

## BHATT MURPHY SOLICITORS

### PRESS RELEASE

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#### Pregnant women in immigration detention

The Home Office has apologised for unlawfully detaining a pregnant asylum seeker.

Following a judicial review issued on 1 May 2014, the Home Office has settled a claim by the pregnant asylum seeker (known as 'PA') and apologised for unlawfully detaining her. The claimant challenged her detention as well as the wider policy and practice of detaining pregnant women in immigration detention.

The claimant, a pregnant asylum seeker from Democratic Republic of Congo, was arrested without warning on 3 February 2014. She was taken to Yarl's Wood IRC without contact being made to her maternity services in the community. The claimant was then detained for four weeks in breach of policy until she was released following pre-action correspondence. Whilst she was in detention she did not have her 20 week anomaly scan, and was only seen by a midwife on one occasion. The Home Office has accepted that the ante-natal care available to the claimant in detention did not meet the standards expected, including that it was unacceptable that she did not have her 20 week scan. The Home Office agreed that the claimant was falsely imprisoned in breach of the policy on detention of pregnant women, which requires immigration removal to be imminent.

As part of the settlement the Home Office has also agreed to:

- Review the policy on detention of pregnant women
- Consult with stakeholders
- Issue a new detention service order concerning pregnant women in detention
- Take account of the equality duties as part of the review and consultation

The consultation and review is anticipated to follow publication of the *Shaw Review on the welfare of immigration detainees*. The settlement follows wide spread criticism of the practice of detaining pregnant women, including by HMCIP and Yarl's Wood IMB.

**Jane Ryan** of **Bhatt Murphy** Solicitors who acted for the Claimant said: "*We hope that in the forthcoming review the Home Office will accept the overwhelming evidence that the detention of pregnant women is wrong and should end.*"

**Emma Ginn** of **Medical Justice** said: "*We demand an immediate release of all pregnant women currently being detained during the consultation process and piloting of the new policy. Refusing to release pregnant women from immigration detention now would be simply indecent and shameful.*"

Jane Ryan and Janet Farrell from Bhatt Murphy acted for the Claimant, together with Stephanie Harrison QC and Michelle Brewer from Garden Court Chambers. Medical Justice, Maternity Action and Royal College of Midwives provided evidence for the claim.