

## Home Office proposals to reopen Campsfield House IRC – briefing by Bail for Immigration Detainees.

The Home Office recently announced plans to reopen Campsfield House as an Immigration Removal Centre. A pre-procurement notice has been issued stating that commercial partners will be sought to manage the site with an operating capacity of 400, with a 6-year contract extendable for up to a further 2 years, for an estimated £227million<sup>1</sup>. The Home Office state its intention is to 'go to market within the next 12 months'<sup>2</sup> and the local authority has not yet been approached about which planning permissions are required for the site. The site is not expected to open 'until at least late 2023'<sup>3</sup>.

The plans to increase detention capacity also follow a statement by the outgoing Prime Minister relating to its intention to remove people to Rwanda, that "We will keep as many people in detention as the law allows, but where a court orders that an individual due to be on Tuesday's flight should be released, we will tag them where appropriate."<sup>4</sup> This contradicts Home Office's own policy which states that detention "must be used sparingly, and for the shortest time period necessary"<sup>5</sup>.

This expansion of the detention estate and the apparent decision to increase the use of immigration detention undoes years of progress in reducing the number of people in detention. After the government-commissioned Shaw review which highlighted systemic flaws with the detention system, the government announced its intention to "reduce the number of those detained, and the duration of detention before removal"<sup>6</sup>. The government appears to be undoing that progress without consultation, or mandate.

## Opposition to the plans

There is already considerable opposition to the plans from local groups and politicians. Layla Moran, MP for Oxford West and Abingdon (where Campsfield House is located) has stated that the community would be "incredibly dismayed" after having succeeded in the fight to get the centre closed down, stating "*Locking people up for months on end - without giving them any idea how long they'll be detained - is inhumane and unnecessary*"<sup>7</sup>. A statement by Oxford City Council has stated that "*Oxford City Council is unequivocally*

<sup>1</sup> Campsfield IRC A Pre-Procurement Notice by ATAMIS LTD <https://bidstats.uk/tenders/2022/W26/777650262>

<sup>2</sup> Factsheet: Blueprint for Campsfield House immigration removal centre <https://homeofficemedia.blog.gov.uk/2022/06/28/factsheet-blueprint-for-campsfield-house-immigration-removal-centre/>

<sup>3</sup> Campsfield House: Council leader says immigration centre 'dehumanises refugees' <https://www.bbc.co.uk/news/uk-england-oxfordshire-61988056>

<sup>4</sup> <https://www.theguardian.com/uk-news/2022/jun/19/gps-tagging-of-migrants-appears-to-contradict-home-office-guidance>

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1046288/Detention\\_General\\_instructions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1046288/Detention_General_instructions.pdf) p7.

<sup>6</sup> James Brokenshire, Immigration Detention: Response to Stephen Shaw's report into the Welfare in Detention of Vulnerable Persons <https://questions-statements.parliament.uk/written-statements/detail/2016-01-14/HCWS470>

<sup>7</sup> Campsfield House: MP furious at plans to reopen immigration centre <https://www.bbc.co.uk/news/uk-england-oxfordshire-61966401>



*opposed to the re-opening of Campsfield House Immigration Detention Centre and calls on the government to create a fair, humane and compassionate immigration system.<sup>8</sup>*

MPs can sign up to the [Early Day Motion](#) tabled by Layla Moran MP. We also encourage MPs to attend the House of Commons debate on Friday 9<sup>th</sup> September to speak out against these plans.

It comes after the government's shambolic plans to open a quasi-detention, accommodation centre to hold 1500 people seeking asylum in military barracks in the North Yorkshire village of Linton-on-Ouse were defeated by opposition from local groups, NGOs and local politicians.

### **Facts about immigration detention in the UK: Harmful, unnecessary and expensive**

A report by the World Health Organisation confirmed decades of research demonstrating that immigration detention causes a decline in health, and that such effects worsen the longer that detention lasts. The WHO found that alternatives to detention are better for health and well-being of migrants, improve compliance with migration proceedings, reduce the risk of absconding, and are more cost effective for the state<sup>9</sup>.

The vast majority of people released at the end of their period of detention, and the likelihood of removal diminishes the longer detention lasts<sup>10</sup>. Only 14% of people detained last year were removed at the end of their period of detention, suggesting that **in the vast majority of cases, detention fails to achieve any purpose whatsoever**. Prolonging detention in this way is therefore both harmful and costly (daily cost of roughly £100 per person<sup>11</sup>), and ultimately pointless.

Detention decision-making is frequently incorrect and **unlawful detention figures are at record levels**. In the last year, the Home Office paid out £12.7m to 572 people who had been unlawfully detained – up from £9.3m for 330 cases in the previous year<sup>12</sup>. Meanwhile, across the immigration system, the Home Office overall paid out £28.4m for more than 2,100 cases lost last year. This is the inevitable consequence of a system in which the Home Office is left unchecked to operate a detention system without basic safeguards such as a time limit or judicial oversight. Clearly, this is an appalling waste of taxpayer money, but the damages paid last

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<sup>8</sup> Statement on Government plans to reopen Campsfield House Immigration Detention Centre, Oxford City Council <https://www.oxford.gov.uk/news/article/2218/statement-on-government-plans-to-reopen-campsfield-house-immigration-detention-centre#:~:text=%22Oxford%20City%20Council%20is%20unequivocally,not%20report%20people's%20immigration%20status.>

<sup>9</sup> "Ideal options include case management-based approaches, focused on engagement instead of enforcement. Most importantly, these case management-based ATD (alternatives to detention) are found to improve and protect the health and well-being of migrants. They also **have been proven to be effective in the WHO European Region, with studies showing improved compliance (with migration proceedings), reduced risk for absconding and increased cost-effectiveness when compared with ID**" World Health Organisation: *Addressing the health challenges in immigration detention, and alternatives to detention A COUNTRY IMPLEMENTATION GUIDE* <https://apps.who.int/iris/bitstream/handle/10665/353569/9789289057929-eng.pdf?sequence=2&isAllowed=y>

<sup>10</sup> Home Office statistics reveal that in the last 5 years, 42% of people detained less than 28 days were removed at the end of their period of detention. For those detained more than 28 days, the figure is just 34%.

<sup>11</sup> Home Office Immigration Enforcement statistics shows that the average daily cost to hold an individual in immigration detention, in the second quarter of 2021 (the last point for which data is available) was £98.78

<sup>12</sup> Independent article <https://www.independent.co.uk/news/uk/home-news/immigration-detention-unlawful-compensation-record-b2129207.html>



year to those 572 people will not give them back the time locked in immigration detention or undo the suffering that was inflicted.

Compliance with immigration bail conditions is extremely high. Data obtained by BID shows that of the people granted bail from February 2020 to March 2021 (of which there were more than 7,000<sup>13</sup>), just 43 people absconded – less than 0.56%, while other data suggests that 1% of people released from detention in 2020 absconded<sup>14</sup>.

As the **Joint Committee on Human Rights** found in its inquiry into immigration detention published in 2019, **“While there are strict safeguards to ensure independent decision making and fair processes for detention in the criminal justice system, there are far fewer protections for people caught up in the immigration system<sup>15</sup>”**. The **Home Affairs Committee** stated in its report on immigration detention that **“there are serious problems with almost every element of the process, which lead to people being wrongfully detained, held in detention when they are vulnerable and detained for too long<sup>16</sup>”**.

Detention for immigration purposes is an administrative and not a criminal process. There are very few safeguards in the immigration detention system to prevent the wrongful deprivation of liberty. First, the decision to detain an individual, and subsequent detention decisions, are taken by an immigration officer and not overseen by a court<sup>17</sup> i.e. there is no independent judicial oversight of the use of detention. Second, unlike people suspected of a criminal offence, there is no automatic legal advice or representation to challenge immigration detention, and access to legal advice in immigration detention is frequently poor<sup>18</sup>. Third, where a detainee seeks bail (other than from the executive) bail hearings are ordinarily heard in the Immigration and Asylum Chamber of the First-tier Tribunal, which does not have the same safeguards to ensure a fair trial and prevent wrongful deprivation of liberty as those which exist in the criminal justice system<sup>19</sup>. Fourth, there is no time limit.

It is particularly concerning that the government is pushing ahead with the expansion of immigration detention without waiting for the results of the Brook House inquiry. That inquiry heard and received reams

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<sup>13</sup> in the year up to March 2021, 7,701 people were released on bail (stats are [here](#)). The number would be even greater if you include from the beginning of February but that isn't possible with the way the data is presented.

<sup>14</sup> FOI data obtained by Brian Dickoff, Response provided Monday 18 January 2021

[https://www.whatdotheyknow.com/request/712000/response/1706999/attach/3/61618%20Dikoff.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/712000/response/1706999/attach/3/61618%20Dikoff.pdf?cookie_passthrough=1)

<sup>15</sup> Joint Committee on Human Rights *Immigration Detention*

[https://publications.parliament.uk/pa/it201719/itselect/jtrights/1484/148403.htm#\\_idTextAnchor000](https://publications.parliament.uk/pa/it201719/itselect/jtrights/1484/148403.htm#_idTextAnchor000)

<sup>16</sup> *Immigration Detention* Home Affairs Committee <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/913/91302.html>

<sup>17</sup> In 2018 the government introduced automatic bail hearings for people in immigration detention after four months. However these exclude foreign national offenders and the process is beset by shortcomings. A response to a BID FOI request revealed that only 4% of referrals for an automatic bail hearing actually led to a grant of bail.

<sup>18</sup> Since 2010 BID has conducted surveys every six months regarding immigration detainees' access to legal representation from within detention, you can see the results [here](#). For those detained in prison – recently this figure has been more than 500 people – the situation is worse still, as the JCHR recognised in its report on immigration detention . The lack of immigration advice available to time-served foreign national offenders detained in prisons is well-documented and was recently declared unlawful by the High Court - see *SM v Lord Chancellor* [2021] EWHC 418 (Admin) .

<sup>19</sup> The tribunal can admit any evidence it considers relevant even if that evidence wouldn't be admissible in a court of law. The tribunal does not have the power to compel witnesses to attend court.



of evidence about a litany of failings in immigration detention that led to systemic abuse and mistreatment in Brook House IRC in 2017, including that:

- Staff were racist, abusive or dehumanizing towards detainees, and became desensitized to their suffering. Those attitudes became ingrained and led to a culture of abuse.
- There was a 'perfect storm' of conditions for abuse and ill-treatment to occur and reoccur<sup>20</sup>
- Detention is not designed, staffed or resourced to meet the needs of vulnerable detained people.
- The issues were exacerbated by multiple layers of outsourcing and inadequate oversight by the Home Office or G4S
- One Home Office official, Ian Castle, said "I think, if you spend more than 24 hours in Brook House, you're going to develop mental health issues."

### Action you can take:

MPs can sign up to the [Early Day Motion](#) tabled by Layla Moran MP. We also encourage MPs to attend the House of Commons debate on Friday 9<sup>th</sup> September to speak out against these plans.

A Coalition to Keep Campsfield Closed has been launched here: <https://keepcampsfieldclosed.uk>

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<sup>20</sup> <https://medicaljustice.org.uk/closing-statement-in-the-brook-house-inquiry/>

