

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

NATIONALITY AND BORDERS BILL

First Sitting

Tuesday 21 September 2021

(Morning)

CONTENTS

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

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

not later than

Saturday 25 September 2021

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The Committee consisted of the following Members:

Chairs: †SIR ROGER GALE, SIOBHAIN McDONAGH

† Anderson, Stuart (<i>Wolverhampton South West</i>) (Con)	† McLaughlin, Anne (<i>Glasgow North East</i>) (SNP)
Baker, Duncan (<i>North Norfolk</i>) (Con)	† McDonald, Stuart C. (<i>Cumbernauld, Kilsyth and Kirkintilloch East</i>) (SNP)
† Blomfield, Paul (<i>Sheffield Central</i>) (Lab)	† Owatemi, Taiwo (<i>Coventry North West</i>) (Lab)
† Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	† Pursglove, Tom (<i>Parliamentary Under-Secretary of State for the Home Department</i>)
Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab)	† Richards, Nicola (<i>West Bromwich East</i>) (Con)
Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con)	† Whittaker, Craig (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Grant, Mrs Helen (<i>Maidstone and The Weald</i>) (Con)	
† Gullis, Jonathan (<i>Stoke-on-Trent North</i>) (Con)	Rob Page, Sarah Thatcher, <i>Committee Clerks</i>
† Holmes, Paul (<i>Eastleigh</i>) (Con)	
† Howell, Paul (<i>Sedgefield</i>) (Con)	
Lynch, Holly (<i>Halifax</i>) (Lab)	† attended the Committee

Witness

Jon Featonby, Policy and Advocacy Manager for Refugees and Asylum, British Red Cross

Public Bill Committee

Tuesday 21 September 2021

(Morning)

[SIR ROGER GALE *in the Chair*]

Nationality and Borders Bill

10.25 am

The Chair: Good morning, ladies and gentlemen. Before we begin, I have a couple of preliminary announcements. I encourage Members to wear masks when they are not speaking, in line with Government guidance and that of the House of Commons Commission. Please give each other and members of staff space when seated and when entering and leaving the room. *Hansard* colleagues would be grateful if Members emailed their speaking notes to hansardnotes@parliament.uk. Any doubt about that, please ask the Clerk at the end. We must ensure that *Hansard* gets the notes. Please ensure that all your mobile phones are switched to silent. I remind Members that tea and coffee are not allowed in Committee. If you want to have coffee, you have to go outside the Committee Room.

Today, we will consider the programme motion on the amendment paper. We will then consider the motion to enable the reporting of written evidence for publication and the motion to allow us to deliberate in private about our questions before the oral sessions begin. In view of the time available, I would like to take those matters formally. I have discussed it with the Minister and he agrees. I call him to move the programme motion standing in his name, which was discussed yesterday by the Programming Sub-Committee.

Ordered,

That—

1. the Committee shall (in addition to its first meeting at 10.25 am on Tuesday 21 September) meet—

- (a) at 2.00 pm on Tuesday 21 September;
- (b) at 11.30 am and 2.00 pm on Thursday 23 September;
- (c) at 9.25 am and 2.00 pm on Tuesday 19 October;
- (d) at 11.30 am and 2.00 pm on Thursday 21 October;
- (e) at 9.25 am and 2.00 pm on Tuesday 26 October;
- (f) at 11.30 am and 2.00 pm on Thursday 28 October;
- (g) at 9.25 am and 2.00 pm on Tuesday 2 November;
- (h) at 11.30 am and 2.00 pm on Thursday 4 November;

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

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 21 September	Until no later than 11.25 am	British Red Cross
Tuesday 21 September	Until no later than 2.45 pm	Immigration Services Union; Joint Council for the Welfare of Immigrants
Tuesday 21 September	Until no later than 3.15 pm	Derbyshire Police

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 21 September	Until no later than 4.00 pm	Kent County Council; Westminster Council
Tuesday 21 September	Until no later than 4.30 pm	Fortinus Global Ltd
Tuesday 21 September	Until no later than 5.15 pm	National Crime Agency
Thursday 23 September	Until no later than 12.15 pm	Migration Watch
Thursday 23 September	Until no later than 12.45 pm	The Hon George Brandis QC; High Commissioner for Australia to the United Kingdom
Thursday 23 September	Until no later than 2.30 pm	United Nations High Commissioner for Refugees
Thursday 23 September	Until no later than 3.15 pm	Siobhán Mullally, United Nations Special Rapporteur on Trafficking in Persons; Dame Sara Thornton, Independent Anti- Slavery Commissioner
Thursday 23 September	Until no later than 4.00 pm	Refugee Council; Refugee Action; Women for Refugee Women
Thursday 23 September	Until no later than 5.00 pm	EPCAT; European Network on Statelessness; Immigration Law Practitioners Association

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 8; Schedule 1; Clauses 9 to 21; Schedule 2; Clauses 22 to 26; Schedule 3; Clauses 27 to 39; Schedule 4; Clauses 40 and 41; Schedule 5; Clauses 42 to 71; new Clauses; new Schedules; remaining proceedings on the Bill;

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 4 November.—
(*Tom Pursglove.*)

Bambos Charalambous (Enfield, Southgate) (Lab): On a point of order, Sir Roger. On the initial list of witnesses there were some Home Office officials. On the present list, there are no Home Office officials, which makes it much harder for the Opposition to scrutinise the Bill. We had certain questions that we wished to pose to Home Office officials. I put it on the record that they were initially on the list of witnesses but are no longer there.

The Chair: That is not strictly a matter for the Chair; it is a matter for the usual channels. That should be discussed between the Government and Opposition Whips. I had better ask for the relevant parties to do that privately, and to have a conversation with you. It is not something, I am afraid, that I can adjudicate, but you have made your point. The opportunity to discuss

it was at the Programming Sub-Committee yesterday, where it should properly have been raised. It was not raised on that occasion.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Further to that point of order, Sir Roger. I may have raised it had the Programming Sub-Committee started at the time it was supposed to start. I arrived yesterday a minute before the start time, and the sub-committee had finished its work. I was going to make the point that Government witnesses had disappeared. We have now lost a couple of hours, and the opportunity for other witnesses to give evidence. I wanted to put it on the record that I was disappointed not to be able to make that point yesterday.

The Chair: The sub-committee was quorate when it started yesterday. Members are expected to be there in a timely fashion. I think that I am right in saying that we started on the nose of the time at which we were supposed to start. I take your point, but again it is a matter for the usual channels, not the Chair.

Resolved,

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

Resolved,

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

10.30 am

The Committee deliberated in private.

Examination of Witness

Jon Featonby gave evidence.

10.32 am

The Chair: We are now sitting in public, and proceedings are being broadcast. Before we start hearing from the witnesses, do any Members wish to make a declaration of interests in connection with this Bill? Then, as a matter of record, there are no declarations of interest.

Good morning, Mr Featonby. We will now hear oral evidence from Jon Featonby, who is the policy and advocacy manager for refugees and asylum at the British Red Cross. Before calling Mr Charalambous to ask the first question, I remind Members that questions should be limited to matters within the scope of the Bill, and that we have to stick to the timings in the programme motion that the Committee has agreed. As such, we have just under one hour for this session, until 11.25 am. Mr Featonby, I have introduced you, but could you please introduce yourself for the record?

Jon Featonby: I am Jon Featonby. I am the policy and advocacy manager for refugees and asylum at the British Red Cross.

The Chair: Thank you very much indeed for taking the trouble and the time to join us this morning.

Q1 Bambos Charalambous: Mr Featonby, I am going to ask you some questions about the Bill in which the Red Cross has indicated some interest. According to the Government, the main objectives of the Bill are to increase fairness in the asylum system; to better protect

those who are supported and in need of asylum; and to deter illegal entry into the UK and break the business model of people smuggling networks. To what extent do you think this Bill achieves those objectives?

Jon Featonby: I will start off by saying that as the British Red Cross, we very much welcome this opportunity to give evidence to the Committee today, but the short answer to that question is that we do not think the Bill is going to meet those objectives at all. To build on that a bit, we take that from our role as the largest independent provider of advice and support to refugees and people seeking asylum in the UK. We work with around 30,000 people each year in all four countries of the UK, supporting people throughout the asylum process, from when they first enter it to when they get decisions, and in making decisions about what happens next. Through that work, we see that there are three key elements of an asylum system. First, it must be safe for people to access it; secondly, it must be fair and efficient and make decisions in a timely way and, thirdly, those people who are in the system, while they are in the system, should receive the advice and support they need.

At the moment, there are a number of challenges to that, as shown by the number of people taking dangerous journeys to reach the UK, the increasing backlog in asylum decision making and the length of time people are having to wait for a decision on their application. There are also challenges that local authorities, organisations such as our own and, importantly, people in the system face in terms of the support they receive, whether that is support with accommodation, mental health or other areas. We believe those should have been some of the priorities for both this piece of legislation and the new plan for immigration that runs alongside it.

That work is also informed by the people we work with. We run the VOICES Network, which is a group of people with lived experience of the asylum system. They were among those who gave evidence to the Government during the consultation on the new plan, and when we speak to them about this legislation, one of their key messages, as people who have made that dangerous journey, is that there is nothing in the Bill or in the new plan that would have changed the decisions they made.

We absolutely agree that there are too many people making those dangerous journeys; we want to see a reduction in the number of people making dangerous journeys in small boats across the channel as much as anybody else does, but we do not believe the measures in the Bill will do that.

Q2 Bambos Charalambous: As a follow-up, how do you think a reduction in those dangerous journeys would be better achieved?

Jon Featonby: There is no simple answer to that; as the Home Secretary said on Second Reading, there is no silver bullet for many of these challenges. If there were, I am sure some country would already have come up with it. However, there are some key things that the Red Cross believes could be explored further.

The expansion of safe routes for people seeking protection is prime among those things. We welcome the Afghan citizens resettlement scheme announced recently. The UK has a good recent record of providing resettlement places, and we believe that on top of that

Afghan resettlement scheme there is the need for a wider global scheme. There is the UK resettlement scheme, the successor to the Syrian resettlement programme, but there is no annual quota for that. On top of that 5,000 commitment for the Afghan scheme we would like to see an additional 5,000 for the global scheme.

We also call for refugee family reunion. One of the core bits of work that the Red Cross does in the UK is support refugees being reunited with their family members. As the new plan for immigration stated, family reunion is currently the largest safe route for people to get to the UK. Over the five years to 2019, 29,000 people arrived in the UK through refugee family reunion, compared with 25,000 through resettlement over the same period.

From what we see in our work supporting families, as much as that reunion is a moment of joy for so many people, there are other families whom the current rules do not allow to reunite. One of the prime examples is that the rules do not cater for adult dependent children. A parent in the UK who has refugee status can sponsor their parent, their partner or spouse and any children under the age of 18 to come and join them, but we see that often there are people whose child may have turned 18 or 19, potentially while they were in the asylum process, who face a difficult decision about whether they leave that child overseas, or just do not bring any of their family to come and join them.

We believe the Bill is an opportunity to expand the rules. One of our key concerns about the Bill, in clause 10 on the differential treatment of refugees, is that there is potential for family reunion to be limited, although the Bill does not quite state how.

Alongside those safe routes, we recognise that the UK cannot alone solve all those issues. However, it has a vital role to play internationally, ensuring that no matter where people are after they have been forced to flee their home, they can access protection systems, whether in the UK, France, Germany or close to the countries from which they first leave.

Q3 Bambos Charalambous: You mentioned clause 10 in your answer. What other problems do you see with clause 10, which treats people differently depending on how they arrive?

Jon Featonby: The starting point for the British Red Cross is that people's protection should be based on their protection needs, and not on how they have entered the UK. Clause 10 provides a power that would move away from that and treat people on the basis of how they arrive in the country. It is difficult to ascertain what some of the impact would be, because clause 10 just creates a power for that to be introduced later in the immigration rules. Certainly, our concern is that the list of the ways in which leave can be differentiated for those people recognised as refugees is an example list and non-exhaustive, and there is therefore scope within the immigration rules to follow for that differentiated treatment to be undertaken in a much wider way.

In terms of the impact of that differentiated treatment, which I am sure falls within the Bill's aim to deter people from making dangerous journeys, we certainly do not believe that it will do that. From the people we work with, we know it is rare for people making those journeys—even if they have any element of choice over where they are going to end up—to have any clear idea

about what their rights and entitlements will be when they arrive, so we do not believe it would deter dangerous journeys.

We also believe there would be negative impacts from some of the ways people's leave will be differentiated. Some of that concern draws on the evidence from Australia, which has used temporary protection visas, similar to those that clause 10 would allow to be introduced, on and off for the past two decades. One of the key findings is that that has increased the insecurity people feel when they have that protection status. This is a group of people who will have been recognised as refugees by the UK Government, but one way they will be treated differently is that those who have arrived irregularly will only get temporary protection for maybe two and a half years, which will then be extendable at each point.

The lack of security around that has an impact on not only people's mental health, but their prospects for integration and their ability to get jobs and rebuild their lives. Employers looking at that type of temporary leave are less likely, we believe, to employ that person, compared with somebody who might have indefinite leave to remain, as a refugee arriving under the resettlement programme would have.

I have already mentioned our concerns about the potential impact on family reunion. It is important to note that those people arriving in the UK through family reunion are predominantly women and children; 90% of all family reunion visas currently granted are to women and children. Limiting access to family reunion for the refugee in the UK is taking away a safe route for his—in most cases—wife and children to be able to come and join him. The evidence from Australia was that where that happened, it incentivised and increased the number of dangerous journeys being made by women and children, which is something the British Red Cross believes should absolutely be avoided.

One of the other potential routes for differentiation is giving those people granted refugee status no access to public funds. Most of the refugees we support struggle when they are first granted status, and one of the main groups of people we support across all our services in the UK is people who are destitute, at all stages of the asylum process. Around one third of the people we have supported in our destitution services over the past year are people with refugee status, and often that is because they fall into the gap between Home Office and local authority support when they are first granted status and the Home Office support ends.

Without giving people access to the social security and welfare system, you risk embedding some of that destitution at that point as well. Not only is that bad for those individuals, putting them at great risk, but it puts extra pressures on local authorities. We see that within our services at the moment.

Q4 Bambos Charalambous: Moving on to clause 11, on asylum accommodation, I know in the past the Red Cross has been critical of the Government's using Napier Barracks to house asylum seekers. What are your thoughts on clause 11 and dispersal, and what lessons can be learned from the problems with Napier Barracks?

Jon Featonby: The issues with accommodation and the challenges the Home Office faces in providing it are well known and serious, and there is no simple solution

to many of them. Some of the problems around the shortage of accommodation were caused by the covid pandemic. We welcome the Home Office's move at the start of the pandemic not to evict people from asylum accommodation, but that obviously meant that fewer people were moving through the system.

Some of the challenges with the dispersal system and the shortage of housing are also caused by the increasing backlog in asylum decision making. There are now around 70,000 people waiting for an initial decision, the majority of whom have been waiting longer than six months. That includes people from places such as Syria, Afghanistan, Iraq and Eritrea, who will almost certainly go on to get refugee status, but the lack of throughput in the system has created that pressure. Several Members on this Committee represent areas that do great work hosting people through the dispersal system, but we do not think the Bill will do anything to help them.

The accommodation centres in clause 11 are part of the response to that pressure. As you rightly said, the Red Cross has raised concerns around some of the Ministry of Defence sites that have been used over the last year, and their suitability for people seeking asylum. In particular, we were operational in Penally Barracks in south Wales when that was open, and we continue to support people in Napier.

From our experience, we think that the best way to accommodate people while they are in the asylum system is within communities. They can feel a part of those communities and receive the support that they need. It is also beneficial for those communities, in terms of social cohesion. That relates to some of the negative impacts that we have seen, where people have been accommodated in some of the military barracks.

We also have some concerns about the way that clause 11 currently works. Reading the explanatory notes, what seems to be happening is that, rather than the Bill itself setting out the framework for an accommodation centre, it relies on the Nationality, Immigration and Asylum Act 2002. That legislation was passed almost 20 years ago during a very different time: asylum applications were far higher, the length of time that people waited for a decision was far shorter, and far fewer people were then getting positive decisions after going through that system.

The 2002 Act has quite a few concerning aspects, including not allowing children in accommodation centres to access local authority schools. We see that as being quite serious. It may well be that the idea behind the centres, and the Government's proposed use of the centres, would include families or children being accommodated there, but that is not clear from what is currently in the Bill. The Bill does, however, change the 2002 Act around some of the limits on the length of time that people can stay in one of those accommodation centres. Currently, under the 2002 Act, somebody in an accommodation centre could only be accommodated there for up to six months. The Bill gives the Home Secretary the power to increase that length of time.

It is noteworthy that, in the recent special development order, which was laid before Parliament to extend the use of Napier Barracks by an additional five years, one of the ways in which the Home Office changed the operation of that site was to limit the length of time that somebody could stay there to 90 days. Therefore, we would certainly see that one of the safeguards around

the use of accommodation centres would be to limit the length of time that somebody could stay there, rather than extending it.

The Chair: I must offer other Members the opportunity to ask questions. I will come back to you if there is time, Mr Charalambous.

Q5 Stuart C. McDonald: How many clauses in this Bill do you think will have a direct impact on people smugglers?

Jon Featonby: There are 71 clauses and four schedules in this Bill. As far as we can see, from our reading of the Bill, there is one clause that directly targets people smugglers themselves. That is the clause extending the criminal sentence for somebody convicted of that to a life sentence. We absolutely welcome that tightening of people smuggling. We absolutely believe that one approach that the Government should continue to take is in targeting those people smugglers who take advantage of people trying to seek safety.

Our concern is about the other aspects of the Bill, which seem to be more about trying to deter people from making those dangerous journeys. As I said earlier, we do not believe that those clauses will have that impact.

Q6 Stuart C. McDonald: You have said, essentially, that you do not think disincentives work. I want to look at one of the Government's attempts to disincentivise people from using people smugglers: this new scheme of notices of intent. It is in the Bill, but it is also already in the immigration rules as of the start of this year. What impact have those notices had?

Jon Featonby: It is not clear that they have had any impact. I suppose that you could rightly say that one of the things the Bill does through clause 14 is move the current inadmissibility rules, which are in the immigration rules, into primary legislation. Those have been in force since 1 January, replacing what was the Dublin system, which the UK was part of when it was a member of the European Union.

Since those rules were introduced, 4,500 notices of intent have been issued to individuals. When somebody first arrives in the UK's asylum process, they are interviewed by a member of the Home Office at the initial stage. Then, if, for whatever reason—there are five potential reasons—the Home Office believes that that person's asylum claim may be inadmissible in the UK's asylum system, a notice of intent is issued to that person at that instance. At that point, the person's asylum claim is still live, but it does not go any further. There are no interviews and it is not substantively considered by the Home Office. The guidance that was introduced by the change in rules then gives the Home Office six months to try to get a return agreement in place, or to look further at that person's claim to try to work out whether that claim is inadmissible.

What we have not seen since the beginning of this year is a decrease in the number of people making dangerous journeys. It is not apparent to us that it has deterred people. However, because of that in-built six-month delay, it has further increased the delays that people already face while waiting for a decision on their asylum claims.

Q7 Stuart C. McDonald: So basically, people are waiting another six months. What impact does that and the other measures in the Bill have on local authorities that are involved in asylum work?

Jon Featonby: We pay tribute to the local authorities that are part of the dispersal scheme. We work very closely alongside them, and the ones that we work with are very proud of the roles that they play. However, we also recognise that the local authorities that support people are under quite a lot of pressure. There are not enough local authorities currently taking part in the dispersal system, and we encourage more to do so and believe that that should be a priority for the Home Office.

One of the problems with the increased delay, whether it is caused by the inadmissibility rules or by wider decision-making delays, is that people are left in limbo in the asylum system longer, unable to work and reliant on the Home Office for support. There is then a negative impact on people who do go on to get refugee status, on their ability to integrate and to stand on their own feet; they are more likely to have to rely on local authority support for a longer period.

Q8 Stuart C. McDonald: What does that mean for the cost of the system?

Jon Featonby: It is well known, and it was mentioned in the equality impact assessment published at the beginning of the week, that the cost of the asylum system has increased significantly over the last year. While we are not aware of a breakdown of the drivers of that cost, it is likely that a lot of it has been driven by the increased pressure on asylum accommodation, and in particular the increased use of hotels over the last year or so. One of the quickest ways to reduce that cost would be to get people moving through the system much faster again—making those decisions and reducing the pressures on the accommodation system.

Because the Bill will not deter people or reduce the number of people entering the asylum system—if anything, it is just going to increase some of the delays in the system—there is a danger that it will increase the overall cost. It is unknown at the moment what the cost of the accommodation centres might be. A contract notice was issued in August saying that they will potentially accommodate up to 8,000 people, but there is very little known about the cost of that.

Stuart C. McDonald: I know colleagues will have other questions on provisions relating to the asylum system. Does the Red Cross want to speak about the provisions relating to modern slavery or statelessness?

Jon Featonby: One of the roles of the Red Cross in the UK is that we work alongside police forces when they undertake anti-trafficking raids to disrupt situations of exploitation; we are there to work alongside police forces and local authorities to support people at those points. We also support people who have gone through the national referral mechanism and been found to be survivors of modern slavery in terms of what happens next—to support them with their onward journeys.

The Modern Slavery Act 2015 was definitely a landmark change. It has very much changed the way the UK has responded—it has improved it. We know from our work with other Red Cross national societies around the

world that the UK is now seen as an international leader through that legislation. We are concerned, though, that this is an immigration Bill that contains a large modern slavery element; there is a danger that part 4 moves away from protection as a first port of call in cases of modern slavery. In particular, when we set up reception centres at anti-trafficking raids, we found that the vast majority of people who are taken out of situations of exploitation do not enter the national referral mechanism. When we monitored 10 reception centres, 170 people were taken out of those situations and only four consented to go into the NRM. Some of the changes to the NRM contained in part 4 of the Bill may raise those barriers.

However, there is also an opportunity in the Bill to improve the treatment of people who come out of the national referral mechanism with a positive conclusive grounds decision. We welcome the commitment in the Bill to offer immigration status to some of the people with positive conclusive grounds decisions. When people get a positive conclusive grounds decision and the support that they received while they were in the NRM ends, one of the challenges that they face is that, if they do not have a secure immigration status, it is very difficult for them to get on with their lives—to make decisions about what happens next. It potentially also means that, if they are unable to work and access local authority support or welfare support, they are at risk of being re-exploited. We have made recommendations in the past that people should get that status.

We feel that those provisions can be strengthened to make it clearer that more people will be able to access that immigration leave. At the moment, if the Home Office believes that somebody would be able to receive protection in their country of nationality, they are not eligible for that grant of leave. Having seen the need in people who have gone through the NRM, we believe that it should pretty much be a universal offer of leave at that point. We would like to see the Bill strengthened in that way. I pay tribute to the work of Lord McColl and Sir Iain Duncan Smith in particular for their campaign around this in recent years.

Q9 Stuart C. McDonald: Anything on statelessness, or do you want to leave that to other witnesses?

The Chair: There are other Members who wish to ask questions, Mr McDonald. If there is time, I am happy to bring you back in. At present I have Jonathon Gullis, Paul Blomfield and Anne McLaughlin who are waiting to speak. Minister, would you like to come in now or wait?

The Parliamentary Under-Secretary of State for the Home Department (Tom Pursglove): I am happy to come in later.

Q10 Jonathan Gullis (Stoke-on-Trent North) (Con): Clause 10 talks about the idea of differential treatment. To people in Stoke-on-Trent this seems absolutely acceptable. Stoke-on-Trent is, by the way, a member of the asylum dispersal scheme and the fifth largest contributor in the UK. Some people have come via safe and legal routes, such as from Afghanistan, whereas others are illegal economic migrants who were already in a safe country in France but who have come over the English

channel,. Do you not think that saying we are going to treat people differently is going to deter people from making that journey? That will impact the people smugglers, because people will not make the dangerous journey they should not be making in the first place, because they are aware of the consequences when they are caught.

Jon Featonby: That is one of the reasons why we are concerned about the clause. We come from a different viewpoint in that we believe that people's rights and entitlements should be based not on how they entered the UK, but on their protection need. People who go through the asylum system and fall into group 2 in clause 10 are people whom the UK has recognised as being in need of international protection, and they have refugee status.

We work with and have conversations with people who have been through the process. Maybe they arrived in the UK on a small boat or through some other irregular means. They tell us that these changes would not have impacted the decisions they made. It is very unlikely that people have a clear idea about what the UK's asylum system looks like and what their entitlements will be when they are in it or when they go on to get status. Some people have very little choice in the country they end up in. They may well not have started out being involved in the smuggling networks in France. It could have been much closer to the country from which they have fled. The smugglers have much more control over where people end up.

Where somebody feels safe is subjective to the individual. There are many reasons why people in France may be unable to avail themselves of the protection system there. It might be that, because of how they were living in France, they were not aware of how they could claim asylum or the route to do that. It may be that they were treated in some way along that journey that meant they felt unable to avail themselves of protection in France. It is also important to note that the vast majority of people who do make it to France in search of protection stay in France. France receives, generally, at least three times as many asylum applications as the UK.

We do not believe that the differential treatment will deter people, and there are challenges around the differential treatment in clause 10. Stoke is absolutely one of the places in the country that we work with and pay tribute to. Abi Brown, the leader of the council, speaks very eloquently about how proud she is of the council's role. However, clause 10 will potentially make it harder for those local authorities who support people. If people continue to come to the UK, go through the asylum process and get status and are then unable to reunite with their family members or have insecurities around the length of time they are going to get status, and, crucially, if they are unable to access public funds, that impacts on their integration prospects and ability to support themselves. That may well increase the pressures on local authorities.

Jonathan Gullis: You mention that some people say that they would still choose to make the journey despite the Bill. Those who are willing to make the journey, of which over 70% are 18 to 30-year-old men on their own, have put thousands of pounds into the hands of people smugglers by their own choice. They

are willing to keep funding a smuggling entity in order to try to access the UK, because they seem to think the UK is a better deal than mainland France, Italy or Greece, which are obviously all part of the European Union and have the same protections that the UK does—the European convention on human rights and such. Ultimately, does that not show that the system is broken and the legislation is needed? We do need to make sure that illegal economic migrants crossing the channel are treated differently from people from Afghanistan, for example, who have taken the safe and legal route we provided through Operation Pitting.

Jon Featonby: We disagree that they are illegal economic migrants. They are people who have protection needs. Obviously, if they have gone through clause 10 and they fall into that group too, they have gone through the asylum system and it has been found that they are refugees.

We absolutely agree that action needs to be taken to reduce the number of people making dangerous journeys. There are too many people putting their lives at risk crossing the English channel to get here. Our concern is that we do not believe that the provisions within this Bill will deter that. We think the Government would be better off approaching this by increasing some of the safe avenues for people.

Afghanistan is a good case in point. Obviously, we now have the Afghan citizens' resettlement scheme alongside the relocation programmes. We have been working with families as they arrive at airports and hotels across the country, and we see their relief and joy. However, that is only ever going to go so far in meeting the needs of the number of people who are likely to be displaced from Afghanistan and other refugee-producing places and situations, and there will always be people who take irregular journeys in order to reach safety. From the point of view of the Red Cross, it is paramount that people are treated with the dignity and respect they deserve because of their protection needs, and that they are helped to rebuild their lives and to enjoy that protection, if they get that in the UK or anywhere else in the world.

Q11 Jonathan Gullis: The issue is that we have people illegally entering the country in record numbers via the English channel. They are illegal economic migrants, because they are able to claim refuge in a safe place, such as France. France is not a war-torn country; they are safe over there. Ultimately, this is putting huge pressure on cities such as Stoke-on-Trent that step up to the plate. I hope local authorities in places like Scotland step up to the plate; I know that Glasgow does its bit, but sadly others do not. I hope to see other places take part in the asylum dispersal scheme. More importantly, you talk about the pressure on local authorities that clause 10 might impose. We have an issue with housing in Stoke-on-Trent, which has lower than average house prices and is taken advantage of because of that. Stoke-on-Trent has lodged to pause its involvement in the asylum dispersal scheme until other areas step up.

Does it not make sense that we would provide good-quality accommodation? I think Napier Barracks was fantastic accommodation. It provided safety and shelter, had hot running water and sanitation, and provided yoga as well. We have Napier Barracks

[Jonathan Gullis]

and others like it that we can use. What do you think about doing what Denmark is doing, which I think is a fantastic idea, and taking people to another country, such as Rwanda, and processing them outside the United Kingdom? That will also help to deter people from making these dangerous journeys.

Jon Featonby: On the point about accommodation, we recognise the pressure that local authorities are under. Part of our concern around the Bill is that there is nothing in it that we think will encourage more local authorities to take part in dispersal, or reduce the number of people entering the asylum system. The number of people claiming asylum in the UK at the moment is not anywhere near the historic highs of the early 2000s. It has gone up slightly over the last couple of years, but it is still lower than at the height of the movement from Syria in 2015 and 2016. We do not believe that there are too many people claiming asylum. The UK should be able to deal with the number of applications at the moment.

What we have seen over many years, predating the covid-19 pandemic, is a slow down in the rate of decision making. That leaves more people in the asylum support system for longer periods of time and increases the pressure on asylum accommodation. That is why I again reiterate the point about the focus on decision making and ensuring that the Home Office is resourced to make good-quality, quick decisions as an absolute priority.

The point around accommodation centres is an interesting one. From the people we work with, we certainly believe that Napier has had a negative impact on the people accommodated there. It has not provided the environment that many people who have been through traumatic experiences require. At Penally Barracks, there was a live firing range on site, which was retraumatising for many people.

Jonathan Gullis: That firing—

The Chair: Order. Mr Gullis, this is an opportunity to ask questions not to make speeches. I have to accommodate as many Members as possible. If there is time, I will come back to you later.

Q12 Paul Blomfield (Sheffield Central) (Lab): Correct me if I am wrong, but I think the Red Cross would view itself as a close partner of the Home Office and in a trusted relationship to deliver on the ambitions of whatever Government are in power in relation to asylum. In that context, I guess that you are regularly consulted by and engage with the Home Office on issues of policy. The thinking behind the Bill is clearly predicated on the assumption that there will be a significant opportunity to develop safe and legal routes into the UK. Have you had any discussion with the Home Office about the shape of those future routes?

Jon Featonby: The start of your question was a very good point, and yet as the Red Cross we are an auxiliary to Government for humanitarian purposes, as other national societies are to their Governments around the world. Regarding the things I have said today, Home Office officials have heard them from me several times before. We enjoy a good relationship with them and I hope they would reflect similarly back to us

as well. We use the expertise from supporting people across the UK to reflect back what we see and to help the Home Office to meet some of the challenges it faces.

The precursor to the Bill was the new plan for immigration and the consultation on that. We took part in the formal consultation process and in some conversations with officials around that process. We also take part in frequent stakeholder meetings with the Home Office on a number of different areas, as well as having private dialogue.

Family reunion is one of the key areas for us. When the new plan for immigration was published, we welcomed the commitment to look at changing the rules around family reunion, to allow adults who had arrived through a safe route to sponsor their adult dependent children. We were disappointed then to see in the consultation response that that proposal has not been taken forward, but we continue to have dialogue with the Home Office around it, as well as on a report that we published towards the end of last year, which looked at the family reunion process itself and the safety of it for the family members outside the UK. We welcome the commitment within the consultation response to continue working with us in considering how those recommendations can be followed through.

Also, around the issue of the resettlement programme, we welcome the Afghan scheme, as I said, but we believe that there is more that can be done there and on family reunion, to make sure that more people are able to access safe routes rather than putting their lives at risk by taking desperate journeys.

Q13 Paul Blomfield: But from your discussions, you have had no sense of what schemes the Home Office might have in mind beyond that? I ask that because it is a fairly fundamental issue on which the Bill is predicated.

Jon Featonby: At the moment, there is the Afghan resettlement scheme and the global resettlement scheme, which has an unset number. Family reunion may be potentially negatively impacted by the Bill.

Within the new plan, there is the commitment for the Home Secretary to be able to use an almost ad hoc discretionary power to be able to provide a safe route for people, and we very much welcome that. However, we believe that the Bill is an opportunity to go further, both on existing safe and legal routes, and to explore something like humanitarian visas, which would enable people to apply for asylum from outside the UK as well, because it is obviously noteworthy that the only way that someone can enter the UK asylum system is by being on UK soil.

Q14 Paul Blomfield: May I ask one further question on a different point? The Bill introduces a new element to the asylum system in the consideration of late evidence, and it requires a reduction in the weight of evidence that is submitted late and indeed the credibility of applicants who give it. Do you see any potential difficulties with that and, if so, could you share those with us?

Jon Featonby: On those elements, the view of the British Red Cross is that it will be quite hard to work out what the impact of some of those clauses will be

without further detail about them becoming available. There is already a section 120 notice, which can be issued to people to make sure that they provide evidence as soon as possible within the asylum process, and there is a particular focus at appeal stage.

The Home Office has done great work over recent years in looking at some of the reasons why people do not necessarily provide all of their evidence early on in the process. There are particular groups that quite often will struggle to provide all of their evidence early on. For a woman who has been a victim of sexual, gender-based violence, for example, there are very good reasons and very strong evidence as to why she may not disclose all of the evidence very early on. When someone comes to make a decision on an individual's asylum claim, a potential result of that individual not having disclosed some of the evidence is an impact on their credibility, and you could end up with people not being given protection even though they are really in need of it.

The Chair: I will call Ms McLaughlin, then the Minister, and then we will see how we are doing for time.

Q15 Anne McLaughlin (Glasgow North East) (SNP): The British Red Cross is part of the International Red Cross, so perhaps it has a clearer picture of the scale of the global crisis that is leading to the displacement of people. The Bill is apparently partly a response to the number of people seeking asylum and refugees that the UK is taking. You said a moment ago that we should be able to take the number we have at the moment. The UK Government's argument is that we are taking proportionately higher than most other countries. Is that correct? Are the Government right to be concerned enough about the proportionally higher numbers that the UK is taking to bring in this legislation?

Jon Featonby: As you rightly say, the British Red Cross is part of the Red Cross and Red Crescent global movement of 190 national societies around the world. Working with our international partners gives us that insight into what is happening globally.

We know that 75% of refugees are hosted by countries that border the ones that they fled, and 85% of refugees are hosted by some of the poorest countries in the world, so it is absolutely the case that most people who are displaced from their own countries stay within their regions. Almost everybody we work with wants to be able to return home at some point, which is why they stay as close to their home as they can for as long as possible. One of the other trends we have seen over the past decade is that the situations that produce refugees are lasting for longer, which means that people are living in those other countries for longer. That potentially results in more people looking to move on in order to be able to rebuild their lives.

The UK has about 35,000 to 40,000 asylum applications a year at the moment. Compared with other European countries, that puts us 17th in the number of applications per capita. We are fourth overall for the past year. Germany received four times as many asylum applications as the UK did last year. France received three times as many and Spain received twice as many.

Q16 Anne McLaughlin: That is interesting. If I have time for one more question, I want to mention the concerns that have been raised about aspects of the Bill that are not compliant with some of the UK's international obligations—the refugee convention is one, but there are many of them. There is a huge debate; one commentator says, "It doesn't comply," and the Government say, "Yes, it does comply." Do you share those concerns? If so, is it possible to amend the Bill so that the UK is not defying international obligations?

Jon Featonby: We are aware of that debate going on. I am also aware that the Committee is taking evidence from the United Nations High Commissioner for Refugees later in the week, which is, compared with the Red Cross, in a far better place to make comments on that.

From our point of view, that debate will probably rage on through the course of the Bill's passage and after it becomes law, but it is important to remember where the idea of the refugee convention comes from. We can have a debate about article X or article Y of the convention and how this legislation fits or does not fit with them, but the convention was obviously born out of what happened during the second world war and built on international agreements before that. It is largely predicated on the idea that no one country can respond to global displacement on its own. To be able to do that and make sure the people who are displaced receive the protection they need, there needs to be an international framework based on solidarity and co-operation, and that is absolutely what the convention is part of. Obviously, the UK played a key role in its drafting.

One of our concerns about what is in the Bill, particularly around inadmissibility rules and reducing access to the UK's protection system, is that what the UK says and does matters, so other countries look to the UK and take a lead from it. There is a potential negative impact. If the UK says, "We don't believe that these people should be claiming asylum here"—not making a decision on their protection needs but just saying, "These people are inadmissible to our rules"—and they get pushed back to France, France could be within its rights to do the same, and you end up with a domino effect.

To return to what is happening in Afghanistan at the moment, one of the international community's primary objectives should be to make sure that the countries bordering Afghanistan continue to keep their borders open so that the people who need to escape Afghanistan can do so. We saw that with the Syrian crisis and the role that Turkey, Lebanon and Jordan, in particular, played in the region. There is the danger that if countries such as the UK prevent access to their protection system, some of those countries can—almost quite rightly—turn around and say, "Why should we continue to keep our borders open?"

Rather than getting into the ins and outs of the convention, we believe that it is important for the UK to continue to show that leadership by offering protection, whether through the resettlement programmes, which are absolutely among the world's best, or through continued access to a protection system and the asylum system in the UK.

Anne McLaughlin: That is really helpful. Thank you.

The Chair: I will now call the Minister. Mr Anderson, if there is time after we hear from the Minister, we will try to fit you in.

Q17 Tom Pursglove: Thank you, Sir Roger. Thank you for coming to give evidence, Mr Featonby. I welcome the support you have expressed for the principle of the Afghan scheme. Of course, this Government are absolutely committed to the principle of establishing safe and legal routes. You have been asked several times about the issue of channel crossings, and I feel that you have glossed over that slightly in your answers. Do you think that it is a priority? How would you go about tackling that challenge?

Jon Featonby: It should be, and it is right that it is a priority. There are too many people trying to cross the channel. It is well known that it is the busiest shipping lane in the UK. It is not said enough, but tribute should be paid to Border Force and the Royal National Lifeboat Institution because we have not seen huge numbers of lives lost, especially compared with what we have seen in the Mediterranean.

We would certainly say that although people continue to make those journeys, the primary focus should be on ensuring that people's lives continue to be saved and that the loss of life stays relatively low. However, it comes back to the fact that we do not think the Bill will deter people from putting their lives in the hands of people smugglers or, as we are increasingly seeing, taking to small boats—relying not on people smugglers but on very small and even less seaworthy crafts.

There is no easy way to tackle the problem. There is no one simple solution. However, some of it will come down to the increased provision of safe routes. The more safe routes there are, the less likely people will need to take dangerous journeys. Something that needs to be a part of the UK's international co-operation, and something that it can play an increasingly important role in, is making sure that people have access to protection systems outside the UK.

It comes back to the point about understanding why people make those journeys in the first place. People do not get on those boats on the French shores lightly—it is clear what the risks are going to be when they are there. Understanding what leads someone to that point is vitally important, and I am not sure that the Bill reflects what people with that lived experience would tell us. Some of that will require continued work with our European partners, in particular, to make sure that people have access to information, as well as to their protection systems, in order to look at the reasons why somebody may not have claimed asylum in France, for example.

A vital point that came up in the equality impact assessment published earlier this week is that when states such as the UK look to put in extra measures to protect their borders and asylum systems, they must ensure that does not lead to inverse reactions, which will just lead to people making more dangerous journeys. That is certainly what we have seen over the last 10 to 15 years. The harder it has been for people to make journeys when one route is cut off, the more people are generally pushed to make more dangerous journeys. We should be dealing with the root causes of why people make those decisions in the first instance.

Q18 Tom Pursglove: What assessment have you made of those evil criminal gangs and the associated criminality? You have referred to the life sentences for people smugglers. What more would you propose doing to break their business model?

Jon Featonby: It is largely about the points I have just raised. The explanatory notes to the Bill talk about breaking the business model, and absolutely there are the enforcement procedures regarding the people smugglers themselves. We agree that that should continue to be a priority. However, we need to look at why people turn to people smugglers, and that is because of a lack of other alternatives, whether that is accessing protection systems or those other safe routes.

Q19 Tom Pursglove: On modern slavery, I recognise that one of the challenges to modern slavery prosecutions is maintaining victim engagement throughout the criminal justice process. In your view, what are the key barriers for victims?

Jon Featonby: That is a very good point. We believe that the modern slavery response needs not only to provide protection for people coming out of situations of exploitation, but to enable those people to take part in prosecutions to tackle people who are exploiting others, whether in the UK or abroad.

The challenges that we see people quite often face are, first, at times a lack of trust in the police or whoever else it might be, but also—probably more importantly and more pertinent to the Bill—a lack of security about their immigration status. The people we work with, who predominantly do not have a secure immigration status in the UK, are thinking about where they are going to sleep that night, and how they are going to feed themselves and their family, rather than how they are going to help the police through this, or potentially how they will have to recount quite traumatic experiences to support those prosecutions.

That is why we support the measures in the Bill to try to give more people secure immigration status. We think that will make a big difference, but we absolutely encourage the Government to go slightly further to ensure that more people can avail themselves of that protection, which would have a beneficial impact on prosecutions as well.

Q20 Tom Pursglove: I will ask one more quick question, so that hopefully my hon. Friend the Member for Wolverhampton South West can come in. In your view, will the new legal aid provision in relation to the one-stop process encourage earlier referrals into the national referral mechanism?

Jon Featonby: Potentially. Some of it depends on how it is implemented. We would probably like to see some changes to that provision. I touched earlier on the work that the Red Cross does at reception centres to support people when they first leave those situations of exploitation. At that point, people come out, they are in these centres, the Red Cross may well be there, but it is probably the police, local authorities and increasingly immigration enforcement. There are very few opportunities for people to get legal advice at that point around what the NRM entails for them.

The provisions in the Bill on legal aid are welcome, but they are only for those people who have ongoing protection claims. Most people who come out of those situations of exploitation will not necessarily have an ongoing asylum claim. We would welcome the broadening of the provisions in the Bill to make sure that it covers everybody who may be thinking about entering the

NRM, so that they are able to get legal advice, whether or not they have an ongoing human rights or asylum claim alongside it.

The Chair: Thank you. This will have to be one final question from Mr Anderson and one final answer.

Q21 Stuart Anderson (Wolverhampton South West) (Con): I have been listening today in keen trepidation of your answers. When sitting through several of these Bill Committees, we always find people—we will hear it today—who say it goes too far or it is not enough. I represent Wolverhampton, which has certainly stepped up to the plate and done its bit over the last few years. I have heard what you have said from your point of view about the gaps in the Bill. What positives can I take back to Wolverhampton City Council that the Bill will help to alleviate pressures?

Jon Featonby: It is very difficult for me to highlight any positives. That is one of the things that we will continue to raise with parliamentarians and the Home Office, because we do not think the Bill meets those challenges. The Bill is an opportunity to meet some of the challenges, particularly around the move-on period for people when they get refugee status, to make sure that the move from Home Office support to local authority

support is as smooth as possible. We hope that as the Bill progresses such issues will continue to be debated. We do not believe that the Bill, as currently drafted, will alleviate any of the current pressures that local authorities face.

Q22 Stuart Anderson: Do you not believe it will alleviate any of the pressures that the council will face?

Jon Featonby: No.

Stuart Anderson: Thank you.

The Chair: I am afraid that brings us effectively to the end of the time allocated for this morning's sitting. Mr Featonby, the Committee is indebted to you. Thank you very much for joining us. The Committee will meet again this afternoon. The doors will be locked, so Members may leave papers in the room if they wish to do so. You will continue to take oral evidence this afternoon. Please leave promptly and observe social distancing as you go out the exit door.

Ordered, That the debate be now adjourned.—(Craig Whittaker.)

11.24 am

Adjourned till this day at Two o'clock.

