



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Rt Hon Sajid Javid MP
Home Secretary
Home Office
2 Marsham Street
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11 June 2018

Dear Sajid

JCHR oral evidence session: 6th June 2018

Thank you for giving evidence the Committee on 6th June 2018 and for your opening remarks at the session regarding the important role played by JCHR, in helping the Government to identify and remedy human rights abuses. The Committee shares your concern for protection of human rights. This letter has some follow-up questions arising from the session as well as points that you committed to look into for the Committee during the hearing:

Questions following oral evidence hearing:

1. What guidance are caseworkers given when dealing with someone who is contesting their immigration detention? Does it, for example, cover cross checking information with other Government departments, and the grounds on which people may have a right to remain? Can you please send us this guidance?
2. At the evidence session, you described Anthony Bryan and Paulette Wilson's cases as "appalling and wrong in so many ways." Have you looked into whether any civil servants have been retrained, monitored, investigated or disciplined, or if any other action has been taken, in respect of those who had the conduct of these cases which resulted in wrongful detention? If not, then are there any plans to consider whether such action is needed is now that the Home Office has looked in detail at Anthony Bryan and Paulette Wilson's case files?
3. When you appeared before the Home Affairs Select Committee on 15 May 2018, you stated that 63 people from the Windrush cohort had (at that point) been identified as having been removed from the UK. The Committee wishes to see to what extent the deficiencies in handling Anthony Bryan and Paulette Wilson's cases were part of a general pattern. Can you please send the Committee the Home Office case files for any of the 63 individuals who were detained prior to being deported?

The Committee would be content to receive the files in a form in which the identity of the individual is redacted, but of course if it would be easier and quicker to send the files unredacted then the Committee would respect confidentiality. Can you please release the files to us as the cases are identified by Home Office officials rather than waiting until all cases have been identified and assessed by officials.

4. Has the process of compensating Anthony Bryan and Paulette Wilson begun? Have you approached (or will you be approaching) them to offer compensation or will they need to apply?
5. For immigration detention to be lawful, deportation must be imminent and detention should be for a reasonable period of time. What, in your view, is a reasonable period?
6. How does the Home Office assess risk of absconding?
7. During the evidence session, Windrush members were described as being in a “unique” position because they have deemed leave but are undocumented. However, in regard to immigration status, there are other categories of people, such as EEA nationals, who could be in the same situation as the Windrush in the future. You said at the evidence session that the Government is learning lessons from the Windrush and is working out how the EU settlement scheme will work. You also said that this will not be a deemed status scheme. Can you give us further information about how the settlement scheme, and registration, for it will work?
8. You said at the evidence session that you have received Stephen Shaw’s second review into immigration detention and that you will respond to it shortly. When will Stephen Shaw’s second review be published? Can you confirm it will be published before the Summer?
9. We have been contacted by a member of the Windrush generation, Mr Hubert Howard, who we understand was wrongly targeted as an illegal immigrant. He would like to see his Home Office case file. Can you send Mr Hubert Howard his Home Office case file expedited as you did with Anthony Bryan and Paulette Wilson.

Other questions/points raised at the hearing:

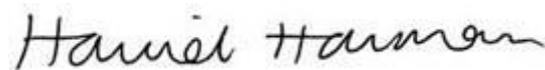
10. Capita contracts: can you provide details of the Capita contract, including whether staff were trained on immigration law, and what criteria they used for identifying people to refer to the Home Office, and whether any payments from the Home Office to Capita were linked to numbers who left the country voluntarily or were even detained or deported?
11. Did Capita give its staff financial incentives for identifying people who were in the country without leave?
12. By July 2018, to provide the Committee with an update on wrongful detentions as promised.

13. By July 2018, to cross-check and provide information on those from the Windrush Generation who have been convicted or charged after providing or using fraudulent documents to assert their right to be in the country even though they had Indefinite Leave to Remain.
14. To inform the Committee of the outcomes of the review into the Windrush scandal, including whether there were systemic problems in the handling of Windrush cases.
15. Whether the Home Office had (and has) sufficient numbers of staff for its work on immigration and residency.

I take this opportunity to thank you again for the quick release of Anthony Bryan and Paulette Wilson's case files which have really helped the Committee's work in this area. The Committee also looks forward to the publication of the Immigration Bill White Paper. Can you please confirm whether it will be published before the summer recess.

I would be grateful for your response by Tuesday 26 June 2018.

Yours sincerely

A handwritten signature in black ink that reads "Harriet Harman". The signature is written in a cursive, flowing style.

Rt Hon Harriet Harman MP, Chair