

The Detention Forum



How to submit objections to the Cherwell District Council planning committee to stop the expansion of Campsfield House Immigration Removal Centre – January 2015

Key information

- The Cherwell District Council planning committee is meeting on 22 January 2015 to decide whether to grant planning permission to the Home Office / Ministry of Justice which would enable them to double the size of Campsfield House detention centre.
- Anyone can send objections to the planning committee, who will consider issues that are relevant on planning grounds. You do not have to be a local resident to participate in this process, but you must send your objections before 22 January 2015. You can email them at planning@Cherwell-dc.gov.uk quoting ref 14/01778/F.
- The main planning issue is that the proposed site for expansion lies in a designated Green Belt area, in which construction of new buildings is generally not allowed. This means that the Home Office / Ministry of Justice must demonstrate that there is a strong need for detention expansion in order to obtain planning permission. See Appendix D of the planning statement document <http://npa.cherwell.gov.uk/AnitePublicDocs/07770139.pdf> for more details.
- Please note that any objection should be on planning grounds connected to the fact that building on the Green Belt has to have very special reasons. The local authority planning officers are recommending that the councillors only examine the application on ordinary planning matters (ie not on wider issue of immigration detention in general).
- In a nutshell, the Home Office / Ministry of Justice are stating that there is a need to expand the detention estate because;
 - The new Immigration Act, together with new 500 enforcement officers, will make it easier for them to detain and remove people
 - They need to detain and remove more 'illegal immigrants' in order to reduce health, housing, education and policing costs which depend on the public purse
 - 5,000 detention bedspaces (current capacity is 4,270), particularly for 'longer stays for men', is required for their 'planned removals in the medium term'¹
- The Home Office / Ministry of Justice's needs document fails to mention the following which undermine their 'needs' argument. The Cherwell District Council planning committee must be informed that;

¹ See Planning Statement, Proposed extension to Campsfield IRC, Home Office and Ministry of Justice (October 2014), Appendix D: Needs case (available at <http://npa.cherwell.gov.uk/AnitePublicDocs/07770139.pdf>)

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- More than a third of those who are detained are released back into the community and do not result in removals. In fact, UK has been removing fewer people while the size of the detention estate has grown.
 - Detention is extremely expensive to maintain.
 - The ongoing Parliamentary inquiry into immigration detention is yet to report its findings.
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- You are encouraged to use the information available below to prepare your objections to send to the Cherwell District Council before 22 January 2015. Please feel free to modify it, but we also recommend you state clearly who you are and in what capacity you are commenting on this planning application. It's important to remember that the planning committee members are unlikely to be immigration or detention specialists, and their knowledge of detention is likely to be limited. You can play a useful role in informing them what you know – at the moment, all they have is what the Home Office / Ministry of Justice have told them to justify their plan to expand the detention estate.

Suggested argument to submit to the Cherwell District Council planning committee (14/01778/F)

The Home Office and Ministry of Justice are proposing to expand the immigration detention estate, in order to *'support planned removals in the medium term'*, and to support *'a particular need for accommodation suitable for longer stays for men'*². The 'needs case' put forward by the government outlines that just over 5,000 bed spaces will enable them to meet these objectives.

In their 'needs case' document, the Home Office and Ministry of Justice fail to mention the following points which undermine their argument. All the information cited below is available in public domain and we believe that the Cherwell District Council must be fully informed of these before assessing whether the Home Office and Ministry of Justice have sufficiently demonstrated their 'needs case'. In our view, the Home Office and Ministry of Justice fail to demonstrate the level of need that meets the Very Special Circumstances threshold which would enable them to build in Green Belt area.

The UK detains more people than most other European Countries, with the exception of Greece. In the last 12 months, detention in the UK has grown by 25%. This includes the re-role of HMP The Verne in Dorset (580 spaces) and 267 extension spaces added to six existing detention centres across the country. These latter extensions are the equivalent of opening another detention centre, out of the public eye and without scrutiny.

This detention expansion, of which the current Campsfield plan is the latest addition, makes little sense when UK's removal rate has been declining; enforced removals fell from 17,239 in 2008 to 13,051 in 2013.

² See Planning Statement, Proposed extension to Campsfield IRC, Home Office and Ministry of Justice (October 2014), Appendix D: Needs case (available at <http://npa.cherwell.gov.uk/AnitePublicDocs/07770139.pdf>)

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UK law and the Home Office's own policy guidance clearly state that detention should be used sparingly and for the shortest period necessary. Yet these recent rapid expansions suggest that rather than 'sparingly', detention is being increasingly relied upon to warehouse migrants, a proportion of whom will never be removed from the UK.

As concern about detention mounts, the first Parliamentary Inquiry into the use of detention has recently concluded. Scrutiny of immigration detention at this level, along with the volume of evidence taken throughout this inquiry – from academics, legal experts, medical practitioners, a broad spectrum of civil society and those with experience of detention – suggests very strongly that the current narrative around a 'needs case' for any expansion of immigration detention is both misleading and fundamentally flawed. Further, it lacks a substantive evidence base.

- **Detention is inefficient:** One of the stated aims of detention is to facilitate the removal of migrants from the UK. Yet, between 2008 and 2013, the numbers of enforced removals declined by as much as 24%³. The numbers detained increased in the same period by 35%⁴. In the year ending June 2014, more than one in three (36%) of those leaving detention were granted temporary admission or release, raising the question as to why they had to be detained in the first place. It also shows that the longer the period of detention, less likely that detained migrants are removed or deported: while 60% of those detained less than seven days were removed, only 44% of those detained longer than 12 months were removed. Yet this futile waste of money and lives continues largely unchecked.
- **This inefficiency is costly:** Independent research from Matrix Evidence found that £76 million per year is wasted on the long-term detention of migrants who are ultimately released. The cost of running the detention estate alone, in 2013/14, cost the tax payer £164.4 million⁵. Worse, claims for unlawful detention – compensation paid to those detained contrary to UK law- totaled £15.3 million between 2011 and 2014⁶
- **Detention is damaging:** The Home Office has repeatedly been found to have caused inhuman or degrading treatment to vulnerable detainees. In a three year period, the High Court has on six occasions found that the prolonged detention of mentally disordered detainees amounted to breaches of Article 3 of the European Convention on Human Rights. There is also mounting evidence from a range of sources that immigration detention causes mental distress⁷.

³ Enforced removals fell from 17,239 in 2008 to 13,051 in 2013

⁴ Home Office, Immigration Statistics October to December 2013, Detention, table rv_01, quoted in

⁵ Hansard HC Deb, 24 November 2014, at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-11-18/214848/>

⁶ Hansard HC Deb, 1 December 2014 at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-11-18/214974/>

⁷ see, for example, Grant-Peterkin et al. Inadequate mental healthcare in immigration removal centres. British Medical Journal MJ 2014;349 (11 November 2014) available at <http://www.bmj.com/content/349/bmj.g6627>, McGinley, A and Trude, A (2012) Positive Duty of Care? The Mental Health Crisis in Immigration Detention available at www.aviddetention.org.uk, Detention Action (2009) Detained Lives: The Real Cost of Indefinite Detention available at www.detentionaction.org.uk

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- **The current scale of, and future plans for the development of, immigration detention are not transparent:** In November 2014 James Brokenshire stated that there were 3,915 places available in immigration detention⁸. This grossly underestimates the current scale and use of detention in the UK. It does not include those held in various short term holding facilities across the country, nor does it include those held in prisons. It also contradicts other statements on detention capacity made by the Home Office, which put the figure at 4270 places⁹. Further, government statements on the numbers held in prison are inconsistent. Parliamentary responses have given discrepant figures for the same period: at 31st December 2013 it has been stated that there were both 1214 immigration detainees held in prisons¹⁰ and 850 detainees in prisons¹¹. The Home Office statistics do not include capacity available or bed spaces available, only numbers held. It is therefore difficult to understand the current scale and use of detention in the UK, when the government itself isn't able to give definitive or substantive figures. This calls into question, quite significantly, the rationale behind any 'need' to justify current expansion plans.
- **Currently, no evidence shows the Home Office needs 5,000 detention bed spaces.** The entire "Needs Case" is based on modelling which is not supplied together with the application. Paragraph 6.4 on page 21 of the Planning Statement states that "Modelling by the Home Office has indicated that an estate of just over 5,000 beds is required to accommodate detainees in appropriate conditions". A request was made by Andrew Smith MP, in a letter sent to the Immigration & Security Minister in October, for the modelling to be supplied. A further Freedom of Information request was submitted by a local resident. Yet the Home Office has not supplied any information on their modelling. Generally, we would not expect planning officers to rely on figures supplied by a developer to justify a Need which permitted development within Green Belt land, without any clue as to how those figures were generated. The same standard of assessment must apply to this application. So far, robust evidence to demonstrate a Need has not been included with the application, and the application should therefore be refused.

In spite of this, further expansion is planned. A proposed expansion at Campsfield (from 276 to 556) has been met with considerable opposition locally and in parliament. James Brokenshire MP has stated that he anticipates around 5,000 places will be required to support the removal of migrants from the UK¹². With over 4,000 places at present, in addition to the many hundreds held in prisons, it is not clear on what basis these decisions are being made. Particularly given the issues identified above, the Home Office should prioritise a reform of the detention system, not its expansion which is likely to lead to a further waste of public money.

⁸ Hansard HC Deb, 17th November 2014 available at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-11-10/213923/>

⁹ See Planning Statement, Proposed extension to Campsfield IRC, Home Office and Ministry of Justice (October 2014), Appendix D: Needs case (available at <http://npa.cherwell.gov.uk/AnitePublicDocs/07770139.pdf>), and AVID (September 2014): Immigration Detention in the UK: Residential Detention Capacity at <http://www.aviddetention.org.uk/images/uk%20detention%20september%202014.pdf>

¹⁰ Hansard 9 April 2014, c249W.

¹¹ Hansard 13 May 2014, c 459W.

¹² Hansard HC Deb, 25 November 2014 at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-11-17/214477/>