

Rt Hon Dame Diana Johnson MP
Chair, Home Affairs Select Committee

Joanna Cherry QC MP
Chair, Joint Committee on Human Rights

Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee

Sir Bob Neill MP
Chair, Justice Committee

House of Commons
Westminster
SW1A 0AA

28 November 2022

Dear Chairs,

Thank you for your joint letter of 2 November expressing your concerns about the Manston asylum processing centre. I apologise for the delay in responding to your letter.

The global migration crisis is placing an unprecedented strain on our asylum system. Despite what they may have been told by people smugglers, migrants who travel through safe countries should not put their lives at risk by making dangerous and illegal journeys. We are steadfast in our determination to tackle those gaming the system and will use every tool at our disposal to deter illegal migration and disrupt the business model of people smugglers.

So far this year, over 40,000 people have crossed the Channel on small boats, and the Government continues to have a statutory responsibility to provide safe and secure accommodation for asylum seekers who would otherwise be destitute.

In order to meet that statutory responsibility, we have had to keep people for longer than we would have liked at our processing facility at Manston. But we have been sourcing more bed spaces with local authorities and in contingency accommodation such as hotels.

Since the population at Manston reached 4,000, teams have undertaken a momentous effort to move over people off site. Going forward our ambition is for it to remain operating in the way in which it was designed and the Home Affairs committee saw on

your first visit to Manston; that people spend no more than 24 hours at the centre while we register their asylum claim, screen their biometric and biographic details and provide them onward accommodation.

On 3 November, I visited the Western Jet Foil (WJF) and Manston sites in Kent to see the progress being made to ease the pressures on our immigration system and support people on-site, and thanked staff for their continued hard work under difficult circumstances. I saw the momentous efforts underway to ease pressures on site and process individuals into alternative accommodation, alongside the immediate support being provided, particularly to vulnerable people.

Since then, significant improvements have been made including bolstering the 24/7 medical facilities already on site, adding extra bedding and improved catering facilities, as well as providing more activities to support migrant welfare, including for children.

The vital work being carried out to safeguard individuals and provide alternative accommodation and support as quickly as possible remains a priority, making sure that people are treated with dignity, care and compassion throughout the process.

HM Chief Inspector of Prisons report

I am grateful for the report from HM Chief Inspector of Prisons (HMIP) on the short-term holding facilities at WJF, Lydd Airport and Manston. I note his concerns and recognise the need for improvements across the sites.

I am pleased that progress is already underway, or has already been completed, to address these concerns and the Minister of State for Immigration discussed them in more detail with the Chief Inspector when they met on 17 November. We will shortly be sending the Chief Inspector our service improvement plan, which sets out how we will be taking forward his concerns. This will be published on the Prison Inspectorate's website alongside the inspection report.

Length of detention

You asked for us to confirm if Manston is a 'holding room'; if so, whether we accept that the protracted detention of individuals at Manston beyond 24 hours can constitute to unlawful detention and breach of Article 5 of the European Convention of Human Rights.

Manston operates as a holding room under the Short-Term Holding Facility Rules 2018. Rule 6 of the Short-Term Holding Facility Rules 2018 states that a detained person must not be detained in a holding room for a period of more than 24 hours. The Secretary of State may authorise this period to be extended if it is determined that exceptional circumstances require it.

You asked for statistics relating to the number of individuals and children who have been detained in Manston without any legal basis.

We will robustly defend decisions subject to legal challenge, when appropriate to do so, with a decision to defend or concede based on the merits of the individual case.

Data relating to wrongful detention is routinely published in the Home Office annual report and accounts.

You asked about the steps I am taking to ensure that asylum seekers are not unlawfully detained and lawfully securing suitable accommodation for asylum seekers.

All appropriate options are being explored to ensure that suitable accommodation is secured as quickly as is necessary, including hotels where necessary. We have been working closely with our accommodation providers to increase the amount of Dispersed Accommodation (DA) available to us.

The full asylum dispersal model, announced on 13 April 2022, will allow us to reduce and then end the use of hotels. This will be achieved by allowing the Home Office to procure dispersal properties within the private rental sector in all Local Authority areas across England, Scotland and Wales, rather than the minority of Local Authorities which currently participate. This approach will also reduce pressures on those Local Authorities.

Conditions of detention

You asked about the measures that 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.

Manston was set up as a holding room under the Short-Term Holding Facility Rules 2018. These rules set out the required standards for all forms of Short-Term Holding Facilities. The facilities at Manston were stood up in compliance with statutory requirements for holding migrants for a period of up to 24 hours.

You asked about the steps I am taking to improve conditions at Manston and to ensure that asylum seekers have access to adequate facilities.

In order to address the number of arrivals experienced this summer, emergency accommodation was stood up on site as part of a critical incident being declared. As numbers decrease and allow it, the emergency marquees are being converted to the same standards as those originally designed on site, with access to facilities, catering and services in compliance with the Short-Term Holding Facility Rules for holding rooms.

Physical searches and use of force

You asked for an explanation on why detainees were searched excessively and not with sensitivity and without adequate record keeping on the use of force and restraint.

These observations were made as a result of the HMIP visit to both WJF and Manston. The safety of the arrivals and our staff are paramount. It is important to note that where the HMIP have recorded these as searches, the first of these is a necessary change of clothes as part of the humanitarian safety of lives at sea (SOLAS) reception

response at WJF. Immediately following this change of clothes, arrivals are asked to partake in a wand search. Arriving passengers are invited to dispose of any sharp items. The purpose of this wand search is to ensure the safety of all others on site.

The Home Affairs Select Committee were shown that process during their visit in June 2022. There is a search under paragraph 25B of Schedule 2 to the Immigration Act 1971 conducted by Immigration officers at WJF after arrest to remove any articles that can be used to cause injury, escape or to locate any document which will help establish identity or nationality. To ensure the safety of both staff and detained individuals at Manston, there is a further search of arrivals by Mitie Care and Custody Detainee Custody Officers when entering the Short-Term Holding room to provide assurance that no weapons or contraband are being introduced into these facilities. We therefore disagree that searching was either excessive or disproportionate, but we can undertake to reemphasise professional standards to staff so that arriving people are treated with due dignity and sensitivity.

You asked us to assure you that physical searches and force are being used only when proportionate and necessary.

Searches that are conducted at WJF are carried out using the necessary powers under the Immigration Act. Prior to those searches, wand searches are used before entering the main WJF building, to ensure safety of all arriving persons. Whenever force is used it is recorded on Home Office systems, the officer recording the force records the proportionality and necessity when entering this information. We will introduce a review and assurance process for any use of force.

It is vital that detention and removal are carried out with dignity and respect. We work closely with all our contractors who carry out functions on the Home Office's behalf to ensure the highest standards. Our staff and our partners work both respectfully and carefully doing the difficult role they undertake at Manston. Published Detention Services Order September/2012 'Searching Policy' (revised March 2022) sets out guidance on searching of detained individuals, which includes how searching should be conducted in private and the types of searches required on admission, removal and transfer.

Although the individual may have been searched previously at WJF, this is a necessary protection to satisfy Mitie C+C as the new detaining body responsible for the individual's care that the individual does not have anything in their possession that they could potentially harm themselves or others with, damage property or assist with an escape.

It may be necessary to restrain an individual in detention to reduce the risk of escape, prevent harm to the public, other detained individuals or staff, or to prevent damage to property. In addition, an individual may be restrained to prevent them from self-harming or obstructing their removal. Published guidance on [GOV.UK-
https://www.gov.uk/government/publications/use-of-restraints-for-escorted-moves](https://www.gov.uk/government/publications/use-of-restraints-for-escorted-moves), and the training received by detainee custody officers (DCOs) makes it clear that physical force, and the use of restraint equipment such as handcuffs, should only be used after a thorough assessment of risk, and in consideration of each individual's personal circumstances.

The Home Office reviews all reports resulting from a use of force by a DCO to ensure that techniques are used proportionately, that they are justified, and are used for the minimum period required. All use of force undertaken by Home Office staff is recorded on an official platform, which is regularly assured to ensure accurate reporting of use of force data.

You asked for information relating to the safeguards that are in place to prevent unnecessary searches and use of force and restraint against children.

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires that immigration, asylum and customs functions are carried out having regard to the need to promote and safeguard the welfare of anyone under 18 years. This responsibility extends to services carried out by contractor staff on behalf of the Home Office, such as DCOs.

All of the staff that are involved in dealing with children are trained in safeguarding. Children may be searched only if deemed necessary to maintain the safety and security of the facility and where practicable, a parent/carer should be present during the search. Searching of children should be undertaken using a metal detecting wand and only in circumstances where a risk assessment indicates that it is necessary or if the wand is set off may a child be given a level B rub down search.

There may be occasions when a child behaves unexpectedly in a way which poses an immediate risk to themselves, to others or to property. Wherever possible, staff will attempt to manage the situation initially by gaining the child's cooperation by verbal means. However, there will be instances where the level of risk the child poses is so serious and/or immediate that it precludes any attempt at de-escalation through any dialogue. In such situations Home Office officers or contractor staff may move immediately to use physical intervention. In such circumstances physical intervention must only be applied:

- For as long as necessary to reduce the risk of further attempts at harm; or
- To remove the child to a place of safety where they cannot cause harm to themselves, others or property; or
- To provide sufficient time to clear the area to manage the child without risk to themselves/others/property.

Home Office staff or contractors using physical intervention in such emergency situations must report on its use in line with the relevant use of force reporting processes, demonstrating that physical intervention was necessary, reasonable and proportionate, and was used for the shortest period necessary to control the behaviour of the child and prevent harm.

Vulnerable asylum seekers

You asked for information relating to addressing the specific needs of vulnerable people being held at Manston, including children, potential victims of trafficking, and those with disabilities.

The fundamental changes to our processes and the prioritisation of SOLAS management at the WJF ahead of formal processing at Manston means that our staff now have more capacity and opportunity to identify vulnerability. Vulnerability is now captured and recorded at the earliest opportunity and tracked and reviewed throughout the non-detained process and thereafter. In most cases it is recorded at the WJF - with beach landings being triaged and recorded upon arrival at Manston. We continue to prioritise the welfare of UASCs, families and vulnerable adults at the initial point of arrival.

All detention decisions must be taken in line with detention policy, including the Adults at Risk in Immigration Detention policy where applicable. The Adults at Risk in Immigration Detention policy ensures that vulnerable adults are only detained where evidence of their vulnerability is outweighed by immigration considerations. All local authorities, across our United Kingdom, have a duty to provide safe and secure accommodation for unaccompanied asylum-seeking children and they must be treated like any other child, with all the protections and care that implies.

Asylum Case Processing

You have asked several questions relating to asylum case processing at different points in your letter, for ease I will answer each of those questions here.

You asked about the processes the Home Office has put in place to assess the effectiveness and impact of its Prioritising Asylum Customer Experience (PACE) pilot.

The aim of the PACE Pilot was to improve asylum initial decision-making productivity to increase the number of asylum decisions made by focussing on streamlining the decision-making process and reducing the time it takes to interview, consider and serve an asylum decision through a number of process improvements. The pilot covered new flow cases (including small boats and those claims which are admitted to the UK asylum process) along with Legacy cases and children casework.

A trial led by Home Office staff in Leeds doubled the number of claims processed on average from 1.3 to 2.7 a week. It was driven by streamlining and digitising the system to speed up processes which resulted in faster decisions. The 8-week pilot also reduced the time asylum seekers waited for a first interview. It is being rolled out across the UK at pace to deal with the 100,000 people awaiting a decision on their claim.

Following evaluation, we are taking immediate action to bring the asylum backlog down with the nationwide rollout of a successful casework pilot.

You mentioned your concerns about the 96% of asylum claims in 2021 have not been completed and are awaiting decisions and also whether the Home Office has policy in place to deal with the asylum backlog in the interim period, beyond the PACE pilot.

There are many factors that can delay and contribute to the length of time to process asylum claims. Increased and sustained intake and a growing number of people awaiting a decision have led to significant delays in concluding asylum claims. Some applicants have complex needs, such as safeguarding issues, are extremely vulnerable or have a modern slavery referral attached to their claim. It is right that we take full consideration of these facts when prioritising and progressing outstanding asylum claims and, as such, that can lead to longer waiting times for some.

Alongside our prioritising of safeguarding cases, the Home Office takes seriously their duty of care towards looked after children and young people. We are working to prioritise applications from this cohort where possible. We are currently allocating more casework resource to children and young people claims than the proportion of intake. As you may be aware, in May 2021 the Department established two dedicated case working Hubs for deciding children's asylum claims in Liverpool and Solihull. These hubs have established an improved focus on and greater control of cases to build expertise, identify efficiencies and provide a consistency of decision making (and quicker outcomes) for our customers.

The Asylum Transformation programme aims to bring the system back into balance and modernise it. It is focused on increasing productivity by streamlining, simplifying and digitising processes to speed up decision making to increase efficiency and output. On the 28 June 2022, we introduced the new Legacy and Flow model to enable new asylum cases to be processed efficiently. "Legacy" cases are pre-28 June 2022, with "Flow" cases from 28 June onwards. Legacy cases have reduced to below 90,000 with over 8,000 cases decided since 28 June.

You asked us the number of decision makers we expect to have in place to roll out the PACE.

We have increased the number of asylum caseworkers by 80% - from 597 staff in 2019/20 to more than 1,000 today. We are on course for a further 500 people by March 2023, which would take our total to approximately 1,500. However, attrition means that we are expecting to have approximately 1,350 caseworkers in March 2023.

To help with rates of attrition, we have implemented a recruitment and retention allowance for the Asylum Decision Making role. It is not linked to performance and is instead paid monthly.

If the decision maker has been with us for more than 12 months but less than 24 months the allowance equates to £1,500 per year. If they have been with us for more than 24 months they the allowance equates to £2,50 per year. Rates attrition for asylum decision makers have run at between 34 and 44%, but since the introduction of the allowance we have seen this reduce to 18% year to date.

We are planning fresh recruitment of decision makers to ensure that vacancies can be filled quickly, and to build a sustainably resourced decision-making system.

You asked for information relating to training that is provided to asylum decision makers and the grade of asylum decision makers.

Asylum Operations remain committed to the training and upskilling of our staff and it is categorically untrue to suggest there are only two days of training. It can take around 12 months for a decision maker to become fully proficient in all areas of their work. We have a comprehensive training programme and mentoring framework in place to support this delivered by a dedicated team of senior grade trainers and higher grade technical experts. This helps with maintaining case-working expertise and improving decision-maker capability as part of our plan for a highly skilled workforce.

During the first nine weeks in post, there is a mixture of classroom based and on the job coaching that is a foundation for ongoing learning and coaching. Once they fully move into the live operational environment and throughout their development period, new decision makers work within a mentoring framework and receive the support of Team Leaders, Technical Specialists and consolidators (experienced decision makers who are assigned to support new starters) as they grow their skills and to ensure quality is maintained.

We are putting in place a range of interventions, including looking at job design, reward, management capability to reduce churn and we are looking at ways to enhance our training and mentoring approach to accelerate and enrich Decision Maker development.

Alongside the foundation training programme, a range of other bespoke and more specialist technical training is available to decision makers. Recently, a comprehensive Training Plan on the provisions introduced by the Nationality and Borders Act 2022 was developed. A one-day training package was rolled out to all Decision Makers from Legacy, Flow, and Children and Secondary Casework units. Asylum Decision maker positions are graded at Executive Officer (EO) level.

I trust that this letter clarifies the outstanding matters raised.

With best wishes,

Yours sincerely,



Rt Hon Suella Braverman KC MP
Home Secretary