



Home Affairs Committee

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From the Chairs of the Committees on Home Affairs, Women and Equalities, Justice and the Joint Committee on Human Rights

Rt Hon Suella Braverman KC MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

2 November 2022

Dear Suella,

Small-boat Channel crossings and conditions at Manston asylum processing centre

I am writing to you together with the Chairs of the Joint Committee on Human Rights, Justice, and the Women and Equalities Committee, to express our deep concerns about the dire conditions in which people are currently being held at Manston asylum processing centre and to understand what policies the Home Office has in place to: a) address these conditions in the short term, b) ensure that Manston does not face such overcrowding again in the medium and longer terms, c) reduce the number of small-boat arrivals and d) reduce as a matter of urgency the backlog in cases currently within the asylum system. We should be grateful for a response to our questions and concerns by 16 November 2022.

As you know, the Home Affairs Committee took evidence from Home Office officials on Wednesday 26 October to consider the current position on small-boat Channel crossings and broader asylum-related issues. We were shocked by much of the evidence we heard including the overcrowded and degrading conditions in which adults and children are being detained at Manston, the slow progress being made by the Home Office to reduce the asylum backlog, and the cost of accommodating asylum seekers in hotels, now having risen to £5.6 million per day.

There have been a number of developments since the Home Affairs Committee evidence session including a visit to Manston by the Immigration Minister, Rt Hon Robert Jenrick MP, on 30 October and your statement to the House on 31 October on Manston. There has also been a great deal of media reporting on the issue. Those reports in recent days suggest that conditions have substantially deteriorated and that unacceptably long stays have increased, including for families and unaccompanied children. Yet it remains unclear what Home Office processes and protocols are in place to improve conditions at Manston in the short term, and to deal with the asylum decision-making backlog which if reduced substantially would alleviate the potential for overcrowding at Manston and reduce Home Office spending on accommodating asylum seekers in hotels.

1. Around 4,000 people are currently held at Manston. When does the Home Office expect Manston to operate within its capacity of 1,600 people?

Asylum backlog

We are deeply concerned that 96% of the asylum claims from 2021 have not been completed and individuals are still awaiting decisions. Only 4% of those who arrived by boat in 2021 have had a decision on their claim. The Home Office “work in progress” caseload stands at 166,085, which is nearly double the figure in June 2020 and a significant increase since June 2021.

Charlie Taylor report

In a report published on Tuesday, Charlie Taylor, HM Inspector of Prisons, revealed that conditions have ‘significantly deteriorated’ in the last three months. We are horrified by the lack of adequate safeguarding of children identified in HM Chief Inspector of Prisons’ report. During the inspection in July 2022, children were not adequately separated from unrelated single adult men. They came into contact with Home Office and agency staff who had not yet completed relevant checks and training to work with children. Staff were observed being “abrupt and impatient” with children. Scant attention was paid to other vulnerabilities, including physical and mental health-related disabilities – not a single disabled person or woman with a disclosed history of abuse or trafficking had been designated an adult at risk. This is shocking and risks breaching the human rights of vulnerable persons.

HM Chief Inspector described children’s stays of 48 hours at short-term holding facilities as unacceptably long; reports in the media now describe families sleeping on floors with no proper bedding for more than a month, and unaccompanied children held for weeks. The Chief Inspector is right to categorise the processing and treatment of children and vulnerable adults as a priority issue. Given the deteriorating situation, it should now be regarded as an emergency, with children and vulnerable people immediately removed to safe and secure accommodation.

Length of detention

There appears to be no clear lawful basis for detention of individuals beyond 24 hours in holding rooms (or five days for holding facilities). It would therefore appear that many individuals held at Manston have been unlawfully deprived of their liberty. Charlie Taylor noted:

“In the three months to June 2022, 4,161 people had passed through Manston and 636 had been held for more than 24 hours. The longest time of detention at Manston was more than 70 hours, which was unacceptable for a non-residential facility.”¹

The Clandestine Channel Threat Commander, Dan O’Mahoney, told the Home Affairs Committee that this continues to be an issue, noting last week that “there are certainly people who have been there [at Manston] for much longer than 24 hours”.² David Neal, Independent Chief Inspector of Borders and Immigration, said: “I spoke to an Afghan family who had been in a marquee for 32 days. That is in probably the same type of marquee that you saw in the summer, with kit mats on the floor and blankets, for 32 days”.³

Article 5 of the European Convention on Human Rights (ECHR) protects the right to liberty and security, and determines that there must be a legal basis for depriving individuals of their liberty. It also requires that detention must be proportionate and in accordance with procedures defined by law, which must be sufficiently clear and

¹ HM Chief Inspector of Prisons. [Report on an unannounced inspection of the short-term holding facilities at Western Jet Foil, Lydd Airport and Manston](#). July 2022.

² Oral evidence taken before the Home Affairs Committee on 26 October 2022, HC (2022–23) 822, [Q57](#) [Dan O’Mahoney]

³ Oral evidence taken before the Home Affairs Committee on 26 October 2022, HC (2022–23) 822, [Q113](#) [David Neal]

precise. As we understand it, Manston is a 'holding room' designed for the purpose of initial screening, not an immigration removal centre. As noted by the Clandestine Channel Threat Commander, the short-term holding facilities rules allow for the holding of asylum seekers for up to 24 hours in holding rooms.⁴ This situation needs to be swiftly rectified, and proper accommodation must be provided to those who are being held for longer periods of time.

2. Can you confirm that Manston is a 'holding room'? If so, do you accept that the protracted detention of individuals at Manston beyond 24 hours can constitute unlawful detention and a breach of Article 5 of the European Convention on Human Rights?
3. How many individuals, to date, have been detained in Manston without any legal basis? How many of these individuals are children?
4. What steps are you, as Home Secretary, now taking to ensure that asylum seekers are not unlawfully detained and to secure proper accommodation for asylum seekers as required by law?

Conditions of detention

We are also concerned about the conditions of detention at Manston, with reports suggesting severe overcrowding, lack of appropriate accommodation, catering and medical facilities.⁵ The Independent Chief Inspector of Borders and Immigration said the situation at Manston was "so alarming" he was left speechless. He reported witnessing "wretched conditions".⁶ The Chief Inspector for Prisons said "adult males were crowded into a single facility and exhausted detainees slept on floor mats between the rows of chairs. They were not allowed to go into the fresh air despite some very lengthy stays (...) Detainees at the screening building were not allowed to use toilets in private, which was undignified and unnecessary."⁷

Article 3 ECHR prohibits torture and inhuman or degrading treatment, and requires States to ensure that detainees are held in conditions that are compatible with respect for human dignity. Measures should not subject individuals to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent to detention, and detainees' health and well-being should be adequately secured. Based on the reports we have heard, we are concerned that the severity of conditions at Manston may amount to inhuman and degrading treatment contrary to Article 3 ECHR.

5. What measures were in place at Manston to ensure that those held at the facility had adequate facilities to ensure their Article 3 ECHR rights were not breached? Why might these measures have failed?
6. What steps is the Home Secretary now taking to improve conditions at Manston and to ensure that asylum seekers have access to adequate facilities, which provide proper respect for their human dignity?

Physical searches and use of force

The use of force, restraint, and physical searches being undertaken by officials also raises human rights concerns. The Chief Inspector of Prisons said: "Detainees were searched too many times and not always with sufficient sensitivity by Home Office

⁴ [The Short-term Holding Facility Rules 2018](#)

⁵ Press reports include: [The Telegraph: Inside 'wretched' Manston, where migrants 'wield makeshift weapons' and scabies runs rife](#); [The Guardian: MRSA reported at Manston in migrant who tested positive for diphtheria](#); [The Guardian: Migrant centre in Kent 'catastrophically overcrowded', union says](#).

⁶ Oral evidence taken before the Home Affairs Committee on 26 October 2022, HC (2022–23) 822, [Q113](#) [David Neal]

⁷ HM Chief Inspector of Prisons. [Report on an unannounced inspection of the short-term holding facilities at Western Jet Foil, Lydd Airport and Manston](#). July 2022.

staff (...) records did not adequately show whether the use of force and restraints were proportionate.”⁸

Article 8 ECHR provides the right to respect for private and family life. This requires public authorities to protect the right to personal autonomy, physical and psychological integrity, and the maintenance of relationships with others. Where an individual’s autonomy or integrity is interfered with, or where individuals are removed from their families, Article 8 is engaged. Unjustified or disproportionate searches, and the unnecessary or disproportionate use of force and restraint against a person, could amount to a breach of Article 8.

7. Can you explain why detainees were searched excessively, not always with sufficient sensitivity, and without adequate record keeping on the use of force and restraint?
8. What assurances can you provide that physical searches and force are being used only when proportionate and necessary?
9. What safeguards are in place to prevent unnecessary searches and the use of force and restraint against children?

Vulnerable asylum seekers

The treatment of vulnerable individuals at Manston also raises serious concerns. Charlie Taylor said:

“Detainees’ vulnerability was not always recorded to inform subsequent assessments. Detainees with disabilities and trafficking victims were held at Manston, but no detainees had been designated as adults at risk.”⁹

Failure to meet the specific needs of people with vulnerabilities and to ensure their treatment with dignity could amount to a breach of Article 8 ECHR, which protects the right to private and family life, and Article 14 ECHR, which prohibits discrimination in the enjoyment of other Convention rights. There could also be breaches of legal obligations to victims of trafficking, such the obligation to provide victims of trafficking with appropriate and secure accommodation.

10. What are you doing to address the specific needs of vulnerable people being held at Manston, including children, potential victims of trafficking, and those with disabilities?

We welcome the Home Office’s efforts to speed up asylum decision-making by way of its pilot in Leeds but this should not be at the expense of quality decisions.

11. What processes has the Home Office put in place to assess the effectiveness and impact of its Prioritising Asylum Customer Experience (PACE) pilot?
12. Has the Home Office got a policy in place to deal with the asylum backlog in the interim period, beyond the PACE pilot?
13. Home Office officials told us that the aim of the PACE pilot is to have a ‘simplified and more efficient decision-making approach’ which will be applied by May 2023 across the decision-making community.
 - a. Please outline what this simplified process will involve

⁸ Ibid.

⁹ HM Chief Inspector of Prisons. [Report on an unannounced inspection of the short-term holding facilities at Western Jet Foil, Lydd Airport and Manston](#). July 2022.

- b. How many decision makers does the Home Office expect to have in place by May 2023 to roll out the PACE work across the asylum decisions making community?
- c. What training is provided to asylum decision makers, and how long is the training?
- d. What grade are asylum decision makers?

Given the gravity of the current situation, we would appreciate a response to our concerns and questions by 16 November.

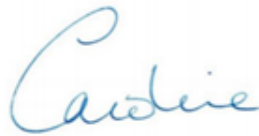
Yours sincerely



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Chair, Home Affairs Committee



Joanna Cherry QC MP
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Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee



Sir Bob Neill MP
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