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TAKEN BEFORE THE
HOME AFFAIRS COMMITTEE

THE WORK OF THE HOME SECRETARY

TUESDAY 15 OCTOBER 2013

RT HON THERESA MAY MP

Evidence heard in Public

Questions 86 - 171

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Oral Evidence

Taken before the Home Affairs Committee

on Tuesday 15 October 2013

Members present:

Keith Vaz (Chair)
Mr James Clappison
Michael Ellis
Dr Julian Huppert
Steve McCabe
Mark Reckless
Mr David Winnick

Examination of Witness

Witness: **Rt Hon Theresa May MP**, Home Secretary, gave evidence.

Q86 Chair: Good afternoon, Home Secretary. I apologise for keeping you waiting. I am afraid there have been a couple of votes that we have all had to attend, and there will be one at 4.30pm so we will break into the session for that. Thank you for coming.

I am going to start with a couple of issues that are in the public domain and then move on to Europol, which was the original reason why we asked you to come in here. I am going to start with the report of the IPCC into Operation Alice and the very surprising, and some would say shocking, conclusions of Deborah Glass. In respect of those who attended the meeting with Andrew Mitchell, she says, “Their motive seems plain. They were running a successful, high profile anti-cuts campaign and the account that he”—Andrew Mitchell—“provided to them did not fit with their agenda.” That is a pretty shocking statement from the IPCC. Do you agree?

Mrs May: Thank you, Chairman. You will appreciate that until now I have not been able to comment on this case because it has been the subject of ongoing investigation and I can’t comment on the original incident in Downing Street because we are still awaiting the report from the Crown Prosecution Service in relation to that. But, as you say, the IPCC has now made its statement about the incident that took place when Andrew Mitchell met Police Federation representatives in his constituency office in Sutton Coldfield. I agree that the IPCC statement makes troubling reading. If it is indeed the case that warranted police officers have behaved in the way that Deborah Glass has described then that is not acceptable at all.

Having received the IPCC statement, West Mercia Police do have the ability to decide to begin disciplinary proceedings against the officers involved. I understand that they have said that they won’t do so. There is not a legal power for anybody to compel them to do so and under the existing laws the IPCC cannot at this stage do anything further. If they had taken over the investigation in the first place, rather than passing it back to West Mercia, that would have been a different matter. In future, as you know, we are transferring more resources to the IPCC for them to take on more investigations themselves but it would be a matter for them to decide whether to intervene and whether to let a force lead an investigation or not. I defend the operational independence of the police, and I always have done so, but in

my personal view, in view of the statement that has been made by the IPCC today, I think it is quite wrong of West Mercia not to take disciplinary proceedings against these officers.

Q87 Chair: Basically what they were doing is running a campaign against the Government's policing policy, and you are the Home Secretary, so it was what they call a high profile anti-cuts campaign. It seems that Andrew Mitchell got in the way of this and therefore he was the fall guy, in a sense, so they came out of the meeting and said something that was different. In your view as Home Secretary, although you accept this is a matter for West Mercia Police, do you think it would be right for them to hold these disciplinary proceedings now?

Mrs May: As I have just said, Chairman, I think that in light of the statement that has been made it would be wrong of them not to hold disciplinary proceedings against these officers. The comments that the IPCC have made in relation to this matter are quite clear.

Q88 Chair: In respect of the other matters concerning Mr Mitchell, he has always maintained his innocence. From the time he came out of that meeting, he was very clear that this is not what happened in the meeting. Does it make you worry about the whole issue of the integrity and ethics of the police? This has been one of your key visions as Home Secretary, and you have been in the job for 1,253 days. I don't know whether you are counting, but I am.

Mrs May: I wasn't, Chairman, actually.

Chair: It is a long time. You have made it very clear when you have appeared before this Committee that you want to see a new police force with ethics and integrity at the root of the police force. Does this undermine what you are trying to achieve?

Mrs May: The first point I would make is that the vast majority of police officers operate honestly and with integrity. They do their job day in and day out to keep us safe and to catch criminals and cut crime. Sadly, when any officer behaves in a way that is not with the same degree of integrity that, of course, does have an impact on people's perception of the police. For the police to operate, the public must have trust in the police. Incidents such as this, if it is the case, as Deborah Glass has described, do bring people to question their trust in the police, as I say, potentially against the police generally, although it is the case that the vast majority of officers operate honestly and with integrity.

We have taken some steps in relation to integrity because even without this incident and this description that we have now had from the IPCC, there have been a number of issues that have raised the question. One is the results of the independent panel from Hillsborough. There are a number of other cases that have questioned issues around police operations; the fact that we have had a chief constable arrested. These sorts of issues do start to strike at this. That is why the College of Policing will produce a code of ethics, why we are introducing the new arrangements such that there will be a list of struck-off police officers and any disciplinary proceedings will be continued with even if somebody chooses to resign or retire. In the past what happened was the disciplinary proceedings were not proceeded with. They will be in future, such that that individual could go on a struck-off list and not be employed by another police force.

Q89 Chair: You are very clear in what you want to do. In respect of Andrew Mitchell, finally from me, do you think that the Chief Constable of West Mercia really ought to apologise for the way in which this matter has been handled? I don't recall such a damning verdict coming from the IPCC about a police investigation before. Do you think that would actually help Mr Mitchell in respect of this—nobody seems to be keen, apart from you and the IPCC, certainly nobody in West Mercia seems to be very keen to have a disciplinary

hearing for whatever reason—that an apology is due to Andrew Mitchell over what has happened?

Mrs May: I think Andrew Mitchell himself has said today that he and his family were waiting for an apology and it would appear they have been waiting in vain. I have made the point I have about disciplinary proceedings.

Q90 Chair: Do you think there ought to be an apology to Andrew Mitchell?

Mrs May: In a sense the best approach would be actually for disciplinary proceedings to be taken against these officers, but the police should be clear. The IPCC report is very clear about what they believe has happened in this case and I think it would be appropriate for the Chief Constable to indicate to Andrew Mitchell that he recognises what has happened here.

Q91 Chair: And apologise?

Mrs May: I think that would be appropriate.

Chair: Thank you.

Q92 Mr Clappison: Home Secretary, I think we are very grateful to you for your considered and measured response to something that has only just come to public light. Speaking for myself, I very much welcome both the tone and the substance of what you have said to us today. All I can add is in looking at what the IPCC have said—and of course that is the body that was set up to monitor and hold the police to account—in the light of what the Chairman was saying, I would simply ask you to reflect upon what they have said about the issues that are at stake here. What Ms Glass has said, and I quote from her words about this, “In my opinion, the evidence indicates an issue of honesty and integrity not merely naïve or poor professional judgment.” In the light of that comment that this goes to the integrity of the police officers, I would simply suggest to you and ask you to reflect on that this is a matter that cannot be left to rest where it is at the moment.

Mrs May: I think I have made myself clear in what I think should happen in relation to disciplinary proceedings. If I may pick up what you say, Mr Clappison, in this way as well. As I said earlier, for the police to be able to operate they need the trust of the public and these sorts of incidents strike at the heart of that issue of trust. I think many members of the public will say, “Here was somebody who was a Member of Parliament, had been a Cabinet Minister, and yet this has happened for that individual. What chance is there for a member of the public?” It matters if any member of the public, any individual, is treated in this way.

Q93 Mark Reckless: When the Metropolitan Police Commissioner was here recently he did use the word “sorry” in respect of Andrew Mitchell. Home Secretary, do you have any understanding of why West Mercia Police do not intend to take any further action?

Mrs May: I can only go on the limited statement that I have seen from West Mercia on behalf of the three forces in relation to the meeting that took place at Sutton Coldfield. My understanding is that they had done their internal investigation, which was supervised by the IPCC. They came to a view that there was nothing to answer, there was no requirement for disciplinary proceedings. Obviously we have the situation where the IPCC have taken a different view and have made that different view clear. As I understand it at this stage, West Mercia have said they will not be taking any disciplinary proceedings.

Q94 Mark Reckless: Can we expect the public to have confidence in the West Mercia force in light of that decision?

Mrs May: I hope that the public would be able to look to the vast majority of West Mercia officers and the work that they do day in and day out to keep members of the public

safe, to prevent crime and to cut crime in the West Mercia area. I hope people would have confidence in the work that the police are doing in that sense. As I have just indicated, incidents such as this for some people will raise the question of trust in the police but I hope people would look at the generality of what West Mercia police officers are doing day in and day out.

Q95 Mark Reckless: Do you think there is any scope for the West Mercia Police and Crime Commissioner to assist in assuring confidence in the West Mercia Police, given what has happened? Is that something they can assist with at all?

Mrs May: As you know, one of the purposes of having directly elected Police and Crime Commissioners is for them to be able to represent the views of the public, the voice of the public, and to hold the force to account. It is not for me to tell the directly elected PCC in West Mercia how to do their job, but obviously they have a role in holding the force to account and representing the views of the public.

Q96 Mark Reckless: Ultimately the Chief Constable serves at their pleasure.

Mrs May: Indeed. It is for the PCC to hold the Chief Constable for the force to account.

Q97 Michael Ellis: Home Secretary, I appreciate this is a report that only came out a few hours ago but it is deeply shocking, I think you will agree with me, that Deborah Glass, the Deputy Chair of the Independent Police Complaints Commission—I have not seen a report as damning as this, such a damning verdict, and I have been involved in the criminal justice system for 15 years before coming to this House. Andrew Mitchell complained about officers' conduct. An internal investigation took place. The report from the IPCC says, "The investigating officer concluded that while the federation's representatives' comments to the media could be viewed as ambiguous or misleading, there was no deliberate intention to lie." Ms Glass then says she disagrees, so she believes there was a deliberate intention to lie. These are warranted, uniformed police officers who have, in the opinion of the IPCC, lied. She goes on to indicate effectively that this is a brazen, raw, political agenda. She says, "The motive is plain. They were running a successful, high profile anti-cuts campaign for political reasons." It is being suggested by this highly respected Independent Police Complaints Commission that the account that their victim, Andrew Mitchell, provided to them did not fit with their agenda and so they were effectively lying.

Do you have any confidence, in the circumstances, that the police can investigate themselves when we see the result of West Mercia's internal investigation?

Mrs May: You are right, Mr Ellis, to draw attention to the comments that the Deputy Chairman of the IPCC has made in relation to this case, and they are stark. I think the contrast between the comments that Deborah Glass has made and the result of the internal investigation could not be starker. It is the case that the IPCC chose to pass this to the force for their investigation as a supervised investigation and that had certain implications in terms of how that investigation was then taken forward. As a Government, we have said that we think that there are more cases where the IPCC should investigate matters itself rather than being investigated by the police. I think this is one of the issues that members of the public do raise about the concept of the police investigating themselves, and so we are in the process of discussing the resources that should be passed to the IPCC to enable them to do just this, investigate more cases themselves, although they would still be in a position of deciding which to investigate.

Q98 Michael Ellis: You have alluded, Home Secretary, already to the concern that I think everyone around this Committee table, and anybody watching, will have that any member of our constituencies, any member of the public is going to have a loss of confidence in the police, that if they think that this can happen to someone in an extremely high profile position, it can certainly happen to them. That is the principal concern that I think we must all have.

Mrs May: There is a danger that that is the concern that people have, but I think we need to ensure that people recognise, as I have said, that the vast majority of police officers do their job day in and day out and many of them put their lives at risk. I was at the funeral of a police officer last week who died in the line of duty.

Chair: Indeed, and the trouble with this particular case is that it means these particular officers have let down their colleagues and made it more difficult for their colleagues to do their job effectively. The Committee has decided to call the Chief Constable of West Mercia to give evidence to us next week for an explanation as to why there has not been disciplinary proceedings taken. We agree with you that it is totally unacceptable and that there ought to be an apology. That is the view of the Committee. We will be calling him to give evidence next week.

Q99 Mr Winnick: Home Secretary, if Andrew Mitchell was stitched up that will be deplored by all of us, whether we are critics or otherwise of the Government, and I hope you will accept that. Would you accept also that those police officers who are critical of your policies as regards police numbers and the rest, leaving aside those who are allegedly involved in the stitch-up, are perfectly entitled to their views and are in no way wishing to undertake activities that are totally unacceptable and could well be criminal?

Mrs May: I agree that of course individual officers are entitled to their views and those views will differ among officers on many aspects of government policy, but that is a different matter from the sort of action that has been described by Deborah Glass in her report. It is entirely open to individuals to make their feelings known about policy. I am sure every Member of Parliament from time to time will have discussions with local officers about various aspects of policy.

Q100 Mr Winnick: Past very serious police misbehaviour in historical cases—the Birmingham Six, the Guildford Four—did not mean in any way that, despite what those officers did at the time and which was condemned, the overwhelming majority of police officers were not carrying out their duties in a proper way.

Mrs May: That is absolutely right, and I think we should make clear that the overwhelming majority of police officers do carry out their duties in the proper way. As I say, they do that on daily. They put themselves at risk for us, to keep us safe and to cut crime and to prevent crime. We should not allow anybody to think anything other than that is what the overwhelming majority of officers are doing and doing perfectly properly day by day.

Q101 Chair: Good. Let us move on to current issues in immigration and then Europol. I want to start on Europol before the break. The Chancellor has been making a number of announcements on immigration in Beijing. I hope he has your signoff on these. I think his last statement is that he wants no limit on tourists from China, no limit on students from China and no limit on those wanting to do business from China. That is quite a different tone from the one that has been adopted in this country on immigration, which is that we want to see proper restrictions.

Mrs May: With due respect, Chairman, I don't think it is different from what we are saying. We do not have a limit on the number of university students who can come here, and

in fact the last figures show an increase in the number of Chinese students coming to study in the United Kingdom. What we do have is a changed policy on student visas, which means that we have been able to cut out abuse of the student visa system. We continue to work on that, but I think the figure is now something like over 700 institutions are no longer able to bring in overseas students and so we have been able to cut out significant abuse that was taking place in the student visas. But it is important to consider and to clarify the difference between people who are migrating to the UK for a period of time and those who come here as visitors. What the Chancellor has been announcing in his trip to China is a number of changes that we have been making to the process of visa applications. We have been improving our visa application offer in China and elsewhere in the world for some time now. This is part of the natural development, to ensure that we can encourage people to come here as tourists, which is of benefit to the UK economy, to ensure that business people who want to come here to invest have a proper process of visa application that does not act as any barrier to them coming here to invest, because that is also good for the UK economy.

Q102 Chair: Of course, but what is puzzling is that he seems to have signed us up to Schengen through the back door because when he made his announcement he said that Chinese tourists are able to apply for a UK visa using a Schengen form. A couple of hours later I think it was being briefed that he had got it wrong and then the mayor has just made a statement saying the details have not been worked out. We have not joined Schengen in Beijing, have we?

Mrs May: No, Chairman, I can assure you that we have not joined Schengen in Beijing and that we are not in Schengen, will not be in Schengen. We wish to maintain the ability to control our own borders. What we have done though is looked at the situation, at what information is required for the various visa applications, and we have agreed a procedure whereby those people who are completing a visa application for a Schengen country can, with the addition of some limited information, use that information rather than having to complete a entirely separate form. It will be of most benefit to those agents dealing with tourist groups who are able to take one set of information from individuals and ensure that for the Schengen visa that goes to the Schengen application country and for the UK visa it comes to the UK.

Q103 Chair: So the details have not really been worked out?

Mrs May: No, the details have indeed been worked out, Chairman.

Q104 Chair: So the Mayor of London is wrong. In respect of the way in which applications are being made, it will mean that you might not meet your target of reducing net migration below 100,000. There are a billion people in China. If they choose Britain as a destination and they stay more than 12 months—and we have been saying, “Don’t count students in your total,”; we said that right at the start—your figures are going to be skewed. Isn’t this is a coach and horses through your commitment?

Mrs May: No, it is not, Chairman. It is a sensible development of the way we provide for people to make visa applications. As I say, we continually look at the visa application process to ensure that it is providing the service that is needed by business and others. Of course, UK Visas and Immigration’s task is to make the right decisions in relation to people’s visa applications but to do so in a way that does not act as any sort of barrier to people who have a legitimate right to come here, for example to invest and wish to invest in the UK economy. We have not changed the criteria for people migrating to the UK, for example for the Tier 2 visas or for people who want to come here as students. We have not changed any of those criteria. We have made a number of changes that ease the application process, particularly for tourists and business people who want to make short trips to the UK for

business purposes. As I say, this is part of the ongoing development of our visa application offer.

Q105 Chair: You don't mind the Chancellor making all these statements about immigration policy thousands and thousands of miles away from the House of Commons?

Mrs May: I am very happy. I agreed with the Chancellor that he could indeed do this

Chair: Excellent. Dr Huppert, I don't know whether you signed up to this as well.

Q106 Dr Huppert: I don't think, Chair, I have the role to sign up to these things, which I am sure many people are very pleased about, but we would, of course, like to see a situation where people who are legitimately coming here can do so easily. On a slightly different subject, can I ask, do you trust this Committee? I hope that is not a hard question.

Mrs May: It is a slightly strange question. What I would say is that obviously the Committee provides reports from time to time and sometimes there will be an agreement with the views that the Committee has expressed, sometimes there will be a disagreement.

Q107 Dr Huppert: But you trust the Committee? I am not saying disagreeing.

Mrs May: What I am not sure about, Dr Huppert, is if I say I trust the Committee you will expect me to agree with everything the Committee says.

Q108 Dr Huppert: I would never expect that, Home Secretary. The question is about the report that we have had from the Independent Inspector in Borders, which we discussed at our last session. I understand that you are not currently prepared to provide unredacted copies to this Committee in confidence. It seems to me it would be very helpful for us to understand what the actual issues are and that seeing the unredacted version would enable us to see what is happening. I know that you are prepared to share it with another committee. I was wondering whether you might be prepared to rethink that.

Mrs May: It is very simple, Dr Huppert. There are matters that were in that report that relate to national security. Those are matters that it is not appropriate to be discussed in open session, as this Committee would, and to be put in a report to this Committee. But I do take the view that there should be some form of parliamentary scrutiny of those matters and that is why those matters will be referred to the Intelligence and Security Committee, which is of course the body that is set up. The recent changes in the Justice and Security Act have strengthened the ability of ISC to deal with national security matters and strengthened its relationship with Parliament. That is the committee that is set up to look at national security issues.

Q109 Dr Huppert: I think it is a shame that you are not prepared to let this Committee see the full version. Obviously we would not want to discuss it in open session but I think it would be helpful to reassure ourselves of what the problems are but also to be sure that it is only national security evidence that is being removed. Perhaps you might reflect on that later.

Mrs May: On that matter, Dr Huppert, you will have to trust me.

Q110 Dr Huppert: Can I move on to another somewhat related issue? You and I don't agree about the Communications Data Bill and a range of subjects. I don't want to go into the details of that. It has been explored quite often. You are presumably aware that there have been a number of conversations happening in the press and in other countries but very little public debate in the UK about the operating licence for the security service, intelligence services. We have recently seen Sir David Omand, the former head of GCHQ, say that he

thought the agencies would welcome deeper and more informed oversight, and similar comments from Dame Stella Rimington, the former head of MI5. Would you agree that there should be a public debate within Parliament about what the rules and framework should be? We, and everyone around the House, may disagree on what they ought to be but that public debate about the permission given from the public would actually be very helpful for everybody, including the agencies themselves.

Mrs May: I would refer you, Dr Huppert, to the fact that, as I have just indicated in relation to the ISC, one of the things that the Government did when we came in is a number of matters went into the Justice and Security Bill, which is now an Act. One of the issues that did go into it was this question of oversight of the agencies, particularly in relation to the ISC. The matter was discussed and was the matter of public debate and debate in Parliament at the time that the Green Paper was produced and that Bill was going through Parliament. This is not a subject that has not been raised recently. It is a subject that has been looked at recently and decisions have been taken in relation to that.

Q111 Dr Huppert: As you will be aware, there have been a number of revelations since that happened that have had very little discussion and we are hearing more and more that there is appetite for discussion. There will be a number of perspectives, and I have no problem with the idea that there will be different views, and of course nobody wants public airing of matters that should be kept confidential. I think we would be clear on that. But it does seem to me at least that Parliament should have the opportunity to talk about this. Do you agree?

Mrs May: Parliament is a body that debates a number of matters. Some of those matters are decided by Parliament and some is a matter of Government legislation. The Government brought legislation through Parliament, took it through Parliament and produced a Green Paper in advance of that, which did look at this issue of oversight. As I indicated earlier, the oversight of the Intelligence and Security Committee was strengthened and for the first time there will be public evidence sessions for the ISC from the heads of the agencies. I think many people would argue that that is an interesting and good development that takes oversight forward.

Chair: Good. That was not quite immigration. We allowed licence to Dr Huppert, as one does, because he has to be away for the vote. Mr Clappison, we are still on immigration?

Q112 Mr Clappison: Yes. Home Secretary, I don't know if you have been able to catch up with the poll that appeared today—I think it was in YouGov—that showed that 78% of the population felt that immigration had been too high in the past and three-quarters of the Labour Party's own supporters felt that immigration had been much too high when Labour were in government. What progress are you making in bringing down the very high levels of migration that you inherited, which resulted in 4 million extra people coming to this country in a decade?

Mrs May: I have seen polling figures in relation to the concern that people have about immigration. Immigration has been good for this country but uncontrolled immigration is when the problems start to arise and that is why we want to bring some control into it. It is exactly what we have been doing. We have looked across every route into the UK, we have made changes, and I am pleased to say that immigration has come down since we came into Government and net migration has come down by a third from its peak in 2010.

Q113 Mr Clappison: One of the features of uncontrolled immigration that we saw in that decade was that when there was an increase in people coming from the European Union when the accession took place in 2004, at the same time more or less uncontrolled

immigration took place from outside the European Union through the issuing of work permits by the Labour Government. Is this something that you are looking at very carefully? Do you think that employers in this country should look at the many talented young people we have in this country, young graduates, young technical people, and if they are not satisfied with them then the pool of labour that exists in the European Union, before they start applying for work permits to import workers from outside the European Union, even though the present leader of the Labour Party seems to want to revive immigration from outside the European Union for work vacancies?

Mrs May: I understand that there has been some indication from the Opposition that they may be looking to increase immigration. I think it is important. One of the commitments the Conservative Party came in with, and was then agreed in the Coalition Agreement, was that we would introduce the cap on non-EU economic migrants, which we have introduced. I think that was an important step that we took. There is an issue that goes perhaps at the heart of what you are saying in relation to people living in the UK, which is a whole question of ensuring that people have the right skills and training to enable them to take on the jobs that become available. When I came into the Home Office, I was told that the previous Government's belief had been that there was no displacement of UK residents looking for jobs when immigrants came in to take jobs here in the UK, and I said I did not believe that. I asked the Migration Advisory Committee to look at it and they said indeed there was a displacement. It is not one for one but I think the figure, from recollection, was that for every 100 migrants who come into the UK, 23 people living in the UK will not be getting jobs.

Q114 Mr Clappison: I think there is a House of Lords report that concluded much the same thing. Do you think those employers could have a little bit more confidence and perhaps invest a bit in training young people where it needs to be done? We do have some excellent young people looking for work.

Mrs May: We do have excellent young people looking for work. I hope that we would all be doing what we can to ensure that young people are able to develop the training and skills that they need to be able to take the jobs that are available.

Q115 Steve McCabe: Home Secretary, if the Chancellor's initiative proves successful and we do see a substantial increase in legitimate students from China coming to this country, what group will you turn your attention to to ensure that you continue to bear down on immigration? It will not be possible with that increase in numbers for you to continue to argue that you are cutting it unless you are able to reduce some other group.

Mrs May: Obviously we look continually at what is happening with the figures on migration. We look across the board at the various routes into the UK and to make sure that we are doing what we want to do, which is to ensure that the brightest and the best can come to the United Kingdom and that we cut out abuse in the system. What I would say to you, Mr McCabe, is that it is not if you suddenly get some more students coming from one particular country you clamp down on another particular group.

Q116 Steve McCabe: How could the overall figure go down, Home Secretary, if the number of students goes up significantly? I am just trying to understand the mathematics of it.

Mrs May: I am trying to explain that we consistently look across the various routes to ensure that we are making sure that we are cutting out abuse that takes place in the system, that the people who are coming here are people who are wishing to give benefit to the UK, contribute to the UK. But of course the equation is not just about people coming into the UK. It is actually about removing people who are here illegally as well. It is about removing—

Q117 Steve McCabe: Do you think you could make up the gap in numbers with the number you are able to deport?

Mrs May: First of all, there is no gap in numbers currently that needs to be made up of the sort that you are describing, Mr McCabe. We have seen net migration fall by a third since the peak in 2010 and we have continued to see overall the visa numbers fall too. One would expect that then to be reflected in migration numbers. So there is not a gap that has opened up that you are suggesting.

Q118 Steve McCabe: No, but yesterday the Chancellor was campaigning to increase the numbers. I am just asking how you are going to compensate for that increase.

Mrs May: The Chancellor has not suddenly introduced a new policy on immigration. We have not—

Q119 Steve McCabe: No, but he was campaigning to increase the numbers of students from China. It is not a trick in any way. If he is successful and we see legitimate students from China increase substantially in number, the logic is that immigration figures will go up unless you are able to compensate in some way. I am only asking how you are going to achieve that.

Mrs May: I was trying to answer your question, Mr McCabe, and I think I had got to the point where I was explaining that if you are looking at the net migration figures the issue is not simply the number of people who are entering the UK as migrants. There is also an aspect of that figure that is about the number of people who are leaving the United Kingdom. Removing illegal immigrants is one of the other aspects of looking across the spectrum that we are now able to pay more attention to, partly because I have abolished the UK Borders Agency, I have introduced the new UK Visas and Immigration part of the Home Office and the Immigration Enforcement part of the Home Office. That is enabling us to shine a much greater light on what both of those organisations do, to improve the service we offer at UKVI, but also on Immigration Enforcement to look much more clearly at ensuring that we are removing people who have no right to be here.

Q120 Chair: Let us just quickly go through. I will ask quick questions and if you can give quick answers and members of the Committee will do the same, because we have a vote in nine minutes and I want to finish immigration. On getting people out of the country, you talked to the Conservative Party conference in your speech about creating a really hostile environment for illegal immigrants. Were the vans your idea or were they the idea of an official?

Mrs May: Over the summer there were a number of pilots, a number of operations took place.

Chair: But the vans in particular.

Mrs May: The vans were part of that. It was part of a package that was looked at.

Q121 Chair: Was it your idea?

Mrs May: It was part of a package that was looked at and agreed that this package would be put forward.

Q122 Chair: But was it your idea?

Mrs May: If you are saying to me, Chairman, did I say to them, “I think it would be a jolly good idea to have vans going round the country,” no, it was not my initial idea.

Chair: Excellent. That is all I wanted to know.

Mrs May: The package was brought forward and looked at, and there are variety of elements to it.

Q123 Chair: Of course. I am grateful that it was not your idea. The Deputy Prime Minister is very much against the idea of the vans, as is your new Minister in the Home Office, Norman Baker. I know you are going to tell the Committee that you are going to look at the pilot and the results of the pilot, but we do know that the vans cost £10,000 and they were out for only six days. Mark Harper has told us that if one person has left the country as a result of the vans going out for six days and costing £10,000 then that is a victory. Would you regard that as a good benchmark? Are we going to see the vans again?

Mrs May: I am afraid, Chairman, you have already answered your own question because what I will say to you is that I am waiting to see the evaluation of the pilot before I make any decisions.

Q124 Chair: I thought you would say that. Secondly, are bonds out now? A large part of your speech was citing your Coalition partners as saying they had scuppered the bonds, but you and I have a long memory, longer than Mr Clegg's. The idea of the bonds was the Deputy Prime Minister's, I think, last year, but he has changed his mind subsequently, as you said in your speech. It is not a secret; you said it in your conference speech. Are we going to have these bonds or not?

Mrs May: The bonds were an older idea than last year and it is something that we have been looking at, and we are still discussing the issue of bonds. What I am clear about is two things in relation to bonds. First of all, we are not talking about something that is widespread. We are talking about something that would apply to a limited number of people and the idea that I have been looking at is piloting the bonds to see if they are effective.

Q125 Chair: Is the pilot still on? The Deputy Prime Minister is very much against it.

Mrs May: We are still discussing the issue of bonds, but they must be about deterring over-stayers. That is the key.

Q126 Chair: Thank you. I will accept that. As far as Romania and Bulgaria are concerned, you have 77 days to go before restrictions are lifted. The Foreign Minister of Romania, Titus Corlăţean, was in Britain last week and he was very critical of the xenophobic populist press and unprofessionalism of certain politicians. I think he was not directing it at anyone in this room but those of another party. You clearly do not have any estimates as to the number of people you think might come in, because we have asked you this question many times. I was over in Calais last week to ask if they were prepared. They are not expecting huge numbers to come on 1 January, but is there any contingency ready at the borders, at our ports in case there is a large influx, or are we not worried about this?

Mrs May: We have not predicted numbers, you are right, Chairman. You have asked me that before and I will give you the same answer as I have done previously. That is not a view that is just supported within the Home Office. There are bodies outside the Home Office who have said that they think it would be very difficult to predict numbers because there are so many different variables affecting the decisions that individuals will take. As I have said before, and I am sure members of this Committee recognise, it is not the case that the transitional controls are simply lifted for the United Kingdom at the end of this year. They will be lifted for a number of European Union member states and that adds to the variability and the complexity of the potential for predicting numbers.

Q127 Mark Reckless: Home Secretary, do you think there is anything in the Immigration Bill that will help bear down on the numbers coming from Romania and Bulgaria next year?

Mrs May: There are a number of things in the Immigration Bill where we are looking at some of the issues around, for example, access to public services and so forth. But we are able to do some things beforehand and are taking some action before that. My colleagues in the Department for Work and Pensions have been looking at two things in particular: the length of time that people are able to claim benefits here and the question of the habitual residency test, the ability for somebody to be able to claim benefits on the basis that they are habitually resident in the United Kingdom. We are very clear about being rigorous in relation to that particular test.

Q128 Mark Reckless: Do you think there is any chance that an inflow of people from Romania and Bulgaria could push us off target in terms of getting immigration below 100,000?

Mrs May: As I have indicated, I have not predicted the numbers who will come from Romania and Bulgaria because all the evidence is that that is a very complex picture and it is not possible to do that with any degree of comfort or—

Chair: Certainty.

Mrs May: Certainty, is a good word. Thank you, Chairman. But what we do, of course, in relation to the target that we have is constantly look across the various routes into the United Kingdom and look at our removals policy in relation to those who have no right to be here to ensure that we are being as effective as we can be in relation to the measures that we have taken and any other measures to ensure that we do meet our target.

Q129 Mark Reckless: Have you looked at the scope for seeking a derogation from free movement rules if by any chance there is a large number of Romanians and Bulgarians coming that could potentially lead to dislocation in the labour market?

Mrs May: The issue of free movement, and particularly the issue of abuse of free movement, is something that I have been talking about within the European arena for the last three years. I am pleased to say it is an issue that has not only gained some support among other member states—I have discussed these issues with my colleagues from, for example, Germany and the Netherlands—but has now been recognised by the European Commission, so I think we are able to make some movement in relation to this. The free movement principle is there, but we are working with others to look at the rules around free movement in some of these issues that relate to the abuse of free movement.

Q130 Chair: The key issue with working with the EU is to make sure that colleagues in the EU take their share of responsibility. When I was over at Calais there were a number of Syrians who said they were treated very badly by the French and they all wanted to come and live in the UK. I am sure you have been looking at the pictures of all those people who died trying to get to the island of Lampedusa and I think 319 were confirmed dead as of last Friday. There seems to be this huge pool of people believing that if they come into mainland Europe they will have a new and better life. What are we doing about trying to stop them setting off in the first place by providing assistance to countries in North Africa to prevent the original arrival into the mainland? As we have seen, once they arrive on mainland Europe they want to come to Western Europe, in particular they want to come to the UK, France and the Scandinavian countries. Especially with what is happening in Syria, what are we doing about this? Frontex has asked for an increase in funding. We are not part of Schengen so we have no direct responsibility in that respect. How can we help the borders?

Mrs May: We are not part of Schengen but we do play our role in relation to issues around Frontex and supporting certain member states in terms of their border security as well as obviously the question of looking at how we can provide support on a number of aspects to some of the North African states, including working with them, as we are with the European Union project in Libya, in terms of their own border security. These are a number of ways. We work with the national action plan for the Greek border, for example. I know this Committee has also visited the Greek-Turkish border and looked at the issues that have arisen there. We have been working with others to provide—

Q131 Chair: Syria has become a real problem. Something happening in Syria could well affect our borders, couldn't it?

Mrs May: A humanitarian tragedy is taking place in Syria and, as we all know, very large numbers of people have left Syria and are refugees elsewhere. The United Kingdom is one of the key countries in terms of providing humanitarian support. We very much believe that providing support in region is where the priority should be.

Chair: Thank you very much. We will adjourn. We will come back and do Europol and terrorism.

Sitting suspended for a Division in the House.

On resuming-

Q132 Chair: We are now quorate so let us move on to discussing the European opt-out. Can I begin, Home Secretary, by thanking you for giving the Committee the opportunity of scrutinising your opt-out package, which we have looked at very carefully. You are our final witness. We will keep to our word to get a report ready for the House by 31 October. What I want to concentrate on is just the areas of concern rather than the whole package, because we have looked at the package and generally speaking it seems to be one that is attractive.

I will start by talking about Europol in particular. This is one of our concerns. Rob Wainwright said that it would be an unmitigated disaster if Britain was to opt out of Europol and Keith Bristow, in his appearance before our Committee before you came, was concerned if there was any reduction in the ability to share information. We realise that you support Europol, and you have said so, you are on the record as saying so. But we are perhaps concerned that seven of the measures that relate to Europol are being opted out of and you are choosing to go back at Europol 2. So reassure this Committee, if you would, that going in slightly later will not affect our ability to be able to make sure that we craft the landscape. We don't want to go in after the train has left the station.

Mrs May: Thank you, Chairman. In relation to the new measure that the European Commission has published on Europol, we have very good reasons for having taken the decision that we should not opt in at the initial stage, but that does not mean that we will not be part of the negotiations. The two crucial reasons why we chose not to opt in are that we believe that the new regulation would enable Europol to mandate the sharing of data and we believe that there will be certain circumstances, national security circumstances or perhaps in relation to the data of an individual, where we do not believe it is right to share that data with Europol. Secondly, we believe that it would open up the possibility of Europol mandating British police forces, and therefore British police officers, and we don't think that is right either. They have operational independence from politicians here in the UK and we don't believe that Europol should have the right to mandate their investigations.

It is those two issues, crucially, that we will be debating with others around the table in relation to the negotiations. We will be able to sit around the table and participate in those negotiations. The UK is, I think I am right in saying, the second biggest contributor of information to Europol. I think it is probably true to say that Europol is keen for the UK to be part of it, as we have said that we wish to be part of a Europol. That is why we have decided to opt back into the current measure, but we have these specific concerns about the new Europol and we hope that we will be able to sit around the table and discuss those and negotiate appropriately with our colleagues.

Q133 Chair: Do you think there could still be a separate negotiation on Europol 2, even though you have come of seven of these measures and you made it very clear that you support Europol, you want to go back in? Do you think that there are going to be separate discussions that are going on apart from the discussions of those who have decided not to opt out, which is everyone else? They will carry on with their discussions and we will be in another room, presumably.

Mrs May: No.

Chair: No? We will be in the same room?

Mr Clappison: Different buildings.

Chair: Different buildings?

Mrs May: Yes. I think that is what Mr Clappison would like.

Chair: Different countries. I think it is a bit of wishful thinking from Mr Clappison's point of view.

Mrs May: If I can try to clarify, Chairman. We have opted into the main Europol. We are proposing that we opt back into the main Europol measure under its current format and that will be the Europol or the structure of Europol that pertains until such time as a new Europol measure is agreed within the European Union. Negotiation for that new Europol measure is likely to take some time. We are probably not talking just a few months. It could take some considerable time. We have the option, because it is a post-Lisbon justice and home affairs measure, of deciding to opt into that right at the beginning, in which case we are bound by the decisions that are taken during negotiations, or we can decide to opt out completely, or we can decide to say we will not opt in at the beginning but we will retain the ability to decide whether to opt in once the measure is finalised. We will still be sitting around the table as part of the negotiations. We do not have a vote in the decisions that are taken but we are still part of the negotiations and able to put our viewpoint and discuss with others what the shape of that new Europol measure should be.

Q134 Chair: In a sense, you may be in a better negotiating position for being a non-voting but participating member, because if we do contribute so much to Europol, if we say something of value then people will want to accommodate us because they obviously need us in there. Is that your negotiating stance?

Mrs May: I think everybody recognises the value to them of the UK being a member of Europol and I would hope that obviously people will consider that when we are going through the negotiations. There is already some sign that on some aspects of the concerns that we have other member states are seeing those too.

Q135 Steve McCabe: Home Secretary, I think I am right in saying that the areas that you plan to opt into will be subject to the jurisdiction of the European Court of Justice. Is that right?

Mrs May: Yes.

Q136 Steve McCabe: Doesn't that suggest to most people that this is a flow of power in the opposite direction from the one that you are seeking?

Mrs May: As you know, we have exercised the opt-out. We are proposing to opt back into 35 measures. That means that there are over 90 measures that we are proposing not to be part of. In relation to the European Court of Justice, the phrase that my colleague, the Justice Secretary, says is that we don't want to see the Europeanisation of justice but we have taken a decision that there are certain measures that are of practical benefit to us. I very much look to the Home Affairs side at those measures that are of benefit to us in dealing with cross-border crime in particular, where we have decided that the balance lies with being part of that measure rather than the disadvantage of being part of the European Court of Justice.

Q137 Steve McCabe: Am I not right in thinking that you told the Chamber previously, though, that a substantial number of the measures that we are opting out of are actually defunct and not particularly relevant to the UK? My point is that if the ones that we are specifically opting into are governed by the European Court, it is hard to see how that is a reclaiming of power for this country.

Mrs May: There are a number of measures that are defunct but there are a number of measures that are not defunct and, as I say, there are over 90 measures that we are choosing not to be part of. The option to be able to do this was negotiated by the last Government, by the Labour Government, but what they negotiated was a process that means we can't say which measures individually we want to opt out of. We have to opt out of all of them and then negotiate to opt back in. That is precisely the way that we have decided to approach it. Parliament took the decision to exercise that opt-out and to approach the matter in this way. I repeat, there are a number of measures that we will not longer be part of as a result of that decision.

Q138 Chair: The biggest issue is going to be the European Arrest Warrant, certainly as far as the House is concerned. You have put forward measures to the House that you will amend certain parts of different legislation in order to make it not more difficult to operate the EAW but to be fairer in the way in which it is operated. You have taken the point that, for example, in a country like Poland—and I recently visited Poland and talked to justice officials there—there are so many warrants coming over because of the domestic law of other EU countries. Do you think that your four suggestions, the four amendments that you are proposing to make, will deal with the issue of the mass migration of warrants for some offences that are quite trivial. I think the Poles are fed up with the wheelbarrow example, so I tried not to use it when I went to Poland. But you know what I mean, the trivial offences that end up with the possibility of a prison sentence so they issue the European Arrest Warrant and we have to go through the whole process. Do you think your four amendments will deal with that?

Mrs May: I believe that it will, Chairman. As you know, we are making amendments in a number of areas to deal with this proportionality issue; is it proportionate for somebody to be the subject of an European Arrest Warrant given the nature of the potential charge against them. But also to deal with the case—and a number of parliamentary colleagues have had constituency cases—where people have been the subject of a European Arrest Warrant and have found themselves in a jail, in detention in another member state for some considerable time before a decision is actually taken to charge them. The EAW has been exercised as part of the investigation rather than as what it should be in relation to charge and trial. So the changes that we are putting through will deal with proportionality and with that second issue.

Q139 Chair: Would you be worried if those other countries, our EU partners, suddenly decided that they were going to start amending their law in order to make it more difficult for people to come to the UK? I know that we don't ask for as many as they ask for as far as the EAW is concerned, but is there a worry that we will start an arms race in these amendments?

Mrs May: No, Chairman, for a number of reasons. First of all, some of the elements that we are introducing are already exercised by other member states. For example, Germany already exercises a proportionality test. In relation to Poland, for example, they are looking at their own system and their own processes to see whether there is something they should do in relation to this proportionality issue as well. In terms of the changes that the UK is making, for example on the issue of people being detained for a significant period of time before charge, we are not talking about stopping another member state from having the ability to extradite an individual against whom it is genuinely right for them to have that ability to extradite. What we are saying is that there are cases where we should ensure that somebody could remain in the UK until a decision is taken to charge them and to take them to trial rather than the European Arrest Warrant being exercised as part of the investigation. In this, of course, the European investigation orders, which are still a matter for negotiation, may well help in easing some of the processes of investigation.

Q140 Chair: We had evidence from Professor Steve Peers of the University of Essex who warned the Committee that 1 December—this may be a very esoteric point and you may have the answer—is a Saturday. He was concerned that if we opted out on a Saturday there would be a load of people in detention and there would be no power to detain under justice and home affairs measures. Please reassure the Committee that you know that this is a Saturday and that you have an answer to this very interesting academic point.

Mrs May: I have two points. I do know it is a Saturday and I think there is a technical answer to the fact that it is a Saturday, which I am afraid I am unable to find immediately. But I would say that we expect it to be possible to have a seamless transition between the current position that we are in and the opting back in measures where we choose to do so, where we continue to choose to do so and where we have negotiated with the European Commission and with other member states. Every indication so far is that other member states are keen to have a seamless transition as well so that there will be no gap. In fact, the transition powers are quite wide, so we think that even if there is a gap it will be possible to ensure that there is no operational problem that is created by this.

Q141 Chair: If you would like to write to us about the technical point, if you can't find it. It is not a problem. We are not going to burst into tears that you don't have an answer.

Mrs May: There is an answer on the Saturday point. Yes.

Q142 Chair: Finally on Europol and the opt-outs, if this Committee recommends to the House that there should be a separate vote on the European Arrest Warrant and a separate vote on the rest of the package, I understand the difficulty of having a vote on every single measure. We would be there until 2015 if we did that. Bearing in mind the concern of parliamentary colleagues—and you certainly have moved in the right direction as far as they are concerned about this—and I know business of the House is not your job, but would there be any real problem with having a separate vote on the EAW?

Mrs May: That is a matter on which the Government has said that we would look to this Committee and the European Scrutiny Committee to put forward your views as to how you think the vote should take place. Obviously then discussions will be held and decisions will be taken on that.

Chair: Good. We are now going to turn to terrorism, if we may, as the final section.

Q143 Mr Winnick: Home Secretary, when the previous witness today, the National Crime Agency head, was here I said that among the worst criminals and potential criminals were the mass murderers who want to inflict as much death and destruction in our country as possible, including on their fellow Muslims. I don't in any way minimise the danger of terrorism. Would you, however, accept that there is a genuine debate continuing, as there must be, between the need for security and the safety of our citizens and the issue of civil liberties?

Mrs May: I think it is right that we look at what is sometimes called the balance between civil liberties and national security, although sometimes that is a misnomer in the sense that you can only exercise your civil liberties if you have your security. As you know, Mr Winnick, when the Government came in we looked across counterterrorism legislation. We made a number of decisions, a number of changes, for example the reduction in the pre-charge detention period from 28 days to 14 days, which we believed gave a better balance between those issues of civil liberties and national security. But that is an issue that Government has to continue to be aware of.

Q144 Mr Winnick: What I want to ask you as well, Home Secretary, is there has been criticism of a newspaper, *The Guardian*, for publishing details that Edward Snowden has revealed. Do you take the same view as the Director General of MI5 that that was inappropriate?

Mrs May: Absolutely I do. I have to say that the publication of information in relation to how we go about our business can potentially be of benefit to terrorists. I think it is not right. I think it behoves those who are taking these decisions about what to publish to recognise the impact of what they publish has. I am afraid in this case there is a potentially significant impact on what has been published. I absolutely agree with the views that the Director General of MI5 made on this.

Q145 Mr Winnick: How do you explain the fact that despite all the condemnation that Snowden has faced and *The Guardian* has faced, it has led to—certainly in the United States among a number of senators who are not necessarily soft in any way when it comes to intelligence and conducting terrorism—a desire to look at various aspects of their own laws? Perhaps you may consider the possibility that Snowden has done a service in exposing some of the practices that intrude unnecessarily on the lives of a large number of people who are certainly not criminals.

Mrs May: No, I do not agree with that description of what has happened. I believe that any information being published that can give help to terrorists does exactly that and therefore is not something that I can in any way condone. Obviously the United States will have their debate about their own legal framework. Here in the UK we have one of the strongest legal and regulatory frameworks in relation to the use of secret intelligence and I believe our intelligence agencies take their obligations and responsibilities under the law very seriously.

Q146 Mr Winnick: Where is the evidence that the details published in the *Guardian* are such that you are justified in saying what you have just said, giving help and assistance to terrorists? Why do you come to that conclusion?

Mrs May: I make the point—and I think that Andrew Parker himself made this point—that, “It causes enormous damage to make public the reach and limits of GCHQ techniques. Such information hands the advantage to the terrorists. It is the gift they need to evade us and strike at will.”

Q147 Mr Winnick: The Director General of MI5 made that statement in general terms but provided no evidence whatsoever to *The Guardian* that publishing the material would help the terrorists. I am wondering whether some of the condemnation that is being made, including yours, is in any way justified.

Mrs May: Mr Winnick, I have to say that I think that the words that the Director General of MI5 said in his speech could not be clearer. I repeat, "It causes enormous damage to make public the reach and limits of GCHQ techniques."

Q148 Mr Winnick: Bear in mind what *The Guardian* has stated, that it has been extremely careful in shifting the material in order to ensure that what you and the MI5 are accusing the newspaper of does not occur.

Mrs May: We all know what has happened in relation to the destruction of the material that *The Guardian* has. I continue to believe that what we have seen in relation to the leaks, as they have been described in relation to material from Edward Snowden, is something that I believe can cause significant damage to our ability to deal with national security matters.

Q149 Michael Ellis: Perhaps, Home Secretary, we can continue on this theme: Snowden and his involvement in leaking to *The Guardian* and others. The Chief of MI5 gave this speech to the Royal United Services Institute last week. He said, "It causes enormous damage to make public the reach and limits of GCHQ techniques. Such information hands the advantage to the terrorists. It is the gift they need to evade us and strike at will. Unfashionable as it might seem, that is why we must keep secrets secret, and why not doing so causes such harm." You agree completely with that assessment?

Mrs May: I do indeed. It is a very clear statement.

Q150 Michael Ellis: This is the man who was in charge of counterterrorism at MI5 at the time of the 7/7 attack in London. He says also at another point in his speech that 330 people were convicted of terrorism-related offences in Britain between 2001 and the end of March this year. As far as the national security infrastructure is concerned, is it your own individual assessment that Snowden's leaks to *The Guardian* and *The Guardian's* conduct in this matter—and other journalism—has been entirely injurious to the public interest, has been very damaging to the public interest?

Mrs May: I believe that what has taken place has been indeed damaging to the public interest. That was the point that the Director General was also making, and I believe it has been.

Q151 Michael Ellis: I noticed that Louise Mensch, a former colleague of ours, and mine in Northamptonshire, and newspapers like the *Sun* and the *Daily Mail*, speaking as usual, I suggest, to large sections of the population, are talking about prosecutions and questioning whether there ought to be prosecutions in respect of this matter. Do you have any views on that matter?

Mrs May: I will be consistent in responses that I have given to similar questions on other issues, which is that of course the issue as to whether somebody has committed a criminal offence is a matter for investigation by the police. The decision as to whether to prosecute them is a matter for the independent Crown Prosecution Service. It is not for me as Home Secretary to say whether somebody should or should not be prosecuted.

Michael Ellis: I thought you might say that, but I was trying to tempt you to go down another line.

Mr Winnick: Is the editor of *The Guardian* to be looked up, according to this witness?

Chair: Could I have order? Do you have a final question, Mr Ellis?

Q152 Michael Ellis: I have more than one more question, if I may. I will keep it less than Mr Winnick's though. It certainly should not be the case that newspapers are above the law in this country, should it? Can I tempt you to answer that question?

Mrs May: I am wondering where this is going to lead.

Chair: We are all wondering.

Michael Ellis: Perhaps it is a rhetorical question. Can I put this question to you, in view of what has been said in some quarters about communications data, and given what has been said about GCHQ in terms of the claims that have been made about their capabilities, do you still believe that the Communications Data Bill that has been promulgated is needed? Do you still believe there is a need for that legislation?

Mrs May: I am absolutely clear that we do need that legislation on communications data, and nothing that has been said about GCHQ capabilities changes that. Indeed, the ISC, the Intelligence and Security Committee, conducted a review of the draft Bill. They are obviously able to have access to more information than other committees in relation to capabilities, and they were clear that there was a need to legislate in the area of communications data.

Q153 Chair: Just to complete a number of quick questions, you very kindly wrote to the Committee and told the Committee and me that Anas al-Libi had not been granted political asylum in the UK. Thank you for that. However, were you aware that the FBI still think that he has been given political asylum? Were you aware of that?

Mrs May: That is a matter that I can look into, but certainly we are absolutely clear that he was not given asylum here in the UK.

Q154 Chair: That is where the Committee got its information. Here is the FBI's website this morning, which says that al-Libi has got political asylum from the UK. I do not expect you to look at the FBI website every day, but one of your officials could inform the Director of the FBI, Mr Comey, that his website is wrong, because a lot of people look at that website and assume that the information is correct. I hope that in terms of sharing information we could get on to the FBI as quickly as possible.

Mrs May: I am sure that matter can be taken forward.

Q155 Chair: I know you have been busy and you have not had the chance to look at our recommendations, but as a matter of course, are people who apply for asylum in the UK checked against international databases and national databases for information that is known about?

Mrs May: There will be obviously a number of processes that are gone through for anybody who does apply for asylum in the UK, predominantly to assess the nature of the case that they put forward. Obviously every due consideration is given to the fullest possible picture that can be put together in relation to the individual.

Q156 Chair: One of the issues is that those who we give asylum to, maybe in good faith, end up leaving the country and going to other countries, Kenya, Yemen, wherever. Do we ever keep track of people who have involved themselves in that kind of activity? Clearly Mr al-Libi was not tracked. He came here, he applied for asylum and he then left the country. The FBI thinks he was granted asylum, which clearly he was not; you have told us he was not.

He then went off and got involved in activities in Kenya. Is there somebody tracking all this? Not you, but is somebody doing it?

Mrs May: I suspect Mr Winnick might be starting to get very nervous in some of the language that you are using in relation to individuals, and I will be very careful in relation to my answer on this matter.

Q157 Chair: But there is ongoing monitoring by the security services of people.

Mrs May: Obviously. The security and intelligence agencies have duties and responsibilities, which they take very seriously, in terms of the potential threat from any particular individual or group of individuals.

Q158 Chair: As it is ongoing as we speak, do you have any information for this Committee about the suspected Syrian link with the terrorist activities that have resulted in a number of people being arrested? Can you confirm that there is such a link, or is this something that is still under investigation?

Mrs May: I think it would not be appropriate for me to—I am not able to give this Committee more information than has currently been in the public domain about the arrests that have taken place.

Q159 Chair: We have had a letter from the DPP about the issue of sex-selective abortions. Our concern is that there has been perhaps not been sufficient attention given by the Prosecution Service to this. Does the Home Office have any view about whether the legislation is clear enough at the moment? He came back to the Committee in a letter of 11 October to say that they had undertaken an analysis of the database and nobody had been prosecuted for sex-selective abortions. There have been a number of very high profile cases about this.

Mrs May: I am aware of the high profile cases. Obviously this is a matter that is the responsibility of the DPP in departmental terms. The CPS is responsible to the Attorney General, so this is a matter that has a number of aspects that cover a variety of departments.

Q160 Chair: I suppose also the Department of Health is involved.

Mrs May: The Department of Health and the Ministry of Justice, of course, particularly.

Q161 Chair: The Home Office is not planning anything at the moment?

Mrs May: The Home Office is not currently planning anything in relation to this, but obviously this is a matter that has been raised with other parts of Government, particularly because the CPS is responsible not to a Government Department but another part of Government.

Q162 Mr Winnick: There is a great deal of concern, which I am sure you share, about female mutilation, and certainly among Muslim women. Not a single prosecution has taken place so far. I know you are not responsible for prosecutions, but is this matter really being taken seriously by the authorities?

Mrs May: It is being taken seriously, but there are a number of issues. It does concern me that this is a matter that has proved very difficult to deal with in terms of prosecutions. There may be a variety of reasons in relation to that, an unwillingness of people to come forward in relation to who is responsible for these acts, or people being taken out of the country so that these acts can take place elsewhere.

It is a matter of concern and it is a matter that we do look at from time to time. There are a number of issues that we raise with the DPP and indeed with the police. I think some of the issues around this are sometimes about an ability for the police to be able to identify where certain things have taken place. There is a similar issue in relation, for example, to modern slavery, human trafficking, and issues around prosecutions there, which I have been talking to the DPP about. We will be looking at the training for the police in this area.

Q163 Chair: When I was at Calais I understand that you have re-established the fact that officers do not have to make school parties disembark from coaches. They can go back on coaches and, with the teacher, check passports. That sounds to me like a re-establishment of what Brodie Clark was doing. We accept that your position is that what was happening with Brodie Clark was done without authority, but have you given authority for this new pilot and have you come to any conclusion as to whether it does cut down on the queues?

Mrs May: Authority was given for the new pilot, precisely in order to be able to make a proper assessment of it. We are not at the stage of being able to do that yet. But I must challenge you on what you have just said in relation to Brodie Clark. This was, of course, an issue in terms of relaxing checks without proper authority, ministerial authority, having been given. What we discovered was that it was not just these particular checks that had been relaxed without ministerial authority, but that over a period of time from 2008, from memory, there had been a number of checks that all too regularly were not being applied. One of the things I have been absolutely clear to do is to ensure that we do have the proper checks, the 100% checks at the borders, and for the first time Border Force has an operating mandate.

Q164 Chair: You have obviously seen the Vine report, because you redacted parts of it before it came to us. I am not going to reopen what Dr Huppert has said, but are you concerned that the Salah Plan, although it has been implemented at Heathrow, is not being followed at Gatwick and Luton? Can you assure the Committee that this will be universal at all ports and that nobody will not implement the plans that you decide are necessary to secure our borders?

Mrs May: My understanding is that it has already been extended to other ports.

Q165 Chair: Excellent. We were very impressed with Sir Charles Montgomery. We think that he is a good choice and that he has a very clear vision of what he wants to do.

Can you clear up this point about Norman Baker, who is a new member of your ministerial team? Obviously we do not expect you to agree with everything Norman Baker has ever said, because he has different views from you, he is from a different party. There was an article that says that he is not to be granted access to classified documents on counterterrorism issues. Is that correct or is it the case that all your ministers will equally get access to all documents that are relevant to their portfolios?

Mrs May: First of all, I look forward to working with Norman. He is already proving to be an assiduous member of the team and I look forward to the contribution that he is going to be making, as I have worked with Lynne Featherstone and Jeremy Browne previously. It is not the case that all documents are seen by all Ministers. There are some documents that only I will see within the Department. That is a matter of course, regardless of the Ministers' political origins.

Q166 Chair: So there is no question of him being stopped from seeing things because of his views?

Mrs May: No.

Mr Winnick: Or his conspiratorial views?

Q167 Chair: We have just taken evidence from Keith Bristow of the National Crime Agency. The NCA is clearly going to be one of your big legacy points. You have served as Home Secretary for 1,253 days, and this is a big thing that you are doing, the creation of the NCA. Do you anticipate that there are any more structural changes that you were likely to make to the landscape of policing? There has been a massive change.

As you know, the Committee has supported a lot of your changes as being necessary, but do you think there is more to be done in terms of the landscape of policing? We are a little concerned the initial budget of the NCA and the National Policing Improvement Agency was nearly £1 billion. The NCA is going to get £490 million. We are concerned as to where the next of the £300 million-odd has gone.

Mrs May: In relation to the budgetary item, the answer is that the NCA has not taken over all the responsibilities of the NPIA. Parts of the responsibilities of the NPIA went elsewhere. For example, some of it is now within the Home Office and some of it ceased to be done. So it is not the case that you can take the NPIA's budget and add it on to SOCA's budget and say that is what the NCA should be having.

Of course, in addition to the overall budget for the NCA, we are also putting some extra money into the regional crime units and we have brought in some additional resources from the Metropolitan Police. The only comment I would make in relation to the policing landscape is that there is one outstanding issue that this Committee is aware of, which is that I did say that at some stage we would review the appropriate place for counterterrorism policing to be.

Q168 Chair: Is that going to happen?

Mrs May: That review will take place. I was clear all along that it should not happen until the NCA was up and running. It has now been up and running for eight days, but we will, in due course, look at how that review should be conducted and that review will be conducted.

Q169 Chair: As you know, we had a letter from Jeremy Browne when he was the Minister responsible, to say that he would like the Committee to look at aspects of this, and we are happy to do this. We have an inquiry into counterterrorism but we have a little problem. We would very much like Kim Darroch to come and give evidence to this Committee about his role as Director of the National Security Council, because we recommended the establishment of the council. I have spoken to Mr Darroch today to say that it is important that he comes to give evidence. He is going to talk to you again and the Prime Minister and Jeremy Heywood. We do not want to talk to him about the advice he gives, but we had this with Charles Farr, as you know, before he divested himself of civil service burka and came to give evidence in open session.

In order for us to do a good report we cannot be told, "We will tell the Intelligence and Security Committee but we will not deal with the Home Affairs Committee on these issues". We really want to be able to assist the Government on this area, so I would ask you to go and speak to Mr Darroch and see if there is a way of getting him to give evidence to this Committee. Obviously we will take some of that evidence in private. Otherwise we just need to keep calling you back again every few weeks for another long session, which, of course, becomes a shopping list of other issues as well.

We are undertaking this inquiry into counterterrorism. It is going to last six or seven months. We treat it very seriously and we would like the co-operation of the Home Office as we conduct that.

Mrs May: I hear what you say. Obviously Sir Kim Darroch is not part of the Home Office, he is part of the national security structure within the Cabinet Office, but I have heard the point that you make.

If I may go back on an issue that was raised earlier—and I apologise—there is some dispute. I am being informed that 1 December 2014 is a Monday and not a Saturday. I thought that I had read that it was a Saturday, so I apologise for that. Maybe we should go away and triple check.

Chair: I think Mr Winnick has one question on MI5 and then I will close.

Q170 Mr Winnick: I referred, and you responded, about the Director General of MI5. He made a public speech, as I understand it. If he makes a public speech, why can't he come to the Home Affairs Committee and be subject to questions? I know that obviously the other committee is the one that monitors his activities, or is supposed to at least, but why can't the Director General, if he makes public speeches here and there, come before the Select Committee and we can question him in the same way that you have been questioned?

Mrs May: The responsibility of overseeing, in terms of parliamentary scrutiny, the operations and actions of the security and intelligence agencies lies with the Intelligence and Security Committee. The heads of the agencies give evidence to the Intelligence and Security Committee and, in the changes that the ISC has made, will be giving evidence in public session.

Chair: To be fair to Mr Parker, he has written to me to say that he will meet members of the Select Committee in private. I think what Mr Winnick was keen to do was have it as an open session.

Q171 Mr Winnick: We have had private meetings with him over the years. I do not see any reason why he should not come to a public session. Since he is keen to give his views publicly, why not give them to members of the public?

Mrs May: It is entirely appropriate for the Director General of MI5 to make a public speech, but it is also the case that the committee that is set as the committee that looks at the work of the security and intelligence agencies is the Intelligence and Security Committee.

Mr Winnick: We are doing a report on counterterrorism. It would be very interesting to hear his views.

Chair: I think the best course of action is for me to write to him. He has said he will come to give evidence, but I will include Mr Winnick's points. Thank you very much for coming today. We are most grateful.