



Response to consultation

July 2026

Dear Sir/Madam

**Re: Crown Development Application – Haslar Immigration Removal Centre
(CROWN/2026/0000005)**

This development application is made under section 293D of the Town and Country Planning Act 1990, which requires that the proposed development is “*of national importance*.” To that end, the Home Office appears to have issued a statement of national importance under cover of letter of 29 May 2026.¹ Whereas that letter appears among the documents published as part of this application, the statement is not made available. We have, however, considered the Planning Statement prepared by Cushman & Wakefield (as the appointed agent of the Home Office) of May 2026 – in particular the section at pages 22-27, which sets out “*The Need for Additional IRC Accommodation*” (“**the statement of need**”).² We have also considered the Home Office statement of national importance submitted for a similar development application (CROWN/2026/0000004) made in respect of Campsfield Immigration Removal Centre (“**the Campsfield statement**”), on which we have also submitted a response to consultation.³ We have done so on the assumption that the asserted justification of need for the Campsfield development is the same, or at least, very similar to that asserted for the Haslar development. It is readily apparent that the statement of need draws on much the same language and assertions that are made in the Campsfield statement. Moreover, the statement of need expressly presents the need for the two developments (Haslar and Campsfield) jointly.⁴

Whereas we note the conclusion of the Minister that the development proposal “*has been deemed Nationally Important*,”⁵ this requires no more than, for example, “*the development would... contribute towards the provision of national public services or infrastructure, such as new... border infrastructure*.”⁶ It remains for the application to be determined on its planning merits.⁷ That must include assessment of the justification (public interest) that is advanced in favour of the development, including whether it shows any contribution of infrastructure to be necessary or of any real or proportionate benefit to the public or national interest.

¹ [Home Office letter to MHCLG](#), 29 May 2026

² [Planning Statement: Haslar IRC Home Office](#), May 2026

³ Our response to that consultation is available [here](#).

⁴ Planning Statement: Haslar IRC Home Office, paragraph 5.26

⁵ The letter of the Minister for Housing and Planning to Dame Caroline Dineage MP, 12 June 2026 ([260612](#))

⁶ Written Statement of the Minister for Housing and Planning, *Hansard* HC, 13 February 2025 : Col 32WS

⁷ Written Statement of the Minister for Housing and Planning, *Hansard* HC, 13 February 2025 : Col 31WS



Accordingly, our consultation response provides an analysis of claims made in the statement of need and the Campsfield statement (“**the statements**”), and of the context in which these claims fall to be considered, before setting out our conclusions on why these statements provide no justification for the proposed development. In doing so, and as explained in this response, we have taken care to avoid objection to the proposal that is based on our wider concerns regarding immigration and asylum policy. Instead, our response is focused on a more neutral and objective consideration of the claims made in favour of the development against matters that are in the public domain and uncontentious (and which the decision-maker can reasonably evaluate for themselves on material that is readily available to them).

Summary of the statements

1. The Campsfield statement says that the development is necessary (“*a key logistical requirement*”) to enforce the removal from the UK of more people to other countries.⁸ Critical to this assertion is the claim that “*insufficient detention capacity is a critical bottleneck in the immigration system.*”⁹ That claim is emphasised by reference to “*the sentencing review and the returns agreement with France,*” which are said to “*have placed unprecedented demand on the detention estate*” and so “*significantly increased the need for detention space.*”¹⁰ The statement of need also relies expressly and specifically on these two matters (the sentencing review and returns agreement with France), though it does not assert these to have created a demand that is “*unprecedented.*”¹¹ It too describes “*limited detention space [as] a critical bottleneck*” to ministers’ removals targets.¹²
2. The Campsfield statement goes so far as to say that “*without sufficient additional capacity, the Government’s ability to deliver its priorities will be critically undermined*” and “*demand for immigration detention capacity vastly outstrips supply.*”¹³ If the development is not approved, it is claimed that the consequences would include “*serious impacts on national security, border infrastructure and the Department’s ability to enforce removals.*”¹⁴ The statement of need, however, makes no assertion of any impact on national security. It does assert that the development is necessary to avoid “*serious impacts on border security and the Department’s ability to enforce removals.*”¹⁵ The statement of need also asserts that “*demand for immigration detention capacity vastly outstrips supply*”¹⁶ and, in terms, makes the

⁸ Home Office [Statement of National Importance](#) (Campsfield), p3 (‘Development Proposal’) and p7 (‘Conclusion’)

⁹ *ibid*, p3 (‘Development Proposal’) and p5 (‘Illegal Migration Overview’)

¹⁰ *ibid*, p4 (‘Development Proposal’) and p5 (‘Illegal Migration Overview’)

¹¹ Planning Statement: Haslar IRC Home Office, paragraphs 5.9 to 5.11.

¹² *ibid*, paragraph 5.17

¹³ Home Office Statement of National Importance (Campsfield), p4 (‘Development Proposal’) and p7 (‘Conclusion’)

¹⁴ *ibid*, p4 (‘Development Proposal’)

¹⁵ Planning Statement: Haslar IRC Home Office, paragraph 5.30

¹⁶ *ibid*, paragraph 5.5 (see also paragraph 5.12)



same assertion that the development is critical to the Government's ability to deliver its priorities.¹⁷

Use of immigration detention and related matters

3. Immigration detention must only be used for the purpose of preventing unauthorised entry to the UK or securing removal from the UK (i.e., for legitimate immigration purposes). Moreover, as recognised in domestic law and policy, it is required to be used only sparingly and for the shortest possible time for the achievement of someone's removal where that is both safe and lawful and detention is truly necessary to achieve it.¹⁸ These principles accord with considerations of justice and efficiency, and are reflected in international human rights standards by which the UK is bound.¹⁹ They are also largely reflected in the statement of need.²⁰
4. However, as Amnesty International research²¹ and that of others has shown, contrary to these principles, the use of immigration detention has become routine and arbitrary and is excessive.²² In this regard, we drew attention in 2017 to the fact that:²³

"The UK detains more than 27,500 people a year under immigration powers. Most of these people are held for a few weeks, but some are held for months or even years: there is no time limit. The majority are released back into the community to pick up the pieces of their disrupted lives." (emphasis added)

5. Nearly a decade later, it remains that, in the majority of cases, the use of immigration detention ends with someone's release into the community. The most recent release of immigration statistics confirms this, identifying that only 44% of people leaving detention were removed from the UK over the year ending March 2026.²⁴ These statistics are published quarterly and this figure has remained stable

¹⁷ *ibid*, paragraphs 5.14 & 5.15

¹⁸ These principles are well established, including by authoritative rulings of the higher courts such as *R (Hardial Singh) v Governor of Durham Prison* [1984] 1 WLR 704, *R (I) v Secretary of State for the Home Department* [2002] EWCA Civ 888, *R (Lumba) v Secretary of State for the Home Department* [2011] UKSC 12 and *R (Hemmati) v Secretary of State for the Home Department* [2019] UKSC 56.

¹⁹ Such as Article 5, 1950 European Convention on Human Rights

²⁰ Planning Statement: Haslar IRC Home Office, paragraphs 5.3 & 5.4

²¹ [A Matter of Routine: the use of immigration detention in the UK](#), December 2017 ("the Amnesty report")

²² The former prisons and probation ombudsman was commissioned by government to produce two independent reports concerning immigration detention: *Review into the welfare in detention of vulnerable persons*, January 2016, [Cm 9186](#) and *Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons*, July 2018, [Cm 9661](#). Both reports ("the Stephen Shaw reports") raise serious questions about inefficient, excessive and harmful use of detention. They also note its high financial costs.

²³ The Amnesty Report, p50

²⁴ Immigration statistics quarterly release, May 2026 identifies that "Just under half (44%) of people leaving detention were returned from the UK in the YE March 2026, similar to the proportion a year ago, but higher than the proportion seen in the YE March 2023 (22%)."



in each publication since that for the year ending June 2024.²⁵ Before that period the proportion of people removed on leaving detention was significantly lower over the years from 2020.²⁶ Previously, however, the statistics confirm that for the years 2015 to 2019, the figure was also around 44%.²⁷

6. The National Audit Office (“NAO”) has recently found “*no realistic approach*” being taken to removals.²⁸ We agree with that assessment, which is consistent with the immigration statistics. We have explained some of the reasons for that in our submission to the Public Accounts Committee inquiry relating to the NAO analysis.²⁹
7. Moreover, on 25 June 2026, the Home Office announced its intention to seek planning permission to accommodate people seeking asylum at former MOD sites at Bicester, Barnham and Linton-on-Ouse with bedspace for up to 3,750 people, to extend use of Crowborough and Wethersfield, and extend capacity of the latter to over 1,200 bedspaces.³⁰ The use of sites such as these to accommodate large numbers of people seeking asylum en masse in relatively confined and isolated conditions has grown over recent years. We merely note here that both use of detention and quasi-detention is growing notwithstanding the continued and longstanding unrealistic approach to removals.³¹ The statement of need expressly acknowledges the recent expansion of the detention estate.³²

Discrete errors and omissions in the statements

8. The most glaring omission is any recognition of, still less explanation for, the persistent use of immigration detention in circumstances where, more often than not, it concludes with someone being released into the community.
9. A related omission is any analysis of the length of detention:
 - 9.1. Immigration statistics indicate that, under the present government, a greater proportion of people detained are held for periods of over a week than at any time since 2010; and a greater proportion of such people are held for periods

²⁵ Immigration statistics quarterly releases, between August 2024 and May 2026

²⁶ Immigration statistics quarterly release (‘How many people are detained under immigration powers in the UK’, Figure 3), May 2026

²⁷ Immigration statistics quarterly release, August 2024 states that an increase in the proportion of people removed at the end of their detention “...brings the proportion of removals into line with where it was in the years 2015 to 2019, when it averaged 44%” – i.e., the period in which the Amnesty report and the Stephen Shaw reports were published. The latter reports specifically drew attention to this figure and its clear indication of excessive and inefficient use of immigration detention.

²⁸ [An analysis of the asylum system](#), December 2025, p8, paragraph 13

²⁹ The Committee’s report and submissions to it, including our own submission, are available [here](#).

³⁰ The announcement was [reported by the BBC](#) amongst others, and prompted a [letter from the Chair of the Home Affairs Committee](#) to the Minister for Border Security and Asylum.

³¹ Immigration statistics quarterly release, May 2026 shows the number of people detained has increased over the term of the present government.

³² Planning Statement, Haslar IRC Home Office, paragraph 5.12



of over one month than since around 2018/2019.³³ Hundreds of people continue to be held for periods of over 3 months or even over 6 months.³⁴ Some people are detained for far longer periods. For example:

- Three people left detention during 2025 after periods of detention of at least 4 years. Of these three people, statistics confirm one to have been removed, one to have been released into the community on immigration bail, and do not identify the circumstances in the case of the third person.³⁵
- Three people left detention during 2024 after periods of detention of at least 3 years. Of these three people, statistics confirm one to have been removed and two to have been released into the community on immigration bail.³⁶
- Nine other people left detention during 2024 and 2025 after periods of at least 2 years. Of these nine people, statistics confirm one to have been removed, six to have been released into the community on either immigration bail or with permission to stay, and do not identify the circumstances in the case of the two other people.³⁷

9.2. The relevant statistics show that, under the present government, under 75% of people released from detention that lasted no more than 3 days were removed.³⁸ This compares to an overall figure of 44% of all people released from detention of whatever length.³⁹ Not only is detention that lasts longer than 3 days ended with only a minority of people removed. The longer someone is detained, the smaller that minority is.⁴⁰

10. Whereas the statements rely significantly on what the Campsfield statement says is an “*unprecedented demand on the detention estate*” placed by the sentencing review and the returns agreement with France, neither provides any analysis of this –

³³ Immigration statistics quarterly release (‘How many people are detained under immigration powers in the UK’, Figure 4), May 2026

³⁴ Immigration statistics quarterly release, May 2026

³⁵ Immigration detention detailed datasets, May 2026, People leaving immigration detention, Det_03

³⁶ *ibid*

³⁷ *ibid*

³⁸ Between July 2024 and March 2026 (inclusive), 6,871 people left detention after 3 days or fewer, of whom 4,956 (72%) were removed at the end of their detention.

³⁹ Between June 2024 and March 2026 (inclusive), 38,500 people left detention, of whom 17,035 (44%) were removed at the end of their detention.

⁴⁰ Between June 2024 and March 2026 (inclusive), 31% of 3,954 people who left detention after between 4 days and 1 week were removed; 40% of 6,703 people who left detention after between over 1 and 2 weeks; 39% of 8,262 people who left detention after between over 2 weeks and less than 1 month; 40% of 6,722 people who left detention after between 1 month and less than 2 months; 39% of 2,808 people who left detention after between 2 months and less than 3 months; 35% of 1,329 people who left detention after between 3 months and less than 4 months; 30% of 1,040 people who left detention after between 4 months and less than 6 months; 29% of 681 people who left detention after between 6 months and less than 1 year; 22% of 97 people who left detention after between 1 year and less than 18 months; 33% of 21 people who left detention after between 18 months and less than 2 years; and 16% of 12 people who left detention after at least 2 years.



whether to substantiate the general assertion or to show the relative impact of what are stated to be two separate causes.

- 10.1. Nonetheless, the statements emphasise the significance of the returns agreement to the justification advanced for the development. The Campsfield statement does so in a section entitled ‘Illegal Migration Overview,’ which draws reference to a pledge by the Home Secretary to “*scale up these removals to France.*”⁴¹ The statement of need sets out a similar analysis with the same reference.⁴²
- 10.2. However, the returns agreement is temporary and short-term. The agreement has recently been extended, by an exchange of letters on 2 and 8 June 2026, to end on 1 October 2026.⁴³ Reports indicate the French authorities do not intend to extend it further in light of the EU Action Plan for the Channel migratory route (“the EU Plan”) that was published on 16 June 2026.⁴⁴ The EU Plan does not provide for any replacement of the returns agreement.⁴⁵ The statements predate the EU Plan and the extension of the returns agreement (although at the time the statements were issued, that agreement then had barely 3 months to run). It is our understanding that the French authorities are seeking that the EU should take over responsibility for the Channel crossing insofar as this concerns France. In any event, there is no current provision for any extension or replacement of the returns agreement after 1 October 2026 and it is, therefore, at least questionable whether there will be any continued need for existing, still less increased, detention capacity (“**bedspace**”) in relation to such returns.
- 10.3. As regards the sentencing review, this proposes that more prisoners be returned before completion of their prison sentence.⁴⁶ If and to the extent that the review proposal is implemented, that can be expected to reduce demand for bedspace not increase it.
- 10.4. The statement of need expressly explains that increased use of suspended sentences following the sentencing review will reduce the number of people transferred from prisons to the immigration detention estate. It then says, “*Given the ongoing demand associated with the return of Foreign National Offenders (FNOs), together with wider changes from sentencing reform, there is a sustained and increased requirement for detention capacity.*”⁴⁷

⁴¹ This is a reference to the statement of the Home Secretary in a Home Office news story, [Record single flight of illegal migrants under new deal](#), 19 October 2025.

⁴² Planning Statement: Haslar IRC Home Office, paragraph 5.9

⁴³ This correspondence is available [here](#).

⁴⁴ *The Guardian* cites a report in *Le Monde*, see: “[‘One in, one out’ deal on Channel crossings to end in October, French reports say](#)”, 24 June 2026.

⁴⁵ The EU Action Plan for the Channel migratory route is available [here](#).

⁴⁶ [Independent Sentencing Review: final report and proposals for reform](#), May 2025, pp107ff, recommendation 6.8

⁴⁷ Planning Statement: Haslar IRC Home Office, paragraph 5.11



This is mere assertion without explanation. It does not address the reasons explained in paragraph 10.3 why the sentencing review can be expected to reduce the demand for bedspace and assumes that in respect of people, whom the sentencing review has determined do not require imprisonment for the protection of the public, it will nonetheless be both reasonable and lawful to deport them and necessary to detain them for that purpose. Neither assumption is substantiated.

11. Whereas the primary focus of the statements are clearly removals, it is asserted in the Campsfield statement that not securing the development would have a serious impact on national security. This is nowhere explained other than to assert that the deportation of people (designated as foreign national offenders) would contribute directly to national security by “*reducing the risk posed by individuals with criminal backgrounds.*”⁴⁸ This risk is not explained further, though it may readily be understood to mean a risk of reoffending. Without more, this is either (i) a serious expansion of the notion of national security, which is ordinarily understood to be concerned with activity of a significantly higher order than crime (even serious crime), albeit that activity will include crime; and/or (ii) a serious exaggeration of the need for the development. We have considered the separate national security statement made by the Home Office in March 2026 for the Campsfield development.⁴⁹ Nothing in that statement provides any additional basis for considering the need for the development to engage any national security concerns.
12. The Home Office appears to have issued a national security statement for the Haslar development under cover of letter of 29 May 2026.⁵⁰ That statement is not among the documents published as part of the development application. However, we assume it provides no more than the national security statement for the Campsfield development. Tellingly, the statement of need makes no claim that the Haslar development is needed for any reason of national security – even when repeating the same exact phrase in which such a claim is made in the national importance statement for the Campsfield development (“*serious impacts on...*”), which we cite in paragraph 2 of this response, save that the reference to national security is not included. This confirms our analysis in paragraph 11 of this response that any claim to there being a national security need for the development is unjustified.
13. There is no analysis in the statements of the costs or harms of immigration detention.
 - 13.1. As regards costs, the Campsfield statement identifies that enabling the removal of people refused asylum aligns with a government priority of reducing costs to the Home Office (and local authorities), in particular support and accommodation costs,⁵¹ although the statement of need makes

⁴⁸ Home Office Statement of National Importance (Campsfield), p4 (‘Development Proposal’)

⁴⁹ Home Office [National Security Statement](#), March 2026

⁵⁰ [Home Office letter to the Crown Development Case Team](#), 29 May 2026

⁵¹ Home Office Statement of National Importance (Campsfield), p6 (‘Alignment with other Government Priorities’)



only passing reference to this matter.⁵² It is a serious omission, therefore, to have failed to provide any analysis of the costs of detention. That omission is complicated by the omissions (identified above) of any recognition of the scale of immigration detention that ends with someone's release into the community and the length of that detention.

13.2. As regards harms to individuals and families, including children, the statements are merely silent on these – both harms to people who are detained; and harms caused by family separation.⁵³ These harms may be serious and lasting, and include the tangible and intangible difficulties that people (and families) experience readjusting to life in the community after having been taken into and been held in detention. There are also financial and other administrative costs to these harms, arising from both increased need of people for social, health or other support and reduced capacity to engage effectively with immigration, asylum and other systems.

14. The Campsfield statement refers to an accompanying needs assessment.⁵⁴ No such assessment appears among the published documents. Nonetheless, that statement sets out why the development is said to be necessary; and the statement of need sets this out in respect of the Haslar application.

Wider concerns

15. We have avoided wider critical analysis of the immigration and asylum systems. We do not, for example, engage with the assertion in the Campsfield statement that the government is committed to “*a fair, secure and humane immigration system*” or that any such commitment is upheld, whether by current policy and practice or the proposed development.⁵⁵ Similarly, we do not engage with assertions in the statement of need such as that “*IRCs provide a secure and humane environment*,”⁵⁶ or concerning the analysis of international circumstances (albeit we acknowledge the Five Eyes joint statement and the wider concern to which references are made, notwithstanding our views about the credence of these concerns).⁵⁷

16. However, we must make clear that we remain gravely concerned at the unfairness and inefficiency of the immigration and asylum systems, which have several consequences that undermine the assertion that more bedspace is needed; and we do not share the view about the suitability and humanity of conditions and experience in immigration detention. The consequences of unfairness and

⁵² Planning Statement: Haslar IRC Home Office, paragraph 5.17

⁵³ The 2016 and 2018 Stephen Shaw reports identify “*vulnerability as intrinsic to the very fact of detention*” and give detailed consideration to many aspects of harm, with particular but not exclusive attention to harm to mental health, self-harm and suicide. The 2017 Amnesty report provides further analysis and example of serious harm.

⁵⁴ Home Office Statement of National Importance (Campsfield), p2 (‘Introduction’)

⁵⁵ *ibid*, p7 (‘Conclusion’)

⁵⁶ Planning Statement: Haslar IRC Home Office, paragraph 5.4

⁵⁷ *ibid*, paragraph 5.6



inefficiency include the removal or threat of removal (including detention) of people born in the UK with entitlements to British citizenship;⁵⁸ people with substantial ties to the UK including through long residence falling out of the immigration system due to costs, changes to the rules and complexities of that system which they are unable to foresee, prepare for, or understand;⁵⁹ and people being refused asylum in circumstances where they cannot safely return to their home countries for reasons of persecution.⁶⁰ These matters are among the reasons at the heart of what the National Audit Office has (as we discuss above) rightly identified as an “*approach*” to removals that is unrealistic.

17. Calls for improved decision-making continue to be made. Most recently, the Public Accounts Committee has drawn attention to concerns regarding the quality of decisions.⁶¹ However, the impediments to safe and sustainable decision-making include both operational and policy matters, including the rules and other policy set by ministers that constrain what the decision-maker is able to consider or how.
18. We do not attempt to unpack these concerns here, though we should be happy to do so if asked. Rather, we draw attention to the fact of these concerns in the context of those matters on which we have provided analysis, explanation and correction in this response.

Conclusions

19. The data shows that claims made in the statements concerning the need for more bedspace and the impact of not providing that are misstated. The Home Office already has wide powers of immigration detention and a large detention estate. It uses these routinely, arbitrarily and excessively. Most people it detains are not removed when their detention ends. They are released into the community. This is true for the entirety of the detained population. When that population is broken down by length of detention, it holds true for all cohorts, save for that of people detained for periods of 3 days or fewer. Moreover, the longer people are detained, the greater the proportion of them whose detention ends with their release into the community. This means the proportion of resources (e.g., overall costs of immigration detention, bedspace availability each day, staff time managing the

⁵⁸ This generally concerns people born in the UK whose parents or other adult carers neglected to register their right to British citizenship during their childhoods. This matter was, for example, highlighted by the Stephen Shaw reports. More on the rights to British citizenship of children in the UK is available from the [Project for the Registration of Children as British Citizens](#).

⁵⁹ These various causes of what is referred to as ‘overstaying’ (remaining in the UK beyond the expiry of permission to enter or stay) tend to receive little attention, even though they affect many people some of whom permitted to come or stay with the expectation that they could and would stay permanently and with little realistic or reasonable option for simply abandoning the home they have made for themselves and their family, including children, in the UK.

⁶⁰ There has been an exceptional rise in the asylum refusal rate under the present government, to which the joint Amnesty UK & GAPS UK, [Recognised as persecuted but denied asylum](#), March 2026 briefing draws attention in relation to the impact on the UK’s women, peace and security agenda.

⁶¹ [An analysis of the asylum system](#), First Report of Session 2026-27, HC 89, June 2026, p12, paragraphs 10-11 and p17, paragraph 22



detention estate and/or someone's detention) that are used to an end (i.e., release into the community) that does not fulfil the purpose of immigration detention (i.e., removal) is even greater than simply the proportion of people whose detention ends with their release into the community.⁶² The inefficiency, therefore, of detention use when assessed against its purpose is far greater.

20. This is all clear indication that, by any reasonable or rational measure, the Home Office does not need more bedspace. Instead, the department ought to exercise its immigration detention powers more responsibly, purposefully and efficiently.
21. Regrettably, successive governments over very many years have encouraged the Home Office to continue its harmful and inefficient use of immigration detention. Even at times when the department has had more bedspace, it has exercised its powers such that the majority of people it detains are, when their detention ends, released into the community. This has been consistent either side of a period between around 2020 and 2023, during which the majority of people whose detention ends with their release into the community was even larger.
22. The statements and the justifications they advance for the development implicitly accept and adopt the inefficiency and harms that have continued over many years by routine, arbitrary and excessive use of immigration detention. Moreover, the statements and justifications embody and exacerbate this when making exaggerated claims regarding national security and when pressing the impact of a returns agreement with France that, when this consultation closes, will have less than two months left to run (even with the extension agreed in June 2026).⁶³
23. To return to the precise way in which the statements present what is claimed to be the national interest and necessity for the development (summarised above):
 - 23.1. The current bedspace capacity presents no bottleneck. Since that bedspace is overwhelmingly used for detention that does not lead to removal, any such bottleneck there may be is created by the way the Home Office uses the detention powers and resources it currently possesses. Since the data shows the department has maintained its inefficient use of these powers and resources over many years, including at times when it has had greater and lesser bedspace, it can only be concluded that providing it more bedspace will simply enlarge the human, financial and administrative costs of this inefficiency.

⁶² There are other costs to public funds. These include court and tribunal resources, judicial time, and legal aid expenditure that is taken up by matters concerned with immigration detention. There are also damages that are paid for unlawful detention.

⁶³ We do not provide any evaluation of the merits of this agreement. We note, however, that we and others have considerable reservations about it, including reservations related to the fact that the agreement is predicated on an arrangement that is required to result in the same number of people on either side of the Channel (people returned are exchanged for other people in France) and that is largely paid for by the UK (including paying for most of the administration of the arrangement and for all flights to and from France that are arranged under the agreement).



- 23.2. Nothing is presented to substantiate the assertions that either the sentencing review or the returns agreement with France requires more bedspace. Quite apart from the possibility of freeing up bedspace by correcting existing inefficiency, the future of the returns agreement is so short-term that its imminent end provides reason to anticipate a reduced demand on bedspace (and certainly provides no reason for the development). As regards the sentencing review, since this intends that more of the people who are liable for deportation should be removed prior to completion of their prison sentence in the UK, there seems no good reason why this should require more bedspace in the immigration detention estate.
- 23.3. Contrary to the department's central assertion, demand for bedspace is not shown to outstrip supply, vastly or at all. Rather, use of bedspace is consistently shown to outstrip any proper demand for that use – this is so even assuming both that the minority of detained people whose detention leads to their removal are safely and lawfully removed and that these removals take place efficiently (i.e., that people are not detained for longer than necessary to achieve their removal from the UK). Each of these assumptions is contestable. While we do not seek here to unpack the degree to which these assumptions are contestable, we would again be pleased to do so if asked. For present purposes, we merely invite the decision-maker to have these wider concerns in mind when considering the significance of the uncontroversial fact that most use of detention (and a greater proportion of longer detention) does not lead to removal.
24. We note that our basic analysis is consistent with various others. These include the assessment of the former prisons and probation ombudsman, when commissioned by the Home Office to assess and report on the welfare of people subjected to immigration detention, whose second follow-up report included the following:⁶⁴
- “...it is apparent that more than half of those subject to immigration detention are eventually released back into the community. I remain of the view that, very frequently, detention is not fulfilling its stated aims.”*
25. The former prisons and probation ombudsman's observations concerning the use of detention included:⁶⁵
- “...I am not aware of any work examining the number of beds needed to implement the wider enforcement strategy. More to the point, I have seen no analysis explaining why around 3,500 detention beds in the IRCs and prisons are regarded as necessary for the strategy to be successful. In the absence of*

⁶⁴ It is significant that the proportion of people whose detention was ended by their removal from the country, on which Stephen Shaw drew his conclusions in 2018, remains the same nearly a decade later (as we set out earlier in this response): see his *Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons*, July 2018, [Cm 9661](#), p22, paragraph 2.93.

⁶⁵ *ibid*, p8, paragraph 2.9



such an analysis, the current system must be regarded as happenstance. Moreover, the size of the detained population is determined more by the available bedspace, rather than any in-depth analysis of need.”

26. This conclusion from nearly a decade ago is as relevant today as it was then, save that several years have passed and the Home Office, under successive home secretaries, administrations, and parliaments has continued not to address it. This is notwithstanding that, as indicated previously in this response, the department continues to use detention, as the data shows, in the same routine, arbitrary and excessive way that then applied, with detention ending in the clear majority of cases with the person released into the community. The recent analysis of the NAO that there is “*no realistic approach*” to removals confirms this, since the purpose of detention is removal and, without a realistic approach to that, the use of detention for that purpose will be arbitrary. Accordingly, if the development is approved, the only reasonable conclusion is that this same ‘happenstance’ approach will simply be extended to more people thereby increasing injustice and cost for no good reason. Far from making “*a meaningful contribution towards addressing capacity constraints*,”⁶⁶ the development will enlarge the waste of public resources and harms caused by the existing ‘happenstance’ use of detention.
27. We have taken note of various assertions in the statement of need concerning ‘demand’ for bedspace and linking these to policy demands and priorities. However, the key facts remain that, for over a decade, in only 44% of cases did someone’s detention end with their removal (save for a period in which that figure was significantly lower). The inescapable conclusion is that the department has singularly failed to address what the former prisons and probation ombudsman found (which coincided with Amnesty’s own research and analysis) as to the routine, arbitrary and excessive use detention. There remains “*no analysis explaining why*” the bedspace the Home Office has been (let alone what it seeks is) needed; and its ‘unrealistic’ approach to removal and detention underpins the continued fact that bedspace outstrips any proper demand for its use. Without some fundamental change to these facts, it cannot be demonstrated that even the existing bedspace is needed let alone that more is required.
28. Accordingly, the statements and justifications they advance for the development are seriously flawed and the statements fail to make out any good case for the development. The development should not be permitted.

Sincerely,

Steve Valdez-Symonds
Policy Lead – Refugee and Migrant Rights

⁶⁶ Planning Statement: Haslar IRC Home Office, paragraph 14