



House of Commons
Home Affairs Committee

Immigration Policy

Oral and Written evidence

10 July 2012

*Damian Green MP, Minister of State for
Immigration*

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The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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List of witnesses

Tuesday 10 July 2012

Page

Damian Green MP, Minister of State for immigration

Ev 1

List of written evidence

1 Damian Green MP, Minister of State for immigration

Ev 12

Oral evidence

Taken before the Home Affairs Committee

on Tuesday 10 July 2012

Members present:

Keith Vaz (Chair)

Mr James Clappison
Michael Ellis
Lorraine Fullbrook
Dr Julian Huppert

Alun Michael
Bridget Phillipson
Mark Reckless
Mr David Winnick

Examination of Witness

Witness: **Damian Green MP**, Minister of State for Immigration, gave evidence.

Q1 Chair: We have just been discussing drugs, Minister. I hope we have not left any remnants.

Damian Green: It looked like water rather than blood on the table.

Q2 Chair: Minister, thank you very much for coming in to see us today. We are most grateful. Could I start in respect of some evidence you gave on the last occasion, concerning the queue lengths at one of the terminals at Heathrow Airport. You gave evidence about the arrivals over a certain period at peak times. You then subsequently wrote to me to say the information you gave the Committee was incorrect. Could you just explain how that happened?

Damian Green: It happened straightforwardly. I had been to Heathrow, I think that morning, and had been told very specifically that the numbers of passengers coming into that particular terminal were much greater than the Border Force had been told, and straightforwardly the officer, who was the officer in charge of deploying rosters—so it was very relevant to the whole issue of queuing—had the figures wrong and had just told me wrong information, so I apologise for passing on wrong information I was given.

Q3 Chair: We accept your apology. We thank you very much for saying that. I was at Heathrow Airport Terminal 4 yesterday, a drop-in visit at the invitation—well, I asked to go. BAA facilitated this. At 7.20 am, and I had next to me the head of BAA and the Director of Communications, we counted the number of desks that were open. At 7.20 am—this is peak period—there were 10 non-EU desks open. A total of 16 out of a total of 32 were open: 10 non-EU desks out of 25, and 6 EU desks were open. The total was 50%. When the Home Secretary spoke in the House yesterday in answer to my question, she talked about 80% of the desks being open. I have gone back to BAA and I have asked them to check the figures, and this is on the CCTV. I know I am 56 years of age and with a new pair of spectacles, but I can count an un-open kiosk. Do we now accept that at the start of the period all the kiosks were not open, but at the end of the busy period it had reached the position where 80% of the kiosks were open?

Damian Green: I was at Terminal 4 this morning.

Chair: Good.

Damian Green: I actually went into the arrivals hall. I understand you did not go in the arrivals hall. You looked at it, as you say, through CCTV. So I actually went and walked around.

Q4 Chair: How many were open when you walked around?

Damian Green: About 24. I counted as well.

Q5 Chair: Out of 32?

Damian Green: It depends whether you mean just the EEA gates or—

Chair: The number of kiosks there. You saw it this morning, 32.

Damian Green: The total for Terminal 4 is actually 38, but of course there are two Games lanes open now, so there are the non-EUs. The total non-EU gates is 29, which is the relevant one because I am sure you saw, as I did, that at the EU gates there is literally no queue; people just walk straight through. So of the EU gates, of the 29, there were between 24 and 25. But occasionally people come off them because, for instance, this morning while I was there somebody claimed asylum. Therefore, they need to be escorted to the appropriate place to do that. But obviously I talked about this and the information I had was that, no, 80% of gates were open through the period.

Q6 Chair: At 7.30 am?

Damian Green: From 7 am to 8 am, and it will fluctuate because people do leave the desk, but there is just a genuine discrepancy here and—

Q7 Chair: It is quite easily sorted, isn't it, because when you come to a kiosk you have to log in, so maybe we can get the log-in details?

Damian Green: Absolutely.

Q8 Chair: The issue here, rather than arguing about times, is when people arrive at Heathrow Airport on a Monday morning the busiest period is 6 am to 9 am. Why is it that not all the kiosks are open during that period? Why did it take people coming from Terminal 5 to join what was happening at Terminal 4 in order to open the kiosks? This is what I cannot understand and the public does not understand, and I think the

Prime Minister, when he spoke to you and the Home Secretary, cannot understand. If we know the number of passengers is predictable—because airlines do not get new slots, do they; they know how many passengers are arriving—why is it not possible to open all the kiosks at those peak times?

Damian Green: As you know, the commitment for the Olympic period, which for all these purposes starts on Sunday, is precisely that all desks will be opened at peak time at all of the south-eastern points.

Q9 Chair: From Sunday?

Damian Green: From Sunday. What happened yesterday, and indeed today as I understand it, is that 80% of the desks—the vast bulk of the desks—were occupied. The mobile teams are precisely a good idea so that when one terminal looks as though it is running a bit hot then you move people. I think the other point about yesterday morning is that you were saying the queues were more than one hour. BAA and Border Force agree that actually the maximum queue time was under an hour.

Chair: Well, 54 minutes.

Damian Green: 54 minutes. Yes, that is under an hour.

Q10 Chair: Are we going to argue about six minutes?

Damian Green: Well, we are going to argue about 54 minutes being under an hour.

Q11 Chair: If a target is 45 minutes and you have breached the target, you have breached the target.

Damian Green: Yes, absolutely.

Q12 Chair: Doesn't it become rather odd for the public that the Minister for Immigration is arguing over six minutes? The point is this, as the Border Force said yesterday, it is unacceptable or do you think this is perfectly acceptable?

Damian Green: No, I do not think so. I think 45 minutes is what is acceptable. That is what we had agreed, but it was not over an hour, which is what, Mr Chairman, you were saying.

Chair: Well, no, I am sorry—

Damian Green: I can see why you were confused, actually, because you were in, as you say, a CCTV room and you were saying it was a very crowded hall and it looked as though it was being overwhelmed. I was actually in the hall this morning and, indeed, that hall gets full, to the extent that one of the improvements we have done is that we now have queue signage to let people know how long they have to go, and the—

Q13 Chair: I will stop you there. The advantage of seeing it on CCTV is to see the people who come off the aircraft who are held in corridors before they get to the immigration hall. Now the time that they are held in corridors—

Damian Green: Exactly. That is the point I am about to make if you will let me.

Chair: Right. The time they are held in corridors, is that included in the length of time?

Damian Green: Yes. The Terminal 4 hall is so small that even this morning—and I have the figures here from 7 am to 8.30 am—the maximum wait time was 29 minutes, so well within service standards.

Q14 Chair: What about the corridors? Were they held in corridors when you were there this morning?

Damian Green: They were. This is my point. They were in corridors and indeed the actual sign that says “It’s 45 minutes from here,” which is within the service standards, and we all agree is acceptable. That sign is in the corridor. Terminal 4 arrivals hall is so small you can be in the corridor and you will still be well within the service standards.

Q15 Chair: Indeed, and the reason why they have the signs is because this Committee, the last time you appeared before us, suggested that waiting time should be put on, and BAA told me that as a direct result of what this Committee had asked for they put up the signs. But do you find the queues acceptable?

Damian Green: At 45 minutes, yes.

Q16 Chair: Yes. So you are very happy and quite relaxed about it, there is no problem?

Damian Green: Well, “acceptable” is rather different from very, very happy. That is the service level agreement the Border Force has had and that is of course the non-EEA queue. The EEA service level agreement is 25 minutes, and of course Border Force should meet—and does aim to meet—those target times, whatever you want to call them, at all times, and in April we know it was bad and they were missing them a number of times. It has got better through May and June, but it is still not perfect. I think that is the only sensible conclusion one can draw.

Q17 Chair: So it is not perfect? The Border Force says it is not acceptable; you think it is not perfect?

Damian Green: Obviously, any breaches mean that the Border Force has not reached its service level agreement, so it would be wrong to deny that everything was not well.

Q18 Chair: You announced yesterday that there are going to be separate lanes, as I understand, or is this correct, for certain countries because of the checks that they have on boarding are so strong that they do not need the kind of checks that are required at Heathrow? Is this right? Are there going to be separate queues or lines for Australians, New Zealanders, Japanese and Americans or is this just something that someone has said?

Damian Green: We did a very short pilot for Australians, Americans, Japanese, New Zealanders, Canadians and—I have forgotten. There were six countries involved altogether; I will work that out before the end of the session. The pilot did not work particularly well, because it did involve moving people around and telling people to go into the different queues, so we intend to return to it, but, for obvious reasons, we are not going to do that before the Olympics. Let's get the Olympics, let's get this summer, out of the way. But the idea—differentiating

10 July 2012 Damian Green MP

people into those who do not need visas, and therefore already we feel more confident about than those we do require visas from, and having them in separate lanes at the airport—is something we are interested in looking at, but it is the sort of thing you would need a proper pilot on, rather than just saying, “That sounds like a good idea.”

Q19 Chair: There are not going to be separate lanes for these countries?

Damian Green: There might be. As I said, we did a pilot. It wasn't hugely successful.

Chair: But not before the Olympics?

Damian Green: We are now not going to do anything until after the Olympics.

Q20 Chair: If we get those separate lanes will we have separate lanes as British citizens in those countries, or EU citizens in those countries, that we give separate lanes to in our country?

Damian Green: That is one of the things that, when we have done a pilot to see whether it works here, it would be an interesting case to go to the other countries. That is something—

Q21 Chair: So you would go to the other countries and say, “We would like separate lines.”?

Damian Green: We may well do. We haven't got that far yet. Let's see whether it works first, is my view. Let's solve the problems we have here and then see whether that can give us some advantages for British citizens around the world.

Q22 Chair: If it works, you will then go to those countries and ask for the same treatment for British or EU citizens?

Damian Green: I should not commit myself to policy making at this stage.

Q23 Chair: You are a Minister. You are entitled to make policy.

Damian Green: I am entitled to make policy, but probably not in front of Committees without discussing it with other colleagues. But certainly the first gain will be, well, for everyone. If it works then there will be a group of people who will have a better experience at Heathrow. That is beneficial in itself. If there can be some spinoff benefits for other British citizens as well then, absolutely, we will be interested in pursuing that.

Q24 Chair: Finally from me, what has happened to Brian Moore's application to be the head of the Border Force? When he appeared before this Committee I put it to him, “The post is going to be advertised. Do you intend to apply?” Because we felt—at least I felt—that having taken on this job, a new agency having been formed, it was important to have continuity. His answer was, “I'm intending to apply, yes.” I understand that he has not applied. Is that the case?

Damian Green: That is right, yes. He has decided to do what he was brought in to do, to be the interim head on secondment. I think he said at the time that while he was intending to do so, he had not thought about it in detail yet. I think that was—

Q25 Chair: No, he did not say that. In answer to my question, “When is it going to be advertised?” he said, “Shortly.” I said, “Do you intend to apply?” He said, “I am intending to apply.” He did not say he was going to think about it. He said that was his intention, so he has changed his mind?

Damian Green: I think he went on to say—well, I mean, that is not a question for me.

Chair: Has he changed his mind?

Damian Green: What I know is that he has decided that he will serve out his period as the interim head of Border Force, which was intended to run until September. He will serve out that period, but he has not applied for the full-time post.

Q26 Chair: Did anyone ask him why? Because Ministers approached him for this job, did you ask why? What was so demanding about this job that he felt he could not do it?

Damian Green: Well, obviously, I speak to him on a daily basis, as does the Home Secretary.

Q27 Chair: You did not ask him?

Damian Green: I do not think, Mr Chairman, you would expect me to repeat private conversations with members of staff.

Chair: No, I do not, but when he says to a Committee he is thinking—

Damian Green: That is what you are asking me to do.

Chair: Not private conversations. I do not think it is a private issue, is it? This is a matter that he has spoken to this Committee about. It is a very important job; the Olympics are coming up, staff morale as we understand it is quite low, and therefore it would have been interesting to know why. Maybe we would write and ask him. Mr Winnick.

Q28 Mr Winnick: With the Olympics coming up, as the Chair has just stated, do you accept, Minister, there is bound to be a great deal of concern at what is happening at Terminal 4? It has been for some time that Heathrow—some may call it chaotic or not—but the fact remains that if the situation is not what it should be, do you accept? What is it going to be like in a matter of two or three weeks with the number of people expected for the Olympics?

Damian Green: As I have already said to the Chairman, in a matter of days—because we are not waiting for the Olympics themselves to start; we have obviously been planning this for some time—there will be more than 500 extra passport-trained staff ready to boost the regular numbers at Heathrow. We are also entering a period where leave for permanent staff is restricted, because we have known for some time that we will need all our experienced staff available as well. That leads to the commitment I have just repeated, which is that every desk at Heathrow will be staffed during busy periods, as well as the other improvements we have had in the past couple of months. I agree completely that April was bad, but measurably things are better. We were hitting those service standards I talked about 75% of the time in April, and that has gone up to 90% now. Obviously, like all of these things, one would like to do better. Already there are the dedicated lanes for the athletes

10 July 2012 Damian Green MP

and others who are taking part in the Olympics, and with BAA—because we are working very closely with BAA on this—we have introduced improvement in the arrivals halls such as electronic signs to encourage people to come forward. It saves a few seconds, but when you are transacting, as Heathrow will be on its busiest days, more than 100,000 transactions a day, those few seconds are vital. So there is a vast raft of improvements.

Q29 Mr Winnick: Can we work on the assurance that when the Olympics start we are not going to have an international embarrassment, as the result of endless long queues day after day? You are giving this assurance to the Committee, are you?

Damian Green: I should say there aren't endless long queues now. There were bad experiences in April, there are occasional breaches of the service standards now but the idea there are endless long queues, day after day, would be misleading now and what I am saying is we agree—

Mr Winnick: No, I said once the Olympics start.

Damian Green: Once the Olympics start then, as I say, the commitment I am giving is that every desk will be manned at all peak times, and those are the times that those of us who visit Heathrow regularly—

Q30 Mr Winnick: You accept it would be an international embarrassment for this country if it was otherwise, if there were excessive delays.

Damian Green: We are doing our best. We have been successful in bringing the queues down from the bad levels they were in April, with as I say occasional imperfections now but we will be doing even more. We will go into full Olympics mode from this Sunday.

Mr Winnick: Okay.

Q31 Chair: We are very grateful for that assurance, the “every desk” assurance. Busy periods being what, 6 am to 9 am?

Damian Green: It is different in different terminals but, broadly speaking, as you know, it is early morning.

Q32 Chair: Who will define the busy periods, the UK Border Force or BAA?

Damian Green: We are doing all this jointly with BAA. There are very regular meetings between Border Force and BAA now, working together.

Q33 Mark Reckless: Minister, would you like to retain this policy of manning all desks at peak times after the Games?

Damian Green: It depends. We will obviously need to work out what the loadings are because, very obviously, at different times of year then the actual throughput is much less. Heathrow is a hugely variable place. At its lowest about 70,000 people go through a day. In recent days we have been seeing figures of up to 95,000 and there will be days during the run-up to the Olympics where it will go well over 100,000. So the key to getting this right is to have enough intelligence and enough knowledge in advance to know when the bad—when the busy days are going to be. It is not bad days for the airport and

the airlines; it is good days for them. But to make sure you have the right number of people in the right place at the right time of day. That involves a lot of detailed information. So peak time broadly speaking is early morning and last thing at night, but there are many peaks during the day as well. It is a question of being flexible enough to cope with those.

Q34 Mark Reckless: Do you feel you have sufficient flexibility from Border Force staff and their unions to roster in the way that you would like?

Damian Green: Getting increasing flexibility into the rostering and the staffing has been a long-term goal inside Border Force. I know it goes back before my time as Immigration Minister. There is always more to do. As I said to this Committee before, we have introduced a new set of rostering that does allow more flexibility. We are employing new staff. That is one of the principle things that the unions have been saying, and we are now employing those new staff and obviously new staff will come in on flexible terms.

Q35 Michael Ellis: Minister, is it fair to say that you are fixing the problem of resilience at the border, whereas in the past they just did not check passengers? That is one way of reducing queues, isn't it, if we adopt the Labour Government's previous policy of just not checking passengers?

Damian Green: I think the problem was—I would not actually join you in the partisan analysis of this—and one of the things the John Vine report proved was that Ministers in successive Governments had essentially not been told that effectively what was being operated was queue-based controls such that if the queues got too long checks were taken off. Not all checks, but some checks were taken off.

Q36 Michael Ellis: So it was more than just the previous Government, it was the Government before that?

Damian Green: No, I am not saying it goes back that far because, frankly, at the time the previous Government was in we did not have some of the checking ability that we now have in terms of the information we can extract from people's passports.

Q37 Michael Ellis: But it was happening, though, wasn't it?

Damian Green: It was happening. Your underlying point is right, and it is quite interesting we have been talking about Heathrow and the border for, whatever it is, 10 or 15 minutes now, without mentioning the basic point of Border Force and passport checks, which is to keep this country safe and to keep our borders safe. That is the underlying point. We need a safe and secure border to protect the citizens of this country. That is Border Force's basic aim.

Q38 Michael Ellis: Yes, and I notice that the London underground system, the motorway network and the route system on the roads are all anticipating substantial delays because of the Olympics. Would you consider that a national embarrassment or are queues something that you would expect in any

10 July 2012 Damian Green MP

country if they were dealing with something like the Olympics?

Damian Green: We all know, we have all attended big events, sporting events, musical events or whatever, and you queue to go in and out. But clearly it behoves all parts of Government—all parts of this country—to try to minimise any inconvenience to people. There will be large numbers of people arriving, whether it is at Heathrow or at the Olympic stadium, at any time, and that is what all the plans are designed to do.

Q39 Michael Ellis: So what is happening with your external recruitment drive? What trends are there in the data? Is it getting better or worse? Are you recruiting, Minister, people to come into the service to add to the numbers of staff?

Damian Green: Yes, essentially. I have already said that we have brought forward the recruitment that was going to be for the reopening of Terminal 2; one of Heathrow's five terminals is closed at the moment for refurbishment. When that is open again, obviously we will need more people there. We have brought that forward so that we have an extra group of experienced, trained people. Some of them will be available, I think, as early as a few weeks' time. Certainly they will be available in September, because one of the things I am obviously thinking about now is what happens after the Olympics. We don't just want this improvement to happen for the period of the Olympics; we want it afterwards as well.

Q40 Michael Ellis: You are getting on with it; you are getting on with employing more people, recruiting more people to staff the—

Damian Green: Yes.

Michael Ellis: Thank you.

Q41 Dr Huppert: Minister, you raised the issue of what the purpose of border controls is, and you will be aware that in March Parliament unanimously passed a motion calling on the Government to bring forward legislation for travel bans and asset freezes for those who have committed gross violations of human rights, such as those culpable for the death of Sergei Magnitsky. You are clearly not responsible for asset freezes but you are responsible for travel bans. What steps have you taken to implement Parliament's motion?

Damian Green: We have in existence a set of rules for preventing people who are not allowed into this country and who are stopped at the border, and I think again it would not be sensible for me to discuss individual cases, not least because we do not tell everyone who is on a banned list that they are on that list because it may not be in our interests, or the interests of British citizens, to let them know. I am not going to discuss individual cases, but there are already in existence ways and means of identifying people and stopping them either at the border or before they board the plane in the first place. We have a large network of officers—we have more than 100 now around the world—who are precisely designed to get people off the planes, or stop them getting on the planes in the first place, if they have no right to be in this country.

Q42 Dr Huppert: Would that include people specifically who have committed human rights abuses in other countries, whether it is Russia or anywhere else, even if they may not pose any direct threat to this country?

Damian Green: People will be on that list who have committed human rights abuses, but as I say I am not going to narrow it down to talk about individuals, or even identifiable groups, because for obvious reasons that might compromise security.

Chair: Thank you. Lorraine Fullbrook is going to go back to queues.

Q43 Lorraine Fullbrook: Minister, I would just like to go back to the figures you gave. In Heathrow currently the throughput is about 70,000 at the lowest time and will go up to over 100,000 during the Olympics at any given time, and it comes down to intelligence; I think that is what you said. Is BAA responsible for disseminating the intelligence to the Border Force to make sure that the right people are at the right gates at the right time, when they should be?

Damian Green: To a large extent, but BAA itself of course is dependent on the airlines. BAA just runs the airport. It is the airlines that know who has got on their plane on the other side of the world. So everyone needs to work together.

Q44 Lorraine Fullbrook: Do BAA gather that intelligence as best they can? They are the people who are responsible for disseminating the information of where the Border Force agents have to be?

Damian Green: Yes, essentially. One of the improvements we have made is that there is now a central control room for the whole of Heathrow, which can deploy people around the place. We have 16 mobile teams that operate there that can fill up desks as and when, and that is based on the information that comes through BAA saying, "This plane is coming in from this place. It is due to arrive then." It goes down to the level of, "And it will be arriving on that gate," which makes a difference. Some gates are two minutes' walk away and some gates are 20 minutes' walk away, so that will make a difference to the arrival hall. That information can now be shared across not just the airlines and BAA, but Border Force as well, and that is the raw data on which the deployment can be based.

Q45 Lorraine Fullbrook: So BAA on the raw data are to ensure people are where they should be and when they should be. It is really their responsibility?

Damian Green: It is their responsibility. It is what they do. They actually know who is coming in to the airport and where they are coming from, and they then disseminate that information to Border Force. Then it is Border Force's job to say, "Okay, fine, well we can see that a completely full A380 is coming into Terminal 4 at that point. So at that point it is going to get busy." That is the sort of division of responsibility. But the trick is to work seamlessly together, and that is one of the things we are working the hardest on doing, so that BAA, Border Force and indeed the airlines, regard themselves as part of a team whose job is to keep the border secure but at the same time

10 July 2012 Damian Green MP

to make sure we hit the targets for processing people through the border.

Q46 Bridget Phillipson: Minister, surely it is possible to have the safe and secure border that you are talking about while at the same time making sure that queues are kept to a minimum, because surely lengthy queues—even if they occurred only every so often they would obviously occur more often than you would like—have an impact on our international standing, and potentially on the tourist industry.

Damian Green: Absolutely. I do not think anyone disputes the aspiration that we all have that, first of all, the border must be secure and that we don't go back to queue-based checks, which I think did leave the border less secure than it should be, but that we should combine that with keeping queues to the levels that have been agreed by everyone involved. That is clearly everyone's aspiration, and when things go wrong people need to look at it and say, "Why did it go wrong in that particular instance?" Often the deployment of relatively small numbers of people at the right time, not waiting 15 minutes to do it, and opening three or four more gates can make a big difference. The Border Force is getting better at that, but obviously can always get better still.

Q47 Bridget Phillipson: Are staff being redeployed from regional ports to Heathrow and other London ports during the Olympics?

Damian Green: During the Olympics?

Bridget Phillipson: Generally and during the Olympics.

Damian Green: There will be some. I have mentioned that there is a pool of 500 extra passport-control trained staff, and they will be deployed around the country so it is not just for Heathrow. Somewhere around 300 will be at Heathrow, but others will be for other ports around the country because obviously we are very conscious that business goes on at the other airports and ports as well. There will be non-Olympics tourists, normal tourists coming to this country as well. So we are very conscious, as I say, that we need to keep meeting the service-level agreements across the country. It is the same time agreement at all ports across the country.

Q48 Bridget Phillipson: Do you anticipate that staff being re-deployed at Heathrow will therefore have a knock-on effect on other regional ports and that we could see increases in queues there because of the need to redeploy staff to Heathrow?

Damian Green: We are trying very hard to avoid that and the numbers being redeployed—for example, we have a Northern Region in Border Force and of the 1,300 or so staff there about 40 will be deployed to Heathrow. So it is not huge numbers.

Q49 Chair: When the Olympics are over, Minister, students will arrive in September. You have given this Committee an assurance that from Monday morning at peak times at our airports—presumably, all our airports or just Heathrow?

Damian Green: The south-eastern ports, because we think that, while Heathrow is the official host airport

at the Olympics, there will be a lot of people coming into, particularly, other south-eastern ports.

Q50 Chair: Sure. So is Stansted in the south-east? I am not sure.

Damian Green: Yes.

Q51 Chair: It is. Every single kiosk at the UK border will have an official on during peak hours?

Damian Green: Will have someone on during peak hours.

Q52 Chair: That is a very good commitment, which we are happy to accept. But secondly, when the Olympics are over the students will start arriving for the new term and there will then be pressure on our airports processing students. What is going to happen at the end? Therefore, is this commitment going to no longer be valid? Are we still going to look at our ports and our airports about the arrival of people in this country, or would you see the problem as being merely an Olympics problem?

Damian Green: The problem is not merely an Olympics problem. The commitment is a specific Olympics commitment. Because you are right of course that September is the busiest month for student intake, but for obvious reasons tourism intake goes down so you are looking at the total numbers. But that is why, as I say, I am very conscious of what needs to happen at the end of the Olympics and that is one of the reasons we brought forward the recruitment of these extra staff, and we are training them now so that we do have new people who will be available for September when, as you say, the student route is at its busiest.

Q53 Chair: Excellent. The Committee is planning to visit Heathrow during this period—

Damian Green: During September?

Chair: To look at your excellent new arrangements that will start on Monday.

Can we now move on to other issues concerning the report of John Vine, which he published at the end of last week? Were you aware of this new pool of 150,000 people who apparently have been refused an extension, who may or may not have left the country, but who Mr Vine stated were a new source of concern, because in all the evidence given by yourself and Rob Whiteman and Lin Homer, we were not aware of this pool of people?

Damian Green: It is not a new pool. It has been there since 2008. The previous Government said it should bring together in one place all the people who have been refused visa extensions but they do not know what has happened to them. What John Vine said, which I completely agree with, was that there did not appear to be a strategy to deal with these people. Interestingly, he did his report last autumn I think—late last year—and at about the same time I was coming to the same conclusion entirely independently. I did not know obviously what he was going to find in his report—he is an independent inspector—but I came to the same conclusion and that is why we now have a strategy for dealing with this precise problem of—

10 July 2012 Damian Green MP

Chair: 150,000?

Damian Green: I think the—

Chair: Because that is the figure he gave.

Damian Green: Absolutely. No, I am not disputing the figure at all. It is not a static figure. It is not like the old legacy cases, which were an identifiable group of notorious—

Q54 Chair: Do the figures go up or down?

Damian Green: It changes every day because these are people whose visas have run out. Now, every day in this country about 100 people's visas run out. What happened before was that quite often nothing was done, nobody checked whether they had left or not, nobody checked what they were doing, and now we are changing all of that because, as I say, I reached the same conclusion as John Vine, and there are two visible signs of what has changed: the first is I have asked the UKBA to concentrate over the last couple of months on overstayers who are essentially the people in this group who you want to get rid of, and that has been hugely successful. They have been doing it for the last couple of months. I was giving interviews on this and was saying that more than 1,800 people have been removed. I can say now, less than a week later, it is more than 2,000.

Q55 Chair: What is the problem? Are all these files in one particular place?

Damian Green: No, they—

Chair: They are all over the place, yes?

Damian Green: As he said, they were being done by the local immigration teams.

Q56 Chair: We now have a plan of action?

Damian Green: We now have a plan of action and as of—

Q57 Chair: You have got rid of 1,800 in how many months?

Damian Green: 2,000 in two months.

Chair: 2,000 in two months.

Damian Green: The other thing, because, all-embracingly, like you, I hate backlogs and do not want people lying around for years and years thinking, "That's fine, nobody has got in touch with me.", is that we are in the middle of a procurement exercise to employ a private provider to deal with all these migration-refusal cases. Everyone in this pool will be contacted to alert them to the requirement to leave the UK, and we have been running a pilot in parts of the country to do this, and, interestingly, we find that when you contact people—all you have to do is contact people—and between—

Chair: They go?

Damian Green: If they all would go, my life would be a lot easier than it is if that sort of thing happened, but between 17% and 20% of them go straightaway or we discover they have already gone; it is just that nobody knew about it. So what we want with this contract is to do, first, the contacting, which will slice a chunk off the problem, but then to go on to do the case working, because there will clearly be a lot of people left who will need to be told. What you find is

that a lot of them may well have applied for extensions.

Q58 Chair: You have a plan of action. The 150,000 that was mentioned last week are going at the rate of 2,000 every two months, we hope?

Damian Green: Except that, as I say, it—

Chair: But it goes up and down?

Damian Green: Exactly. Potentially, it goes up 100 a day because that is the number of visas.

Chair: But you now have a plan, do you?

Damian Green: Most people go at the end of their visa, but yes, absolutely there is now a plan to do with this. Some of it is in operation already. The rest of it will be in operation in September.

Q59 Chair: But it will never be zero because cases are being added to it?

Damian Green: If somebody's visa runs out today, we give them 28 days' grace to reapply.

Q60 Chair: Do you serve removal directions at the time of refusal?

Damian Green: It depends on where they have got to.

Q61 Chair: Is that not the way to do it? If you have been refused you then set removal directions, don't you?

Damian Green: Not necessarily, because, as I say, a lot of people will have the right to remain. We may yet have discussions this morning about students at the end of their period, where they have the right to stay and work under certain circumstances, but not under other circumstances. It would be a bit perverse to set removal directions for every student who was coming to the end of their course.

Chair: All right.

Q62 Mr Winnick: On immigration appeals, on the question of the right of people to lodge an appeal if they want to visit, which has been taken away, it has been restricted in the first place, hasn't it, Minister, before outright abolition? How are you going to define those who want to lodge an appeal with family connections in Britain and those who will not have the right of appeal?

Damian Green: The new regulations came into force yesterday and the appeal right is now restricted to applicants who are more direct family members of the person being visited.

Q63 Mr Winnick: Such as?

Damian Green: Such as sisters, sons and immediate parents. It has stopped distant cousins and aunts and uncles. But you are quite right that the removal of the full appeal right is in the Crime and Courts Bill, so obviously we have to wait until we get Royal Assent for that Bill, assuming parliamentary passage.

Q64 Chair: That will mean all rights to lodge an appeal, if you are refused permission to visit a family member in the UK, go entirely?

Damian Green: It will put family visits on the same footing, therefore, as every other visit to this country and, indeed, family visits to every other country.

10 July 2012 Damian Green MP

Q65 Mr Winnick: That was done previously when your party was in office. My side brought in the appeal system. You do not see any injustice at all in denying people the right to put their case to an immigration judge, bearing in mind of course the number of cases that have been successful? The percentage has been quite high. Perhaps that is the reason for abolition.

Damian Green: I do not see this as an injustice in visitors' visas. Business or even tourist visitors do not have this right of appeal. Again you are completely right. The last time this was introduced was 2000. I looked up what was said at the time. It was meant to be self-financing and fast, and in fact appeals are taking up to eight months and are costing £29 million a year, so this is a burden on the taxpayer, but it is also inefficient. If they have been refused, it is a long and expensive way for them to try to get that decision reversed. It is much better if they just apply again. It is quicker for them.

Q66 Mr Winnick: But that is not probably the view of those involved, including our constituents, of course. How do you see what happened in practice? You are a Member of Parliament like the rest of us. You will have constituents coming to see you saying their relatives have been refused. I do not know what procedure an Immigration Minister has in writing to whoever—that is an interesting question—but for the rest of us we will write to you or UKBA. What then will be the procedure?

Damian Green: Incidentally, the answer to your first question is, the rule is that my constituents must be neither advantaged nor disadvantaged by the fact that I am the Immigration Minister, so I write to the Home Secretary on these cases.

Mr Winnick: I thought so, and have constituents write to you or could—I am sorry.

Damian Green: Indeed, but the underlying point is that nothing should materially increase the work load of MPs or their caseworkers because I am conscious—

Q67 Mr Winnick: It is not the work load. We cannot start complaining about the work load. There will not be much sympathy among the public about us making such complaints. What I am asking you, Minister, is, what will happen in practice if we write, once a refusal takes place? Do we work on the assumption that all we will get is a response saying, in effect, the decision has been taken by the entry certificate officer, or whatever, abroad and the decision has been reaffirmed? Will there be any point in writing in the first place?

Damian Green: There will be as much point in writing as the—whatever it is—50,000 letters I get on a number of subjects, some of which are on the refusal of visas because, as I say, all we are doing is putting the family visit visa on the same basis as another tourist visa, or indeed a business visit visa or a student visitor visa, where I am sure you will be writing on behalf of your constituents saying, "Hang on, this decision is wrong."

Mr Winnick: Yes.

Damian Green: It goes to the ministerial office and then it will be looked at by a more senior member of UKBA. So the same process will apply.

Chair: Thank you. They can reapply, as you said.

Q68 Mark Reckless: Minister, you say we are putting it on the same basis, but is there not a distinction in that whether someone is allowed to see their mother or their son or a sibling. Is that not an issue of a greater degree than whether they are allowed to go on a holiday or potentially see a particular client?

Damian Green: In my experience, everyone who has a visa refused thinks an injustice has been committed, so it does not matter what the purpose of the visit is, they will often complain about it and sometimes they are right and sometimes they are wrong. We get the best part of 3 million visa applications a year, of which we turn down about 500,000. That is 500,000 people who are probably cross, but most of those decisions are correct and they are people we should not have in this country.

Q69 Mark Reckless: Previously, people in this category of family visits who felt there had been an injustice have been able to put that perceived injustice in front of a judge, and you said in not a majority, but certainly in at least a very substantial minority, of those cases, the judges have found your staff have misapplied the rules?

Damian Green: They have not found that. What happens is that most of the appeals lost are lost because new evidence is introduced at a later stage, and that is expensive for the taxpayer and also in a sense makes the system over-cumbersome all round. If there is evidence there that will convince someone, whether it is a judge or an entry clearance officer, that someone should be allowed in just produce it. Do not go through a system that involves lawyers and legal aid and taxpayers' money and takes months rather than days.

Q70 Mark Reckless: But also involves external independent scrutiny of the decisions made by your staff, which you are taking away?

Damian Green: Taking away? I am reverting to what the system was before, and it is the system, as I say, that applies to every other class of visit visa and is applied to family visit visas by every other country. This has been an anomaly of our system for a long time, and it has been an expensive and time consuming anomaly, which I do not think improves the quality of anybody's life, so that is why it is being removed.

Mark Reckless: Just one more question if I may, Chair?

Chair: Of course.

Q71 Mark Reckless: We spoke about this previously, Minister, and I am not sure whether you said you would look at it further. But you said just now the intention of the previous system was for it to be self-financing and not to be a burden on the taxpayer, and I personally think that is a very reasonable objective. But could it not be achieved by

10 July 2012 Damian Green MP

increasing the cost of making these appeals so that it was self-financing?

Damian Green: That would still involve court time, which—

Q72 Mark Reckless: Well, charge the applicants and the appellants for it, but then in extremis there is still at least the possibility of independent judicial scrutiny of your officials.

Damian Green: You would have to make the costs so much that that would effectively be saying—if you want to regard this as justice I would disagree—that certainly the recourse to the law could be had only by those who were particularly affluent, and I think that is clearly a principle that none of us would subscribe to.

Q73 Mark Reckless: But doesn't the possibility of access to judicial independent oversight, even if by a smaller number of individuals, actually give independent scrutiny of what your officials are doing, which may help others?

Damian Green: I think that is slightly tortuous, if I may say so. The idea that you would make it so expensive that only a few people could afford to use the system would be a bad principle to apply to any part of the justice system.

Chair: Thank you.

Mr Clappison: Could I ask a question?

Chair: Yes, of course, Mr Clappison.

Q74 Mr Clappison: I am sorry for my late arrival; I have come from my constituency. The £29 million figure that you gave, does that include court costs or not? Are the court costs on top of that?

Damian Green: No. That is the total cost.

Q75 Dr Huppert: Minister, you will know that I have expressed concerns in the past about some of the proposed changes to student migration. The Home Secretary has stated a package that she says aims to reduce the number of non-EEA student migrants by some 25%. You will know, because we have discussed it before, that the Government's own impact assessment suggests that the cost of this policy will be £2.4 billion, as the Government's best estimate, with a range of £1.3 billion to £3.6 billion, and it is likely to seriously affect the UK's £7.9 billion share of the international higher education market. I am getting many universities and colleges expressing concerns to me and other colleagues. Why is the Government prepared to take this step and cause such damage to so many institutions?

Damian Green: It is not damaging institutions, and also I actually point out that since that impact assessment came out we have had that very, very important Migration Advisory Committee report, which said we should look in a much more balanced way at the benefits and costs of student recruitment, which would produce radically different figures for the impact assessments. First of all, I should say if we are talking about universities, there is no cap on the number of foreign students a university can take, and in a sense this cannot be repeated often enough because often this debate is conducted as though the

Government has introduced that sort of cap. What we have done is introduce rules and proper accreditation procedures, which has meant that more than 450 colleges that used to take foreign students now no longer do. The net result of that has been a very significant fall in the number of student visas. They have fallen 57,000 by the last figures we have, which were up to March. At the same time—and this is also a crucial figure, which is under-reported—the number of those coming in for universities has gone up from 50% to 66%. That has all happened in a year. That is exactly what we intended to do. We want Britain to be open to the brightest and best students. We want them to come and study at our universities. What we do not want is the widespread abuse of the student visa system that used to be there, and within a year those basic figures suggest that we are heading quite fast along the right track.

Q76 Dr Huppert: We all share a desire to clamp down on abuse, and I hope you will continue to listen to the concerns from the universities and colleges.

There has also been some discussion about how you count the statistics, and I am aware of the international definition about what is a student migrant and what is not. Would it be possible for the Home Office to publish two sets of figures, one counting students, one not counting students, so that the target, which your party came up with before the election, of reducing net immigration to the tens of thousands could be applied to a dataset that people are actually concerned about, which does not include the students who come, study and leave?

Damian Green: The important thing is these are not—I mean the Home Office publishes visa figures, but the net migration figures are published by the ONS, and one of the things that the Government, which you and I support, have done is actually made the ONS independent, so that it is for the ONS to decide how it disaggregates its figures. At the moment, I suspect they physically could not produce that because of the long-term difficulties of the international passenger survey of actually getting accurate information back on who leaves the country and, more to the point, why are they leaving the country. I think in technical ways that probably could not be done at the moment.

In any case, the point I always make is that it would be a denial of reality to say that a human being who is here for three years is not an immigrant, where the human being standing next to them, who may have come on a work visa rather than a student visa, is an immigrant, and trying to define our way out of the problem of uncontrolled immigration is wrong.

Q77 Alun Michael: Firstly, I think it is good to hear about the figures in respect of dealing with abuse. But when you say there is no cap on the individual universities and their recruitment, there is a limitation on the overall numbers, is there not?

Damian Green: No. The limit we have put is on work visas; unskilled work visas are zero, skilled work visas are 20,700 a year, but there is no limit on student visas.

10 July 2012 Damian Green MP

Q78 Alun Michael: In terms of the Government meeting its commitment to reduce the numbers of migrants coming into the country, student numbers are included within those numbers, are they not?

Damian Green: Yes.

Q79 Alun Michael: Surely there is a logical difficulty. This Committee has suggested, as Julian Huppert suggested just now, that taking students out of the numbers unless and until somebody applies for settlement, which generally would mean them going abroad anyway to make that application, it is a nonsense to regard them as migrants because they are not migrants. They are coming to study, and there is a danger of undermining something that is very important to other countries and is the source of Britain's soft power over generations. Do you not accept that?

Damian Green: The bit I do not accept, and we will just have to agree to differ, is that somebody who is here for three, four or five years on a student visa is not a migrant, whereas anyone who is here for more than a year on any other visa is a migrant. I do not think that is a real distinction at all. They are here. They are living somewhere, so they are taking up housing. They are using public transport. If they are here for three years they probably use the Health Service at least once, and so on, and they are bringing the economic benefits. I am not saying it is all bad, but—

Q80 Alun Michael: There may be an argument for other people who are here for a short term, for instance in relation to work, and I think there are many employers, particularly in the IT industry, who would make that point. But is it not the case that perceptions of Britain being closed to students, because of these limitations, are likely to cause us problems in the way that it did for Australia and the US when they limited people coming to the country for the purpose of studying and that this is doing economic damage to the UK?

Damian Green: All I am saying is there is no evidence of that. We are having this debate publicly now and it has been had all over the place for the past few months, and that debate has been heard around the world. During that period UCAS tells us that non-EEA applications to British universities have gone up 10%, so the idea that applications have fallen off a cliff because of this change of policy is simply factually not true. What I want to see is high-quality students coming to high-quality institutions in this country, and I think that can be combined with the reduction in numbers.

To go back to your original point, you are quite right that of course to hit our target we will need a reduction in student visas. As I say, in the first year when this policy was only being done partially, because we only introduced some of the restrictions this April—we do not have those figures yet—we saw a reduction of 57,000 in student visas.

Q81 Chair: Just to be clear, rumours in the newspapers, the article in *The Sunday Times* that

Downing Street had decided to change the position—those are not correct?

Damian Green: That is not true.

Q82 Bridget Phillipson: The National Allegations Database was due to be launched this month. Is that still on course for launch?

Damian Green: It is still on course for launch, but I think the full launch will not happen until September for all sorts of reasons that I suspect the Committee understands. We do not want to do it before the Olympics, so there is quite a lot of work being done on other things over the next couple of weeks. Also, long and sometimes better knowledge of Government IT projects suggests that when you want to start something like a national database you make sure the kit is going to work before you do it. It is a hugely important step forward, I think, but at the moment it is scheduled for launch in September.

Q83 Bridget Phillipson: On a separate issue, last week in the Chamber we debated the Committee's report into the work of the UK Border Agency, and I raised some concerns particularly around initial decision-making in women's asylum cases, and the need for change in some areas. I appreciate time was limited then and it is limited now, so could you write to the Committee and just explain what progress is being made by the Home Office and the UK Border Agency in moving towards a more gender-sensitive system, on training for staff, on female interpreters and on those issues that I raised with you in the Chamber?

Damian Green: I will be very happy to do that. I will write to the Committee about that.

Chair: If you could write to us and tell us why this project has been delayed, that would also be very helpful, together with a start date. We support fully what the Government is doing on this. There were 25,000 allegations made against individuals being here illegally and, therefore, we support what you are proposing.

Q84 Michael Ellis: What about Eurotunnel, Minister? They have seen apparently, they tell us, an increase of 18% on last year's ticket sales over the period coinciding with the Olympics. Is anything being done to increase capacity at UK border controls in the French places where Eurotunnel passengers have already seen long queues apparently—Coquelles, is it, and Nord-Pas-de-Calais?

Damian Green: Coquelles is the—

Chair: Bear in mind the French President is here today.

Damian Green: Indeed, and is very welcome. Indeed, I met the new French—

Michael Ellis: Did he have to wait in the queue?

Damian Green: No, he didn't. Well, I met the new French Interior Minister the week before last and we discussed this. There have not been border-related long queues at Coquelles, I do not think. As I say, in all these things there may be an occasional one, but it is not a question of a massive problem. But the short answer to the question is, yes. Just as we expect more traffic at Heathrow, and therefore we have made

10 July 2012 Damian Green MP

provision for that, we will be making provision for more staff to be available for Eurotunnel as well. An insight into the detail is that we expect that route will not be so much used by athletes and officials, but is quite likely to be used by fans who are just coming to see the Olympics, and they are more likely to use the train because, for obvious reasons, the bulk of them will be coming from the rest of Europe.

Q85 Michael Ellis: So you are looking at that?

Damian Green: Not just looking at it; we have plans to make sure there are more—

Michael Ellis: To increase staffing?

Damian Green: Yes, increase capacity.

Q86 Chair: Finally, Minister, the Home Secretary told the House yesterday she is preparing the new “Life in the UK” book, and it has been suggested by some that some of the questions may be actually harder for those of us who have been in this country for a long time. Do we have a definitive of this new test?

Damian Green: We haven’t yet. As you can imagine, the text is being worked on very hard and very carefully, but to answer the question completely seriously, the problem is partly with—I mean, the original book, I thought, was poor.

Chair: Too weak; how to claim benefits, I think you told the House yesterday.

Damian Green: Yes, I want more than that.

Q87 Chair: I have not found the sentence on that yet, but it is in there, is it?

Damian Green: There are lots of annexes, which give you full details about what to do, and not anything like enough about what Britain is like, what the history is like, and all of that. As I say, we want more history, more about British values, more about how British people like to live and less about how to claim benefits. But then out of the booklet comes the test, and the problem is—it is a genuine problem; I have not criticised anyone for this—how do you take that and turn it into a test that people can pass? The temptation is to take every individual fact and make that a potential test question, so I think—

Q88 Chair: Would they be expected to know, for example, the national anthem?

Damian Green: Yes, absolutely.

Q89 Chair: So you would be able to help us with the second verse of the national anthem?

Damian Green: The second verse or the third verse. The second verse that we sing today we sing very occasionally.

Q90 Chair: You do not need to sing it, but can you tell us what it is? The first line?

Damian Green: “Thy greatest gifts in store, On her be pleased to pour, Long may she—”

Chair: No, that is the third verse.

Damian Green: That is the third verse?

Chair: Yes, so what is the second verse?

Damian Green: That is the second verse that we sing. The second verse is the one about “Confound their politics, Frustrate their knavish tricks”—

Chair: First line?

Damian Green: I can’t remember what the first line is because we never sing it. It is the verse that I have just quoted, which is, I know, the third verse, which is taken as the modern second verse.

Q91 Chair: Will they be expected to know all the verses?

Damian Green: They will only be expected to know the first verse.

Chair: Only the first?

Damian Green: Yes. I am more than happy to sing it to the Committee, but I think, since we have not had lunch yet, that would be a bad idea.

Chair: Well, before this degenerates into lots of conversations—

Q92 Mr Winnick: We are returning on 3 September. Perhaps there is another question to you. Do you know all—

Damian Green: Do the second verse as well? There is a sixth verse, which is very anti-Scottish, which would be wholly inappropriate in current circumstances.

Chair: Well, we do not want to create a row.

Michael Ellis: It is not a quiz.

Chair: Mr Winnick was going to say something profound—

Mr Winnick: Yes.

Chair: Or not.

Q93 Mr Winnick: Your knowledge of contemporary history, I am sure, Minister, is very good indeed. We are returning on 3 September. Does that date mean anything to you?

Damian Green: 3 September—is this a question I can write to the Committee about?

Q94 Mr Winnick: I would have thought you would have known that, but not to worry.

Damian Green: Give me the answer, then.

Chair: Give him the answer.

Damian Green: Do not hold us in suspense.

Mr Winnick: When we entered into perhaps what was the most decisive war we have ever fought.

Damian Green: Oh, in 1939?

Chair: Yes, exactly. You pass. You will get a passport. Thank you very much.

Damian Green: I am grateful.

Supplementary Written Evidence submitted by Damian Green MP, Minister for Immigration

Thank you for your letter of 12 July following my oral evidence before the Committee on 10 July. I would like to add some clarification to the points in your letter and in the evidence session.

1. We committed to having all desks at all of the key south-eastern ports open during peak times over the Olympic period. Please refer to question 8 of the transcript of the session.

2. The National Allegations Database remains on schedule for launch in 2012. The current target date for implementation is 30 September 2012. This is later than initially envisaged due to longer than planned contractual negotiations, and our inability to test data integration issues during the Olympics period. We will be testing the database throughout September and go live on 30 September.

3. The Migration Refusals Pool (MRP) is an internal tool to help case workers prioritise for removal migrants who have been refused further leave to remain. All individuals within the MRP have had a decision on their case, so it is not a backlog. Between January and July 2012 Serco provided a free of charge service in the London and the South East area to ascertain the cost and effectiveness of a new approach to the MRP. We will shortly be signing a contract with an external provider for contact management and casework of the MRP.

4. The pilot was not the Smart Zones trial. It involved providing separate lanes for some low risk, high volume nationals. These are generally nationals of countries that do not require a visa and that evidence has shown have much lower instances of immigration abuse. The pilot was conducted at Heathrow only, and the findings will allow Border Force to evaluate the effectiveness of dedicated lanes on waiting times. Please note questions 21 and 22 of the transcript of the session: I told the Committee that we may approach other countries to request a reciprocal arrangement, depending on the outcome of the pilot in the UK.

5. We are aiming to publish the new Life on the UK handbook in the autumn and to begin testing on it by the end of the year.

I would like to clarify the situation with regards to the full right of appeal against refusal of a family visit visa. Other countries do provide for a full right of appeal in these circumstances. However, it remains the case that removing the full right of appeal will bring the UK into line with several other countries, for example New Zealand, Canada and the USA.

A copy of this letter will be placed in the library of the House.

3 September 2012

