

**IN THE MATTER OF THE MANSTON PUBLIC INQUIRY AND
IN THE MATTER OF A PRELIMINARY HEARING**

**SUBMISSIONS ON BEHALF OF THE INDIVIDUAL INTERESTED PARTIES (IPs)
AND THE NGO HUMANS FOR RIGHTS NETWORK (HfRN) REPRESENTED BY
BHATT MURPHY (BM) SOLICITORS**

Listed for hearing on the 15 January 2026

1. Bhatt Murphy represent 36 individual asylum seekers who were detained at Western Jet Foil (WJF) and Manston during the Inquiry period and the NGO HfRN granted IP status by the Inquiry on the 6 January 2026. They also represent INQUEST and have made separate submissions on their application for IP status.
2. The BM IP's welcome the opportunity to participate in this important Public Inquiry, to provide effective assistance to the Inquiry and its Counsel Team (CTI). It is their aim to do so, as they have done so to date in collaboration and cooperation with the other IP teams that represent individuals unlawfully and arbitrarily detained, subject to treatment and conditions that are incompatible with detention law, policy and safeguards and Articles 2 and 3 ECHR. The appalling death of Mr Hussein Ahmed is indicative of the gravity of the issues at stake and serves to underscore the Inquiry's recognition of the need for a robust and fearless investigation which must, albeit belatedly, discharge the states investigative duties under Article 2/3 ECHR.
3. It is to be noted with regret that the protracted legal proceedings necessary to compel the Home Secretary to initiate this Public Inquiry and delays to date mean that one feature of an Article 2/3 compliant investigation which cannot now be met is the need for a speedy investigation. The BM IP's do, however, fully acknowledge that the Inquiry has done and is doing all that it can to mitigate the position.

Provisional List of Issues

4. The Provisional List of issues provided by the Inquiry on 6 January 2026 (List of Issues) appears to the BM IP's to be broad and comprehensive reflecting the terms of reference.

The BM IP's recognise the benefit of a broad scope to the issues at this stage and the need to keep the list open and flexible to take account of matters as they arise on disclosure and in the evidence. The BM IP's have considered the submissions made by other IP's and would agree that the matters raised, if they don't already fall under the broad headings should do so. For its part the BM IP's identify the following matters by way of clarification and/or addition.

Unaccompanied Asylum Seeking Children

5. The BM IP's include 29 unaccompanied asylum seeking (UAS) children whose age was disputed by the Home Office. It is common ground that they were wrongly conclusively treated as adults and had they been identified as children would not have been detained at all or only for a short period at WJF until alternative arrangements for their care was made by Kent County Council and/or subsequently through transfer to another local authority under ss 69-73 of the Immigration Act 2016 the National Transfer Scheme (NTS).
6. The UAS children IP's welcome express reference to age assessments in the proposed List of Issues at III(4) and wish to make clear that the evidence will demonstrate that the Home Office age assessment policy was and/or was applied in practice in a systemically unlawful, unfair and racially discriminatory manner. This is in a context where both the Home Office and Kent County Council (KCC) had an unlawful agreement and were operating an unlawful policy, and practice in respect of the arrangements and accommodation of UAS children in hotels during the Inquiry period: *R (ECPAT) and BHCC v SSHD and KCC* [2024] EWHC 1353 (Admin).
7. For this reason clarification is sought that the issues relating to initial entry at WJF (III); the arrangements for accommodation in V(13) and (14) and capacity in VII will include the arrangements in place for taking UAS children into the care of KCC (and any alternative or onward arrangements) Further that this will include arrangements in place at WJF as well as Manston. The release of UAS children including disputed children should have taken place before transfer to Manston under the legal and policy arrangements in place.

8. The arrangements for the care of UAS children would be included in the “processing” of people but it may need to be specifically identified in Issues III and VII and as relevant to forecasting and planning, capacity and resources to include at WJF and KCC as well as Manston. It is also relevant to the Leadership issues in Issue X.
9. It is a more general observation that the BM IP’s make that, whilst it is convenient to identify issues relevant to location, a number of the issues identified only in respect of Manston apply to the arrangements and conditions, as well as the treatment of people at WJF. The legal, policy and practical arrangements at WJF and Manston are interrelated with each other and indeed with the provision of asylum accommodation. They are in combination the Reception Conditions in place for asylum seekers including UAS children and children with families and need to be considered collectively and cumulatively in legal and operational terms as well as in terms of treatment and conditions and their impact on the people subject to them.
10. Again for clarification it is understood that where the List of Issues refers to “people” in the generic, this will require specific consideration to the particular situation of UAS children as a distinct identifiable group with special legal, safeguarding and protection issues related to their well recognised acute vulnerabilities.

UAS Children Referred for Criminal Prosecution

11. HfRN have assisted a number of UAS children (and adults) who when detained at Manston were referred for criminal prosecution as a result of legislation in the Nationality Asylum Borders Act (NABA) 2022 that came into force shortly before the Inquiry period. This is relevant to the operation of Manston in issues in IV; the treatment of people in VI; capacity and resources in VII and leadership at IX.

Children in Families

12. The BM IPs includes three families with a total of 8 children who ranged in age from 6 months to 7 years whilst in Manston, including a child with a disability. Where children are detained as part of families, they too have legal, safeguarding and protections issues related to their well recognised acute vulnerabilities.

13. The BM families include two families with a woman caring for children alone. One had five young children and was herself pregnant. They experienced multiple additional disadvantages as a result of the status as a woman and a lone parent.

Vulnerable Adults

14. Whilst the BM IP's aver that detention in the wholly unsuitable and unsafe conditions at WJF and Manston were unlawful and in breach of Article 3 for any person -given the cohort of asylum seekers, it is plain that most, if not all, had some additional vulnerability. These go beyond and are different to their physical and mental health identified in issue 1. The BM cohort have multiple vulnerabilities including histories of torture, other serious mistreatment, arbitrary detention and trauma. A number are victims of human trafficking /modern slavery including child victims. These vulnerable groups similarly have distinct legal, safeguarding and protection issues relevant to the matters identified in the List of Issues.
15. Screening as an issue is identified at WJF and is relevant on arrival and in the decision to transfer to Manston but is also relevant at Manston itself. Such screening would include physical and mental health but also for other wider vulnerabilities identified above as well as any age dispute. Each of these factors give rise to either protected characteristics under the Equality Act 2010 and/or some other status under Article 14 ECHR.

Use of Force

16. Any analysis of the use and misuse of force should start from the premise that the legal and policy framework for control and restraint in immigration detention is prison based, unsuitable and "inappropriate" for asylum seekers in administrative detention and in particular for those who are or may be UAS children and/or vulnerable adults.¹

¹ See BHI Report, Vol II, Part E, pp 352, §§46-49 and Recommendations 15 and 16.

Public Health and Infectious Disease

17. In light of the death of Mr Ahmed the public health catastrophe at Manston is clearly a grave issue. The BM IP's including young children suffered a variety of different infectious conditions of the skin, gastrointestinal and respiratory disease including TB.

Additional Issues/Sub-Issues

18. The following issues appear also to arise and should be included within the broad categories identified:
1. Home Office procurement process for the detention facilities, medical screening and services;
 2. Contractual arrangements between the Home Office and its contractors and sub-contractors for the provision of the detention facilities, medical screening and services;
 3. KPI's for this contract and its enforcement or otherwise;
 4. Role of the NHS(England)/Trust in the procurement and contractual arrangements, oversight and/or liaison re medical screening and services;
 5. Role of the Care Quality Commission;
 6. Procurement for accommodation of UAS children and disputed children by the Home Office and KCC;
 7. Independent oversight mechanisms and responses to the reports of those bodies (the HMCIP alone are listed as an IP), in particular:
 - a. the Chief Inspector of Borders and Immigration David Neal who was highly critical in a number of reports of the failure of detention safeguards including medical provision and care in IRC's and quasi detention facilities. He provided first hand highly critical reports on WJF and Manston during and after the Inquiry period. The response of the Home Secretary and Home Office generally to these reports are particularly revealing and highly concerning.
 - b. The British Red Cross also provided a report and had direct access to the facilities at Manston and a priority for them would be the treatment and medical care for detained people.
 - c. The Independent Monitoring Board.

- d. The European Committee Against Torture also carried out an inspection during the Inquiry period.
8. Institutional Culture within the Home Office and amongst detention staff and management – the impact of enforcement/ criminalisation priorities over the rights and welfare of people and its consequences is a significant contextual issue. There is extensive evidence of a recalcitrant dominant toxic institutional cultures in both the Home Office and private contractors and their staff being marked by desensitisation, lack of empathy, de-humanism and racism.²
9. Leadership in Issue X should include institutional cultures, the role of political rhetoric relating to asylum seekers, small boats crossings and xenophobia. As well as a culture of impunity that is associated with Home Office practices particularly in the use and misuse of detention and other coercive powers and long-standing repeated failure to learn lessons from other abuse/mistreatment scandals, statutory and other inquiries, investigations and legal cases.³

Additional IP's

19. It appears (although they may be identified as witnesses) that the NHS England/ NHS Trust and the subcontracted private providers of medical services (e.g. Medivent and IPRS Aeromed) are not IP's but it is assumed would have essential information to assist the Inquiry in its investigation and in any recommendation for the future including, as identified by INQUEST in its submissions, into the death of Mr Ahmed.

Witnesses

20. A list of witnesses/potential witnesses has not yet been provided but would be of assistance if IP's can play a role in identifying any omissions. Certainly, if not IP's the bodies listed at paragraph 18 above should be considered appropriate witnesses.
21. The BM IP's join with DPG in its suggestion at paragraph 10 of its submissions.

² BHI Report, Vol.1 Executive summary §§41-45, pp51-54 and Vol.2, Chapters D7 and D9. This reflected previous findings made by the PPO Stephen Shaw, by the Wendy Willians Independent Review into the Windrush Scandal and by Coroners into the deaths of people in immigration detention.

³ Ibid

Lesson Learning

22. There is a well-documented failure of implementation of findings and recommendations made by Public Inquiries generally⁴ and in particular in the immigration context. The Chair of the Brook House Statutory Inquiry for example, identified evidence of longstanding and ongoing systemic failings in detention policies, practices and arrangements which should have, but which failed to, operate to prevent Article 3 ill-treatment. The failures she identified reflected repeated previous findings by statutory, parliamentary, non-governmental bodies and the courts. The Chair found that “*one of the key themes*” was “*how often lessons have not been learned in the past,*” calling this a “*dark thread*”⁵ that ran through the BHI Report. She found that “*the repeated failures to learn lessons and to act on recommendations made are inexcusable.*”⁶
23. Consideration should be given and kept under review as to whether the Inquiry should have a follow up mechanism to review any response and progress on implementing recommendations within 6/12 months.

Public Hearings and Time Table

24. In line with other IPs the BM IP’s submit that whilst they strongly support the need for speed given the protracted process that led to the establishment of the Inquiry and the delays to date, there is concern that too truncated a process during the critical phases following disclosure and witness evidence will disadvantage the IPs. Time for co-ordination and collaboration between individual IP’s and their legal teams to ensure the most effective working arrangements and to avoid duplication should be factored in. Oral hearings should be listed for October 2026 and not September 2026.

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13th January 2026

⁴ House of Lords Inquiry into Statutory Inquiries 2025:
<https://committees.parliament.uk/oralevidence/14719/pdf/>

⁵ BHI Report, Vol I, p 3, §11 [5/16]

⁶ BHI Report, Vol II, p 3, §3 [5/273].