ANDREW MARR:
Before the last election, the Prime Minister David Cameron made a pledge: “We are going to reduce the annual rate of immigration”, he said, “to tens of thousands.” Well two years into his premiership, he might be wishing he hadn’t said that because the annual net migration in the year to September was a quarter of a million - almost identical to the year before, so that’s twenty-five tens of millions. This morning the Home Secretary Theresa May is unveiling new plans to make it harder to bring in foreign relatives and to make it easier to deport foreign criminals, but will the judges play along? Mrs May joins me now. Welcome.

THERESA MAY:
Good morning, Andrew.

ANDREW MARR:
Good morning. Let’s start by talking about the most important of these measures, which is to greatly increase the amount of income you have to have to bring in a migrant husband or spouse or children if you’re an immigrant into this country and you want to bring in relatives. Explain to us how the new system’s going to work.

THERESA MAY:
Yes, well perhaps I could set it, first of all, in the context of the wider issue about net migration. As you say, we want to reduce net migration to the tens of thousands and we’ve said in doing that that we would look at every aspect of immigration, so we’ve already looked at non-EU economic migrants, we’ve already looked at student visas and settlement, and now we’re looking at family. And this is not just about the numbers though in terms of family because we think it is right that somebody who is wanting to bring somebody into the UK to join them as a spouse or a partner should be able to support them financially and should not be bringing them in on the basis that they’re going to be reliant on the state. And that’s why we’re …

ANDREW MARR:

(over) So how much money do you need to have if you want to bring a wife or a husband in?

THERESA MAY:

Well what we’re talking about is £18,600. We asked our independent migration advisory committee to look at the figures and to advise us as to what that could be. And they set a range, and we’ve actually chosen at the lower end of the range, but it’s the point at which people would normally not be reliant on coming off income related benefits and we think that benefits point is an important one.

ANDREW MARR:

And what about other relatives? What about children, what about aunts and uncles and grannies and so on?

THERESA MAY:

Well in relation to children, we think it right that because obviously there are costs involved in children as well that the income should be increased, the required income should be increased for each child. So for one child £22,400 would be the figure and then £2,400 more for every other child, each additional child. And I think that’s right. I think it is important that if people are bringing people into the UK to create a family here in the UK that we say that you should be able to support yourselves and not be reliant on the state.
ANDREW MARR:
And there’s a sort of British-ness test that you’re going to bring in as well. Tell us about that.

THERESA MAY:
Well yes, it’s about … As I said, it’s not just about numbers. It’s also about looking at people being able to support themselves here in the UK and that they’ll be able to integrate into UK society, and we think that is important. So for settlement, from next year we will be requiring people to be able to speak English to a certain level, to be able to understand English, and also to do a life in the UK test, so that we know that they’re going to be able to integrate and become part of British society here. But of course what we’re doing in terms of family migration isn’t just about those aspects. It’s also about this issue called Article 8 …

ANDREW MARR:
I want …

THERESA MAY:
You probably want to come onto …

ANDREW MARR:
I want to come onto Article 8, which is the right to a family life in the human rights legislation, but before we do that you must have seen estimates in your department about what these measures, the ones we’ve been talking about, will do in terms of net immigration. So how many fewer immigrants do you expect to come into this country as a result of what you’re announcing tomorrow?

THERESA MAY:
Well this is not big numbers, the family migration …

ANDREW MARR:
Right.
THERESA MAY:
… which is why, as I’ve made the point, this isn’t just about numbers for family migration. It is about setting out clearly the rules in relation to Article 8, which we can talk about in a little while, but it’s also about some pretty important principles, I think, about people being able to support themselves.

ANDREW MARR:
Right, okay. I’ll come back to numbers …

THERESA MAY:
So it’s not in itself about numbers because the large, the really large numbers, what makes the major difference in terms of the overall net migration is in student visas.

ANDREW MARR:
Yes and there’s been lots of issues around that. Well let’s talk about Article 8, which affects people who you want to remove from the country but you can’t remove from the country at the moment because they are going to court and saying, “I’ve a right to family life, I have married this person or I have got this child, and therefore whatever I’ve done as a convicted criminal in this country, you can’t get rid of me.” That’s the essence of the trouble, yes?

THERESA MAY:
The problem is that Article 8 is in the European Convention on Human Rights …

ANDREW MARR:
Yes.

THERESA MAY:
… and if you look at it in the convention, there are two parts to it. The first part basically says you have a right to a private and family life. And the second part says, it actually states governments can qualify that right; this is not an absolute right. So in the interests of the economy or of controlling migration or of public order, those sorts of issues, the state has a right to qualify this right to a family life. Now what’s been happening up till now is we’ve seen cases going through our courts where people who
are criminals who we want to deport have been able to stay in the UK because the courts have said no, you have this right to a family life. And they haven’t been qualifying it, even I think in the way that the European Convention enables them to do.

ANDREW MARR:
And so you …

THERESA MAY:
What I’m going to do is actually set out the rules that say this is what parliament, this is what the public believe is how you balance the public interest against the individual’s interest.

ANDREW MARR:
And so you get a parliamentary vote. A lot of eminent lawyers, people like Mr Bindman and others, say that this is absolutely not the job of MPs or commentators of any kind; that judges make distinctions of this kind, judges interpret the law, and they will carry on interpreting the law in the way they see fit no matter what motion goes through parliament.

THERESA MAY:
Well and it’s also been said by some in the legal profession that actually one of the problems in interpreting it at the moment is that parliament hasn’t been clear enough about what it believes the right to a family life is. Parliament is going to set that out. We’re going to ask … We’re not just making it as a government statement. We’re going to ask parliament to vote on this, to say very clearly what we think constitutes the right to a family life and how you balance …

ANDREW MARR:
(over) And the judges just carry on as before?

THERESA MAY:
Well how you balance … What we’re going to do is look at how you balance the
interests of the public against the interests of the individual. And I would expect that judges will look at what parliament will say and that they will follow and take into account what parliament has said. If they don’t, then we’ll have to look at other measures and that could include primary legislation.

ANDREW MARR:
But given that we’re signatories to this act, this international agreement, it’s impossible, isn’t it, for parliament to change the effective law when it comes to this area?

THERESA MAY:
But parliament isn’t changing it. What parliament is doing … What we will ask parliament to do is to set out the qualifications which we are entitled to set out under the European Convention itself. And one of the interesting things is if you look at some of the cases that we’ve seen, there are some instances where the European court’s actually been tougher than our own courts. For example, our own courts tend not to look at whether somebody’s been here for a number of years lawfully or illegally; whereas the European court actually takes a tougher view on those who’ve built up so-called rights over a period of time when they’ve been here illegally. It says actually you should pay less attention to that. So what we’re doing is taking what is in the convention itself and saying it’s right that we actually apply this in parliament. Now, as I say, this doesn’t get the big numbers. I think it’s important to do this on Article 8 in terms of net migration overall where we are seeing the differences in the student visas and we’ve seen a significant fall in those.

ANDREW MARR:
And that’s really coming down. Okay. Let me ask you just before we leave this subject - Ken Clarke, Justice Secretary, backs all of this?

THERESA MAY:
This is a cross government …

ANDREW MARR:
You’ve talked to him about it and he’s happy?
THERESA MAY:
Yes, this is a cross government agreement.

ANDREW MARR:
Right, okay. When it comes to overall levels of migration, there’s non-EU migration, but a lot of people think as we go through the sort of meltdown in the euro and real … really intense problems in a lot of the Southern European economies, we are going to see a lot of migration, internal migration coming from Europe. Now if that happens at a very dramatic level, what (if anything) can you do about it and what are you planning?

THERESA MAY:
Well what we’re doing is looking at contingency arrangements. So far there’s no … we’re not seeing any trends in any increased movements despite obviously the significant problems already economically in a number of Eurozone countries. But I think it’s right that as a government across the board, we look at the contingency arrangements that you know might be needed in these circumstances.

ANDREW MARR:
(over) What could you do if you were worried?

THERESA MAY:
Well I think this is … The whole point of doing the work is to look to see what it would be possible to do and what it would be appropriate to do in certain circumstances. So I’m not going to make any judgements at this stage. What I think is right is that we look at it properly and consider. But, as I say, there are no signs of trends at the moment.

ANDREW MARR:
Talking to you as a leading Conservative member of the cabinet rather than simply as Home Secretary, what’s your view about the referendum issue because if, as appears now quite likely, the Eurozone takes deeper measures, brings itself closer together and creates a stronger core, that will greatly affect what Europe means and it will, therefore, affect our relationship with the rest of the EU, and many, many Conservatives feel that at that moment the promise of a referendum can no longer be
THERESA MAY:
Well we’ve done something that no government has done previously. When we came in, we passed legislation, we’ve passed an Act of Parliament that says that if there’s a treaty which requires powers to be taken from Britain to Brussels, then there will be a referendum and the British people will have their say. And we think that’s important. Now we don’t know what’s going to come out of the current discussions. As a government we have said …

ANDREW MARR:
(over) But you’re watching this like a hawk and you must see that that’s the way things are moving?

THERESA MAY:
Well we’ve been very clear that we - and very clear for some time and George Osborne has reiterated that today - that we think that for those countries that are in the Eurozone, there is an inevitability about them having more collective responsibility in certain areas and an inevitability about certain pooling of their support for each other.

ANDREW MARR:
And that inevitability means inevitably changes to the arrangements which inevitably would trigger a referendum, no?

THERESA MAY:
We don’t know what changes to the arrangements it means in terms of the European Union as a whole, all the member states within the European Union.

ANDREW MARR:
Sure.

THERESA MAY:
But, as I say, if a treaty … We’ve been very clear in the legislation that if there is a treaty that requires powers to go from Britain to Brussels, then there would be a
REFERENDUM AND THE BRITISH PEOPLE WOULD HAVE THEIR SAY.

ANDREW MARR:
Would you like to see that happening? Do you think it’s actually fair now to give people in this country another vote?

THERESA MAY:
What I think is that we should do what we say we will do, which is that if we do see powers being required to be passed from Britain to Brussels then the British people should have their say. That’s what we’ve said to people and I think that’s right. So let’s see what actually comes out of all of this.

ANDREW MARR:
Alright. The suggested appointment of Tom Winsor to oversee the police is causing fury among many police officers because they also regard him as the person who has been trying to rewrite their terms of service and, to put it bluntly, as a bit of an enemy. Are you picking a fight quite deliberately with the Police Federation because you are determined to change the police once and for all?

THERESA MAY:
I’m not picking a fight with anybody. What I do think is right is that the role of the inspectorate has been changing. The current chief inspector of the constabulary, Sir Denis O’Connor, who’s been an outstanding chief inspector, has been gradually moving the inspectorate …

ANDREW MARR:
Was a policeman.

THERESA MAY:
He was a policeman, yes. He has been gradually moving the inspectorate to be more independent, and I think it is right that the body whose job is to shine a light on policing and on police forces should be independent of government and independent of the service. Now within the inspectorate, you have a mix already of people who have policing backgrounds and people who don’t have policing backgrounds.
ANDREW MARR:
So what is it about Tom Winsor - lawyer, I think, rail regulator certainly - that makes him overwhelmingly the best candidate to do this policing job?

THERESA MAY:
Well there was a proper process. We didn’t just pluck Tom Winsor out of thin air. There’s been a proper process under the civil service rules for this, so a number of people applied, went through interviews. And in the final interviews, which were conducted by myself and the policing minister Nick Herbert, we felt that Tom Winsor was the candidate to put forward as our preferred candidate.

ANDREW MARR:
Does it worry you that the profession is so angry about this?

THERESA MAY:
What I think is important is that we have an inspectorate that can be independent. As I say, Denis O’Connor has been moving the inspectorate, been doing some really quite challenging work in the inspectorate over the last few years. What’s important is we have an inspectorate that does challenge …

ANDREW MARR:
(over) Sorry, just one more time on that question. Does it worry you that the profession are quite so angry?

THERESA MAY:
What I want to see is an inspectorate that is independent. And of course I talk to the profession; I talk to police officers across all ranks about the changes that are being made. And we are making a lot of changes and I recognise that for policing at the moment, they’re seeing a lot happening in terms of their pay, terms and conditions, the new directly elected police and crime commissioners. But what we’re doing is establishing …

ANDREW MARR:
You see …
THERESA MAY:
… a policing … establishing policing where we are giving more discretion and responsibility to individual police officers, we’re giving public accountability through the directly elected police and crime commissioners, and we’re making the inspectorate more independent - it will report to parliament in future rather than just to government - more independent to shine a light as it has been.

ANDREW MARR:
And you’re not worried at all that you’re putting in somebody with no policing experience in charge of the police, infuriating the police just ahead of a very, very stressful summer - you know the Olympics not least? None of that concerns you at all?

THERESA MAY:
Well you say I’m putting somebody in charge of the police. I’m not actually. An inspectorate is not in charge of the police. Each chief constable continues to have operational independence in their police force area. They will have from November the directly elected police and crime commissioner. That will give local people a voice about how local policing is undertaken, give that democratic accountability that we promised people that we would give. And the inspectorate’s role is being changed. It’s being changed by the legislation we’ve passed. It will be reporting to parliament rather than to government, and its job, as I say, is to shine a light, is to look at what’s happening in police forces and policing generally.

ANDREW MARR:
I mentioned the Olympics. The terrible queues that built up at Heathrow have been a sort of national embarrassment. Are you going to carry on with an absolute insistence that everybody is fully checked as they come in, or are you going to look at, allow a bit more sort of (a lot of people would say) commonsense risk based approach?

THERESA MAY:
Well there are two parts to your question. The first is we’ve got arrangements specifically for the Olympics. We’ve been putting extra people in and opening more
desks at ports particularly at Heathrow and a number of other ports, airports in the South East. We have been seeing those queues coming down, so we’re not seeing the sort of lengths of queues that we were seeing a few weeks ago. So we have taken action already. We’ve got further plans in relation to the Olympics. I’ve always said I’m not against risk based checks, but they would need to be based on evidence. And we need to have that evidence to make sure what we’re doing is right because what is paramount is border security.

ANDREW MARR:
Home Secretary, thank you very much indeed for joining us today.

INTERVIEW ENDS