to serve under your chairmanship, Mr Paisley. Just over a year ago, in January 2016, the president of the European Council, Donald Tusk, declared that the EU was facing “an existential challenge”. Unprecedented pressures on parts of the EU’s external borders, large-scale secondary movements of irregular migrants within the Schengen area and a heightened sense of threat following the terrorist attacks in Paris had, he suggested, exposed “a clear delivery deficit on many fronts”.

He gave the EU two months, until March 2016,

“to get things under control”

or risk

“grave consequences such as the collapse of Schengen.”

The survival of the Schengen area was not guaranteed. An increasing number of member states had lost confidence in the EU’s ability to forge a collective response and had resorted to unilateral action, including the reintroduction of internal border controls. Recognising the gravity of the situation, the European Scrutiny Committee recommended that a Commission communication that set out the challenges facing the Schengen area at the beginning of 2016 be debated on the Floor of the House. In the following months, it included further documents on the EU’s response to the migration and refugee crisis and the heightened terrorist threat. That response included measures to strengthen the EU’s external borders, a co-ordinated EU approach to the reintroduction of temporary internal border controls, and concerted efforts to prevent the secondary movement of irregular migrants from Greece by closing the western Balkans route. At the height of the migrant flows in 2015, more razor wire criss-crossed Europe than at any time since the cold war.

The deal reached with Turkey in March 2016 has had the greatest impact in easing migratory pressures within the Schengen area. It has also provoked the greatest controversy. Since the deal came into effect last April,

there has been a significant drop in the numbers arriving in the Greek islands, but the pace of returns to Turkey—a key element of the deal—has been far slower than anticipated. There is serious overcrowding in the migration hotspots established in Greece. Conditions are reported to be desperate. The central premise of the deal is that it must be implemented in line with EU and international law, but non-governmental organisations, those operating on the ground, the United Nations High Commissioner for Refugees—the UN Refugee Agency—and the Red Cross are all concerned that this has not been fulfilled.

It seems perverse to be debating the future of the Schengen area and the EU-Turkey deal 14 months after we made our initial debate recommendation, given all that has happened in the intervening period, not least the UK’s decision to leave the EU, yet within or outside the EU, the UK will continue to be affected by EU policies on asylum and migration, as the camps in Calais, Dunkirk and other places have vividly demonstrated.

As the Minister is aware, the European Scrutiny Committee has repeatedly expressed concern about the delay in scheduling today’s debate. Given that delay and the risk that the information contained in the documents would be stale, we offered to rescind our debate recommendation in return for a general debate on future co-operation between the EU and the UK on migration. The Government have not taken up our offer.

The EU has staked much on the sustainability of the EU-Turkey deal. Renewed migratory flows on the scale seen in 2015 would risk further fragmentation of the Schengen area and erosion of trust among member states. That was clearly seen in the recent Hungarian referendum. Few can doubt the fragility of the deal, its dependence on mutual good will and co-operation and its susceptibility to political events, and a regular flow of EU cash seems to underpin any ongoing good will. Even at its inception, Donald Tusk acknowledged that it was

“not perfect...We did everything we could to ensure that the agreement respects human dignity but I am conscious of the fact that everything depends on how it will be implemented. The deal with Turkey and closing the Western Balkans route raise doubts of an ethical nature, and also legal, as in the case of Turkey. I share some of these doubts”.

The Government motion offers no insight into how co-operation with EU partners is likely to change once the UK leaves the EU and how significant any changes are likely to be in practice. We ask the Minister to explain what, in the words of the motion,

“continuing to work alongside EU partners as part of a comprehensive approach to global migration issues”

will mean when the UK is no longer a member of the EU. How will it affect future co-operation with EU member states and Turkey in tackling the migration and refugee crisis?

Turning to the documents themselves, does the Minister share the ethical and legal doubts voiced by Donald Tusk last April, which have been echoed by many international agencies and non-governmental organisations operating on the ground? Can he assure us that the EU-Turkey deal is being implemented in full accordance with EU and international law? Do the Government consider Turkey to be a safe country for Syrians and other nationalities returned there from Greece, who are in need of international protection? What mechanisms are in place to ensure that individuals returned to

Turkey are given appropriate protection? Finally, in the light of current tensions in bilateral relations between some member states and Turkey, is the EU-Turkey deal sustainable, and what are the likely implications for the UK if it were to collapse? I look forward to hearing the Minister's response and to an informed and lively debate.

The Chair: Thank you very much. Before I call the Minister, I remind Committee members that during his statement interventions will not be permitted. After the Minister has made his statement, he will take questions, and I will be open to supplementaries.

9.3 am

The Minister for Immigration (Mr Robert Goodwill): Thank you, Mr Paisley. It is a great pleasure to serve under your chairmanship. I am pleased to inform you that I am indeed in good form today.

I thank the European Scrutiny Committee for bringing this motion to the House. I understand its concerns about the delay in scheduling this debate. This process plays an important role in the scrutiny of the Government's approach to the EU's efforts on immigration and we must do better to enable that role to be fulfilled. I very much understand the point made by my hon. Friend the Member for South Thanet. Indeed, on an earlier occasion, I apologised for some of the tardiness in scheduling these debates, and we have now made up a lot of the lost ground. Debates on the Floor of the House are usually a matter for the usual channels, but there has been increasing pressure on the main Chamber, particularly given the debate on article 50 and other debates and measures flowing from the result of the referendum.

We are here to examine aspects of the European Union's response to the migration crisis, which saw unprecedented numbers of refugees and economic migrants leave their region of origin and move northwards through Turkey into Greece and the western Balkans in the second half of 2015. That was an unprecedented movement of people on a scale not seen since the second world war, often with the most awful consequences for those seeking to make the perilous journey across the Mediterranean. The scale of the movement presented an unparalleled challenge for the EU, both in terms of the humanitarian response and in respect of the functioning of the external Schengen area. As well as addressing the immediate implications of that movement, the EU also had to find a medium to long-term approach to address illegal migration and regional push factors.

The UK has always been clear about the long-established principle that claims for asylum should be made in the first safe country. The EU's extensive upstream work with source countries is designed to reduce push factors and enable the return of those who have no need for protection.

UK work to resettle Syrian refugees runs alongside EU schemes to provide legal routes into and across the EU for those who are most in need of international protection. In 2016, for example, 5,181 people were resettled to the UK under our Syrian vulnerable persons resettlement scheme, the gateway programme and the mandate scheme. The UK has played a leading role in developing a comprehensive approach to what is now

regarded as a global migration issue. I will address several aspects of the EU's response to the crisis, beginning with the EU-Turkey deal.

As the Committee is aware, in March 2016, the European Council agreed a set of action points with Turkey, known as the EU-Turkey statement. That agreement includes the return to Turkey of all illegal migrants crossing from Turkey to the Greek islands; the resettlement of one Syrian in the EU for every Syrian returned to Turkey; measures to prevent the opening up of new sea or land routes for illegal migration from Turkey into the EU; and joint work to improve the humanitarian conditions for Syrians inside Turkey, with €3 billion allocated to the Facility for Refugees in Turkey. Turkey has also introduced legislation allowing Syrians and non-Syrian refugees to work, and it is providing schooling for over 500,000 Syrian children.

The UK is committed to supporting the implementation of the agreement, which plays an important role in managing illegal migration flows and preventing people from being exploited by organised criminals, risking their lives in attempting to cross the Aegean. Alongside work in Greece and the western Balkans, it has also contributed to a 98% drop in illegal crossings in the Aegean, saving lives at sea. That is an average daily arrival of 43 people, compared with 1,700 people a day in the month before the agreement.

The UK is playing a leading role in supporting Greece and Turkey on implementing the deal. In May 2016, we announced a package of UK support to Greece consisting of up to 75 expert staff, including staff to interview arriving migrants, act as interpreters and support co-ordination through the European Commission team in Athens. The first UK staff arrived in Greece in May and the pledge was fulfilled in January 2017. In November 2016, we offered an additional package of up to 40 expert staff over the winter period to support the admissibility process and ease congestion on the islands. All staff who were part of that additional offer have now been committed, with the remaining deployments scheduled to begin this month.

As well as staff based in Greece, two Border Force vessels have been providing vital search and rescue support in both the Mediterranean and the Aegean since May 2015, rescuing over 12,000 migrants. We have deployed two cutters, supporting the Hellenic coastguard and Frontex's Operation Poseidon in the Aegean.

The UK is also involved in operations against organised immigration crime across Greece, the eastern Mediterranean and the western Balkans region. A joint investigation by the UK's organised immigration crime taskforce, Project Invigor, and the organised crime unit of the Hellenic police, with support from Europol, has successfully dismantled a major organised immigration crime group operating in Greece. That operation led to the arrests of those suspected of being members of a criminal network who were smuggling illegal migrants via Turkey, Greece, by vessel to Italy and on to Europe.

The UK has committed €328 million to the €3 billion that the EU is providing towards supporting refugees in Turkey. That is part of the UK's total £2.3 billion commitment towards the events in Syria and the region—our largest ever humanitarian response to a single crisis. We have also committed £100 million of humanitarian support, including over £30 million to Greece, to help alleviate the Mediterranean migration crisis. We believe

[Mr Robert Goodwill]

that the agreement with Turkey is in line with international law and can be built on, and we hope that it will continue in the medium to long term.

Turning to Schengen, I will touch briefly on the situation at the external border and the issue of internal borders. The European Commission has drawn up a road map called “Back to Schengen”, which sets out its commitment to strengthening the Schengen area and ensuring that it continues to function following the challenges of the last two years. The road map calls on Greece to work with its EU and international partners to control its maritime borders better and to build an effective domestic checking and asylum processing system, including the use of so-called border hotspots. It also calls for EU reforms to strengthen its systems for the medium to long term.

In relation to the external border, the EU has reviewed its procedures and reformed the procedures for systematic Schengen checks. The new procedures have been agreed and should enter into force in early April. They mean that Schengen states should carry out systematic checks on all persons, including those enjoying the right of free movement under EU law, when they cross the external border. That will include checks against Schengen databases as well as against EU databases on lost and stolen documents. Through such procedures, states will be able to verify who is travelling through all external borders—air, sea and land borders—at both entry and exit. That is an important step towards increasing the security and integrity of the Schengen area. It will also help to identify correctly people travelling with false ID, who might go on to apply for asylum or attempt to overstay or undertake secondary illegal movements.

In relation to the external border, the EU has now established the European Border and Coast Guard Agency, previously known as Frontex. The new border and coast guard has an extended remit, and participating member states are creating a rapid reaction pool of 1,500 border guards and equipment to enable rapid response teams to act quickly to address sudden route changes and increased flows. That should be operational by the end of May 2017.

Let me move on to the issue of internal borders. In the light of security concerns pending the reforms to the external borders, five countries—Germany, Austria, Denmark, Sweden and Norway—have raised their internal borders. That is due to last until 12 May this year and was agreed pending full implementation of the recast Frontex rapid reaction pool, implementation of the systematic checks, and progress on work in Greece. However, there is also continuing work with external border member states, such as Bulgaria, and in the western Balkans, with an eye on developments in Turkey. The Commission hopes that most of the critical measures needed to strengthen the EU’s external borders from within the EU will be in place this year.

I must be clear that the UK will continue to be at the forefront of international efforts to address the migration crisis and support a comprehensive approach. The Government also remain committed to working, as a constructive and positive partner, with our European and international partners to implement the EU-Turkey deal. It is firmly in the UK’s interest and that of refugees that migration into Europe is controlled and

that borders are secure. Aside from any negotiations flowing from the vote on 23 June and the triggering of article 50, we will continue to engage fully in this process as part of the EU and international response to the appalling events in Syria and their humanitarian consequences.

The Chair: Hon. Members have until 10 am to ask the Minister questions. I remind them that questions should be brief. I will allow supplementary questions; just catch my eye, please, if you wish to ask a question.

Dr Rupa Huq (Ealing Central and Acton) (Lab): I apologise for being slightly late to the Committee, Mr Paisley. My questions for the Minister revolve around two main questions: is the agreement a good idea, given the human rights abuses by Turkey, and will it stick? I will outline those a little further.

Can the Minister offer anything further in the way of concrete reassurance that Turkey’s treatment of refugees within its territory will be brought up to good standards? If not, will he agree with me that unless those standards can be put in place in Turkey, it is very far from a satisfactory solution for EU Governments or agencies to deport individuals back there? There are many relevant human rights reports on the issue, including from Human Rights Watch and Amnesty International.

UK taxpayers’ money is going to support refugees in Turkey, as well as to shore up current EU policy in Greece, so it would be good to know that that is being spent in a way that works to bring the Turkish system closer to internationally agreed standards. Will the Minister explain how UK funding has supported that? Will he put pressure on, or encourage EU foreign affairs institutions to put pressure on, the Turkish authorities to establish a more secure status for the millions of Syrian refugees in limbo in Turkey at the moment?

The Chair: Dr Huq, I will allow you to come back with further questions.

Dr Huq: Thank you, Mr Paisley. That is enough to be going on with.

Mr Goodwill: The hon. Lady asks a very reasonable question: is it safe to return people to Turkey? As we have heard, Turkey ably hosts more than 3 million refugees, and we believe that it offers sufficient protection, in both its law and its practice, to return migrants from Greece under the EU-Turkey agreement. Turkey has modernised its legal framework for the protection of refugees, and we have been monitoring the situation closely since the attempted coup. To date, there has not been any evidence of deterioration in the conditions of, or protections available to, refugees. The UN Refugee Agency, the UNHCR, is monitoring the situation.

As I said, the United Kingdom has committed €328 million to the €3 billion facility for refugees in Turkey, in addition to the contribution via the EU budget to assist Turkey in hosting those refugees. We continue to work with Turkey and other international partners to address the needs of refugees there.

Dr Huq: There are concerns that this agreement represents a shift in refugee policy; there have been reports on the subject by Human Rights Watch, the United Nations High Commissioner for Refugees, the European Council on Refugees and Exiles and the

European ombudsman. I am encouraged to hear that there will be regular monitoring, because the ombudsman has said that there need to be impact assessments as part of an ongoing process. Does the Minister recognise that some of the fundamental rights that protect people within the international system are at risk of being watered down by this unusual policy shift? What representations have we made at European level to seek assurances on those protections?

Mr Goodwill: I hope the hon. Lady will recognise that one of the fundamental principles of a refugee system is that one must claim asylum in the first safe country. For the majority of those fleeing Syria, Turkey is that first safe country, and Turkey understands its responsibilities in that regard. A number of the people in Turkey who are seeking to come to Europe are not refugees from Syria; some of them are economic migrants from countries further afield, as far away as Afghanistan and Pakistan. When those people make a claim, it needs to be considered under the rules that are in place.

The Turkey deal is saving lives every day. Not having that deal in place would be playing into the hands of the people smugglers. We would once again see the carnage of people making that hazardous sea journey across the Aegean, and those heart-rending pictures of small children being cradled in the arms of rescuers on beaches. That is something we do not wish to return to. The Turkey deal delivers on that, and means people can be accommodated in Turkey in the refugee camps there. Indeed, the vast majority of the Syrian refugees that I met in Jordan when I was visiting the refugee camps did not want to come to Europe; they wanted to go back and carry on their lives in the country that they loved. I believe that this deal is a great way of delivering on all those objectives.

Dr Huq: Specifically, does the Minister support the European ombudsman's claim that, in light of EU institutions' concerns about human rights, there should be regular reviews of the impact of the agreement on the human rights of the 3 million refugees he talked about?

Mr Goodwill: International law refers to adequate protection, and that is neither defined by, nor required to be equivalent to the standards met by, individual EU member states. We have been monitoring the situation closely since the attempted coup, and there has not been any evidence of deterioration in the protections available to, or conditions of, refugees. In the UNHCR's opinion, which I believe we should give a great amount of credibility to, that would be a matter for the agency to respond to, although we note that there is no published opinion from the UNHCR that Turkey is not a safe third country, and the high commissioner has frequently praised Turkey for its role in hosting Syrians.

Dr Huq: This is my final question for the moment. It is a cause for concern, given the many problems that the deal presents, that it appears to be forming a model for other agreements between refugee-origin or refugee-transit countries, and states within Europe. The "Joint Way Forward on migration issues between Afghanistan and the EU" of last October clearly draws on the precedent set by the documents before us. Does the Minister

intend to support the incorporation of a similar approach into future agreements on refugee policy, whether at the EU or national level?

Mr Goodwill: I could not really comment on any future deals until the details of those deals were known. However, if a similar deal with a north African state was possible, it could prevent large numbers of people who are currently doing so from putting their lives at risk. In some cases, they are being forced at gunpoint on to vessels that are clearly not seaworthy. A similar deal throughout the Mediterranean would, I am sure, be welcomed by the international community.

The deal is saving lives and ensuring that people are being cared for. Let us not forget that those who can afford to pay the people smugglers are by definition not the most vulnerable; they have that resource. Our schemes, particularly the Syrian vulnerable person resettlement programme, delivers for those whom the UNHCR selects as being the most vulnerable, rather than those who can afford to pay the people smugglers.

The EU-Turkey deal continues to represent a critical opportunity to manage migratory flows effectively, to tackle people smugglers and to prevent people from making perilous crossings. The deal has, along with other measures, resulted in a substantial reduction in the number of migrants arriving in Greece since it was agreed. Flows across the Aegean during the last four months of 2016 were only 2% of what they were during the same period the year before. That is a testament to the effect of the joint working under way.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I have three short questions for the Minister—

The Chair: Take them one at a time.

Stuart C. McDonald: Sure. First, to go back to what the hon. Member for South Thanet said, this is perhaps the second time that I have been to a European Committee in which we have been talking about fundamental issues and documents that are a year out of date. Is there an explanation for why that has happened? May we have an assurance for the future that when such documents are published, we will be able to debate them quickly, preferably on the Floor of the House?

Mr Goodwill: I did make a solemn undertaking, when called before the European Scrutiny Committee to account for myself, that we would work off the backlog, and we have made considerable progress in doing that. I have to say, however, that this is a very good point in time at which to review the operation of the Turkey deal and what is happening in the Schengen area. In the coming months, a number of critical decisions will need to be made by the European Union, not least because this is a two-way deal. There were suggestions that visa restrictions could be eased for Turks wishing to come to the European Union, and there is the issue of more progress on Turkey's wishes to become a member. It is therefore a good time to have the debate and to review the measures, albeit that we are not a member of the Schengen area.

Stuart C. McDonald: May I press the Minister, secondly, on the lawfulness of the EU-Turkey agreement? We need to be clear what we are talking about, which is the European Union saying, “We are not going to consider the substantive claim for asylum that you have made. We are going to say that it is inadmissible and return you to a country that does not fully implement the Geneva convention, on the basis that you have travelled from there.” Peter Sutherland, the UN Secretary-General’s special representative for international migration, suggested that the deal was illegal. Did the Government seek legal advice? How have they come to the conclusion that it is lawful to say, “You can have your asylum claim processed in Turkey”?

Mr Goodwill: I repeat the point that the “first safe country” principle is well accepted and has been for many years. Turkey, as a safe country, is one in which people may claim asylum. It offers sufficient protection in law and in practice to returnees. We are confident that all returns will take place in full accordance with EU and international law. Every quarter, the European Commission carries out a review that considers human rights. There have been five to date, the most recent one published in early March.

Stuart C. McDonald: I thank the Minister for that answer. I will return to that issue in a moment, but finally, may I press him on what he said about using the deal as a model for other deals, perhaps with north African countries? I cannot for a minute think that he is suggesting that he would implement a similar deal with Libya, under which people claiming asylum in Europe would be told that we would not consider their claim, but it would instead be considered and processed in Libya, which clearly has no implementation of the Geneva refugee convention.

Mr Goodwill: The point I was making was that no deal is on the table, but certainly Libya can never be considered a country to which it is safe to return people. In any case, there are serious problems with organised criminals and people traffickers operating in Libya. The lack of rule of law in Libya is also of great concern to the international community. As I said, no deal is on the table, and no model can be delivered, but overall, the Turkey deal has saved lives and resulted in people smugglers’ business being curtailed. We can certainly learn lessons from it, if we look at similar types of deal in future.

Craig Mackinlay: Little-championed countries such as Jordan and Lebanon have played key roles by doing their bit, particularly for Syrian refugees, and both the UK Government and the EU in general should thank them for what they are doing in this crisis. Turkey has taken 3 million Syrian refugees, but what sorts of numbers have the United Arab Emirates, Bahrain, Saudi Arabia and Oman taken? I think I know the answer: few or none. Given their cultural, historical and religious links and their geographical closeness, it seems somewhat bizarre that those countries in the middle east, which have huge migrant workforces, often from Asia, have not stepped up to the plate among the international community to do their bit to relieve the suffering of the Syrians. Does the Minister know what representations the EU or the UK Government have made to encourage those countries to step up to the plate?

Mr Goodwill: I certainly echo my hon. Friend’s admiration of the work done not only in Turkey but in Lebanon and Jordan. Those countries are facing the full brunt of this dreadful refugee crisis. I visited the camps in Jordan last year. I also heard about the terrible conditions experienced by people in the berm—the area of land between Syria and Jordan where, because of security concerns, people are not able to move freely into the safer and more secure area in the camps. I was proud to see the work done by both the EU in general and the UK to put in clean water and sanitation and provide accommodation. Indeed, private companies around the European Union have also provided assistance.

We must bear in mind that a number of refugees in Jordan live in normal accommodation, sometimes with friends and family. I pay tribute to the King of Jordan for the leadership that he has shown in enabling Jordan to be a safe haven for so many people. I am proud of the work we are doing in conjunction with the Jordanians, the Turks and the Lebanese to ensure that support can be given to people in those camps.

My hon. Friend mentioned the UAE and other countries. I think he answered his own question. Certainly, we will continue to try to ensure that we get a truly international response. I draw attention to countries such as Canada, which carried out a massive airlift of 25,000 refugees from Jordan in a very short time, and Australia, which has a number of schemes in place, including community sponsorship schemes. Indeed, we are learning from how such schemes operate, particularly in Canada, and I am pleased that an increasing number of communities—both faith-based groups and others—are participating in those schemes and making Syrian refugees welcome in our communities. We are giving refugees the support that we can, which includes support with education and English language skills from professionals, and communities are supporting people and making them welcome.

I am pleased that many refugees who come here quickly assimilate. Their children, in particular, perform very well in school. I predicted some time ago that it is only a matter of time before we get our first Syrian entrepreneur millionaire, in the same way that the Ugandan Asians made such a success of their arrival in the UK.

Motion made, and Question proposed,

That the Committee takes note of European Union Document No. 15429/15, a Commission Communication: Eighth biannual report on the functioning of the Schengen area 1 May-10 December 2015, European Union Document No. 15397/15, a Proposal for a Regulation amending Regulation No. 562/2006 (EC), also known as the Schengen Borders Code, as regards the reinforcement of checks against relevant databases at external borders, European Union Document No. 6798/16 and Addendum, a Commission Communication: Back to Schengen – A Roadmap, European Union Document No. 5985/16, a Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of management of external borders by Greece, European Union Document No. 7183/16, a Commission Communication: Next operational steps in EU-Turkey cooperation in the field of migration, European Union Document No. 8175/16 and Addendum, a Commission Communication: First Report on the progress made in the implementation of the EU Turkey Statement; and supports the Government in continuing to work alongside EU partners as part of a comprehensive approach to global migration issues.—(*Mr Goodwill.*)

9.29 am

Dr Huq: I want to expand on some of the human rights reports that I referred to in my questions, and then I have a small conclusion. I am encouraged by some of the things that the Minister said, but there still seem to be concerns about this quite controversial deal. We are talking about the treatment of refugees in Turkey, in particular. If the EU, with explicit UK support, is going to send large numbers of needy people back to Turkey, we need to know that their rights and welfare will be protected there.

In its report, “A Blueprint for Despair”, which was published last month, Amnesty International stated:

“Asylum-seekers should not be sent back to a country that is, currently at least, unable to guarantee access to an adequate protection status and adequate living conditions. The EU can legitimately seek to assist Turkey to meet these conditions, but it is callous in the extreme, and a straight-forward violation of international law, to construct an entire migration policy around the pretence that this is currently the case.”

We are comforting ourselves about what will happen, but we should seek proper assurances.

Sending vulnerable people back to Turkey is a concern, and not simply because of its terrible record on human rights in general; there have been mass arrests, widespread political imprisonment and an insecure environment for religious and cultural minorities in the past year. As a former academic, the one day two weeks ago when, I think, 80 university professors were put in prison overnight shocked me. In addition to the human rights abuses, Turkey remains a very poor country. Many Syrian refugees have had to wait up to six months to register for temporary protection under Turkey’s laws. Human Rights Watch has also highlighted the severe lack of education, employment and health care provision for refugees, noting that it leaves them disempowered, impoverished and vulnerable to exploitation by those who would take advantage of them. All those rights should be protected for refugees under the 1951 UN convention, which the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East referred to. It says that under those rights, refugees should have

“the same treatment as is accorded to nationals”.

Unfortunately, Syrians in Turkey have been systematically denied full asylum status, which is offered to Europeans under Turkish law. Instead, Syrian refugees have had patchy protections that offer little stability, limited support and few opportunities for anything like a normal life.

Even the European Commission’s communiqué of 16 March, “Next operational steps in EU-Turkey cooperation in the field of migration”, has found the EU-Turkey agreement wanting, in regard to Greece in particular. There is a sense from NGOs that rather than us providing safe routes to where there are sufficient resources in Europe, it seems slightly expedient for us to classify Turkey as a safe third country. We need to guard against washing our hands of responsibility for accurate assessments of asylum claims.

Finally, the approach of the EU-Turkey agreement is part of the bigger picture of the Government’s response to refugee issues. Concerned Members of the House, such as my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), have raised questions about the plight of refugees, the Dubs scheme being closed down and family reunification. We inevitably

hear in response—and the Minister has said this today—that refugees are funded from the region. However, it feels as though there is rather miserly support for refugees who have already travelled to Europe. We do not want to provide any sort of incentive to people traffickers.

I said at the beginning that I would ask whether the scheme will stick. That issue is worth raising. Given that diplomatic relations between the EU and Turkey are not at their highest peak, how long does the Minister give the agreement? It has been cobbled together, but how long will it last?

9.34 am

Mr Goodwill: I was going to thank the hon. Lady for her comments, but I cannot listen to her description of the UK’s response as miserly. We are the second biggest donor to the region—£2.3 billion—and are second only to the United States in helping people in those refugee camps. We are at the forefront of helping the Greeks and doing work in Italy. Indeed, our scheme for bringing Syrian refugees directly from the camps—the most vulnerable, as selected by the UNHCR—is something we can be very proud of. We made a commitment to take in 20,000 refugees by the end of the decade, and we will certainly deliver on that.

The hon. Lady also talked about our response compared with that of the rest of Europe. The European Commission report on EU resettlement schemes, published on 20 July 2015, said that under the 1:1 mechanism with Turkey, resettlement under national schemes may count towards those totals. As of 7 February, the UK and Norway have resettled the largest number of migrants. As the UK met our pledge of 2,200 last year, our statistics do not increase. However, the Commission acknowledges that we have surpassed that pledge, and that our numbers continue to increase under national resettlement schemes. In comparison, Norway pledged to resettle 3,500, but had resettled 2,924 by 7 February. Other member states’ resettlement figures are: 1,501 in Austria; 1,088 in France; 1,213 in Germany; and 1,000 in the Netherlands, which meets their pledge. Member states that have not resettled any migrants under the EU scheme include Bulgaria, Croatia, Cyprus, Greece, Hungary, Luxembourg, Malta, Poland, Romania, Slovakia and Slovenia, so I will not accept any criticism from the hon. Lady, who describes what the UK is doing as miserly. I am proud of what we are doing, and she does nobody any favours by describing it in that way.

She talked about the speed of registration of migrants. Syrian nationals are returned to Turkey by plane under the EU-Turkey deal, before being transferred to the refugee camp in Düzici for swift pre-registration. They have a right to settle freely in the province of their choice, or to remain in the refugee camp. Non-Syrian nationals are returned to Turkey by boat and are transferred to a removal centre in Kırklareli, where they are informed about their rights, which include the possibility of applying for protected status in Turkey. EU authorities and UK Home Office officials have visited the centre and verified that the processing complies with the required standards. In 2016, the UK funded a conflict, security and stability fund project to strengthen Turkey’s asylum system, with specific regard to returnees.

Turkey’s co-operation with the EU and NATO has led to a dramatic reduction in arrivals in Greece from Turkey. The EU Commission published its fifth report

[Mr Goodwill]

on the progress and the implementation of the EU-Turkey statement on 2 March. That report demonstrates that the statement continues to produce tangible results, despite the difficult circumstances; there is an average daily arrival of 43 people, compared with 1,700 per day in the month before the statement. While there is still a human tragedy, the number of those reported dead or missing at sea has also fallen to a total of 70—it is still 70 too many—since the EU-Turkey statement was implemented, compared with 1,700 in the same period in 2015-16.

Under the EU-Turkey action plan on migration, Turkey has committed to enhancing the fight against and the dismantling of criminal networks involved in the smuggling of migrants, notably by increasing operational co-operation among Turkish law enforcement authorities, and between them and their counterparts in EU member states and agencies. Turkish authorities say they have apprehended almost 1,000 facilitators of human trafficking in 2016, although that figure has yet to be confirmed.

During her visit to Turkey on 28 January, the Prime Minister paid tribute to Turkey's extraordinary generosity in ably hosting more than 3 million refugees from Syria and elsewhere. Turkey now hosts more refugees than any other country in the world. Turkey made a commitment at the London Syria conference to educating all Syrian children by the end of the 2017 school year, in June. Turkey has enrolled 500,000 Syrian children in schools in Turkey—that figure is from the Turkish Ministry of National Education and UNICEF—which is a significant process; however, 330,000 Syrian children remain outside education.

I followed the debate with great interest, and thank those who have contributed.

9.39 am

Stuart C. McDonald: May I say, first, that I have always supported much of what the Government have done in their support for refugees in the region and their resettlement programme? However, I have always had considerable disagreement with the Government's approach to how we treat those who have arrived in Europe. Having said that, I accept that there are significant parts of the EU-Turkey deal that are good, for example the co-operation to tackle people smuggling, which the Minister has spoken about, which has undoubtedly reduced the number of deaths of people trying to cross the sea.

Secondly, we have particular concerns about the removal of people who have claimed asylum in EU countries. They have been told not that we have considered their asylum claim and found it unsuccessful in law, but simply that we have decided it is inadmissible, and that they should go to Turkey and have their claim considered there. From our point of view, that was putting the cart before the horse because, at the time the EU agreement was reached, there was not even in place any protection for non-Syrians, as I will allude to in a minute. There was a temporary procedure in place for Syrians. We think the deal was premature.

I will speak briefly about two of the documents that highlight that the EU itself was very much aware of the controversy around this deal. First, document no. 7183/16:

“Next operational steps in EU-turkey co-operation in the field of migration”, was a pivotal change in the EU approach, having previously adopted an approach of processing asylum applicants on the merits of the claim and then relocating them around Europe. That was abandoned and instead here we have the new “temporary and extraordinary measures” as the documents describe them, whereby all claims are to be rejected on grounds of inadmissibility on the basis that they would be adequately considered in Turkey.

The aims of the scheme are laudable but the means are wrong. This was a premature and possibly illegal approach. Even the documents themselves accept that it was a controversial approach. The documents set out that there would have to be changes to Turkish legislation. That included renewing temporary protection status for Syrians and putting in place what is referred to as protection equivalent to the Geneva convention for non-Syrians.

In short, the EU recognised that people's claims under the refugee convention were going to be declared inadmissible and that a person would have to go and pursue their asylum claim in a country that did not even fully implement that convention. Meanwhile, Greek hotspots were no longer to be designed for quick reception and processing of claims. Instead they were to become, in essence, large detention facilities before people were returned.

The documents also rightly accepted that new routes to Europe might develop, and indeed many expert groups have since confirmed that once one dangerous route has been cut off, others have simply opened up. Our view is that the best answer would be for the EU to continue with its original approach but with a much more comprehensive offer of safe and legal routes.

The first report on progress is document no. 8175/16 and Addendum: “First Report on the progress made in the implementation of the EU-Turkey Statement”. I note that we now have a fourth report on progress and implementation. Even the first report confirmed some of the concerns that I have just set out. We learn that Turkey signed a letter assuring that returned Syrians would be granted temporary protection. That is not refugee status. With regard to non-Syrians, it simply said that discussions are ongoing.

The Minister has assured us today, and I welcome the fact, that subsequently the Turkish Government did implement a scheme for non-Syrian asylum seekers being returned. Surely that should have been a precondition of any agreement. The horse had bolted by the time that assurance was given.

We also learn in that document just how badly placed Turkey was to process all those claims. It notes that it still needs to reduce a backlog of 140,000 pending asylum applications, while ensuring that decisions on new asylum requests are registered within a reasonable time and taken within the deadlines prescribed by law. It says Turkey still has to take

“necessary steps to grant all refugees legal access to the labour market”.

At that time only Syrians were allowed to do that. It also urges that remaining benchmarks in relation to the protection of fundamental rights should be fulfilled. Even very basic fundamentals were not in place at the time of the agreement. Hence, the report had to urge for

the protection of vulnerable groups, such as child protection, women's health and education and emergencies. There was still a need to establish a transfer system to cover basic needs of the most vulnerable refugees to cover food and shelter, which is described as "an emergency social safety net".

Thirdly, even protection of incoming services such as delivery of non-food items and immediate support such as tents and mattresses still had to be put into place. The report concluded:

"Further efforts are required by Turkey to make sure that those who need international protection receive the support they require."

Our view quite simply is that all of that should have been done before this agreement was signed and people who had claimed asylum would have been returned to that country.

I have already alluded to the comments by Peter Sutherland about the questionable legality of this process. The hon. Member for Ealing Central and Acton also alluded to reports by Amnesty International and Doctors Without Borders who have commented on the devastating human consequences of this strategy on the lives and health of thousands of refugees, asylum seekers and migrants trapped on the Greek islands and in the Balkans.

Just last week, *The Telegraph* reminded us about the effect on those who are stranded in Europe, reporting that a year after the controversial deal between the EU and Turkey blocked the flow of asylum seekers in Europe, tens of thousands are stuck in camps, suffering from rising levels of trauma and depression.

In summary, there are huge question marks about the legality of the EU-Turkey deal, particularly given that it was signed before all these huge issues were addressed, and we have not heard enough about what will happen to people who are trapped in Europe because of the closure of these routes.

9.45 am

Mr Goodwill: Although I understand some of the criticisms about how some aid is being delivered, we live in extraordinary times. I repeat my admiration for the

way that Turkey stepped up to the mark. Mr Paisley, you would not permit us to go into a long debate about internal political matters in Turkey—that is for another day and possibly another place—but I believe that the way that it has worked with the international community is very credible.

Any delay in implementing the Turkey deal would have meant more dead bodies being washed up on the beaches on those islands. It is easy to read out criticisms from non-governmental organisations, but we need to deal with the situation on the ground. The human rights abuses in that region are being made by Daesh and Assad and his cronies. The dreadful situation unfolding in Syria is what is causing the refugee crisis. The countries on the frontline, particularly Turkey, are discharging their international responsibilities, and I am pleased that we are working so closely with them.

There are existing schemes in Europe: the Dublin process is still in operation for asylum seekers who claimed asylum in an EU country who have family connections here in the UK, and we can ensure that that process works. Indeed, the larger number of the children who came to the UK following the clearance of the Calais camp came under the Dublin process, not the Dubs process.

It is the Government's position that we should continue to support our EU partners in work to strengthen and deliver an EU external border that can withstand the extreme pressures we saw in 2015 whenever and wherever they occur, with the ultimate aim of preventing that from happening again. We will also continue to engage with near-neighbours and third countries to ensure that those in need of international protection get that protection—ideally in their region of origin—illegal migration is controlled and we deter abuse and prevent long-distance movements that endanger lives.

Question put and agreed to.

9.47 am

Committee rose.

