















































presumption against detention is strengthened for those considered vulnerable under the Adults at Risk policy. Adults at Risk will only be detained where the immigration factors outweigh the risk factors in their particular case; this policy position is referenced throughout the draft revised AAR Statutory Guidance and is consistent with the existing version of the AAR Statutory Guidance. This has been the policy position since the policy was established.

The Government has adapted its approach around the use of immigration detention in response to the international challenge of illegal migration by increasing the use of immigration detention for identity and nationality checks, enforced returns and deportations. However, our policy position remains that individuals considered vulnerable under the adults at risk in immigration detention policy may only be detained where the immigration factors outweigh the risk factors in their particular case.

*Q5: How will the Secretary of State exercise the power, granted in s12 of Illegal Migration Act 2023, to decide on the reasonably necessary period of detention? What factors will be considered?*

A5: In accordance with guidance set out in [Detention: General Instructions](#), the reasonable timescale will be based on a number of factors individual to each person's circumstances, and what is reasonable in some circumstances may not be in others. For example, where a serious criminal offence has been committed and the person poses a high risk of harm to the public, the reasonable period is likely to be long when compared to those who do not pose such harm. Or, in the case of immigration offenders, where a person has deliberately sought to delay or frustrate their removal, the reasonable period may be longer than for someone who has been more compliant with immigration processes.

Other factors which will be considered when assessing the reasonableness of detention include, but are not limited to, the proximity of removal, risk of absconding, any vulnerabilities, previous compliance and risk of harm.

*Q6: What percentage of immigrants were in detention prior to the policy change, and what percentage are expected to be afterwards?*

A6: It is not possible to say precisely what percentage of those who require leave to enter or remain in the UK and do not have it were detained prior to the policy change. However, 15,864 people entered immigration detention in 2023. As of 24 April 2024, the Home Office had the capacity to detain around 2,200 people in immigration removal centres.

The immigration removal estate is kept under review to ensure sufficient resilience and capacity for the men and women it is necessary to detain for the purposes of removal. The estate is used flexibly to detain foreign nationals liable for removal from the UK. This includes time-served foreign national offenders, immigration offenders and those who have arrived in the UK illegally (including those liable for removal to Rwanda).

As announced in 2022, new sites at Campsfield House and Haslar will increase overall IRC capacity further and help to ensure that the Home Office deal effectively with those who are here illegally. Both sites will comprise a mix of refurbished and new build accommodation and will provide, once open, decent, safe and secure accommodation for up to a further 1000 men in detention.

*Q7: Could you please comment on the views, expressed in the submission, that the changes:*

- *significantly reduce the protection that would otherwise be afforded to vulnerable detained people*















