

Stopping the small boats

I reproduce below the Home Secretary's letter to all MPs about the small boats legislation

ILLEGAL MIGRATION BILL

The Illegal Migration Bill will have its remaining Commons stages next Wednesday. The Bill will, with the other measures we are taking, deliver on our commitment to stop the boats. The Bill will send an unambiguous message as to our intent, that if you come to this country illegally you will not be able to stay, instead you will be detained and swiftly removed to your home country if safe, or another safe third country such as Rwanda.

Given the sensitivity and complexity of policy in this area, as reflected in our decision to introduce the Bill with various marker clauses, it was always our intention to draft iteratively with the benefit of ongoing legal, policy, and operational advice. Having completed further work and reflected on the debates in Committee, the Government has now tabled and supported amendments that we believe are necessary for the Bill to function as intended. I wanted to take this opportunity ahead of next Wednesday's debate to explain the key proposed changes.

Safe and legal routes for those needing protection

The UK has a proud history of providing protection for those who need it through safe and legal routes. Since 2015, we have offered a safe and legal route to the UK for close to half a million people from all over the world via our global routes and our country-specific routes. This includes around 50,000 who have come to the UK on routes open to people from any country in the world, 25,000 on our country-specific routes for Afghanistan and 20,000 from Syria, over 100,000 Hong Kongers, and close to 200,000 from Ukraine.

Clause 53 enables Parliament to set the number of individuals admitted to the UK each year via safe and legal routes with regard to the capacity of local authorities and other local services to provide the necessary accommodation and support.

Having listened to the debate in Committee, I know many colleagues are keen for both greater clarity on our existing safe and legal routes and for quick progress toward the establishment of the regime envisaged by Clause 53.

The Government is therefore happy to support the amendments tabled by Tim Loughton MP which requires the Home Office to launch, within three months of Royal Assent, the consultation on the regulations to be made under clause 53(1) setting the maximum number of persons to be admitted each year using safe and legal routes. In addition, these amendments will require the Home Secretary to lay a report before Parliament within six months of Royal Assent setting out current and any proposed additional safe and legal routes for those in need of protection, to be implemented as soon as practicable and, in

any event, by the end of 2024.

Unaccompanied children

Under the provisions of the Bill, the duty to make arrangements for removal does not apply to unaccompanied children who arrive illegally from safe countries until they reach adulthood, but there is a power to remove them. In line with current policy and existing legal powers, we have been clear that we only intend to exercise this power in very limited circumstances, principally for the purposes of family reunion or removal to a safe country of origin. I have tabled an amendment to make this clear by listing those circumstances on the face of the Bill. We need to be alert to the people smugglers changing their tactics to circumvent the Bill. Therefore, the amendments also provide a power, by regulations, to extend the circumstances in which it would be possible, on a case-by-case basis, to remove an unaccompanied child. Such regulations will be subject to the affirmative procedure so would need to be debated and approved by both Houses.

I recognise that at Committee stage there were particular concerns from colleagues about the application of the Bill's detention powers to unaccompanied children. While the power to detain children already exists in legislation, this amendment therefore also provides that unaccompanied children may only be detained for purposes prescribed in regulations made by the Secretary of State subject to the negative procedure, such as for the purposes of removal to effect a family reunion (as is currently the case) or for the purposes of age assessment. It also allows the Secretary of State to make regulations specifying time limits to be placed on the detention of unaccompanied children for the purpose of removal if required.

Age assessments

Given that unaccompanied children will be treated differently to adults under the Bill, and the obvious safeguarding risks of adults purporting to be children being placed with children in the care system, it is important that we do not create an incentive for adults to make spurious claims that they are children so as to delay their removal. Between 2016 and September 2022, there were around 8000 asylum cases where age was disputed and an age assessment was conducted, with around half assessed to be adults.

Our age assessment process seeks to mitigate against the risk that adults are accommodated alongside children and ensure that genuine children can swiftly access the appropriate support. Where there are reasons to doubt age, immigration officers make an initial decision to determine whether an individual is significantly over 18. The threshold is set deliberately high in recognition of the difficulty in assessing age based on appearance and demeanour. Where there remains any doubt they are referred for a comprehensive assessment, and until this assessment is completed they will be accommodated as a child with all the appropriate safeguards. The comprehensive assessment includes social worker led interviews, which must adhere to standards that have been set out by the court. The Nationality and Borders Act 2022 provides powers to use scientific methods to broaden the evidence base available to social workers and for the decision maker to take

a refusal to consent to scientific methods as damaging to that person's credibility.

A new clause will introduce a regulation-making power which would, in certain circumstances, enable (contingent on a robust scientific justification) an automatic assumption of adulthood where an individual refuses to undergo scientific age assessment. For context, we understand that similar policies, are applied by some ECHR signatory countries including the Netherlands, Luxembourg and the Czech Republic.

Our amendment will also disapply the right of appeal for age assessments established in section 54 of the Nationality and Borders Act 2022 for those subject to the Bill's removal duty. Instead, those wishing to challenge a decision on age assessment will be able to judicially review the decision, but this challenge will be 'non-suspensive', which means it will be able to continue after the individual has been removed.

Restricting interim relief

One of the core aims of the Bill is to prevent late and repeated legal challenges to removal. The Bill does this by providing for two kinds of suspensive claims – factual suspensive claims and serious harm suspensive claims – and by making it clear that all other legal challenges to removal, including by way of judicial review, are non-suspensive. Given this approach, courts would be unable to grant interim relief temporarily blocking removal pending a judgment on the substantive judicial review.

As Sir William Cash, Danny Kruger and others indicated in Committee, this intention could be made clearer on the face of the Bill. We are therefore pleased to support the new clause tabled by Danny Kruger which makes it clear that interim relief, including injunctions, is not available and the only way of preventing removal is by making a "suspensive claim" as defined in the Bill itself.

We have also tabled an amendment regarding interim measures of the European Court of Human Rights including under Rule 39 of its Rules of Court. Interim measures blocked the Government from removing individuals to Rwanda last summer. The Government is currently engaged in constructive dialogue with the Strasbourg Court on possible reforms to the process by which it considers requests for interim measures. The new clause will create a discretion for a Minister of the Crown to suspend the duty to remove a person where an interim measure has been indicated. That discretion must be exercised personally by a Minister of the Crown. This means the Minister may suspend removal in response to a Rule 39 interim measure but is not required to as a matter of UK law. The clause provides a broad discretion for the Minister to have regard to any factors when considering whether to disapply the duty. The clause provides a non-exhaustive list of considerations that the Minister may have regard to when considering the exercise of that discretion.

Clarifying the meaning of "serious and irreversible harm"

One of the suspensive claims provided for in the Bill is where a person

claims that they would be at real risk of serious and irreversible harm were they to be removed to a specified third country. The Bill enables the Secretary of State, by regulations, to make provision about the meaning of "serious and irreversible harm". To limit the ability of individuals to delay removal with spurious claims we have tabled a new clause to augment this regulation-making power with substantive provision on the face of the Bill which sets out non-exhaustive and amendable lists of matters which would or would not constitute serious and irreversible harm. The amendments also make it clear that the serious and irreversible harm must be "imminent and foreseeable", which will bring the provision more closely into alignment with relevant Strasbourg practice.

Legal aid

It is important that those persons who received a removal notice under the Bill have access to appropriate legal services. A new clause provides for the provision of legal aid in relation to removal notices under the Bill. The new clause will bring certain civil legal services for recipients of removal notices under the Bill into the scope of legal aid, enabling them to access legal services in relation to the removal notice, without the application of the merits criteria. These provisions will help ensure appropriate access to justice is in place within the timeframes set by the Bill.

Foreign National Offenders

Under section 63 of the Nationality and Borders Act 2022, individuals with specific serious criminal convictions, terrorism offences and measures, or those who have been assessed as otherwise posing a national security risk to the UK, may not benefit from certain protections available to potential victims of modern slavery including receiving a recovery and reflection period. The public order disqualification currently applies to FNOs given a custodial sentence of 12 months or more.

The Bill includes a marker clause (clause 28(3) and (4)) to strengthen the application of the public order disqualification to FNOs. The amendments to clause 28 replace the marker clause so that there is a statutory presumption that the public order disqualification applies to FNOs sentenced to an immediate custodial sentence of any length.

Ban on re-entry, settlement and citizenship

Under the provisions of the Bill, those who meet the conditions for the duty to make arrangements for removal are also subject to permanent bans on re-entry, settlement and citizenship. As part of these provisions, the Bill provides the Secretary of State with powers to waive each of the bans in certain limited circumstances. Our amendments tighten the operation of these provisions by narrowing the circumstances in which a waiver of the bans can be sought or provided for. We are also providing for these clauses to come into force on Royal Assent.

New powers in relation to electronic devices and identity documents

Alongside the core provisions in the Bill, it is important to ensure that we have the necessary powers to tackle illegal migration more broadly. Mobile phones and other electronic devices may contain a wealth of information which can directly or indirectly facilitate the confirmation of a person's identity and an understanding of their activities. This can assist in determining a person's immigration status or right to be in the UK, as well as in developing the intelligence picture on illegal migration and providing evidence which could be used in criminal prosecutions.

We have therefore brought forward amendments to confer new powers on immigration officers to search for, seize and retain electronic devices (such as mobile phones) from illegal migrants, which appear to contain information relevant to the discharge of their functions, including but not limited to a criminal investigation.

We are also amending section 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 to put beyond doubt that a person's credibility should be damaged where they make an asylum or human rights claim but refuse to disclose information, such as a passcode, that would enable access to their mobile phone or other electronic device; or fail to produce, destroy, alter or dispose of any identity document without reasonable explanation, or produce a document which is not a valid identity document as if it were.

With the exception of the new clause on legal aid (which would apply to England and Wales), the amendments addressed in this letter would apply UK wide.

Minister Jenrick and I look forward to debating these issues further as the Bill progresses.

Rt Hon Suella Braverman KC MP

The resignation of Dominic Raab

The Deputy Prime Minister resigned yesterday because a lawyer found against him on two of the eight allegations made. He had promised to resign if there was any finding against and kept his word.

He did not however go quietly or in apologetic mode. Instead he has invited us to have a more general debate about relations between senior civil servants and Ministers. He argues the bar for bullying has now been set so

low Ministers will find it difficult to get things done or get the government's will implemented.

He claims that on one occasion when negotiating over Gibraltar he felt a senior official was not following government wishes. On another occasion in the Justice Ministry in a budget meeting he did not feel he was getting the facts he needed to make good decisions. How far should a Minister be able to go in what they say in such circumstances? Is accusing a senior official of poor work in private going too far?

[The Bank gets inflation wrong](#)

Many people believe the Bank of England is independent. They accept it has a main task to keep inflation down to 2%. The Treasury tells us curbing inflation is the Bank's job. So why don't all these people criticise the Bank for hopelessly wrong forecasts, telling us in 2021 inflation would stay around 2% in 2022-3? Why do they not complain that inflation soared to 11%, more than five times target and is still in double figures? Why do they not demand a big rethink, or management change? Why are senior Bank officials paid so much more than most other public servants and the PM when they cannot get anywhere near their main task?

Inflation is too much money chasing too few goods. The Bank was responsible for creating and allowing far too extra money and credit in 2020-2021. Why didn't they see that would be inflationary? Why did they blame Putin and the energy rises for the inflation when it was already 5.5% or 2.75 times target before the war? How do they explain low inflation in Japan and Switzerland, big importers of energy?

The truth is their models ignore money and credit, come up with bad forecasts and encourage them to make bad decisions. Change is urgently needed as they are now poised to make new mistakes which give us a needlessly big slowdown after the avoidable inflation.

[Conservative Home Go for growth](#)

As I listen to people on doorsteps and read the views that come into my website there is no passion for Keir Starmer or for Labour policies. Indeed, the voters who say to the pollsters they do not want to vote Conservative who did vote for us in 2019 often want us to be more Conservative, not less. They are not clamouring for Labour's higher taxes. They do not want intensified and speeded up bans on petrol and diesel cars, or mandatory heat

pumps. They do not like Labour and Lib Dem Councils that make it more and more difficult for anyone to get to work by van or car, or get to the shops and park easily. They are not asking for an attack on private schools, driving more people to compete for places at the better state schools. They do not want a larger bureaucracy in the public sector. They are not preoccupied by the culture wars that consume the political left. They do dislike the highly regulated and in part nationalised energy, water and railway industries and want someone to sort them out to provide better and cheaper service. They want cleaner rivers, no water rationing, more reliable and affordable trains, and reliable electricity at sensible prices. They are more concerned about outcomes than how it is done.

There is an eerie disengagement, an ennui about all the main political parties. As the tax squeeze intensifies on working people Conservatives have fallen in the polls, but there is no enthusiastic rush to the parties of the left that want to make the tax squeeze worse. There is an understanding on the economy that covid, lockdowns, the Ukraine war and the energy price spikes were external events that hit all advanced economies. The disappointing economic results are not the same as the political impact of the exchange rate mechanism recession during the last period of Conservative government or the Great recession brought on by the banking crash at the end of the last Labour government. Those were avoidable errors of UK policy that marked the end for each of the two main parties in office in turn when they occurred. It means the present government has an opportunity to win people back, if it understands the sources of their current displeasure.

The main thing to get right is the economy. The Prime Minister recognises this with his twin aims of getting inflation down and getting growth up. The problem is he seems to accept the wrong Treasury advice that you have to get inflation down first by stopping growth, and then only after that can you try to warm the economy up again to produce some growth and start to make people better off. That is bad economics and even worse politics. There is not time enough to bring inflation right down with no growth or even a shallow recession, and then to pick things up again in ways that people will feel and appreciate.

Fortunately growth and lower inflation are not enemies. The secret to both is to put more UK capacity in, so more is made and grown at home. This creates more jobs and incomes at home, and provides more supply to lower price rises.

This is why the Treasury are so wrong. We need a lower business tax rate, not a 31% hike in Corporation Tax. We need to copy the Republic of Ireland with their 12.5% Corporation tax rate. As a result they have far more investment per head, higher GDP per head, and more business tax revenue per head than we do. We need to drive hard for energy self sufficiency to cut our dependence on unreliable and very expensive imported energy, the source of much of last year's inflation. To bring that off we need to end the price controls, the subsidies and the windfall taxes. If we added substantially to our gas and oil output to replace imports we could get a big boost to tax revenues without windfall taxes stopping the investments. That could happen quickly. If we got on with producing small modular nuclear plants and with ways of storing renewable energy to smooth out its delivery again we would boost growth and provide some downward pressure on prices in due course when they started generating.

In order to grow the economy faster we need to be far more supportive of the self employed and small business. Instead of shrinking the army of the self employed as covid lockdowns and the new fiercer IR 35 tax arrangements have done, we need to expand the numbers again. Return the tax system to the rules of 2017 when self employment was growing well. Raise the VAT threshold for small business from £85,000 to £250,000. That would give an immediate boost to small business output across many sectors where entrepreneurs limit their turnover to avoid the need to register.

The water industry should be required to put in more clean water capacity. We cannot keep on adding so any additional people to our population without providing more basic services like water. People do not want to be lectured on using less, and told there is a hosepipe ban as soon as it gets warm and dry for a few weeks. The government is seeking an investment explosion to handle more dirty water to avoid sewage discharges into rivers. The pricing formula and tax regime has to make this feasible at a lively pace.

The railway industry is busy running near empty trains on much of the network at various times of day when it is not on strike. Railway investment is grossly inflated and distorted by the very expensive and much delayed HS2 project, which will not bring us any revenue or benefit for most of this decade. What is needed is a refocus and new timetable for this investment to make room for more worthwhile immediate projects to boost capacity on busy routes and to provide an attractive offer for the modern work commuter who may only wish to go the place of work two or three days a week. Digital signalling with on board train systems to allow safe closer running to other trains on existing tracks could boost capacity at a fraction of the cost of a new railway line. It should be possible to run a lot more trains at busy times on existing track more safely with the complete visibility of the tracks and other train locations to modern digital integrated systems.

We need to switch the system of farming subsidies away from wilding to supporting more domestic production of eggs and apples, tomatoes and meat. We lost a lot of market share during our years in the common agricultural policy and need to catch up. People would like more local food with fewer food miles.

The public would warm to a government that went for growth and showed how the UK is now free to make and grow so much more for ourselves. Our EU years were dogged by huge balance of trade deficits with the continent as we lost market share in everything from chemicals to fruit and from steel to energy. Reversing this would be good for jobs, would help lower inflation, would generate more tax revenue not less. It does need lower tax rates, less lecturing of the consumers and more working with business to deliver the capacity we need. It needs revision to regulations like the emissions trading scheme and carbon tax, which penalises domestic producers and favours imports. In the second world war the country was told to dig for victory, putting more land to work to grow food. Then we needed to make our own ships, tanks and planes to feed the war machine. It all worked very well and great feats were achieved. Today we need to make more of the cars, the household goods and the food we want for a decent life. That will make the country more prosperous and would shift the opinion polls.

[My Interview with GB News](#)

Please find below my interview with Andrew Pierce of GB News between 1:39:30-1:47:25 where we discussed the proposed interest rate increase, food price inflation and the need to grow more food at home to improve self-sufficiency and lower cost.