

Proposal for an Immigration Removal Centre at Piddington

Objection submitted by the Coalition Against Bullington Immigration Removal Centre

CABIRC is a coalition of individuals, non-government organisations and local political parties that have formed a coalition to oppose the development of the Bullington Immigration Removal Centre. An up-to-date list of our supporters can be found on the CABIRC website: www.cabirc.org.uk

Summary

Why CABIRC opposes the planning application

The proposed development is inappropriate for the rural site, which is not in an identified employment growth area. It clearly undermines local and regional planning policy.

The proposed development would be the biggest immigration detention centre in Europe.

It is unnecessary. In the last five years the number of asylum seekers arriving in Britain has declined sharply. More detention places are not necessary if the government sticks to its stated policy of using detention only as a last resort.

It is enormously expensive. Estimates show that the new centre would cost in the region of £38 million per year to run.

Last, and for the Coalition perhaps most important, detention, in this case indefinite detention, is inhumane. The high rates of depression, of self-harm, and the hunger strikes and other protests that occur in detention centres make this clear.

'You know what is astonishing about this? Eventually we get out. So all the strategy is a waste of tax payer's money and people's life behind bars.'

Karim Benhamou, detained a total of *eight years*

Policy objections

CABIRC believes that there are policy objections to the proposal which are strong enough to warrant its outright rejection.

The applicant refers to an exchange of letters in paragraph 7.7 of its Planning Statement (PS) '*Cherwell's response to the pre-application submission concluded that the proposal conflicts with policies G1 and G2 and that therefore the applicant must demonstrate that the need for the proposal outweighs the policy objection.*' The same paragraph refers to other policies that reflect the importance that the government attaches to the principle of sustainability. These include policy guidance incorporated within PPS1, PPG13, RPG9, and the emerging (but at a fairly final stage) RSS9.

The applicant places great weight on the Secretary of State's final decision letter on a previous application in 2003 for the redevelopment of this site as an accommodation centre for asylum seekers. Our view is that it is a completely invalid to attach much weight to this letter for a number of reasons:

- 1) The Home Office's intention to present a new application for a secure centre was only made known in 2005/6 two years after the decision letter concerned exclusively with the merits of a significantly different application was produced. Each application must be assessed on its own merits. This application has far higher staffing levels with associated traffic movements (130 staff parking places in 2003 compared to 270 spaces in this application). The skills mix of the staff is inevitably also different with the change of use – and therefore the assessment of the availability of a local labour pool and the employment impact are different. It is for a far higher building (an extra 4.2m), with a bigger footprint, with landscape and setting consequences. This application is for a Class B prison rather than for open accommodation. It therefore requires far stronger (and higher) on-site lighting and more obtrusive fencing. It is a completely different application, and, in our view it is in conflict with several aspects of the Non-Statutory Adopted Cherwell Local Plan (NSCLP) policy D10a.
- 2) Since the decision letter was produced, the 2004 Planning & Compulsory Purchase Act has removed Crown immunity from this development. The Secretary of State was writing his decision letter at a time when, in law, he possessed greater powers than the current Secretary of State now enjoys.
- 3) Since the decision letter, a new use class has been created, and the land use proposed is not under the same use class as the previous application.
- 4) Since 2004 the South East Plan and the emerging Local Development Framework have clarified significantly the vision for areas where employment growth is encouraged, and where it is discouraged other than for small-scale local need-based exceptions. This site is not in a designated employment growth area and the development is beyond the curtilage of Piddington, a category 2 settlement as set out in the adopted Cherwell Local Plan (CLP) policy H14, and the NSCDP policy H16. The need for local housing generated by the development cannot be met either in Piddington, nor the Category 1

settlements of Ambrosden, and Launton, nor the other Category 2 settlements of Blackthorn and Arncott according to housing policy.

South East Plan policy

Policy CO1 sets out that *‘The main locations for development will be Bicester, Didcot, and Wantage and Grove and within the built up area of Oxford.’*

Paragraphs 2.8 and 2.9 go on to elaborate: *‘Bicester and Didcot have strong rail links to London and other neighbouring centres. Both towns are well placed to capture and realise the potential of the sub-region and have the best potential transport links to support clusters of high value employment. Concerted action will be needed by a range of organisations to ensure this happens, particularly by developing the economic base of both towns, and by guarding against the risk of them simply acting as dormitories. Bicester is well located for research related activities needing strategic rail and road access, including to Oxford, and could benefit from East West Rail and contribute to wider economic development of the ‘Oxford to Cambridge Arc’. To help make Bicester an attractive location for higher value sectors, a local economic and marketing strategy for Bicester focusing on business improvement (attracting inward investment and development) together with improvements of services and facilities, could be developed. The science and technology sector is often associated with a corridor of activity including Oxford to major employment sites in the south of the county. Being in the Oxford-Cambridge arc means Bicester being seen as part of Oxford area of influence, not outside it.’*

Policy CO5 of the South East Plan states that:

‘Priority should be given to development which supports educational, scientific and technological sectors and responds to the needs of established and emerging clusters within the county. The main locations for the provision of additional land for employment will be at Bicester and Didcot, in particular to provide for the expansion and location of existing local firms and those in the sectors referred to above.’

The Bicester Vision is about fostering a local marketing and development strategy for the town. It aims to regenerate it and to reverse the current level of out-commuting of its workforce. At 58% in census returns, Bicester is the most unsustainable of the four country towns (Bicester, Banbury, Didcot and Witney). In order to protect the Bicester Vision, the Secretary of State has proposed changes to the plan that restrict still further the development of large scale employment development outside of the town. Her proposed changes read:

‘Additional land for employment will be provided where justified at Bicester and Didcot, for the expansion and relocation of existing local firms to foster knowledge-based industry... (CO5 Reason: to avoid worsening the jobs-housing imbalance)’

And again, in respect of employment land, the Secretary of State writes:

‘Land should not be released for employment to the north of Oxford that could adversely affect the future economic buoyancy of Bicester and Witney or undermine opportunities to integrate the South Oxford urban extension into the wider southern urban area.’ (Section E7 Paragraphs 2.1 to 2.18)

The applicant clearly agrees that the land is an employment use (PS 1.5 citing Circular 02/2006 paragraph 84 *‘...location on land allocated for employment uses is appropriate.’*).

We cannot see how this proposal could possibly be in conformity with the South East Plan for the following reasons:

- 1) It is outside Bicester and therefore would have the effect of undermining policy attempts to improve the ‘self-containment’ of Bicester in employment terms. It reinforces the existing dormitory status of the town, contrary to the aims of CO1. There is no benefit to the town centre of infrastructure for Bicester from this development.
- 2) It would have the effect of competing for low-skilled labour from Bicester and centres as far away as Banbury, Aylesbury and Oxford. Far from drawing from an existing labour pool, we believe it would compete with the supply of staff to both Bullingdon Prison and Campsfield House IRC. Barry Wheatley, Chairman of the Oxfordshire branch of the Federation of Small Businesses, has suggested that if the centre goes ahead, some firms in the area could struggle to find staff (*Bicester Advertiser*, 29 October 2008).

In terms of the supply of 70 fte healthcare professionals, we do not believe that that can be achieved without a direct impact on the supply of key workers to existing healthcare services within the area, particularly the supply of nurses, dentists and doctors. This is contrary to the South East Plan policies proposed focus for growth areas in Oxford and Bicester. It also conflicts with general policies in favour of reducing the need to travel, such as Policies CC2 and RE2 dealing with site accessibility (in this case the lack of accessibility), favouring the use of public transport, and development with an urban focus.

- 3) By virtue of the fact that the majority of the workforce (380/528 fte posts Paragraph 7.21 Planning Statement) would be unskilled or low skilled, the proposal does not conform to the Secretary of State’s proposed rewording of policy CO5 whereby land for employment use can be released ‘*where justified at Bicester for the expansion of existing local firms to foster knowledge-based industry.*’ This is the wrong location and the wrong industry type.

Oxfordshire Structure Plan and Cherwell Local Plan policies

Cherwell District Council’s response to the pre-application submission correctly identifies that the proposal conflicts with Structure Plan policies G1 and G2, i.e. it is in an unsustainable location. The applicant asserts that the use of an out-of-town site for this type of employment use can be justified because an edge of town or town centre location would displace a higher traffic generating use (school, hospital) to an out-of-town site (PS 7.22).

Our view is that this is a gross oversimplification of land development processes. There are a range of choices available for development within Bicester. The ‘issues and options’ consultation stages of the Local Development Framework outline a choice of sites that could be made available for both residential and employment generation. The strategic South West Bicester site has factored in land for housing, a secondary school and an enlarged primary health care facility. That deals with those strategic facility requirements locally – so there is no conflict there as suggested by the applicant. Other sites around the town are currently being considered. We do not accept that this facility therefore needs to be located five miles out of town in a rural location, to make way for these strategic purposes.

The argument is oversimplified for a second reason, too. Because it is a rural site miles from anywhere, it is highly unlikely to foster the use of public transport, and a higher percentage of

the workforce is likely to come by private car. In the case of Bullingdon Prison the applicant's transport assessment shows that 84% of staff come by private car. When this figure is applied to 528 full time equivalent posts, it amounts to a minimum of 4,436 car borne journeys to the site each week, plus those generated by visitors, suppliers and contractors, legal staff plus the transport of the detainees. Assuming that some, say 30% of these jobs are part-time, the base figure becomes 5,914 car borne journeys plus approximately an additional 33% (using the assumptions made in the Transport Assessment (TA) Table 5.12) for the other users identified above. This amounts to 7,865 journeys. The key point is that a high percentage of these journeys are likely to be inter-urban journeys, and therefore do affect traffic levels in Bicester rather than removing traffic generating movements within the town.

Whilst the applicant makes use of an outdated landscape assessment, which states that '*the character [of the site] has become urban.*' (our underline) this is not the same as saying that this is an urban site. It is not currently used for employment purposes, and it has had no employment use on it for at least 5 years to our knowledge. The argument that it is an existing employment site is therefore invalid in our view. It is a brownfield site with a previous historic use as low density warehousing space.

The scale of the development, with 528 full time equivalent posts makes this a major new employment site, and therefore beyond the level of development that notionally could be permitted under Cherwell Local Plan policy EMP4 covering rural areas, also EMP4 in the NSCLP. The proposal conflicts with EMP4 in several ways:

- 1) We believe the character of the landscape will be adversely affected by the proposal. This is for a 16m high structure, with floorspace 6 times the size of the Sainsbury's superstore in Kidlington. It is the largest detention facility of its kind anywhere in Europe. The views from Piddington will be adversely affected for many years to come. And the screening proposed is unlikely to obscure the height of the building nor the impact of the security lighting, which would need to be set above the third floor height.
- 2) This is not a proposal for a small firm (up to 500m²) or for a firm whose source of labour requires a specific location necessary for them. On the contrary, the applicant is assuming that only 6.52% of staff would come from the immediate vicinity of Arcott, Launton, Ambrosden and (not so locally) Chesterton. It is worth stressing that this is a huge venture. The rest of the workforce would need to travel from further afield. Approximately 63% of staff would come from Bicester. It follows that these employees would not be available for employment in Bicester. As stated above, we share the view of the Oxfordshire branch of the Federation of Small Businesses that if the centre goes ahead some firms in the area could struggle to find staff. The applicant also assumes that an available pool of unskilled labour within Central Oxfordshire, Banbury, and Aylesbury would want to avail themselves of this opportunity. But the availability of such a pool is not restricted to Central Oxfordshire, this pool is available nationally. Therefore it cannot be used to argue that location in this inappropriate area is 'necessary' in EMP4 terms. Nor, as we have argued, is it desirable.
- 3) The proposal gives rise to '*excessive inappropriate traffic*' and it does not '*contribute to the general aim of reducing the need to travel by private car.*' The TA surveys do not result in any case where the ratio of flow to capacity on the local network rises above the 85% threshold. However, this is not the same as regarding the additional flow created by

a choice to locate on this location as acceptable. On sustainability grounds the scale of the development is inappropriate and excessive compared to a more sustainable location.

- 4) Focusing on the recruitment of unskilled and low-skilled workers misses the point on several counts. If you are intent on mixing foreign national prisoners, some of whom will have been convicted for serious crimes, with those who have been taken straight from the airport at the start (not the end as the applicant asserts) of their application you need staff who are adequately trained in conflict resolution to prevent severe intimidation and threats being made. We would certainly hope that a climate of fear isn't permitted. But we note with concern that '*Part of the regime within the Removal Centre is the encouragement of detainees to leave voluntarily.*' (PS 3.16) The assumptions made appear to be that anyone unemployed could do these low skilled jobs. Very many of the asylum applicants will have gone through traumatic experiences in their own countries, and are in need of support, not being exposed to possible intimidation.

Those who are unskilled are less likely to be car owners, a fact acknowledged by the applicant in the assessment of minibus take up. We do not see how in this case the existence of a potential labour source can readily be assumed to be suitable for use in what would need to be a settled and experienced staffing regime, even with the provision of a notional minibus service from Bicester.

- 5) The need to supply 70 healthcare professionals also represents an inappropriate use of a finite resource locally in Oxfordshire, where key workers already suffer relatively high house prices but no London weighting. Even with financial inducements to local healthcare trusts, the need for these staff will conflict with existing local healthcare priorities. In other words, there is a finite resource which makes it necessary not to choose this location.

Safety issues

We would argue that the proposed centre poses unacceptable risks to potential detainees and staff, contrary to the policies of the Cherwell Community Plan. The intended mix of detainees and the use of a mainly low skilled workforce is a recipe for disaster.

On 14th February 2002 Yarl's Wood detention centre, near Bedford, was destroyed when detainees protested. Others centres including notably Harmondsworth, have seen major disturbances and fires. One whole wing of Harmondsworth was destroyed in one incident.

Hunger strikes, fires and escapes are already the pattern at Campsfield detention centre (216 beds), some 15 miles from the proposed Bullingdon centre. The scale of this centre is unprecedented, and it is a high risk development.

Stephen Shaw, the Prisons and Probation Ombudsman, was charged with investigating the lessons to be learnt from the destruction of Yarl's Wood. In his 2004 report he concluded '*I recommend that IND pulls together the lessons on design from the Yarl's Wood experience (size, long corridors, siting of the control room, construction materials etc.)... for future projects.*'

Following a recent disturbance at Campsfield House, the *Oxford Mail* (16 June 2008) commented:

'It is time the Government got to grips with the problems at Campsfield and sorted them out – before the tinderbox really explodes. We don't need reminding that another immigration centre is being planned near Bicester – can we expect double trouble when that is built?' Part of our objection is that it would appear to be an unacceptably high risk project.

Mitigation measures are unacceptably poor

The applicant is claiming that the proposal complies with PPG13 guidance in a number of ways. Firstly, the applicant expresses the view that location at this site prevents the inappropriate displacement of an even larger traffic generating function from closer to Bicester. We have dealt with that invalid argument above. Secondly, the applicant states that in providing a minibus to and from the Bicester stations, staff have a choice of modes of travel in order to access the site in conformity with PPG13 guidance. However, this argument is hugely overstated given that what is being proposed is, in effect, a single minibus – a figleaf.

One claim made in the TA is that *'the proposed minibus services have been designed to integrate well with existing rail services'* (TA, Section 4.4.13). This bears further examination. The non-clerical staff shift patterns are designed to start at 6–8am, 1–2pm and 6–8pm, though table 5.12 of the TA shows staff arriving between 5–6am (167), 12–1pm (166), and 6–7pm (43). Staff shifts allow for a handover period, so non-clerical staff leave at 7–8am (i.e. rush hour 43), 2–3pm (167), and 9–10pm (166). Figure 1 (below) shows the proposed minibus timetable, and the latest available train departure from the main origins of the workforce as set out in TA table 5.23. This is based on mid-week timings. Weekend connections are worse.

Figure 1 shows that the claim that the minibus-train link is good is simply untrue for most shift workers, and only holds good for night shift workers. Day 1 shift workers from Aylesbury, Banbury and Oxford would need to stay overnight in order to catch the minibus. For this shift the return journey time is: Aylesbury 1hr 55 mins, Banbury 1hr 5 mins, and Oxford 2 hrs 11 mins (assuming a rail journey via Banbury, otherwise 2hrs 56 mins). For Day 2 shift workers the inbound journey is fine, with the exception of those from Oxford who have the choice of a 4 hr 18 min direct journey, or a 1 hr 23 min journey via Banbury. Similar problems exist for Oxford bound return journeys on this shift. The only shift with good connections by train is the night shift. For those workers coming from East Oxford, as set out in the TA, additional journey time would need to be built in to allow for the transfer by bus to and from the east of the city. A transfer to a local bus between Bicester and Oxford may improve some return journeys into Oxford, but it is not viable for Day 1 shift workers, as the first Oxford–Bicester bus service arrives into Bicester at 07.32 – too late.

With the possible exception of the night shift workers, none of the journeys offer a modal choice that is a realistic alternative to the private car. The applicant would need to provide a dedicated service bus from the points of origin for this to be a plausible offer. We note that whereas 12 members of staff appear to avail themselves of the inbound bus at 21.30, only 3 take the end of shift service at 07.30. Why is this?

Latest train departure time	Day 1	Day 2	Night
Aylesbury	23.00 Arr Bicester 23.51* 05.49 Arr Bicester 06.42	11.38 Arr. Bicester 12.18	20.16 Arr. Bicester 21.13
Banbury	22.14 Arr Bicester 22.32* 05.24 Arr Bicester 05.40	12.09 Arr. Bicester 12.24	21.12 Arr. Bicester 21.27
Oxford	21.42 Arr Bicester 23.00* 05.51 Arr Bicester 06.17	11.36 Arr. Bicester 12.24** 08.41 Arr. Bicester 09.07	20.59 Arr. Bicester 21.25
Bicester stations bus Dep.	05.30	12.30	21.30
Site arrival	05.59	12.59	21.59
Shift starts	06.00	13.00	22.00
Shift finishes	14.00	21.00	07.00
Bicester stations bus Dep.	14.30	21.30	07.30
Bicester stations Arr.	15.00	22.00	08.00
Aylesbury	Dep. Bicester 15.44 Arr. 16.25	Dep. Bicester 22.32 Arr. 23.38	Dep. Bicester 07.34 Arr. 08.36
Banbury	Dep. Bicester 15.19 Arr. 15.35	Dep. Bicester 22.28 Arr. 22.46	Dep. Bicester 07.49 Arr. Banbury 08.05
Oxford	Dep. Bicester 15.19 Arr. 16.41** Dep. Bicester Town 17.00 Arr. 17.26	Dep. Bicester 22.28 Arr. 23.14** Dep. Bicester Town 06.24 Arr. 06.50*	Dep. Bicester 07.57 Arr. Oxford 08.23

Figure 1 minibus and train journey connections

*necessitates overnight stay in Bicester

**via Banbury (supplement may be payable).

The current public transport offer is poor and unacceptable as a means of overcoming the policy objections set out above, and those of NSCLP policy TR2.

We object to the application on the grounds that it conflicts with the CLP policy TR5 and NSCLP policy TR5. The parking provision allows for 270 staff parking spaces and 30 visitor spaces. Table 5.27 of the TA allows assumes that with 84% of staff driving to the centre, the parking accumulation of staff between the hours of 12–2pm will be 295 spaces. This only allows for 5 visitor spaces, which include legal visits in which it is expected that 15 of the possible 21 available interview room slots will be used – meaning that there is, in effect, no

parking for visitors arriving in time for a 2pm visit. The applicant has assumed that the minibus will reduce the number of visitors arriving by private car by 50%, and is anticipating a reduction in staff using private cars from the 84% survey results at Bullingdon Prison (where there is already an hourly bus service during the day). Our view is that a target of 50% of social visitors arriving by minibus is highly optimistic, and that a figure of 84% of staff arriving by private car is robust. This means that visitor and or staff vehicles will be displaced onto the local roads, where there is no pavement, creating a safety hazard. Circular 02/2006 requires large development to have ‘...good road links, space for car parking and good public transport links, and a significant number of long term jobs for local people.’ We doubt that the proposal will deliver long term jobs, as the government is already claiming that it is removing 63,140 illegal migrants in 2007 (UKBA reported on BBC News website 19 May 2008) without the existence of this centre, or 2.5 times the total number of asylum applicants.

Whilst the provision of a travel plan allows the development to conform with NSCLP policy TR3, clearly that travel plan must mean something, and not merely be a paper exercise. In this case, the applicant states that ‘*specific objectives to further encourage the use of sustainable transport methods are detailed in the Travel Plan. Targets for the completion of these objectives will be established...when the site is operational.*’ (PS 3.10) This is a complete cop out. Targets need to be set in advance of the site opening in order to ensure that there is a reduced level of dependency on the private car than the survey of Bullingdon Prison staff reveals. It is not too difficult to predict that a further reduction of car dependency can only be achieved by a vastly improved service bus arrangement for staff than the offer currently being made, and to provide staff incentives to take up an improved offer.

On a separate note, we are also concerned that the scale of the building, the unspecified lighting arrangements, and the height of the fencing will be deeply intrusive features that would take years to screen. In particular the lighting would need to be at least at the height of the top storey of residential accommodation, and, even if designed to point downwards, would reflect off any gleaming or wet nearby surfaces such as roofs. They would project an unwarranted extension of light pollution into a rural area. We are also concerned that noise such as tannoys would easily leak out of the site disturbing residents at Piddington, which is downwind of the site.

Our overall conclusion is that there are strong policy objections to the proposal. We turn now to a consideration of the need, which needs to be strong enough to overcome the policy objections.

Need

CABIRC believes that there is no need for this centre, and that its development would be a waste of public money. It will fail to achieve its policy objective, which can be achieved through less brutal alternatives.

We are a humanitarian organisation. We believe that it is wrong to use detention as a means of providing a disincentive to those who need to apply for protection in the United Kingdom. We note that whereas there has been a huge national debate about whether to extend judicial

detention up to 42 days, there has been no parallel debate as to why those not posing any kind of terrorist threat can be and are detained for unlimited periods of time. Additionally the decision to detain is not subject to judicial review, those detained are not being provided with a proper explanation as to why they are detained, and why they are subject to often being arbitrarily transferred between centres within the detention estate.

The government's policy towards asylum seekers and foreign national prisoners (FNPs, those not of UK nationality who have served a sentence in a UK prison] is in complete disarray and is self-contradictory on many levels.

The PS (4.11) sets out that asylum application numbers rose by 13% in the second quarter of 2008 compared to the same quarter in 2007. The total number was 6,840. However, what is not stated is that the total number of claimants has fallen dramatically as a result of measures that have nothing to do with the expansion of the detention estate.

From a position of there being over 100,000 applicants in 2001, the numbers reduced to 49,370 in 2003/4 and to 24,345 in 2007/8. Of these applicants 16% are initially successful in their applications, 25% of those who appeal (the vast majority) against initial determinations are successful, and 21% of all applicants voluntarily leave.

In terms of the 'need' to remove those who would otherwise not be permitted to stay, whose case has reached a final stage, and who do not agree to leave voluntarily, the potential number of places required in the detention estate would be approximately 10,000 (including dependents) per year. This assumes the unlikely situation that all such cases were deemed to represent those likely to abscond and who were a risk to public security.

The PS section 3.1 claims that the expected length of stay is 6–8 weeks. This implies that each bed within the detention estate can be expected to be used 6.5 times per year. PS Section 4.9 reveals that later this year there will be 3,589 beds within the detention estate, which at a use of 6.5 detainees per space would allow for the detention of 23,328 people per year, i.e. far outstripping the total number (10,000) of asylum seekers who might be considered liable to be detained.

We note that at the time of the 2004 application to extend Campsfield House, the Supporting Statement in support of that application stated: '*...the length of stay at removal centres and at Campsfield in particular, has declined over recent years and the average is now approximately 2 weeks.*' (SS2.14)

Our question is, why is there a disparity between the two sets of figures? Is it that the UK government has adopted a policy of detaining earlier and for longer since 2004, or is it simply that, as the availability of new detention space has become available the UKBA has become less efficient in its management of the people it decides to detain?

The PS sets out that government's target for detention places is 4,000, but with the provision of this centre, that number will be significantly above 4,000 at 4,389 (3,589 + 800) implying that a centre this size is not required.

Who is being detained and for how long?

1. Those seeking political asylum

There are a series of inconsistencies within the PS. Section 5.1 sets out that *'The proposed centre will provide short stay accommodation for males only who are in the final stages of the asylum and appeal process'*. However, this cannot be the case when some are detained at the port of entry, where they will only just have set out the bare bones of their case to an immigration official at the airport/ferry terminal. Section 1.6 of the PS sets out that *'Detainees are to be taken to the centre from asylum screening centres, ports, police stations and arrest teams, reporting centres, prisons and other removal centres.'*

Whilst it may be cost effective to run a large-scale centre offering teleconferencing facilities for detainees to speak to their lawyers, thus reducing the number of legal visits, we doubt whether detainees, who will include victims of torture, will feel comfortable relaying their experiences in this manner. The fact that 15 legal visits a day are still built into the TA trip generating assessments illustrates that over an average stay of 8 weeks, there will be 600 visits by legal advisors, implying that about 75% of detainees would still be at a stage in their application where they will need to receive legal advice in person. This is inconsistent with the stated use of detention being reserved only for those who have reached *'the final stages of the process'* (PS 5.1). It also adds to the cost of providing legal support in an area far removed from legal practices specialising in immigration law.

Government policy regarding the use of detention also seems to be at odds with the PS. In a letter to Rt Hon Andrew Smith MP, dated 5 January 2009 the Secretary of State writes: *'the government's stated policy on the use of detention is that there is a presumption in favour of granting temporary admission or release in all cases... We do not routinely detain asylum seekers.'* This contrasts with the policy set out in the PS Section 4.8 which states: *'The aim is to move towards the point where it becomes the norm that those whose asylum applications are refused are detained.'* You cannot proclaim, as the government routinely does, that asylum is used sparingly and as a last resort, whilst in practice extend its use to act as a deterrent, part of a regime designed to persuade detainees to 'give up' their cases midway through appeal stages (PS 3.16).

2. Those who are deemed not to be possession of adequate travel or residence documentation, those who have failed to comply with a condition of stay 'inadequate' travel documentation.

3. Foreign National Prisoners (FNPs)

The other constituent group subject to detention is FNPs. In November 2007 two prisons were designated for the exclusive detention of foreign national prisoners, with a joint capacity of 455 beds. Our concern is that neither of these two prisons appear to feature in the PS as being additional to the detention estate, but in effect they are. Canterbury and Bullwood Hall in Essex have teams of immigration officers attached to them, and offer an enhanced opportunity to process deportation cases whilst a prisoner is serving his sentence rather than upon completion of their sentence.

The PS in Section 1.1 refers to the intended use of the proposed site to detain foreign national prisoners *'following their release from custody having completed a prison sentence for crimes committed in the UK.'* However, in a High Court ruling reported on

<http://www.4-5graysinnsquare.co.uk/news/index.cfm?id=2094> the routine use of detention post completion of sentencing was deemed unlawful.

'On 19 December 2008 Mr. Justice Davis handed down judgment in R (Ashori) and Others v SSHD [2008] EWHC 3166 (Admin) declaring that a policy operated by the Secretary of State for the Home Department by which there would be a presumption in favour of detention for all foreign national prisoners at the expiry of their sentence was unlawful.

Davis J. said that the unpublished policy which had been communicated orally to staff in the Home Office from April 2006 was unlawful because it had not been made public or sufficiently accessible until it was published on 09 September 2008. He also held that paragraph 2 of Schedule 3 to the Immigration Act 1971 created no presumption in favour of detention and that the Executive could not create a presumption where Parliament had not done so.'

The implication is that the intended use of the new centre for former FNPs that the PS sets out is no longer permissible. The PS was submitted before this ruling.

The Government has failed to demonstrate that it has properly considered possible alternatives to increased use of detention. It has thus failed to establish the need for more detention places.

1. The Council of Europe's Commissioner for Human Rights has strongly advised the UK Government against increasing the detention estate.

'The Commissioner is concerned at the United Kingdom Border Agency's public commitment to expanding the immigration detention facilities. He urges the authorities to consider the possibility of drastically limiting migrants' administrative detention'.

'25. The international refugee law principle of non-detention of refugee applicants should be firmly established in British immigration law. Their detention may occur only exceptionally, for the shortest possible time and only for the following purposes: (a) to verify the identity of the refugees; (b) to determine the elements on which the claim to refugee status is based (c) to deal with cases where refugees have destroyed their travel and/or identity documents or have used fraudulent documents to mislead the authorities of the country of refuge; (d) to protect national security or public order.

'26. The law should expressly proscribe the application of "Fast Track Processes" to particularly vulnerable persons, such as asylum-seeking unaccompanied minors and persons with regard to whom there are reasonable grounds to believe that they are victims of torture, sexual violence or human trafficking, cases whose examination and analysis require de facto more time.

'27. Alternatives to detention measures should be expressly provided for in the law. Reports by the Office of the United Nations High Commissioner for Refugees and specialist NGOs may be helpful in this respect.'

(Council of Europe Commissioner for Human Rights, Thomas Hammarberg, Memorandum of 18 September 2008)

2. A report published in December 2008 by The Centre for Social Justice, which is chaired by Iain Duncan Smith, MP, argues that the Britain's lack of success in persuading failed asylum seekers to return home voluntarily is part of a broader policy failure. It argues for a complete overhaul of the system as current strategies are not working. It suggests more supportive and less punitive measures are likely to be more appropriate.

*'The vast majority of asylum seekers currently detained do not pose a threat to security and studies suggest there is little risk of absconding. However, the Government feels that it is in the interests of the country to detain large numbers of asylum seekers for long periods at great expense to the taxpayer, and it is currently in the process of planning an increase in the capacity of the detention estate. **We think this is an unnecessary waste of money. We recommend that alternatives to detention are implemented such as bail bonds and voice recognition reporting....**'* [emphasis added]

Report available on <http://www.centreforsocialjustice.org.uk/default.asp?pageRef=37>

3. The Independent Asylum Commission has recommended: *'An independent analysis of viable long-term alternatives to detention should be undertaken. Pilot schemes to test alternatives to detention should be undertaken and rigorously evaluated.'* (Third Report, 2008, Key Recommendation 1)

Costs of the centre

Given the many and manifest doubts that surround the policy and practice of immigration detention in the UK, the costs of the policy takes on particular importance. Hansard of 14 January 2009 records the following exchange:

'Detention Centres: Per Capita Costs

'Chris Huhne: To ask the Secretary of State for the Home Department what the average daily cost of detaining an illegal immigrant in a detention centre was in the most recent period for which figures are available.

'Jacqui Smith: The average daily cost of detaining a person within the immigration removal centre estate is £130.'

At £130 per day, and at full capacity, 800 people in Bullington would cost £104,000 per day to detain, and £37,960,000 per year. To detain an individual for one year (which does occur) would cost £47,450.

We would submit that the likely future running costs (to say nothing of the start-up costs) of a detention centre at Piddington make it all the more desirable for the government to provide evidence that it has seriously and systematically considered alternatives to detention.

The human rights issues

People held under the 1971 Immigration Act are denied the fundamental right to liberty unless charged or convicted of a crime and sentenced. Immigration detainees are held for months as a matter of course, some for many months, even years without judicial oversight of the decision to detain.

This compares with the furore over extending the length of detention for which a ‘terror suspect’ may be held beyond the present limit of 28 days.

The United Nations High Commissioner for Human Rights, Amnesty International and Liberty are just some of those that have reported on the injustice and human costs of the UK’s detention policy.

‘The human costs of this policy [immigration detention] are frighteningly high. We found that languishing in detention with no end in sight led to mental illness, self harm and even attempts by people to take their own lives’

UK: Detention of People Who Have Sought Asylum, Amnesty International, 2005.

Apart from the fundamental and well documented problems with lack of access to legal advice, to adequate medical care, and to a fair asylum claim hearing process, we would point to the following areas of concern, and to one or two publications dealing with them.

Indefinite duration of detention

Detained Lives: The Real Cost of Indefinite Immigration Detention, London Detainee Support Group, 2009

Mental illness

‘No Refuge from Terror: The Impact of Detention on the Mental Health of Trauma-affected Refugees Seeking Asylum in Australia’, *Transcultural Psychiatry*, Vol. 44, No. 3, 359-393 (2007)

Physical mistreatment and physical assaults

Harm on Removal: Excessive Force Used Against Failed Asylum Seekers, Medical Foundation for the Care of Victims of Torture, 2006
Outsourcing Abuse, Medical Justice, NCADC and Birnberg Peirce, 2008

Suicides

Institute of Race Relations website (26 July 2004) *Failing the Vulnerable: The Death of Ten Asylum Seekers and Other Foreign Nationals in UK Detention Centres*. [There have since been three more suicides in immigration detention centres.]

Conclusion

We cannot see how this proposal complies with existing policy requirements. There are no special circumstances that demonstrate the need for this centre that outweigh the policy objections, and, in any case, government policy in regard to the use of the centre is unclear and contradictory. We call on members of the Planning Committee to reject the application.

'The evidence suggests that indefinite detention simply does not work: as a means of deporting people it is ineffective and grossly inefficient. ...

'London Detainee Support Group has over the past 20 months supported 188 people who have been detained for over a year. Only 18% of these have been deported. Britain is one of the few countries in Europe that practice indefinite detention, yet still has one of the lowest rates of removal of unsuccessful asylum seekers.

'The detention of these 188 people has cost the taxpayer about £22 million. Since only 31 have gone on to be deported, the detention of these people has cost around £700,000 for each deportation.'

Detained Lives, London Detainee Support Group, January 2009

At the time of making this submission, those participating in and supporting CABIRC included the following:

Non-governmental organisations:

Actors For Refugees
Asylum Welcome, Oxford
Bicester Refugee Support group former members
Campaign to Close Campsfield
Refugee Resource, Oxford

Political and trade union:

Oxford & District Trades Union Council
Banbury Constituency Liberal Democrats
Banbury Constituency Labour Party
Oxford District Labour Party (incl. Oxford East and Oxford (West) and Abingdon constituencies)

Oxfordshire Green Party
UNISON Oxford University & Colleges Branch

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