

Immediate release
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Charities welcome Court of Appeal judgment on immigrant mental health policy
The Queen (on the application of Pratima Das) v Secretary of State for the Home Department) and (1) Mind (2) Medical Justice (Interveners) [2014] EWCA Civ 45

National charities Mind and Medical Justice have today welcomed a Court of Appeal decision to overturn a High Court judgment relating to the detention of immigrants with serious mental health problems.

The case, in which Mind and Medical Justice intervened, challenged the High Court Judge's interpretation of Home Office policy on the detention of immigrants with mental health problems, which states that "those suffering from a serious mental illness which cannot be satisfactorily managed within detention" can only be detained in "very exceptional circumstances."

The Court of Appeal overturned the High Court decision that:

1. 'Serious' requires hospitalisation or detention under the Mental Health Act. This was challenged on the basis that management of serious mental health problems is not necessarily done in a hospital setting and that such an interpretation makes it more difficult for people to fall within the protection of the policy.
2. 'Satisfactory management' means treatment that would prevent a detainee from becoming so unwell they would be unable to cope with ordinary life. This was challenged because interpreting 'satisfactory management' as allowing someone's health to deteriorate to the point where they need to be hospitalised is inappropriate.

Alison Fiddy, Head of Legal at Mind, the mental health charity, said: "This is an important decision that gives much-needed clarity on Home Office policy and will help to protect the human rights of people who are unwell. We welcome the approach taken by the Court of Appeal in recognising that the treatment of serious mental health problems is no longer restricted to hospital settings."

Emma Mlotshwa, co-ordinator of Medical Justice, said: "We intervened in this case because of our growing concern about the number of mentally ill people who are held in immigration detention for lengthy periods, without access to appropriate treatment. Doctors volunteering with Medical Justice have seen scores of men and women whose pre-existing mental illness

has significantly deteriorated whilst held in immigration detention indefinitely. Some detainees have become mentally ill in detention.”

In a joint statement, solicitors for the interveners, Hamish Arnott of Bhatt Murphy (representing Mind) and Sue Willman of Deighton Pierce Glynn (representing Medical Justice), said: “This decision makes it crystal clear that the Home Office will be acting unlawfully if it ignores mental ill-health when detaining vulnerable migrants. Mental health and the impact of detention on mentally ill detainees are also relevant to the length of time for which a person may be detained.”

In the last two years, there have been five cases in which judges have found that conditions suffered by mentally ill immigration detainees amounted to 'inhuman and degrading treatment'.

ENDS

Notes to editor

- **Mind** is the leading mental health charity in England and Wales. We provide advice and support to empower anyone experiencing a mental health problem. We campaign to improve services, raise awareness and promote understanding. www.mind.org.uk
For more information, interviews or case studies please contact the Mind media team on T: 020 8522 1743 M: 07850 788514 E: media@mind.org.uk ISDN line available: 020 8221 0817
Please note that Mind is not an acronym and should be set in title case. Mind’s Infoline is on 0300 123 3393 and the Legal Line is on 0300 466 6463. The helplines are open Monday – Friday 9am – 6pm.
- **Medical Justice** sends independent doctors to visit immigration detainees. We expose and challenge inadequate healthcare in immigration detention and campaign for improvements and lasting change. www.medicaljustice.org.uk
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