

Home Affairs Committee

Oral evidence: [The work of the Home Secretary, HC 434](#)

Tuesday 27 November 2018

Ordered by the House of Commons to be published on 27 November 2018.

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Members present: Yvette Cooper (Chair); Rehman Chishti; Sir Christopher Chope; Stephen Doughty; Chris Green; Kate Green; Tim Loughton; Stuart C. McDonald; Alex Norris; Douglas Ross; John Woodcock.

Questions 533–704

Witnesses

I: Rt Hon Sajid Javid MP, Home Secretary, and Sir Philip Rutnam, Permanent Secretary, Home Office.



Examination of Witnesses

Witnesses: Rt Hon Sajid Javid MP and Sir Philip Rutnam.

Q533 **Chair:** Can I welcome everyone to the session of the Home Affairs Select Committee?

Before we begin our evidence session, I want to put on the record something referring to last week's evidence session that we took on asylum accommodation. During that evidence session we raised some information that we had been given by the Chief Inspector for Borders and Immigration, some of which turned out to be wrong. That of course raises some concerns with us but, as we challenged Mr Morrison particularly on that issue and as the evidence he gave us was right, I want to put on record our apologies to Mr Morrison and I have spoken to him directly to do so as well.

Further details of this, and the issues that the Committee is continuing to pursue on asylum accommodation, are available in the correspondence on our website.

Can I welcome the Home Secretary and the Permanent Secretary to give evidence to us this afternoon? We obviously want to concentrate our questions this afternoon on the issues around the Prime Minister's Brexit deal, and to also cover some of the issues around any preparations for no deal planning that the Home Office is doing, so if we could start with—

Sajid Javid: Chair, may I just say a word on the comments that you started with? Is that possible?

Chair: Indeed.

Sajid Javid: First of all, thank you very much for the apology that you have just made. Also, I understand that you, Chair, and Mr Woodcock have sent a letter to Mr Morrison, which I know he has greatly appreciated.

You know that in the past I have said I very much welcome the scrutiny that the Committee provides, that it will provide today. I think we are agreed that all civil servants are very hard working. They try their best. They have the utmost integrity, impartiality and honesty, and that includes my civil servants in the Home Office.

While I welcome the apology that we have just heard, may I also gently suggest that it might be appropriate, Chair, if you delete the tweet that you sent soon after the meeting to your 175,000 followers with a video of that session, which is still out there in the ether? It would be very welcome if you deleted that and then perhaps also did a pinned tweet with your apology letter that you sent to Mr Morrison. It would really help to draw a line under the whole affair.

Chair: Shall we be very clear, Home Secretary, that there are some important issues that this Committee is pursuing, and will continue to



HOUSE OF COMMONS

pursue, in particular, about the mother and baby unit that we raised repeatedly during that evidence session. A mother and baby unit, which has asylum seekers in it that, unfortunately, the Home Office did not identify the location of, that we as a Committee have since identified the location of, that I have now spoken to one of the ward councillors in that ward to find out what action is being taken to improve that accommodation and to make sure that action is being taken to improve the accommodation of asylum seekers.

Given this Committee does have concerns—you are right about the information that we have been given by the Inspectorate but we also continue to have some serious concerns about the actions of the Home Office—I think it is right that we should continue to pursue those concerns, to continue to record and to be honest about recording our concerns and the points that we raise about those concerns.

I hope that you will also take action on that mother and baby unit, given that we have given you the location of the mother and baby unit, and it will be interesting to know what further action you have taken since then.

For you and me to conduct a debate about who said what on twitter, I think is not appropriate, not dignified and also taking up the time of this committee that should be used on the issues around Brexit instead. I will go to Christopher Chope.

Q534 **Sir Christopher Chope:** Home Secretary, can I ask when are we going to see the Immigration White Paper?

Sajid Javid: Very shortly. The Government have not set a final publication date for the White Paper but very shortly, and I would certainly say in December. I would certainly expect it by the end of this year in December.

Q535 **Sir Christopher Chope:** In December?

Sajid Javid: Yes.

Q536 **Sir Christopher Chope:** Before or after we take the vote in the House of Commons on 11 December?

Sajid Javid: I am afraid I cannot be more specific. As you said, the meaningful vote is on the 11th. I hope it will come before that but I am not in a position to be too specific on the date right now.

Q537 **Sir Christopher Chope:** Is that because the *Evening Standard* report tonight of a Cabinet row over May bid to block key staff is an accurate record of the disagreements within the Cabinet, in which you are named?

Sajid Javid: No. It is not because of that at all. Like any Government policy, especially something as significant as that in such an important area, it is quite right that a lead Department that will work across Government, with all colleagues in Government, every Department, especially with immigration being such an important area, would have an



interest and that we work together and then go through all the processes that are necessary to produce the final White Paper.

Q538 Sir Christopher Chope: Originally we were told we were going to get this Immigration White Paper about a year ago. Then, when you became Home Secretary, you promised it before the summer recess. Then you said you had to wait for the Migration Advisory Committee's report. That reported some two months ago, and now—just on the eve of the most important vote the House of Commons is taking in a generation—you are not able to say whether or not this White Paper will be available to inform opinion. Isn't that most unsatisfactory?

Sajid Javid: I have said it will be there to inform opinion. Your question was would it come before or after the meaningful vote. It is—

Q539 Sir Christopher Chope: Interrupting there. If it does not come before the meaningful vote, how will it be available to inform opinion informing that meaningful vote?

Sajid Javid: If I may just step back a bit. Keep in mind that, whether we have a successful deal ultimately with the European Union, and a deal that the Government have set out, or whether we leave with no deal, we are still going to have a new immigration system and the White Paper will talk to that new immigration system. Whatever happens, whether the meaningful vote passes, whether the meaningful vote does not pass, the Paper will still inform us and is still very valuable.

Just to set out that—I think I have said it before but I would be very happy to give some more information on it—what is in the White Paper will obviously talk to the new immigration system. It is intended that that new immigration would begin in January 2021, which if there is a deal is until the end of the implementation period. Even if there is not a deal, clearly time will be needed to bring in that new immigration system.

Q540 Sir Christopher Chope: You speak as though you know what is in the Immigration White Paper, which makes it all the more surprising that you are not prepared to publish it now.

There were reports in the last few days that the Prime Minister wanted to try to beef up support for her Withdrawal Agreement by promising the British public even stronger restrictions on migration into this country. It sounds as though—from the *Evening Standard*—that that is being resisted by you and others. Could you inform us a little bit more about these discussions that are going on?

Sajid Javid: First of all, I do know what is in the draft Immigration White Paper. It is something that I have been taking very seriously. I see this as a very important moment for this Government. It is the first time in decades that any Government have been able to design an immigration system, almost from scratch, uninhibited by any EU rules or regulations.



HOUSE OF COMMONS

I am happy to say a bit about the sense of direction of the Paper, if that is helpful for you, Mr Chope.

Q541 **Sir Christopher Chope:** In a sense, you have already said that in the past. You mentioned it at the party conference.

Sajid Javid: Yes.

Q542 **Sir Christopher Chope:** The Prime Minister has leaked it and all the rest of it. The question I am going to ask is: are you in charge of this White Paper or is the Prime Minister in charge of it?

Sajid Javid: As with all White Papers, from any Government Department, I am in charge of the White Paper but the final product would need cross-Government approval, and that of course includes the Prime Minister's approval.

Q543 **Sir Christopher Chope:** Just quoting directly from the *Evening Standard* tonight, it says, "A senior source said Downing Street originally wanted to announce the long-awaited immigration policy this week". "A Cabinet source said, 'It is not at all clear it will be ready for next week, or even before the vote on Brexit. We are all waiting to see the details because No. 10 has yet to circulate it. Another source said, 'It could be expedited by Downing Street, but that would not go down well on a policy as important as this one'." Are those reports accurate?

Sajid Javid: Inevitably there will be lots of speculation in the press on all things to do with Brexit, especially something as important as a new immigration system, so I am not going to speak to any speculation in any press but I am very happy to answer your questions accurately.

Your first question, your most important question, is about the timing. We are almost there. We have a very good draft. A number of ministries are looking at it, and you can imagine there will be significant interest, particularly from certain Departments, and quite rightly so. That does take time, but we are almost there and I know that it will certainly be published in December.

Q544 **Sir Christopher Chope:** Finally, can I seek an assurance from you that—in the language of Article 184 in the Withdrawal Agreement—you will use your best endeavours to ensure that this White Paper is produced before we vote on the Withdrawal Agreement?

Sajid Javid: I can assure you of that.

Q545 **Stuart C. McDonald:** Thank you very much for coming to give evidence this afternoon.

I want to ask a few questions about settled status. I would dearly love to be in a position where we do not need a settled status scheme but, given it looks like we probably will, it is obviously in everyone's interest to make it work. First, can I ask about the scope of the settled status scheme? In the Statement of Intent, the Government set out their



HOUSE OF COMMONS

ambition that nothing would be required other than identity document, proof of residence and a criminality check. Concern has now been expressed that, in the new immigration rules, appendix EU allows for applications to be refused where the person is subject to removal for not exercising treaty rights, so someone could ultimately be refused from the settled status scheme because they were not exercising treaty rights. Why is there this disparity?

Sajid Javid: I am not sure if I have completely followed the question.

Sir Philip Rutnam: Shall I comment on this? You are right that, in the scope of the immigration rules, there is the provision for a test as to whether or not somebody is exercising treaty rights. However, the Government have been very clear about the way in which they are going to approach the settled status scheme, which is based on the three tests you have outlined. That is, confirmation of somebody's identity, confirmation of their qualifying residence in the UK, and passing a basic criminality check, not a very extensive criminality check but a basic criminality check. Those are the three tests the Government have set out.

Q546 **Stuart C. McDonald:** Why put something in the rules as grounds for refusal if you do not intend to use it? If you are an EU citizen that looks very, very strange and concerning.

Sir Philip Rutnam: The Government have been very clear about the way in which the settled status scheme is to operate. I agree that the immigration rules themselves are very complex and very lengthy. We spoke about that when I was here last. We spoke about the desire to simplify them if we possibly can.

The reason for that provision there is because it aligns with the treaty provisions and with the way in which the UK has been operating—alongside other member states—provisions of freedom of movement for many years. In the context of the settled status scheme, the way in which it will operate reflects the agreement we reached on citizens' rights in the context of the Withdrawal Agreement, which is simpler and more focused than the immigration rules.

Q547 **Stuart C. McDonald:** But the point is what happens if, before somebody applies for settled status, they are picked up—perhaps by immigration enforcement or by a police officer, because it is a homeless person, for example—and removal action is taken against them and then they apply for settled status? Are you saying that their application for settled status would not be turned down on that basis?

Sir Philip Rutnam: What I am saying is that our focus, going forward, is on delivery of the settled status scheme, which is a top priority programme. In fact, as you are aware, we are already running it in a beta state, private beta and then public beta early next year.

The discrepancy you are identifying, Mr McDonald, is not an active concern of mine or of the Department. I am not aware of any situation of



the kind that you describe. There have been cases in the past, going back some time—some months or years in fact—where the question of whether or not people are exercising treaty rights has been the subject of active enforcement work, but our focus now is on reassurance to the 3 million plus EU nationals here and—

Q548 Stuart C. McDonald: That is what I would love to see, but the thing is you have put this in the immigration rules so you are responsible for causing this question to arise. At the end of the day, around 4,000 EU nationals I think every year over the last two or three years have had removal action taken against them because they are not exercising treaty rights. If we are talking about 4,000 a year, why put that in the immigration rules?

Sir Philip Rutnam: The immigration rules is a very large product. It has included the provision of the exercise of treaty rights for quite a few years. When we are in a position to do so, I am sure we will want to make sure the immigration rules are amended as suitable.

At the moment, though—and I want to be very clear about this—our focus is on delivering the settled status scheme and on the reassurance, which we have also spoken about, to the more than 3 million EU nationals who are here, about the Government's desire for them to stay and the simple, focused nature of the settled status scheme.

Q549 Stuart C. McDonald: I want reassurance as well. Home Secretary, were you aware of this discrepancy between what is said in the Statement of Intent and what is in the immigration rules?

Sajid Javid: Yes, we have been aware of that. It has been brought to our attention. As the Permanent Secretary has said, that is something that we will be looking at. But the bigger picture here is that this is an ambitious project. It has never been done before, by definition, especially over 3 million—maybe up to 3.4 million—people.

We have deliberately set out to have a system that is as simple as possible, with those pieces of information that the Permanent Secretary referred to—ID address and other pieces of information—and to do it in a way that the default position is set to grant status rather than to look for reasons to refuse.

Q550 Stuart C. McDonald: I do not doubt the intention behind it but surely the simplest way to provide reassurance is for you to undertake now to amend those immigration rules, so that they properly reflect the Statement of Intent and everything that you have said this afternoon. Amend the immigration rules and make it absolutely clear beyond doubt.

Sir Philip Rutnam: Perhaps I should just be clear that we have amended the immigration rules. Indeed, we made a statement back in the summer and subsequent amendments have been made to amend the immigration rules, so that they fully support the settled status scheme as we are implementing it and as it is now actually being operated. In fact,



HOUSE OF COMMONS

we are now receiving some hundreds of applications a day in the beta state that are being successfully processed; hundreds of applications a day.

Q551 Stuart C. McDonald: Can I ask now about employers who want to pay the settled status fee for employees? For example, this morning I spoke to the University of Cambridge who want to do that for EU employees, as well as their family members.

Two issues arise for employers in that situation. They would ideally like to be able to pay the fee as the application is being made. I can imagine there will be technical challenges to that but could the Home Office look at whether that can be resolved?

Secondly, there is an issue about taxation. That would cost the University of Cambridge towards £1 million. If they are repaying their employees that fee there is a danger that HMRC is going to tax that as a taxable benefit and, therefore, that will potentially cost them hundreds of thousands of pounds in addition. Are you willing to have a word with HMRC and encourage it not to impose a tax on the EU settlement fee because, after all, that would discourage other employers as well if it is going to cost them thousands of pounds?

Sajid Javid: This has been raised with us quite recently. First of all, it is quite commendable you have some employers that wish to do that. If they wish to do that I think it is a perfectly correct approach for them to try to take.

As you say, Mr McDonald, there will certainly be a technical aspect to that, which we are happy to look at, and there may be a taxation aspect to that. Given the relatively small amount of the fee, it may be something that is easier to look at from a tax perspective but we are very happy to engage with the Treasury and see if there is a way forward on that and also look at the technical aspects.

Q552 Stuart C. McDonald: Thank you very much. I am going to disappear very shortly for a debate in Westminster Hall, so my final question and probably the pivotal question here. There is still a question mark over what happens. You are probably talking over hundreds of thousands, certainly tens of thousands of people who will not apply in time for settled status before the scheme closes: vulnerable people, elderly people, and people maybe with not brilliant English. What is going to happen to them if they are picked up after the settled status scheme closes? What will their status be? How can they rectify that? What further thought has the Home Office given to that?

Sajid Javid: We set out from the start—and the Immigration Minister has spoken on this, both in Parliament and otherwise—first of all, in a deal scenario, the scheme will last until the end of the implementation period and then beyond that as well by another six months. We have deliberately added another six months. That would take it to the end of June 2021 to have a grace period.



Secondly, we have also said quite publicly that the whole intent of this is obviously for those 3.5 million who wish to stay—and, to be clear, personally I would like them to stay, I want them to stay and I think it is absolutely the right attitude for us as a country to have—we want to make it as easy as possible. That also means having a common-sense approach and being sensible to those who may have some good reason why they may have missed that deadline. Of course, I think with a scheme like that you have to have a deadline.

At the same time, you want to use that deadline to try to encourage people. What we would not want to see is a bulk of applications all at once, but I think we have to take a sensible approach to this of course.

Q553 Stuart C. McDonald: Surely, all the encouragement that you need comes from the end of the implementation period because, after that, to get work, to get access to housing and so on, people will have to have a document of some description. If people discover, for example, that they are not UK citizens, even though they thought they were, and they have to apply for settled status, why not just let them do that into the future? The vast majority will apply before the end of the implementation period. Why not just let everyone continue to apply?

Sajid Javid: Obviously, it is up to individuals about when they choose to apply.

Q554 Stuart C. McDonald: Why have a deadline at all?

Sajid Javid: We touched earlier on about the future immigration system in Mr Chope's questions. We are going to need to know for the future immigration system how to differentiate between this cohort of EU citizens—the 3.4 million—and the future arrivals. The only way to do that properly is through a settlement system and to have that registration process done properly.

That said what we are also doing, in trying to make it as easy as possible, is going to those towns or maybe some employers that perhaps have a relatively high proportion of EU workers and having registration days and things like that, where it is easy for people to drop by. They stop by a desk and give their details. We try to make it as easy as possible.

In fact, the testing that we have done already, the phase 1 test was just over 1,000 applications. With the next phase 2 test more than 250,000 people will be eligible for that. That does not mean to say they will apply but that is the eligible cohort.

The idea there is to go to places, for example, some NHS trusts that we know are likely to have a high proportion of EU citizens and to try to encourage people that way. It would certainly be better for our system and to make it work that, rather than people all applying at one time towards the end of the IP period, we try our best to try to spread it out.

Q555 Kate Green: Thank you. I would like to ask some questions about the



impact of Brexit on labour force needs. Broadly, if we look at the MAC it seems to suggest an approach to filling sector shortages—which was by and large a non-sectoral approach—maintain a salary threshold and perhaps make use of short-term visa arrangements to plug certain gaps. Are you concerned about the limitations that that sort of approach would create, where jobs are nominally low skilled but actually require a degree of expertise and training in sectors, like adult social care, where pay is traditionally very low?

Sajid Javid: May I clarify, Ms Green, are you talking about future immigration or are you talking about an EU settlement?

Kate Green: I am talking about the future immigration system. I appreciate you have not published the details yet, but the MAC has given some indications of how a structure might look.

Sajid Javid: Thank you. All good policy is based on evidence. That is why we commissioned the MAC to look at this, to take its time—quite correctly—and look at the evidence about the future immigration system, particularly in terms of labour needs for the country, vis-à-vis Europe in particular.

You will be aware that the MAC published its report on 18 September. We welcome that report. I think it provides a sense of direction. We have yet to reply. We just talked about the White Paper, about which of the MAC recommendations we will take up. There are some we will take up. There will be others that we will not take up. I think that is what we would expect because after the MAC report we have been consulting.

I talked about internal consultation but we have also had meetings with business representatives including from social care, which you mentioned, and other sectors as well that would take a significant interest in what that system looks like.

I am not able to set out today exactly what that is going to look like, for reasons I have shared with the Committee, with Mr Chope. But I think absolutely, as we develop that new system, we need to make sure that it is pro-business and meets the needs, therefore, of British businesses and of the British economy, but at the same time it looks after the interests of British people as well.

It is perfectly possible to do that by ending freedom of movement but, also, having in place a system that is a bit like many other large industrialised countries that welcome foreign workers, say, Australia, Canada and the United States. They develop systems over time that allow them to meet the different types of skill level within the economy.

Q556 **Kate Green:** Do you agree that, for example, with jobs in adult social care, where continuity of care and quality of care received by vulnerable people is very important, a short-term and perhaps youth-aimed visa system would not be appropriate?



HOUSE OF COMMONS

Sajid Javid: I can see that in social care, as well as in some other sectors, why in certain types of roles it would certainly be preferable to have continuity of care. You mention the MAC report. In fact, what the MAC report identified and recommended was that there was no need for a dedicated skills route for lower skilled workers, dedicated routes. At the same time, it pointed out there are many other routes that already exist, non-dedicated routes, where there are people with a variety of skills, including lower skills. Through many of those routes people are able to work not only on a temporary basis but on a longer term basis.

We need to take all this into account together, to make sure that it is going to work, for example, for social care and some other sectors; sectors that would particularly rely on seasonal labour or larger numbers of low skilled labour.

Q557 **Kate Green:** Can I ask about the construction sector? A lot of the people who work in that sector are self-employed, so obviously applying for visas to come and plug labour market gaps in that sector may be something that they do not have the organisational capacity to do very easily. Are the Government looking at or considering any sort of umbrella approaches that might enable that sector to meet its ongoing needs through the continuing—

Sajid Javid: Yes. I think it is another good sector that you have picked in terms of need and also the importance to the economy. Having been Housing Secretary, I particularly understand the need for making sure that there is enough resources workforce in that sector to meet the requirement homes' requirement that we have. In the southeast in particular, for example, I think it is almost 30% of workers in the construction sector are from the EU.

It is significant and your question was: have we looked at different more creative ways for visas, because in future all workers will require visas as there will be no freedom of movement? Yes, we are looking at different ways beyond the way that it is done today. As you will know, with non-EEA migrants we have, for example, the Tier 2 system. That is obviously for high skilled workers, but it requires sponsorship and there are different varieties of skill. I think there are different ways to do this and we are actively considering those.

Q558 **Kate Green:** You would look at models of quasi sponsorship in an industry that is characterised by quite high levels of quasi self-employment?

Sajid Javid: Yes.

Q559 **Kate Green:** One more sector—and then two general questions, if I may, Chair—the research sector. While obviously senior academic and high qualified researchers would easily meet the salary threshold, lab technicians and other very key support staff are unlikely to do so. What is the Government's thinking in relation to that because, clearly, we want to



HOUSE OF COMMONS

maintain the UK's lead in research sectors?

Sajid Javid: Again, the UK today is a world leader in research, particularly university-based research. If you look at the number of citations I think we are either number one or two in the world. That is something that is absolutely vital to our future.

In answer to your question, what I would point you to is what the MAC said on this, which I thought was a very interesting point around when it recommended the salary cap of £30,000 as a way to determine whether someone is high skilled or not, it looked at making sure that that does not somehow prevent people that we know have high skills. You mentioned a very good example, lab technicians and lab researchers. Typically, in that industry—if we call it that—they are paid much less than that.

I have looked at this and the numbers I saw suggest that lab technicians are paid about £18,000 to £20,000 a year, but I don't think anybody would debate whether they are high skilled or not. Of course they are. So I think it is important that we have a system, when we go forward, that allows for that and there are ways to do that.

If I may just point to one other thing: in the political declaration that was published alongside the Withdrawal Agreement, we have also set out in the mobility section the importance of research, study, training and youth exchange as well. Obviously, that is in the context of Europe but I think it is worth emphasising as well.

Q560 **Chair:** Is it your view that a £30,000 way of defining high skilled is too rigid?

Sajid Javid: If it was £30,000 full stop, in all circumstances, with absolutely no give on that that would be too rigid. It is also important to point out that again, if you look at the MAC recommendations, it was not saying £30,000 in all cases. It was recognising that there may be instances—if I am not mistaken, it may have used lab researchers or technicians as one of the examples and there were others—where it might not quite work.

Q561 **Chair:** You are saying a £30,000 threshold plus sectoral approach then for things like lab technicians?

Sajid Javid: Not exactly. If you look at our current system, just to give you an example of how something like this can be looked at, in the current Tier 2 system we also have a shortage occupation list. If there are occupations that by definition are in shortage, as determined in the way that list is calculated, it is possible to have a Tier 2 system with a lower salary than the £30,000 threshold.

I am not saying that is exactly what we will do next because, as I say, that is still all to be agreed but there are ways to look at this. I would not



HOUSE OF COMMONS

want the £30,000 threshold to be completely rigid because I think it needs to take into account the kind of issues that Ms Green has raised.

Q562 Kate Green: Can I just link to that? There are concerns, of course, about the existing Tier 2 system for non-EEA nationals, and employers can find it costly and complex in some cases to use. Is it your intention simply to lift, lock, stock and barrel, the non-EEA system and apply it across the piece now, or do you have time to design something that will address the flexibilities that you have spoken about, and be easy for employers to use, by the time we reach 2020?

Sajid Javid: It is not my intention at all to lift it. That would be a wholly wrong approach. This is a unique opportunity to create a new immigration system, a modern immigration system that, for example, takes account of technology, and takes account of information in other Government Departments.

One of the things that we have not always done well under successive Governments is we have a huge amount of valuable information—maybe it is in HMRC or maybe it is in DWP—and things that could talk to the immigration system, and I think we could do much better at that.

Also, I think we tend to put too much of a burden on certain businesses. For example, if you take the current Tier 2 system, while the regulatory cost of that may not be of significance to a large employer, in the new system there will be medium sized firms, there will be small firms and there may be small firms that need high skills but they might only need one person a year, if that.

To have a system—instead of what we have today—that takes account of that and is as light touch as reasonably possible, taking account of technology, taking account of information that the Government already have, I think that is the right sort of approach, so absolutely it is not to take what we have.

Q563 Kate Green: You are confident you can have that designed and in place for the beginning of 2021?

Sajid Javid: I am.

Q564 Tim Loughton: I am still confused about how flexible this new immigration system is going to be. Is it going to be based on an earnings threshold? How much of it is going to be delegated to shortage occupation lists? Will there be a cap on the shortage occupation list?

By way of example, let's go back to the adult social care sector where typically we are relying on quite a lot of imported social care workers, who are typically poorly paid and would struggle to meet those sorts of earnings thresholds. On current estimates, there is one adult social care worker for every 3.4 adults over the social care age. If we are to maintain that ratio—given the aging population—by 2026 we will need an additional 380,000 adult social care workers to cope with that, which we



HOUSE OF COMMONS

are woefully unable to produce domestically. That is quite a big number. How is your system going to be able to cope with that?

Sajid Javid: First of all, it will be a skills-based system. By that I mean as that sounds, but it also means not based on an individual's nationality. Obviously, in the current system, if you are European it is freedom of movement so, rather than looking at nationality, it will be focused on the skills that that individual has to offer and the importance of those skills in terms of the need of our economy.

You asked: will it have a salary threshold? It will be focused on high skill rather than low skill. For those high skilled people there will be a salary threshold. A moment ago a suggestion of £30,000 was used because that is what is used in the current Tier 2 system, but I would emphasise again that we are not trying to just take the Tier 2 system and expand that. The MAC suggested £30,000 as well. That does not mean to say we are going to take it, but it gives an indication of what the independent evidence that has been submitted to us suggests.

To the social care point, you asked about how the domestic labour market can produce the number of people that would be required to work in that sector. In fact, the MAC believes—again based on its evidence, and it has done extensive research and analysis on that—that the domestic labour market can meet that need and in other sectors. It only highlighted one sector where it thought that the domestic market would not be able to meet the need, and that was the agricultural sector. That is the only sector where it recommended a sectoral scheme, a seasonable workers' agricultural scheme, which we are separately piloting in any case.

Other than that, the MAC felt that all other sector demands could be met without a sectoral approach and that—

Q565 **Chair:** Actually, the MAC did say that there would be a significant impact on social care. It is just that it thought that social care should have a massive increase in funding.

Sajid Javid: I think we are saying the same thing. The MAC said that there would be an impact on social care and other sectors, for example, hospitality that might rely on migrant labour, but it would have an upward impact on salaries and, therefore, funding.

Q566 **Chair:** Are you planning additional funding for social care and for salaries in social care?

Sajid Javid: I think we have to be realistic that if we have a system that focuses on high skills rather than low skills, over time, I would suspect that that system will lead to upward pressure on salaries for lower paid people, which I think is a good thing.

Also, it is important that the MAC also identified that because we have had freedom of movement, which means that we are not in control of



HOUSE OF COMMONS

anyone who comes to the country to work, that individual has control, and there is evidence that that has put pressure on people on low wages. Having a system with more control over those people that come to work in our country and putting more pressure on salaries, so that it might entice more people to enter the workforce, is not a bad thing. I think it is a good thing.

Q567 Tim Loughton: There is quite a big deficit, isn't there, because it has been forecast that of that 380,000 shortfall only 18,000 is going to be created domestically. The only way that is going to happen is either you are going to have to have a very flexible shortage occupation list, of which the major single occupation could be on adult social care workers or we are going to see a major improvement in salaries for adult social care workers in this country, which will involve a major injection of money through the Department of Health and Social Care.

These figures are very way apart, and so I am just trying to understand under your new immigration system how important is having a £30,000 threshold? Do we need a threshold? Should we not actually be examining this purely on the basis of: where do we have a shortage of workers and, therefore, we allot numbers or however you want to create it, to fill those gaps? That is what I thought the immigration policy in the future was going to be about, rather than fairly arbitrary figures.

Sajid Javid: The £380,000 figure you refer to, Mr Loughton, where are you taking that figure from?

Q568 Tim Loughton: From the notes that I have in front of me, which are provided by the clerks of this Committee and I will give you the source in a minute. It is with reference to what the MAC has actually said in the past. I will give you the source in a minute. If you go back to why we need a £30,000 threshold.

Sajid Javid: I do not recognise that number but perhaps you can throw some more light on it later.

Your general point is well understood that there will of course be a need, especially in a sector as important as social care—the growth in that sector—for more and more people. As I said, first of all, the MAC believes that that can be met without a dedicated route for lower skilled workers.

You asked me about whether there needs to be a threshold. I think there does need to be a threshold and that threshold—while we have not decided what it should be at this point, we are not ready to publish that—should be above the average wages in this country. Because one of the important things is that, if we are going to have foreign workers come into the country, it should put pressure on domestic wages in an upward direction. That is good for British workers.

Also, I do not think there should be a sectoral approach. I am not necessarily suggesting sector by sector, so we have maybe a different scheme for social workers versus others. I cannot think of anything more



HOUSE OF COMMONS

bureaucratic and inflexible, going forward, with one exception, which is: agricultural workers. That is why we are piloting. I think that is an exceptional case given the seasonality in that sector.

You also talked about shortage lists. I want to be clear about how the shortage list currently works—what I call the shortage occupation list—that is in the current Tier 2 system that the MAC periodically would look to see in what sectors there may or may not be a shortage. If it deemed there to be a shortage, the Government have the opportunity to change the requirements for hiring, particularly the salary threshold in those sectors. As I was mentioning to Ms Green earlier, I think that kind of approach has a lot to be said for it.

Q569 Tim Loughton: The figures come from Global Future, the Migration Observatory at Oxford and the National Institute of Economic and Social Research, all of which have inputted into the MAC's own findings. Those are figures that have been legitimised by the MAC itself.

Can I ask you finally on agricultural workers where there is a shortage—we know that—how you think a permit system would typically work for them in this new system?

Sajid Javid: I am not entirely sure yet. That is why we are piloting how it might ultimately work. I think years ago the UK had a type of agricultural worker system. Other countries do as well. For example, we have looked at New Zealand and how it runs its system. I do not want to prejudge the outcome of the pilot, but I think that what we want to see is a system that will eventually be flexible, using technology and meet the needs of that sector without putting a bureaucratic burden on the farms—

Q570 Tim Loughton: How does the New Zealand system work?

Sajid Javid: New Zealand has had a system for a number of years now. I think I am right in saying it tends to focus regionally because, given its geographical position, that is important. It tends to focus on returning workers and to have a system where the same individuals are given preference to return each year because I think it feels that there is a much lower rate of overstayers.

In fact, I met my New Zealand equivalent recently in Brisbane for the Five Countries Ministerial and, although this was not on the agenda, I remember discussing it with him. He said to me that New Zealand has had a very low rate of overstayers with its agricultural visa system, because it tends to give preference to those people that have a good track record of coming in for the season and then returning back home.

Q571 Tim Loughton: This Committee has taken evidence from agricultural workers, employers and agencies before that, in fact, the system that we might have seen many years ago, where Londoners merrily went off to Kent to pick hops during the summer or some Bulgarians came to help with the parsnip crop or whatever, these days the system is that people will come for up to 10 months of a year typically and they will move from



HOUSE OF COMMONS

the strawberry crop onto the apple crop onto the potato crop, moving around the country employed by an agency not by a specific farm. They may just go home for a month or so at Christmas but, effectively, they are here full-time. There is no such thing as a seasonal agricultural worker anymore because the season is almost all year round. They rotate with the crops and follow the crops round rather than to one fixed point. Can your system be flexible enough to account for that?

Sajid Javid: Those are all very good points and the purpose of having a pilot is to test all these. Ultimately, we want to make sure that we are listening to the businesses and the farmers that rely on these workers. That is why I wanted to do a pilot now at this stage so that it can feed in to what the final immigration system looks like. I think the timing is right and we are talking to the right people and it is right to start with a pilot.

Q572 **Douglas Ross:** Good afternoon. First of all, can I ask and it is a follow on from Chris Chope's questions about the delay to the Immigration White Paper. When you took office in April when did you envisage the White Paper being published?

Sajid Javid: By the end of the year, probably in December.

Q573 **Douglas Ross:** We were always told it would be imminent but it seems to have been put back. You always thought this week, or whenever you are going to publish it, is when it would be published, are you genuinely saying that?

Sajid Javid: I can say that I would have liked to have had the Paper ready before December; of course, I would have liked that. In my mind, I think the latest moment to publish such a paper, given the importance and the reasons Sir Christopher and others have raised, would be by the end of the world.

Q574 **Chair:** Home Secretary, you told us it would be with us in July. I think you may well have done that in evidence to this Committee, not that I want to be the one accusing you of giving us inaccurate information, Home Secretary.

Sajid Javid: I hope you are not going to tweet about it.

Q575 **Chair:** We may need to do exactly that. I think you will find you did suggest to us that you wanted it considerably earlier than December.

Sajid Javid: When I first came into the Department I was hoping things were more ready than they actually were, perhaps that was at my first appearance at the Committee.

Q576 **Chair:** That is right but Douglas Ross's question to you was: what was your view when you first arrived in the Department, what was your intention? Therefore, I think suggesting your intention was December has provoked rather a large amount of mirth, shall we say.

Sajid Javid: I think it is fair to say I would have liked to have seen it earlier. When I first arrived in the Department I was hoping that, with



HOUSE OF COMMONS

what was already done, it could have been as early as July. I would have liked to have seen that. Clearly that has not come about. In my own mind I think it would not be right to go beyond the end of the year, given the importance of the timing that we talked about, and that is why I have talked about December earlier today.

Q577 Douglas Ross: There are a number of other issues around that but we are short of time. I want to specifically follow on from Kate Green and go on to talk about low-skilled workers. First of all, do you like that term? I do not believe any of them are low-skilled workers. In fact, many of the things they do no one in this room could do. I am going to come to it from a fishing background. Non-EA workers that we need in fishing boats in Scotland and other parts of the United Kingdom are considered low skilled but it is not a job I could do or I believe many people could do. Therefore, is that a fair column to put them under, low skilled?

Sajid Javid: I see your point. It is probably just a reflection of not just the UK immigration system but the immigration system worldwide, and also how the MAC and others have done their research. When you talk about a skills-based system, it is appropriate to differentiate that there are those people who most people would agree have high skills who would command typically higher salaries, which comes back to this point about the threshold.

You can debate what intermediate skill is, a category that is also often talked about and then you have low skill. I do not think that in any way suggests because someone might be classed as low skilled that is in any way unimportant, it can be a very valuable skill to the economy and that employer. However, generally people would recognise you have a spectrum of skills and a good immigration system would take into account the need for a variety of skills.

Q578 Douglas Ross: How would your Immigration White Paper that you want to put forward address the issues of my constituents? For example, Mr Scott from Lossiemouth cannot get non-EEA workers to come onto his fishing boat. They are desperately calling out for them. There have been a number of adjournment debates. I have held a Westminster Hall debate on this and we are always told wait for the MAC report. The MAC report has been published for some time and then we are told to wait for the White Paper. What is the White Paper going to deliver for a cross-party group of MPs who have been campaigning on this for some time?

Sajid Javid: I am going to have to say, unfortunately, you are going to have to wait for the White Paper.

Q579 Douglas Ross: Can you give us a guarantee that issue, non-EEA workers for fishing boats, is addressed in the White Paper?

Sajid Javid: I cannot give you that guarantee.

Q580 Douglas Ross: Why would I wait for the White Paper then if you cannot give me a guarantee?



HOUSE OF COMMONS

Sajid Javid: You asked me a question about what may or may not be in the White Paper, particularly in relation to certain types of skills. Given the White Paper is not complete inside Government yet, I do not want to give anyone a guarantee that X or Y will 100% be in the paper. At this point I can happily talk about the general approach, as I have. That is not to say I do not absolutely recognise the importance of what you have said. I have spoken to a number of parliamentary colleagues and also, outside of Parliament, a number of businesses and others who have articulated similar concerns. It is important that those are all listened to but if you are asking me for a guarantee specifically on those types of skilled workers, I could not do that at this stage.

Q581 **Douglas Ross:** I do not want to get into semantics but in the first response to my question you said you could not tell me, I would have to wait for the White Paper. That, depending on how you read your comment, suggests it is in the White Paper but you will not tell us. However, you are also saying, "You have to wait for the White Paper" means it is not in the White Paper. Is that how you are telling us to read it, both ways?

Sajid Javid: I am saying the Government's intended policy in terms of a new immigration system and the different skill levels will be in the White Paper. Some people will find things they wanted to see there and for others things they hoped to see are not there. At this point I am afraid I cannot be more specific than that.

Q582 **Douglas Ross:** My last couple of points. Could you confirm, for the record, that the UK Government will agree with the MAC report that there should not be a differentiated immigration system for Scotland?

Sajid Javid: Yes.

Q583 **Douglas Ross:** Yes. Therefore, how would you address the remote and rural areas of Scotland that do require a significant amount of immigration? I think there is a real opportunity for the UK Government to lead on this without the need for a wholesale different policy in Scotland and borders at Berwick.

Sajid Javid: First of all, I think generally on this important issue the UK does not need a differentiated immigration system for different parts of the UK. What suits us is having one UK-wide system and, as you mentioned, that was backed up by the MAC report as well.

That said, you mentioned the rural parts of Scotland for example. I have met with colleagues from Northern Ireland who have particular regional concerns and it is absolutely correct for them to highlight that. It is still possible to design a system that takes into account some regional difference. For example, I think I am right in saying that in the current system with Tier 2 there is a separate shortage occupation list for Scotland. That is just one example of how you can take into account regional concerns.



HOUSE OF COMMONS

Douglas Ross: Thank you.

Q584 **Chair:** Home Secretary, on 15 May you told this Committee, “My plan is to do a White Paper before the summer recess”. Therefore, do you want to formally correct your answer to Douglas Ross?

Sajid Javid: Yes, I believe I have corrected it but I am happy to put it on record.

Chair: Thank you.

Q585 **John Woodcock:** Very briefly before my questions, Home Secretary, you mentioned my letter to Mr Morrison at the beginning. I want to say how strongly I endorse what you said about the value of civil servants. I have worked with several hundred over my time in Government and all of them have had integrity. I should not have said what I said, which I tried to convey very directly to Mr Morrison.

Sajid Javid: Thank you, Mr Woodcock. I think it is fair enough for me to say for Mr Morrison your apology was very well received.

Q586 **John Woodcock:** That is gracious, thank you.

Will the forthcoming White Paper contain the tens of thousands immigration target?

Sajid Javid: The White Paper is not complete yet so we will have to wait for its publication.

Q587 **Chair:** Do you still support the target?

Sajid Javid: You will have to wait for the White Paper. To put it in perspective, the White Paper is about our future immigration system. What you call the “target”, the ambition that was set out in the Conservative party manifesto, is for this Parliament.

Q588 **John Woodcock:** I think you have just downgraded it right there, haven’t you?

Sajid Javid: In terms of what might be the future immigration policy vis-à-vis targets and aspirations on numbers and things, you will have to wait for the White Paper.

Q589 **John Woodcock:** I was just refreshing myself on your last evidence session. When we asked you about the target then *The Independent* newspaper said you smirked—I think that is unkind, I would say you smiled—and said, “Next question”.

Sajid Javid: I never smile in Committee.

John Woodcock: There you go, right now. You made it quite clear that you were not signed up to it at that stage. When the Immigration White Paper comes out this is a break with the past, we are going to go into this post-Brexit wonderland as the Government seems to describe it. This is the moment to say whether this continues to be the right thing or it is



not. Surely, without going into any of the detail of the White Paper, you can tell the Committee whether you believe it is the right thing for the future or not.

Sajid Javid: I think what you will see in the White Paper—again, speaking broadly—is a future immigration system that is really fit for the future for the long term. That means it has to be flexible enough to meet our needs and how they change over time.

Q590 **John Woodcock:** A tens of thousands immigration target palpably does not do that so it is the time for it to go. You are going to get pain for this, why don't you get it out of the way now?

Sajid Javid: Interestingly—I am sure you will agree—one of the recommendations the MAC made, which I am studying very carefully, is removing the cap on high-skilled workers. Clearly in the Tier 2 at the moment we have a cap. A few months ago I made a change to, in effect, increase the cap by taking doctors and nurses outside the Tier 2 cap, which I think shows the sense of direction.

Q591 **John Woodcock:** We have had a long discussion about what should be in the cap and what should be part of a seasonal workers scheme. None of it is commensurate with a fixed tens of thousands. That is perfectly obvious, so why not just say it and let's get it over with?

Sajid Javid: You will have to wait for the White Paper.

Q592 **Chair:** Is it still currently your policy to try to meet the net migration target?

Sajid Javid: Yes, the Government are committed to their policy that was in the manifesto, absolutely.

Q593 **Chair:** It is still your policy to meet the net migration target. Given that on the latest figures non-EU migration is currently around 230,000, does that mean it is currently Government policy to try to achieve net emigration of 130,000?

Sajid Javid: No, I do not have the exact language that was used in the manifesto, but what we set out was an aspiration to try to bring overall net migration—not just EU but all net migration—down to more sustainable levels. It gave an indication of what that might be. That is Government policy. When the White paper comes out it will still, absolutely, have a commitment to bringing net migration down to more sustainable levels. The White Paper will talk more about what that is and what it is not. The White Paper will talk more to that.

Q594 **John Woodcock:** Sustainable levels, rather than tens of thousands?

Sajid Javid: Again, I am not going to talk about whether there is a target or not a target. We will have to wait for that I am afraid, Mr Woodcock. However, it is important to set out a sense of direction of bringing net migration down overall. By having a policy that focuses more on high skills rather than low skills I think it is possible, absolutely, to



HOUSE OF COMMONS

have a migration system that does bring it down from the current levels of relatively high net migration we see today.

Q595 **John Woodcock:** It is understandable that it is difficult for the Prime Minister to come off the language that she herself endorsed as Home Secretary.

Sajid Javid: When the White Paper comes out it will be with the full agreement of all members of the Cabinet including, of course, the Prime Minister.

Q596 **John Woodcock:** Is that one of the things that is holding it up?

Sajid Javid: The process of completing the White Paper is no different to any other White Paper. It needs to go through a complete wraparound process and every Department needs to sign off on it.

Q597 **John Woodcock:** Briefly, before I hand over, you come from the City, you are an ex-banker, and you yourself have talked about the dangers of an over-bureaucratic scheme. All of the different targets, the potential for a sectoral target for agriculture, are adding bureaucracy and cost to businesses and, therefore, an economic cost that the country will feel, aren't they? I mean this is a trade-off.

Sajid Javid: What is? When you say "this", what do you mean exactly?

John Woodcock: Any discussion of having different targets for different types of workers or a seasonal agricultural worker scheme that you are saying might be regionalised sounds pretty bureaucratic, doesn't it?

Sajid Javid: I would certainly want a future immigration system that has minimal bureaucracy, is easy to use and simple for all users whether they are large employers, smaller employers, tourists and others. I think we can do that.

One thing we can certainly take more advantage of overall in our immigration system is technology. When I was in Australia earlier this year they showed me some of the technology they are using in terms of e-gate technology. That is just another example of how we can reduce the amount of paperwork and bureaucracy that is required.

We will see what you think, Mr Woodcock, when the White Paper comes out. I hope you will see that coming through the White Paper, in terms of how we reduce bureaucracy and keep it simple but also protect our borders.

Q598 **Chair:** To clarify this, it is still the Government's policy to get net migration down to the tens of thousands?

Sajid Javid: Let me make it slightly clearer, if I may, Chair. It is our policy to bring down net migration to more sustainable levels and our aspiration is the tens of thousands, as I think it more or less says in the Conservative manifesto.



HOUSE OF COMMONS

Q599 **Chair:** Therefore does that mean your policies on EU migration are aiming to meet that target?

Sajid Javid: It is an aspiration to head towards tens of thousands.

Q600 **Chair:** An aspiration but it is kind of irrelevant because you never actually do anything to meet your aspiration.

Sajid Javid: No, when we are thinking about immigration policy—in particular thinking about future immigration policy—in our minds is how do we bring overall net migration down to more sustainable levels.

Q601 **Chair:** To meet the net migration target? There is dancing around with the language here that is really confusing to everybody. If it is your target then presumably it affects your policies and you set policies in order to meet it. If it is not your target then it is just a label you stick on a wall somewhere in the Department, you do not try to do anything about it and just ignore it for the rest of the day.

Sajid Javid: It sets a sense of direction, to bring net migration down to more sustainable levels. That is something we all want to see. That desire to bring it down to more sustainable levels will be reflected in the new immigration system.

Q602 **Chair:** If the target, objective or aspiration still remains and is an aspiration that guides policy, and if non-EU migration—which you have had control over for the last eight years in terms of the Government's position—is currently at 230,000 does that mean part of meeting your aspiration will be to try to get net emigration of 130,000 for EU citizens?

Sajid Javid: No, it does not.

Q603 **Chair:** Thank you. Therefore, you are not trying to meet your net migration target with your EU immigration policy?

Sajid Javid: I am trying to bring net migration—overall, including EU migration—down to more sustainable levels.

Q604 **Chair:** Are you, in your EU immigration policy, trying to meet your net migration target, yes or no?

Sajid Javid: I have answered your question. I am trying to bring down net migration overall. Because it is all about net migration it is very difficult for any Government—

Q605 **Chair:** You have not answered my question. It is really clear. You have this thing that was in the Conservative manifesto, I accept you may not like it but it was in the Conservative manifesto. Whether it is an aspiration, target or whatever it has this number attached to it, which is the tens of thousands for your overall net migration objective. All I am simply trying to ask, when you have this White Paper, this EU immigration policy or whatever it is that is going to come down the track for EU citizens, is whether the purpose of that policy is to meet that net migration objective, aspiration or whatever, of the tens of thousands. Yes



HOUSE OF COMMONS

or no?

Sajid Javid: I think I have answered your question.

Chair: I think you really, really have not.

Sajid Javid: We will leave it there then.

Q606 **Chair:** Can you tell us then what the threshold is for how long somebody has to stay in this country in order to be included in the net migration target?

Sajid Javid: I think it is over 12 months.

Q607 **Chair:** What would be the purpose of having an 11-month visa?

Sajid Javid: I do not know. There could be lots of purposes for having 11 months. It could be for the purpose of an 18-month or five-month. I do not know what are you getting at?

Q608 **Chair:** There have been a lot of suggestions in the newspapers that the Government might be considering an 11-month visa. I am not asking you to tell us what is in the Immigration White Paper because clearly you will just give me the same answer as before. I am asking you: what would the purpose be of an 11-month visa? Do you, in the Home Office, see any advantages or disadvantages to an 11-month visa?

Sajid Javid: It is typical for any visa to have some time limit, anything from a visitors' visa to other types of work visas. Whatever time limit that is—whether it is 11 months, two years, five years or whatever—should be based on the needs of the country.

Q609 **Chair:** Would you accept then, as you do not seem to have any reason for an 11-month visa, the general perception will be that if you choose an 11-month visa as part of a temporary visa anywhere in your new system it will be seen simply as a way of getting around the net migration target?

Sajid Javid: Just to be clear, I am not saying we are or are not looking at time limits on visas when we are considering the future immigration system. I think it is right to look at time limits on visas. My point is that, whatever we might come up with, a future policy that has time limits on visas would be based on the needs of the country.

Q610 **Chair:** Not on the net migration target?

Sajid Javid: For some reason you have particularly picked 11 months. Whatever those time limits are will be based on the needs of the country and nothing else.

Q611 **Chair:** It will definitely not simply be based on trying to meet the net migration target that you would choose 11 months rather than 12 months?

Sajid Javid: It will be based on needs.



HOUSE OF COMMONS

Q612 **Chair:** Do you accept some of the evidence, which we took as part of our previous inquiry into immigration, that there is a general sense across the country that people are less comfortable with the idea of churning migration, where you have lots and lots of short-term visas as opposed to longer-term visas where people can make a commitment to the local community, can stay and have better integration?

Sajid Javid: I can see the argument. A moment ago—Mr Ross has gone now—we were talking about seasonal agricultural workers. Mr Loughton raised it as well. I can see that argument but that does not mean you should not have a short-term work visa or other types of visa.

In seasonal industries—we talk about agricultural and, to give you another example, I have had representations made to me by some retailers who see a surge in business around Christmas time—there is no reason why you could not have a shorter-term visa, for example, to meet demand like that where for other reasons you might need a longer-term visa. While I see your argument, I think this is the kind of thing on which you need to take an evidence-based approach and look at what the needs and the outcome actually are.

Q613 **Chair:** Is integration with communities part of the objectives of the White Paper?

Sajid Javid: The White Paper will absolutely take into account integration needs. Something I am very keen on, more broadly, is a better approach to integration.

Q614 **Chair:** In terms of the timings, is the Home Office's position that you will not be able to make any changes to free movement until the new registration scheme is fully rolled out?

Sajid Javid: Can I just be clear on your question: are you talking about the EU settlement scheme?

Chair: Yes, the EU settlement scheme that Stuart McDonald was asking you about at the beginning. Until that is fully rolled out—until you have reached your deadline, everybody has had the chance to complete it and there have been any extensions you might need depending on technology and so on—and everybody has registered you will not be able to make changes to free movement?

Sajid Javid: No, that is not correct.

Q615 **Chair:** What are the changes you are going to make before then?

Sajid Javid: Of course I am expecting a deal—I want a deal but the deal is not done by any means and there are a number of hurdles—but if there is a no-deal outcome then our plan is to end freedom of movement at the end of March next year.

Q616 **Chair:** How, given you have also said that employers—

Sajid Javid: Through primary legislation.



HOUSE OF COMMONS

Chair: —will not be able to differentiate between existing EU citizens who are resident here and those who have just arrived?

Sajid Javid: I think the two are perfectly compatible. It is perfectly possible to end freedom of movement in law and not put an extra burden on employers after that date.

Q617 **Chair:** What will actually happen in practice then? If you are not going to change the checks at the border, which is what you have told us previously, and employers are not going to be able to differentiate between someone who has been living here for 10 years and someone who has just arrived at Dover and employers will not be able to be asked to, if employers can still take somebody on who has just arrived at Dover what is going to be the difference to free movement?

Sajid Javid: We will be setting this out in due course because it is important we set out more detail on how that might work. The reason why I am confident it can be made to work is—just going back to the discussion we had earlier on the EU settlement scheme—until the EU settlement scheme has reached its end, as you said, we will not be able to differentiate between the two cohorts.

For that reason it would not be practical, or sensible, to say to employers, “We want you to check whether this person was here before March”. That said, I think it is perfectly possible to end freedom of movement, recognising there will still be European citizens arriving—the so-called new cohort—and having some bridge from the end of freedom of movement into the new immigration system. I am not going to set out what that is today.

Q618 **Chair:** I cannot see what changes. If somebody can enter the country in exactly the same way that they can at the moment and can get a job in exactly the same way as they can at the moment, what are you changing about free movement?

Sajid Javid: We will set that out shortly. You asked me if freedom of movement can end before the end of the settlement scheme and I wanted to answer your question clearly, it can end before that. If there is a no-deal situation it is our plan to end freedom of movement as there will be no implementation period.

Q619 **Chair:** You would confirm that even in those circumstances people will still be able to arrive in the country in exactly the same way as today and will be able to work in exactly the same way as today?

Sajid Javid: I will confirm that as far as employers are concerned and the checks they need to do, there will not be any difference.

Q620 **Chair:** There will be some additional problems for citizens themselves, will there?

Sajid Javid: There will be no problem for citizens. You phrased it differently. What you just said was, “Will people be able to arrive and go



HOUSE OF COMMONS

straight into work as they do today?" That is not necessarily going to be the case. As I say, I cannot go into the detail today because we are still setting out the final policy on this and we will publish it shortly.

Q621 **Chair:** If there are additional requirements on individuals, if you are putting the pressure on individuals rather than on employers in order to differentiate, how are you going to avoid ending up with pressure and existing residents—long-standing EU citizens who have not yet registered—suddenly feeling like there is something they are going to have to prove because you are putting new requirements on those who have just arrived?

Sajid Javid: As you would imagine, we thought long and hard about this. I think it is perfectly possible to do this in a way in which there is no extra pressure in any way on those EU citizens who are already here. As I said at the start, I want them to stay and we want to resist any changes to them, other than having to register in the scheme in due course. I think it is perfectly possible. I cannot be drawn on it further because, as I say, we will be publishing our policy on this.

Q622 **Chair:** You accept it would be disingenuous to spend a lot of time saying to the public that free movement is ending if, in practice, there is no change at all other than maybe some legal underpinnings that in practice make no difference?

Sajid Javid: At the moment freedom of movement is effectively in our domestic law because of the Withdrawal Act. There clearly is a legal element to it. There is a practical element to it. I think I have set out enough how freedom of movement can be ended but done in a way that does not put any extra burden on the 3.4 million European citizens who are rightfully already here and whom we want to stay.

Q623 **Chair:** We need to cover security and borders as well in the remaining time we have.

Stephen Doughty: Before I move on, Home Secretary, when you heard the Prime Minister describe EU citizens as "queue jumpers" what was your reaction?

Sajid Javid: The Prime Minister is right to say she used the wrong language as I think she said yesterday.

Q624 **Stephen Doughty:** Did you tell her she had used the wrong language?

Sajid Javid: No, I did not. EU citizens are not queue jumpers at all. People are using the rights they have earned.

Q625 **Stephen Doughty:** I want to ask you some questions about security. We have had a lot of evidence about no deal and it is very clear it would make us less safe. Obviously we now have this thin piece of paper, about three or four pages, relating to security in the political declaration. In your assessment, will this document make us safer, less safe or the same?



HOUSE OF COMMONS

Sajid Javid: What document is that, the political declaration?

Stephen Doughty: The political declaration.

Sajid Javid: As far as security is concerned it is a good outcome.

Stephen Doughty: That was not what I asked you. I asked you whether this document will make us safer, if we vote for it.

Sajid Javid: I do not think it is a question of whether it is less safe or safer. We are lucky as a country. We are seen as a relatively safe country. I am absolutely confident with this political declaration the future that I see—should this come about—is a country that remains one of the safest in the world. That is partly because this document sets out areas where we would continue to work together and co-operate.

Q626 **Stephen Doughty:** You accept this is not legally binding; there are no guarantees in this?

Sajid Javid: This is not legally binding, it is a political declaration.

Q627 **Stephen Doughty:** We had the letter from the Immigration Minister on 20 November where she said the Government's policy was to enhance our internal security co-operation with the EU. Can you explain to me where we would enhance our security co-operation in this?

Sajid Javid: If by "enhance" you mean go a bit further than we do today you might look at, for example, cyber security. That sets out how we will work even more closely than in some ways we do today. In terms of security is an emerging area. One of the reasons under "thematic co-operation" is an understanding between us, the EU and many of the member states that we can do a lot more in this space. Another area you might look at also is classified, sensitive and non-classified information as somewhere we can go further.

Q628 **Stephen Doughty:** It is a wish list. Can I ask you about SIS II, will we have access to SIS II at the end of this process in the way that we do now?

Sajid Javid: We cannot be 100% sure. What this document does do is set out the route map to try to achieve that.

Stephen Doughty: To try.

Sajid Javid: Yes. Within this document it is within scope that—

Q629 **Stephen Doughty:** It is not guaranteed?

Sajid Javid: It is not guaranteed.

Q630 **Stephen Doughty:** The SIS II data was accessed by us 540 million times last year. The information we have had from the NCA is that I think there were 10,000 hits identifying criminals, those involved in all sorts of activities. There are 76.5 million notices on the SIS II database so it is a pretty crucial thing for our security and safety. However, you are not able



HOUSE OF COMMONS

to guarantee we will be able to access that database at the end of the process?

Sajid Javid: It is clearly an important database. This document does not guarantee access but what it does do is keep within scope the ability to continue to access that and, indeed for that matter, the ECRIS data system as well, which is another EU-wide data system.

Q631 **Stephen Doughty:** You would expect us to have access to this database in the form that we do today at the end of the process?

Sajid Javid: I cannot guarantee that.

Stephen Doughty: You cannot guarantee that.

Sajid Javid: I think the language this document uses is it will work to approximate those measures.

Let me just say this, which I think is very valuable and important with regard to certainly this question. Over the last few months, as well as the negotiations going on at the EU Commission level with civil servants and others with Michel Barnier's team, I have had meetings, discussions and calls with almost all of my counterparts in the EU countries. I have not come across one of them who believe we should not continue to co-operate on security in much the same way. That is very important.

Stephen Doughty: I am absolutely sure that is the case.

Sajid Javid: You have talked about SIS II and, a moment ago, the almost 10,000 hits, as it were, of UK or non-UK alerts. There were also, I think, approximately 16,000 hits the other way on UK information. Therefore it is valued across the board.

Stephen Doughty: I am absolutely sure it is.

Sajid Javid: That is very important in terms of your question, which was, "Do you think we will still continue to have access to the system?" The fact that it is valued across the board, not just by us but by others, is important.

Q632 **Stephen Doughty:** Warm words and intentions are one thing but you are asking us to vote for something that is not binding, which does not have clarity and you cannot guarantee on such a crucial issue for us security.

The Prime Minister's Chief of Staff spoke to us last night and gave Labour MPs a special private briefing. I asked him about this too and he said, "It is going to be very, very difficult". He described that it would be an even bigger challenge to stay connected to SIS II than it was to join it in the first place. Was he correct to say that?

Sajid Javid: I was not there so I am not going to comment.

Stephen Doughty: Is that correct or not?



HOUSE OF COMMONS

Sajid Javid: I could not comment but I can tell you what I think about SIS II.

Q633 **Stephen Doughty:** Do you think it will be an even bigger challenge to connect to it than it was to join it in the first place?

Sajid Javid: I was not around in the Home Office when we connected in the first place so it is hard for me to make directly that comparison. Your question was, "Does this guarantee it?" It does not guarantee it because it is a political declaration, it is not legally binding.

Stephen Doughty: It does not guarantee it.

Sajid Javid: However, what is set out here, the ambition and agreement to put this into scope, is vitally important and also the mutual interest that exists between us and other countries.

Q634 **Stephen Doughty:** That is all very interesting, Home Secretary, but what you have said is that it does not guarantee it. The Prime Minister's Chief of Staff has said it is going to be an even bigger challenge. That is not exactly a reassuring message to be hearing about one of the most crucial law enforcement databases for keeping our border safe.

As for extradition and transfer of individuals as well, will the process of transferring criminals and those suspected of criminal activity be faster or slower at the end of this process than it is currently today?

Sajid Javid: I cannot find the exact paragraph but it talks about an expeditious and efficient relationship on surrender, which relates to extradition.

Q635 **Stephen Doughty:** Will it be faster or slower at the end of this process?

Sajid Javid: It is hard to know.

Stephen Doughty: Hard to know.

Sajid Javid: Put it this way, it is unlikely to be faster because the current arrangements—

Stephen Doughty: Will it be the same or slower?

Sajid Javid: —under the Arrest Warrant are efficient by any measure. Your question was, "Would it be the same or slower?"—if you allow me to rephrase it—I do not think I can answer that question until we know what the exact new arrangement is. However, what is important is that it is recognised here, in quite clear language at paragraph 89.

Stephen Doughty: You do not have to read it out, we can all read it. It has been published on the internet and we have already read it.

Sajid Javid: Hopefully you will be reassured by the words "efficiently and expeditiously".

Stephen Doughty: Not at all actually because—



HOUSE OF COMMONS

Sajid Javid: Why not? If they were not there then you would be complaining about why they were not there.

Q636 **Stephen Doughty:** I can tell you why, Home Secretary, because it took Iceland and Norway over a decade to negotiate an agreement similar to the European Arrest Warrant with the EU.

Sajid Javid: Were they in the European Arrest Warrant before they negotiated it?

Stephen Doughty: That is the not the question, why did it take them so long?

Sajid Javid: I do not know.

Stephen Doughty: I am sure there was a desire to have close co-operation with them.

Sajid Javid: One reason may well be that they were not in the European Arrest Warrant before they negotiated those arrangements.

Q637 **Stephen Doughty:** Again, no guarantees?

Sajid Javid: No guarantee of what?

Stephen Doughty: No guarantees it will be the same as it is today. This document does not provide any guarantees.

Sajid Javid: I do not think we can guarantee it. It does not say it is going to be the same as it is today. It says there will be an arrangement that is a specific bespoke relationship for the UK. I think the fact we have agreed that again speaks volumes about the importance we all attach to having this kind of arrangement.

Q638 **Stephen Doughty:** We all attach importance to it. I am absolutely clear that is the case. The question is whether you can guarantee that that is the case, and that is the question that is before us as Members of Parliament.

Can I ask you about reciprocal rights for EU citizens? We have talked a lot about settlement rights here for EU citizens in the UK but I want to ask you about British citizens abroad. The European Commission has published a Q&A about arrangements in the Brexit scenario. It says that British pensioners living in Spain will be required to have health insurance. Is that something you are aware of in terms of the reciprocal arrangements that are in place? Have you had any discussions with the Health Secretary or others about that?

Sajid Javid: I am not leading on health. There are some reciprocal arrangements being discussed on health certainly and also social security as well. To have reciprocal arrangements has been agreed. I would not be able to answer detailed questions on health reciprocal arrangements.

Q639 **Stephen Doughty:** One last question. Obviously, as a member of the Cabinet, you have taken a collective decision on this to agree to these



HOUSE OF COMMONS

documents. You will be aware of the motion the House of Commons passed the other day about the legal advice relating to this being published in full. The motion was very clear, any legal advice being published in full. Is it your expectation that will be provided to members of the House before we take the votes on this?

Sajid Javid: I trust the decision of the Prime Minister and the Attorney-General on that matter. It is for them to decide.

Q640 **Stephen Doughty:** You have seen the legal advice, I assume.

Sajid Javid: Yes, I have.

Q641 **Stephen Doughty:** You have. Would you expect the Government to comply with that motion of the House?

Sajid Javid: To be honest, I do not remember the wording of the motion. I am not an expert on parliamentary procedure but we do have people in Government who are. I am sure the Government will be consulting with those individuals, taking their advice and making a decision. I will be very happy with whatever decision the Prime Minister makes on it because I trust her judgment.

Q642 **Stephen Doughty:** They have told us in the last few minutes that all we will get is a reasoned position statement, a summary. Do you think that is good enough?

Sajid Javid: I trust the Prime Minister's judgment.

Stephen Doughty: You trust the Prime Minister, very interesting.

Q643 **Chair:** Why do you think we did not get SIS II in the political declaration? Everybody had made clear from the very beginning this was really important to the UK. We did get Prüm and the PNR. I have raised this with the Prime Minister in Parliament several times. She has always said this was immensely important to us and I think you have always said this was immensely important to us. Given that the mutual recognition of the importance of this data exchange has been there from the very beginning, why did we not get it in the political declaration?

Sajid Javid: If I refer back to my discussions with my counterparts on this, as you rightly point out on Prüm and PNR they have taken, as the agreement shows, a different viewpoint. There has been a debate within the EU about Schengen and non-Schengen countries. In our discussions with them we have pointed out that, obviously, we are not a member of a Schengen zone at the moment so that should not really come into whether, for example, you have access to SIS II.

However, there has been a debate in those countries. Between some of those countries that issue has not been resolved, about whether countries that are outside the Schengen zone should have access if they are not EU member states. That said, what is significant is the fact that this document has not ruled out membership, or access in some other ways, to SIS II and, for that matter, the ECRIS database system as well.



HOUSE OF COMMONS

The document does not rule it out so it is still possible. However, as I said to Mr Doughty, not least because this is not legally binding, I do not think anyone can say 100% we will have access or not.

Q644 **Chair:** We have no guarantee. Basically, all we have is a non-legally binding document that does not rule it out. You are asking us to make a pretty big leap of faith to go with this document and this plan when you potentially have a very significant security downgrade as a result.

Sajid Javid: I do not think I am asking to make a very big leap of faith.

Chair: All you said is that it does rule it out, it may not but it does not rule it in.

Sajid Javid: It is worth just stepping back as there are two parts to this deal in terms of the key bits of documentation. The Withdrawal Agreement, which will be an international treaty and will be legally binding, and the political declaration. Given it is just that, a political declaration, as the Prime Minister has said recently at the despatch box, it is not a legal document. It is not a treaty. However, it is still a very, very valuable document.

Chair: It does not include SIS II though.

Sajid Javid: You are calling it a leap of faith. The document is not a leap of faith. It is a very valuable document. It is a clear statement of intent from the British Government and from EU member states, given it has the endorsement of the Council. It is a very valuable document. The fact that it goes through the issues around security and keeps within scope certain tools is very important.

Q645 **Chair:** It keeps within scope certain things for further consideration.

Sajid Javid: Yes.

Chair: "The Parties should consider further arrangements appropriate to the United Kingdom's future status—" who knows what that means, "so far as is technically and legally possible—" It is a long, long way from SIS II. Given how hard I know the Prime Minister will have pushed for this because I know how seriously she takes this issue, I am sure she will have been disappointed not to get this included.

We also do not have a security backstop, do we? If we do not get any of this—we do not get this arranged in time and we do not get anything else in place—it is not like on Northern Ireland or customs where there is a backstop, on security there is no backstop. If we do not win that argument with those countries that think you should not get it if you are not in Schengen or it just takes too long we are going to lose significant security capability.

Sajid Javid: I will say two things, Chair, if I may. First of all, it is worth keeping in mind we joined the SIS II system in 2015. I do not think this is going to be the outcome—I am quite confident for the reasons I have said about the mutual interest to work together—but if we did not have



HOUSE OF COMMONS

access it is a system we have lived without before and been perfectly safe.

There is no mitigant, in the sense that there is something that is exactly the same, clearly this is a very unique type of database and I do not for a moment suggest it is not valuable. However, there is an Interpol warning index, I am not suggesting it is the same thing but that is what we used to use before the SIS II system so there are some mitigants.

One thing I should point out—which I should have said earlier but it has just come to my mind—is that because it is a hugely important security issue as you rightly said, the Prime Minister, as well as myself, hold it as one of the most important things in these negotiations. We will be setting out in a document very shortly indeed an analysis of security with this deal and without this deal, quite an objective detailed analysis. We think it is an area that we should be open and transparent with. I hope that when you see that document very shortly that you welcome the openness and transparency on this issue.

Q646 Chair: But the Interpol database, the nominal database, has 200,000-ballpark records on criminals compared to SIS II, which has 76 million notices on criminals, missing people, objects. That is a big capability gap.

Sajid Javid: I do not think those numbers are directly equivalent, but that aside, you are still right to say that there is a big difference between capability. Also, in my role, I would find the data in the SIS II system more reliable than data, certainly from certain countries, that would be in the Interpol system. I say that quite openly because I agree with you and others. It is self-evident that being part of the SIS II system is a good thing for our country. That is our goal and what this document does, it perfectly keeps it within scope and given that it remains in our mutual interest to work with this system. That is a goal we can absolutely achieve.

Q647 Chair: We also know—and I am sure you would accept—that we have had increasing terror-related activities since then. We have also had increasing levels of cross-border crime, so the assessment from the National Crime Agency in terms of the scale of the threat from cross-border criminal activity, cross-border terror activity, has also substantially increased. We are running to catch up. Part of the reason the SIS II is so important—and we do not want to go back several years—is because we are running to keep up with a growing threat.

Sajid Javid: Absolutely, when you refer to the growing threat from terrorism. We could add money-laundering, and others, where there has sadly been an increase as well. Of course we want to see more and more co-operation with our international partners, not just in Europe but worldwide. That means, as well as co-operating with Europe, we want to co-operate with those partners that are not in the European Union, but in Europe. We have regular meetings—I think it is called the Counter



HOUSE OF COMMONS

Terrorism Group—with our allies across Europe. We will remain part of many of these groups.

Q648 **Chair:** Are you still hoping that this can be negotiated to be in a new security treaty? Is that still the plan?

Sajid Javid: Yes.

Q649 **Chair:** So you would have SIS II and an arrest warrant provision, extradition provision, would be in the new security treaty?

Sajid Javid: I would like to see more in the new security treaty.

Q650 **Chair:** What timetable do you anticipate for the security treaty?

Sajid Javid: Our focus—and the EU expect us—is to get through the parliamentary and other stages we need on what has been agreed at the moment. I would expect starting from January probably that we can start having more detailed discussions on that. I know there is an appetite to start having those discussions on the European side as well, as soon as possible. I have already informally started discussing aspects of what that treaty could look like with some of my counterparts.

I would hope that during the course of next year that this can be bottomed out, that we can agree on what form this arrangement should take, what kind of agreement it should take, and what should be in it.

Q651 **Chair:** You have not had any discussions or proper serious detailed discussions on it so far. How long will it take to go through the formal ratification process, as presumably this will have the status of a full new treaty and have to go through ratification in every respect?

Sajid Javid: It would have to. I could not tell you exactly how long it would take. It would have to go through ratification I am sure, through our own Parliament of course, but the European Parliament. Depending on its scope, there would have to be even more ratification processes than that. It is right to work towards an internal security treaty that has a proper legal basis, a basis also for sharing of information and data because in these databases—we talk about SIS II and the other databases—it is also about having confidence that the data will be treated appropriately. That is best covered by a treaty that takes account of all of this together rather than having individual agreements.

Q652 **Chair:** This Committee previously has supported the idea of a security treaty but given that the extradition arrangements for Iceland and Norway—they reached final agreement in 2014—having gone through various iterations and about a 14-year negotiation before that, they ended up with effectively a five-year ratification process before it is implemented. The European legal experts that we took evidence from told us they thought it would be about two to three years to ratify a full new treaty with a fair wind. When we pressed them on it, whether you could do it in 18 months, they thought that was a stretch but maybe you could do it in 18 months.



But even if you are going to do it through 18 months and not be held up by national and regional Parliaments—in the same way that the Walloon Parliament held up the CETA treaty, for example—to get 18 months at best, you are going to have to have this sorted by June. You seem to be talking about taking the whole course of next year to draw up this security treaty. Does this mean we are going to have to extend the transition period?

Sajid Javid: No. You used Norway and Iceland there as a comparison, I do not think they are fair comparisons. The starting position is very different to our starting position.

Chair: I am not suggesting that we would take 14 years to negotiate, which is effectively what they have done.

Sajid Javid: I do not think they are even relevant to the conversation.

Q653 **Chair:** But the ratification process that they went through was five years. The evidence we took from the legal experts was that maybe two to three years. We pressed them on, “Surely you could do this in 18 months. Surely if it is that important maybe you could do it in 18 months.” They were not entirely convinced but we kept pushing them on that. Even if you think 18 months for it to go through every single Parliament—that is just a legal process that it is going to have to go through—in order to have this done by the end of the transition period you would need this sorted by June. Given your answer to the previous question, do you think there is any chance at all you can have a security treaty ready with all of these complicated things in it by June 2019?

Sajid Javid: It does not have to be ready. When you say “ready by June 2019”, the implementation period goes on until December 2020. Until December 2020 we have access to all these databases and instruments that we talked about. What needs to happen is by December 2020 the whole process needs to have been completed so that when you move from 2020 to 2021 that you do not have a gap. You try to minimise any gap.

Chair: That is the question that I am asking.

Sajid Javid: Your question is: are we confident that we can get to that point where there is no gap or you reach your agreement between 2020 and entering 2021? Yes. Part of the reason is—if you look at paragraph 138 of this agreement—where both sides are committed to this, to work together, to have everything in force by the end of December 2020 and that includes the security components of this document.

Q654 **Chair:** I take great security from the non-legally binding statement. Can you tell me that you have, in the Home Office, been through what a timeline would be? When you would need something agreed by the European Council then how long it would take, because it has to go to the European Parliament, it has to go through individual member states and so on; what is your timescale planning? I presume you have done this on



the security treaty and you have worked backwards from if it has to be ready, absolutely read to implement, in December 2020 or January 2021, at what point do you need it to have gone through the European Council to have got agreement before you can then start the ratification process through member states?

Sajid Javid: We are working closely with DExEU and other Departments on this. DExEU is the Department that will be overseeing all, including future negotiations with the European Union, which obviously we will be the lead on security, as you would expect. We will work with them on timetabling. Also, in terms of the final arrangements to be reached with the EU under this political declaration, obviously security is a very important part of it but there are also other very important parts to this agreement; on customs, on trade. I think they will be looked at together as a whole.

Q655 **Chair:** Have you looked at it? Has the Home Office got a timeline that it has worked out about at what point you need to take a security treaty, fully agreed, by the UK Government, to the European Council? When is that date?

Sajid Javid: As best as we can, but it is also dependent on the other side.

Chair: Sure, but what is the timetable that you, in the Home Office, want? You want to make sure that the police have the capabilities that they want, that you are not downgrading security. I am assuming you have done this planning and you have a plan and worked out what is your drop-dead time that you have to get something to the Council by.

Sajid Javid: We have our plans but we are reliant on working together with our European partners on this, and that is both the countries, the Commission, the Council. Next year there will be European elections, there will be a new Commission and so forth, and we have to take all of that into account as well. That is why we work closely with DExEU on this.

While it is absolutely our plan, which is perfectly credible and possible, which is to make sure whatever arrangement we reached on security is all in place before the end of the IP period, so we know exactly what is going to happen after the end of the IP period. That is perfectly possible. In terms of when exactly this will all be agreed and it will all be ratified, we have to work together with other Government Departments and the European Commission to tell me that.

Q656 **Chair:** Of course, but I am asking you when you will need it to be done by in order to get it through in time. I agree you do not have control over this process. All of the points that you have just said about the fact there are going to be European elections, there is going to be a new Commission, there is going to be all kinds of uncertainty through the summer, that raises my anxiety even more because I cannot see how you are going to get this security treaty all drawn up and through the



Council in time.

I am asking for reassurance from you that you at least have a timeline. You have at least worked out what you need to have done by each month so that you can at least try to stick to that plan, even if other people are pushing you off it.

Sajid Javid: We have a plan but all I am just pointing out—

Chair: So what is your plan?

Sajid Javid: —is that no matter how good our plan is we rely on many others to work with—

Chair: I am glad you have a plan. What is your plan?

Sajid Javid: —and I share that information with you about the elections, the European Commission stuff not to cause you any anxiety, because that is the last thing I would want to do; it is to reassure you, to have the opposite, we have thought about all this.

Q657 **Chair:** If you are reassuring me that you have a plan, I go back to my first question, which is in your plan how long do you anticipate you are likely to need for a security treaty to be ratified by all of the other member states?

Sajid Javid: I would like to take the advice of DExEU on that because—

Chair: I am hoping that you guys have done this as well.

Sajid Javid: We have.

Chair: You just do not rely on DExEU because they are a bit stretched.

Sajid Javid: We should confer with DExEU. The EU is not going to just agree security and then nothing else. Of course this is a much broader agreement so the reason we would need to speak to DExEU, to be able to properly answer that question, is to get their sense of where they feel they are with other aspects of this agreement.

Chair: I thought we were trying to do a separate security treaty so we did not get dragged into all of the other stuff.

Sajid Javid: We can try that. Of course I would be perfectly happy to treat it completely separately but the reality is that is not how the EU is treating this. We have to therefore find a way to work with them.

Q658 **Chair:** Given realistically—if we are all honest with each other and not have false promise to people on this—it is likely to take 18 months, potentially two to three years, to go through a ratification process on something as important as a security treaty. Realistically, you do not stand any chance of getting this through by December 2020 and therefore you have either got to extend the transition period or have a contingency plan as to what you will do instead. Do you have a contingency plan for December 2020?



HOUSE OF COMMONS

Sajid Javid: I do not agree with anything you have just said there. I do not agree with that analysis.

Chair: Which bit do you not agree with because so far—

Sajid Javid: Let us start with the first bit. You said that there is no prospect of agreeing this and having it ratified in place by December 2020. I do not agree with that.

Q659 **Chair:** Which of the premises in that statement do you disagree with? Do you disagree with the idea that it will take 18 months to ratify?

Sajid Javid: Yes.

Chair: And I am being optimistic. So you think you can ratify this through other member states in less time than that?

Sajid Javid: Yes.

Q660 **Chair:** On what basis? What assessment have you done and what work have you done?

Sajid Javid: The mistake you are making, is you are looking at historically what the EU has done, be it with other countries, whether in some of the countries you mentioned, and how they have taken this process forward. Not this exact process, clearly other ratifications of treaties and so forth. That is a big mistake. We are starting in a position with the EU where, on so much of this—we have naturally been members of whether it is these databases and others—we are already aligned. We are already members.

Secondly, the contribution that we bring to the table. We are not Iceland. We are not Norway. We talked earlier about SIS II. We talked about 10,000 hits that we benefited from. There were 16,000 the other way. We are a top five contributor to Europol. I think we are a top three contributor to the ECRIS system. From my own conversations with my European counterparts, they hugely value that and they see the importance of expediting all this.

Also, look at what has already been achieved in terms of the withdrawal agreement, what has been set out here. As it says quite clearly—whichever paragraph it was—it is an intention to reach all the final agreements by 2020 when the EU would not have set that out, put that in here that they expect to have all this in place by 2020 if they did not feel there was a way to do it. This could absolutely all be in place by 2020, so that we would not have to be in a position today where we have to think that we may have to extend the IP period. It can be. We should not make the mistake of comparing this to what the EU has done in the past.

Q661 **Chair:** I am being considerably more optimistic than anything that the EU has ever done in the past. I am already assuming that the EU and EU member states will do far more than they have ever done and that there



is anything. I am already making a big leap of faith even to get to 18 months in terms of a ratification process. The problem, Home Secretary, with what you are saying, is you are asking us to make this leap of faith again, where there is not any risk management or risk assessment on this where you do not even seem to have within the Home Office, a proper assessment that yourselves have done. You are still reliant on DExEU, and so on, to have done some timelines that you have not done yourselves and you have admitted yourself you have not even started discussing the content of this security treaty.

You have European elections coming up. You have the new Commission. You have all of those things in terms of the risks in this. It feels like this whole withdrawal agreement, this whole political agreement, is just this massive leap into the dark. This massive step out blindfold without us knowing what it is we are going to get. You cannot guarantee us and you cannot guarantee the police will have any of the important things that they say they need to keep us safe.

Sajid Javid: I disagree with a lot of what you have said. The only bit I do agree with of what you have just said is that if you are asking me, we can guarantee whether we are going to be in SIS II or ECRIS, at this point we cannot guarantee. First, we need to get this deal through our Parliament. It needs to be ratified by the EU Parliament. If that all happens then we need to, as set out here, reach the final agreements in all these issues.

This is a political declaration, not a legal document, so I do not think anyone could guarantee to you at this stage, but no one was ever going to give you that guarantee at this stage.

Chair: We need to still cover obviously the border issues and the border security.

Q662 **Rehman Chishti:** A couple of questions: first, with regards to border security and then on the procedure applied to granting asylum. The first one with regard to border security, you touched on it earlier, the biggest challenge for our country or any country is to ensure that your borders are secure. Different parts of the United Kingdom have different challenges. The county that I represent—our constituency is in Kent—which is at the forefront of a gateway to Europe. With that come a lot of challenges. Since 3 November, the information that my office has obtained is that 13 boats have been taken out by our UK border control and 110 individuals have been arrested. The question that my constituents ask, and others in Kent, is this: what is being done to speak to our counterparts in France and others to ensure that these individuals do not get as close to the Kent coast as they have done?

Sajid Javid: This is a very important issue for us. We take it very seriously. Border security is one of the top priorities in the Home Office, as you would expect. You have alluded to specifically, basically this month, the boats that you refer to; your numbers are broadly correct. My understanding is that for this month alone, which we are saying the same



HOUSE OF COMMONS

thing, is that there have been around 100 people—maybe more. You said 110; at least 10 boats.

Rehman Chishti: I said 13, but I will go with 10.

Sajid Javid: I agree with you, this is a significant increase with what we have seen in the past. Most of the individuals that have been on those boats claim they are Iranian. I am very concerned about what has happened there.

These boats, they must be coming from France. I say that because it is fairly obvious but that does not mean to say the French always automatic accept that. It is reasonable they ask for whatever proof and things that can be provided. You might be aware that last year we reached an agreement, the Sandhurst agreement, with the French on better joint border security and Anglo-French agreement.

One of the decisions was to have an Anglo-French co-ordination and information centre to open that, and to have it manned by teams from both sides and to better co-ordinate the response including the law enforcement response and the border response. The good news is that centre has just opened up, last Friday. It is 24/7 and we are working together with the French. Also plugged into that—as well as immigration enforcement—are the National Crime Agency, Kent Police, and others, working with their French equivalents.

Also, on this particular issue—because that is not just for this issue of these recent rivals on these boats—there is particular concern around why are we seeing a number of Iranians, in particular, on those boats. Our evidence from the National Crime Agency is that there is organised criminal gang activity going on here as well. We are therefore doing a couple of things about that.

First, the NCA is working closely with its counterparts. I have asked the Immigration Minister to speak to her opposite number in France and see anything more that we can jointly do. Thirdly, I have asked for a meeting across Government, but I will be chairing with other Departments, the Foreign Office, Treasury, Transport, and others, to come together and see if there is more that we can do with regard particularly to this increase in the number of boats as we have seen this month, which certainly I do not want to continue into December or beyond.

Q663 **Rehman Chishti:** As the Home Secretary, if the measures that you have outlined in 6 months there is no reduction in these boats coming in, for us as Members of Parliament, and like you as a Member of Parliament, you want to do everything you can to keep your citizens safe.

Sajid Javid: Absolutely.

Rehman Chishti: That is why we speak to counterparts to say, “What have the Government done?” You have outlined a number of different initiatives that have been put in place. Are you confident in 6 months’ time the numbers that we have seen will be drastically low compared to



what they are now?

Sajid Javid: I wish I could say that with absolute confidence, but until we know more about the organised criminal involvement in this, where that is coming from, the resources they have, until we have heard more from this new co-ordination information centre, I would hesitate to say. I do not want to go out on a limb and say we could absolutely guarantee that, whatever happens, those boats will be much less than this. We can absolutely improve the situation but until I understand more about what is causing it, I am just reluctant to say it can absolutely 100% be done.

Q664 **Rehman Chishti:** The initiatives that you have put in place, how would you give them to be put in place before you make your own assessment to see if the initiatives are working? If not, other measures have to be taken. Are we looking at in 6 months, so that the initiatives that you put in place—the new co-ordination centre, the discussions the Immigration Minister would have with our counterparts—how long are you going to give to see if these initiatives are working because every Member of Parliament down in Kent is absolutely concerned at every level and wanting to know the Government have this as their number one priority to get right. How long will you give to see if these measures are working or not?

Sajid Javid: Not long. Already, since the Sandhurst agreement, we have certainly seen an improvement in the co-operation on many levels in illegal migration with the French. With this particular issue that you have touched on, I do not think we should give it that long and we should look at other things that we might need to do.

It is not always that straightforward. I have thought, and I have not made a decision on the issues, about do we bring back one of the cutters that we have in the Mediterranean—the Border Force cutters—to work in the Channel to look at this? First, that would require us withdrawing a cutter from the Mediterranean, which would have its own consequences. Also, that becomes a humanitarian and rescue mission, and there is a risk, as we have seen in other countries, that kind of activity can encourage more people to cross the Channel.

I just say that as an example of there has been a lot of consideration that has gone into this, but that is why I need to work more closely within Government, and have the meeting that I have set up, to see what other Departments can do to help. But at the heart of this, at the end of the day, is going to be the co-operation between France and the UK because we can only solve this issue together because those boats, without a doubt, are coming from France. They have a very important role to play in this.

Q665 **Rehman Chishti:** That brings me to the second point on this. Post-Brexit, and the point you have just made with regards to having excellent relationships with our French counterparts to make sure that everything that can be done is being done. Post-Brexit, do you see the situation here



improving or not improving? The reason I say that is the National Audit Office in their report said, with regards to Border Force “will only be required to enforce a reduced compliance regime” if there is a no deal in place. With the point that you made, there needs to be greater discussions, collaboration, with our French counterparts to address this, at this point in time, looking at the National Audit Office report, which says if there is no deal then you are looking at a reduced compliance regime, will that make things worse?

Sajid Javid: I would not say that it would make things worse. Are you talking about a no-deal scenario?

Rehman Chishti: Yes.

Sajid Javid: In a no-deal scenario there would be tools or instruments that we rely on today that would no longer be available. What comes to mind is, for example, the “Dublin” rules about being able to return asylum seekers to their first safe country. Clearly, without a new agreement, what we would do then is—I am not anticipating no-deal but we need to absolutely think about what are the options available. Absolutely it would be in both our interests for us in France to have a bilateral agreement, certainly for the Channel and maybe also with some other countries as well regarding asylum seekers returning to safe countries.

We have to realise that in a no-deal situation it would, by definition, mean certain tools that are EU-wide that we rely on will not be there.

Sir Philip Rutnam: If I could add something to that, because it is important to be clear about your reference to reduced compliance. The HMRC and the Home Office have been clear that in a no-deal situation obviously it would be a challenging situation at the border. However, there would be a clear order of priority for Border Force, in particular. The first priority is maintenance of border security and I do not anticipate any change in the security checks that will be being undertaken by Border Force or the focus on security. The second priority would be maintaining the flow of traffic, so the volume of vehicles moving back and forth and volume of passengers. The third priority would be revenue.

It is important to be clear about that order of priority because security comes first. The area that would potentially have to take a flex is in relation to the revenue protection functions of Border Force, which is obviously very important. The Government have been very clear about the order of priority. Insofar as our particular interests in the Home Office are concerned security comes top; absolutely clear.

Q666 **Rehman Chishti:** I think every Member of Parliament would agree with that, first you have to protect your citizens. On the point of reduced compliance, how long would the reduced compliance scheme operate for?

Sir Philip Rutnam: I do not see any change to compliance in relation to our security goals, in terms of the objectives that will be being pursued



HOUSE OF COMMONS

by Border Force, or the number of checks. I do not see any change to that, nor indeed do we see any particular reason to see a change in the threat level, certainly not initially in the case of no deal.

How long would a change to that order of priority that I have referred to, the need to rebalance across those priorities? That will depend on the situation at the border. It will depend on the extent to which there is disruption to flows of traffic.

Q667 Rehman Chishti: Moving on to the point on asylum. Sir Philip knows that, when he came to give evidence to this Committee before, that I highlighted the case of Asia Bibi; 125 Members of Parliament and Lords Spiritual had written to the Prime Minister. We have a response and the point I want to raise with you and the Secretary of State, you said earlier that you trust the Prime Minister's judgment. This is a matter that has significant public interest out there.

It is asking the United Kingdom Government and Members of Parliament and Ministers to apply their moral conscience and their principles, which they advocate around the world, of religious freedom, tolerance and justice. It has been reported that the Home Secretary and the Foreign Secretary are happy to give asylum in this case but it has been blocked by the Prime Minister, according to the material available over the weekend in media reports. Is there any merit in that?

Sajid Javid: It is a sensitive issue. First, when the news of Asia Bibi came through a few weeks ago—obviously, very welcome news for so many people around the world—my first concern was for her safety and the safety of her family. Because there has been some public reporting about it—I am not referring to your report but to other reports from other countries—what I can say now is that there are a number of countries that are keen to provide a safe destination and protection for Ms Bibi and her family.

It is fair to say that those countries are waiting for the completion of the legal process in Pakistan, which is not yet quite complete. Because it is a very sensitive issue, it would be inappropriate, for me to comment any further other than to say that a number of countries are involved. We have a humanitarian approach to people in this kind of situation across the world, and we should be very proud of that. Successive Governments have provided protection for people in this kind of situation, and it makes us stronger as a nation if we can find a way to help such people.

Q668 Rehman Chishti: Can I clarify one thing? I have had an interest in this case since 2012, having worked with the former Bishop of Rochester. I come from a Muslim background. In this country, you can practice every faith. In my country of origin, you will find persecution of some people and their faith and this is a clear case of persecution of Asia Bibi's faith.

I met Asia Bibi's husband and daughter a couple of weeks ago and—without going into the details of the case—the family made it quite clear to me when I met them along with the Aid to the Church in Need, that



HOUSE OF COMMONS

they are looking to countries like the United Kingdom, that have strong values about religious freedom, and France or Canada. I understand that Canada has made an offer to the family to go and live in that country.

What I find quite disappointing with our country's Government is that, irrespective of what a third country may do—what Canada does is a matter for Canada; what France does is a matter for France—the United Kingdom could also morally say, "When the court case is finished, yes, you are welcome to our country" in line with our British values and traditions. That is the point I make on that.

There is second point where I think the Government have got it wrong. Last week the Chief Justice of the Supreme Court of Pakistan, who acquitted Asia Bibi on four charges, was in Parliament. I asked him a question—the video is on the Twitter clip—and he said, "There are no matters outstanding against Asia Bibi. She is not on the exit control list. She can leave when she wants to". The only thing that is stopping her leaving, therefore, is waiting for a country to step up to the plate.

That is why I keep pushing our Government to say, in line with our values, "She is welcome in our country". That is why I asked the question I put to you and the Prime Minister. The letter I received from the Prime Minister today, along with 125 other MPs, does not answer my question and is not worth the paper it is written on. That is why I ask you the question, because everyone says that you are happy, in line with the British values that you stand for, to welcome her to this country, but that that has been blocked elsewhere. That is why I want clarification, so the public can have clarification, of the values you stand for, that you advocate every day.

Sajid Javid: Clearly, you know a lot more than most people about this case and you are to be commended for the interest that you have taken in it for such a long time. I can absolutely see what must be going through your mind now, when Ms Bibi and her family are so close to being safe, completely safe, but are not quite there yet.

I should not say anything further in this particular case but I can assure you that it is being taken very seriously. It is a cross-Government issue. It is being taken very seriously.

There is another thing that I would assure you about, because there have been some reports that suggest, for example, that we, the UK Government, when we look at cases of asylum, should be concerned about how people in Britain—maybe extremists in Britain, certain communities in Britain—might react.

I can assure you that, when the Government or I make asylum decisions, the last thing on our minds is how some people—extremists in Britain, for example—might react. As far as I am concerned, if there are extremists in Britain who do not want us to give asylum to Christians, then I would happily exchange those Christians for those extremists.



HOUSE OF COMMONS

Q669 **Rehman Chishti:** Can I make a final point on that? I completely agree with you. As former chair of the All-Party Parliamentary Group for Communities Engagement, I have not heard from a single person from the Muslim faith or any other faith to say that Asia Bibi should not be here. What people do say to the Government, like you and I, Home Secretary, like everybody else, is that when the Government supported and gave sanctuary to Malala Yousafzai, it was the right thing to do.

Sajid Javid: Absolutely, yes.

Rehman Chishti: There is no difference in this case. If the Government can give asylum to Malala Yousafzai, we can give asylum to Asia Bibi, so why are we not doing that?

Sajid Javid: As I have said, I should not be drawn any further on this case, but I do understand what you are saying.

Q670 **Chair:** Can we press you for a further written reply to the points that Rehman Chishti has made, given the concerns that he has raised about the Prime Minister's response and his additional questions?

Sajid Javid: Yes. I would be happy to do that, Chair.

Chair: That would be very helpful.

Finally, on the no-deal situation, we have some points from Alex Norris.

Q671 **Alex Norris:** Two quick, mop-up things from me, Home Secretary.

With regard to Seasonal Agricultural Workers Scheme pilot, your Department has committed to ending slavery. Do you have any anxiety with the agencies that we talked about earlier today, with bringing the agencies involved in bringing people from other countries outside the EU into the pilot, that there is a prospect of debt bondage?

Sajid Javid: It is a very reasonable question. As you know, this Government takes modern slavery very seriously. That is one of the reasons that we have a review by eminent parliamentarians going on at the moment. You have a fair point. As we design the pilot, it is important to keep the issue of debt bondage in mind. It is well understood why, the broad agreement that we should have a pilot to properly test the scheme, but there have been cases of modern slavery in the agricultural sector, especially in relation to certain countries, and we should do well to keep that in mind.

Incidentally, just last week I met with my opposite number from Viet Nam, who was here in London, and we signed an MOU on modern slavery and also DFID provided some funding to help combat modern slavery from Viet Nam. I think I am right in saying that Viet Nam is certainly one country from where, sadly, we can see their citizens being used here in effect as modern slaves. Obviously, that is unacceptable in every way. We do have to be cognizant of what you say.

Q672 **Alex Norris:** Would you be willing to commit that in the implementation



of the pilot and then in the evaluation of the pilot, you will have an element that states how you know that there is no debt bondage involved in the process?

Sir Philip Rutnam: Can I add something? The pilot planned for 2019 is relatively small— 2,500 people—who are expected to come in as seasonal agricultural workers. It will be a sponsorship-based scheme. We will be looking to work with a small number of organisations which will bring the individuals into the country. The points about protection of the vulnerable, guarding against modern slavery and human trafficking, are very important points. As we develop the scheme for how we select the sponsors, the intermediaries, we will be taking account of those points.

Q673 **Alex Norris:** When you evaluate the pilot, will you commit to saying how—in choosing your intermediaries—you know that debt bondage was not involved?

Sir Philip Rutnam: Your point about evaluation of the pilot is also very well made. Obviously we will be evaluating the pilot for a number of things, including the effectiveness of delivering the labour market goals, but also exactly the points about well the scheme has worked as a means of protecting people who could be really quite vulnerable.

Q674 **Alex Norris:** Is that a yes, Home Secretary, that in that evaluation we will see something about debt bondage?

Sajid Javid: Yes.

Alex Norris: Thank you very much.

Sajid Javid: That is the Permanent Secretary's way of saying yes.

Q675 **Alex Norris:** Okay. You are more experienced in these things than I am. With regard to no deal, just help me with this scenario, if no deal happens: we come out without a deal, and then the minute after that, someone turns up at the border and let's say they are a child-sex-offender from Austria, or a terror suspect from Belgium. Currently we would stop them, maybe, or we might monitor them, monitor their activities when they come in, or indeed we could arrest them if there was an outstanding warrant. What will happen in a no-deal situation?

Sajid Javid: Are you referring back to the databases point?

Q676 **Alex Norris:** I am referring to someone coming to a border in a scenario where there is no deal and what happens with them.

Sajid Javid: I guess it depends on which database the person is on, whether we already have information on them. For example, as I think I alluded earlier, we would have access to the Interpol database, the Interpol warnings index. Depending on which country the person was from, let's say it was Belgium, which you used as an example, if the person was Belgian and the Belgian authorities had entered that information on Interpol—and there is Belgian information on Interpol,



HOUSE OF COMMONS

hundreds of thousands of entries—then we would be able to note that information and take some action at the point the individual is entering the UK. Clearly, it depends on whether that information is available on the databases that we have.

Q677 **Alex Norris:** Could you arrest them, under a no-deal situation?

Sajid Javid: I believe that currently we would need to have legislation if we were going to arrest individuals based on Interpol database information.

Q678 **Alex Norris:** UK primary legislation, not something redrafted—?

Sajid Javid: UK primary legislation.

Sir Philip Rutnam: For any Interpol Red Notice, in order to arrest, yes, you would need legislation.

Q679 **Alex Norris:** Is that legislation being prepared, in the case of no deal?

Sajid Javid: Yes, we are looking at it, as part of no-deal preparations

Q680 **Chair:** Rob Wainwright raised that kind of case with us as an example that we would no longer, or may well no longer, have intelligence on somebody who arrived at the border in those circumstances. In those circumstances, if we do not have the SIS II information and given how much less is on the Interpol databases, what would we do?

Sajid Javid: It does depend. I don't think anyone can say, about an individual, that you would not be able to do anything. It depends on if the information is available to us through another route. I have given one example.

This goes back to my point about why this is in our mutual interest. If we have entered information on a convicted paedophile or a wanted paedophile who is a UK citizen, and this UK person entered Belgium, without our co-operation, the Belgians would not know either. It is in their interests as well that we continue to co-operate in the way we are doing now.

Q681 **Alex Norris:** So our best hope, frankly, is that it will be all right on the night, because it is in everyone's interests?

Sajid Javid: No, it is not that it will be all right on the night. We have contingency plans, whether they require legislation or not, or require more personnel to be hired, that are active, that are in place, that will be acted on now—they are not quite ready because we are not in a situation to know whether we will have a deal or no deal at this point. It is right to have these contingency plans. I am not pretending—as I was not pretending earlier either, and I have been quite clear about it—that if there are certain databases that we do not get access to, it will not create challenges. I am not pretending that there are perfect mitigants to the challenges. With the mitigants we have in place, however, we will continue to be a very, very safe country.



HOUSE OF COMMONS

Q682 **Alex Norris:** Finally from me, will we see a Domestic Abuse Bill this year?

Sajid Javid: You will see the draft Domestic Abuse Bill this year. Our plans are to publish it this year, yes.

Q683 **Alex Norris:** Before or after the Immigration White Paper?

Sajid Javid: Probably after the Immigration White Paper.

Q684 **Chair:** I think the issue that Rob Wainwright raised with us is a particularly important issue. How can you confidently say that we will still be as safe if we lack that crucial information about potential terrorist suspects or child sex offenders arriving at the border?

Sajid Javid: What I am saying is that we will be as safe—if we are talking about the SIS II system, for example, as we were just now.

It is worth recalling that we joined the SIS II system in 2015. It is not a system that has been there for 10 or 20 years that we have always relied on. In terms of keeping our country safe, SIS II is a nice to have but our country is still safe even if, for whatever reason, we did not get access to that system. From the conversations that I have had with my counterparts, I am confident—I am very confident—that we can continue to work together in a way that we can still access that type of data because my counterparts also hugely value the contribution that we make. We will only know through time whether I am right or not, but what I am saying is that if for some reason we did not have access to SIS II, we will continue to be a safe country.

Q685 **Chair:** So you are confident, even if we get no deal, that all of those countries will have put the information they currently have on the SIS II database onto the Interpol databases instead?

Sajid Javid: No, I am not saying that. I have not said that. That is something you have just invented here.

Q686 **Chair:** But that is what we would need. You have said that it depends on whether we have this information, and it might be on other databases, and it will be in Belgium's interests to put it on other databases, and so on—

Sajid Javid: I am not saying it will be an exact duplicate of information.

Q687 **Chair:** Either it is in their interests to put it on these databases, in which case my question is are you saying that you are confident that they will have put all of this stuff on the databases by April, or, actually, if they are not, then how can we be confident that we will be as safe?

Sajid Javid: There is some information that we put on the SIS II system that we also share on other non-EU data systems and the same will apply to other EU countries. What is not in our knowledge today, because we would not have that information, because it belongs to the respective countries, is to what extent they put information on SIS II and also put



HOUSE OF COMMONS

the same information on Interpol databases. I cannot answer that question. No Home Secretary could answer that question for you.

Q688 **Chair:** The police can answer and they tell us that there is considerably less information on the Interpol database.

Sajid Javid: I accept that there is less information. Of course there is less information. I have also accepted that I would not want to rely on some of the information on the Interpol database. I would not want to rely on Interpol alerts based on Russian information, for example. We have to take a pragmatic attitude.

Q689 **Chair:** Going back to the very first question that you answered on this, do you accept that if we end up with Interpol systems rather than the SIS II system, that it will be a significant security downgrade, because that is what the police tell us.

Sajid Javid: No. I think it will be challenging but that we will still remain a very safe country.

Q690 **Douglas Ross:** A non-Brexit question, do you trust the members of this Committee?

Sajid Javid: Yes.

Q691 **Douglas Ross:** You trusted this Committee for several months, sharing with us the three-page executive summary of the Alex Allan quote. Would you trust the Committee to share with us the full report?

Sajid Javid: It is not my decision.

Q692 **Douglas Ross:** Would you advise the Prime Minister, given that someone advised someone to share with us the executive summary, to share with us the full report, given that a big chunk of that investigation was information given during a session of this Committee?

Sajid Javid: I trust the Committee. That is clear. That decision on sharing the full report would have to be made by the Prime Minister.

Q693 **Douglas Ross:** A decision to make it public would, but a decision to share it with the Committee would not necessarily have to be taken by the Prime Minister, in the same confidence that you trusted the Committee to share with us the three-page executive summary.

Sajid Javid: That was also because I was confident that the Prime Minister would be happy with sharing the executive summary.

Q694 **Douglas Ross:** So the Prime Minister does not trust the Committee.

Sajid Javid: No, I am not saying that at all. I think the Prime Minister, if she received that request, would take advice, as she did before on the publication of the executive summary, from the Cabinet Secretary and possibly from the Director of Compliance, senior civil servants. She would listen to advice and act accordingly.



HOUSE OF COMMONS

Q695 **Douglas Ross:** We might be going in with that request, with that ringing endorsement, as you can imagine. I am looking forward to a positive response.

Sajid Javid: I would not call that a ringing endorsement.

Q696 **Douglas Ross:** Well, I did, so—

Sajid Javid: Well, you can—

Q697 **Douglas Ross:** I am very positive about what you tell this Committee.

My final question is when did your Permanent Secretary raise his concerns that this Committee had leaked that executive summary?

Sajid Javid: I am not aware—

Sir Philip Rutnam: I do not particularly recall raising that concern with the Home Secretary.

Q698 **Douglas Ross:** You did, at this meeting, and I just assumed, Home Secretary, that if the Permanent Secretary at the Home Office believes that the Home Affairs Select Committee had breached confidentiality with a report, you would be informed, but you are saying that did not happen.

Sajid Javid: I don't recall it being raised with me.

Sir Philip Rutnam: I don't think we had a particular discussion about it. You will recall the exchange, Mr Ross. I did express a concern. I don't think I put it quite as directly as you have put it. I then withdrew that concern on the basis of the assurance that I had from the Committee that there was no question of that having happened.

Q699 **Douglas Ross:** You withdrew it: "Given your reassurance to me, for which I am very grateful, I am not implying that the Committee or any member of it leaked it."

However, you had expressed a concern, prior to receiving that reassurance. I find that amazing, that if the Permanent Secretary believed that this Home Affairs Select Committee had leaked something, he did not think it was important enough to raise it with the Home Secretary. If the Permanent Secretary did not believe it was important enough to raise with the Home Secretary, will he be able to share with us the information that led him to his initial concerns that this Committee had leaked the executive summary of the Alex Allan report?

Sir Philip Rutnam: As you know, Mr Ross, I withdrew the inference and implication.

Q700 **Douglas Ross:** Yes. You withdrew something that you had already expressed. By having to withdraw it, you have already made that inference. Therefore, that is based on facts that you had received. You went on to say, because the Chair objected: "I think you are suggesting that it was leaked the day before it was published. **Sir Philip Rutnam:** It was leaked also the day before it was published. Chair: Was it leaked



before that? *Sir Philip Rutnam:* I think there was a story, as I recall, in the newspapers earlier in the summer. I cannot recall exactly when”.

Therefore, at some point you thought there was more than one leak and you made a connection between that alternative leak and this Committee. I find it amazing that you do not think that is important enough information to share with the Home Secretary, but I do think it is important that this Committee should know what you based your initial question on, your initial assumption that a leak may have come from this Committee.

Sir Philip Rutnam: Indeed there was a leak earlier in the year, in the summer as I recall. I have not, since we met two weeks ago, been back to identify precisely which article, but if it would be helpful, I would be very happy to send that to you.

However, I am not—

Q701 **Douglas Ross:** So you are sending in all the information we are looking for, along with the information that led you to believe, and to initially suggest, that this Committee leaked that report.

Sir Philip Rutnam: From my recollection, it was in the article itself. But let me trace the article, and I will gladly send it to you. Just to be clear, for the record, I withdraw, on the basis of the assurance I have received, any inference or implication—

Q702 **Chair:** On the basis of the reassurance that you received?

Sir Philip Rutnam: I withdraw—

Q703 **Chair:** Had I not said anything in that Committee, you would still be suspecting the Committee?

Sir Philip Rutnam: Let me go further. I withdraw any inference or implication.

Chair: Thank you.

Sir Philip Rutnam: Thank you.

Q704 **Chair:** Thank you. Home Secretary, Permanent Secretary, we appreciate the evidence that you have given us. We do obviously have quite a lot of unanswered questions and, given that Parliament is going to be expected to vote on the Withdrawal Agreement and on the political declaration within a very short period of time. It is a concern that we still do not have answers to those questions.

In particular, given that what the Government and the Cabinet have effectively done is to agree to a timetable to end the European Arrest Warrant and SIS II, but with no timetable to replicate them, either with new systems or with the same system again, I think it would be very helpful if the Committee could have what the Home Office’s planning timetable is, what timetable you would expect to get a security treaty



HOUSE OF COMMONS

negotiated by, what the risks are to that scenario, and how it is you are then going to manage those risks.

I think that if we do not have some reassurance that the Home Office does have a plan to get these replicas, or whatever they are, for SIS II and for the European Arrest Warrant, in place, then it is a pretty big ask to say to Members on the security issues in particular, to vote to get rid of things, without any reassurance we are going to get them back.

Sajid Javid: It is a Government-wide plan and I would be happy to write to the Committee and expand on it.

Chair: That would be very helpful, if we could get that information as rapidly as possible, so that it can be made public before the vote.

Thank you very much for your evidence today. That concludes our evidence session.