

Bhatt Murphy Solicitors

PRESS RELEASE

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HOME AFFAIRS SELECT COMMITTEE CRITICAL OF UK BORDER AGENCY OVER IMMIGRATION DETENTION

The Home Affairs Select Committee has issued a highly critical report of the UK Border Agency's (UKBA) handling of immigration detainees suffering from mental illness. The report refers to the four judgments handed down since 2011 in which the High Court has found immigration detention of men suffering from mental illness to constitute inhuman and degrading treatment contrary to article 3 of the European Convention on Human Rights. Bhatt Murphy acted for the claimants in three of the cases. The report also refers to a letter sent by Bhatt Murphy to the Home Secretary on 8 August 2012 calling for an independent public inquiry into the immigration detention of people suffering from mental illness.

Mr Rob Whiteman, Chief Executive of the UK Border Agency, gave evidence to the Committee on 18 September 2012 that the Agency had apologised to two of the claimants, S and BA, who were represented by Bhatt Murphy. No such apologies have ever in fact been received by these claimants. The Committee stated:

"...This is a serious matter, in which the Agency has agreed to pay damages for violating the claimants' human rights and we believe it is essential that the Agency should apologise. We recommend that Mr Whiteman write a letter of apology to the claimants concerned, setting out the steps the Agency has taken and is taking to ensure that incidents such as these ones will not reoccur." (Original emphasis)

The Committee also expressed concern that the four cases *"...may not be isolated incidents but may reflect more systemic failures in relation to the treatment of mentally ill immigration detainees"*.

It was also critical of UKBA's decision not to honour a commitment to commence an equality impact assessment into the immigration detention of people suffering from mental illness in March 2012.

Jed Pennington of **Bhatt Murphy** who acted for two of the claimants said:

"The Committee has rightly recognised the seriousness of the criticisms made of UKBA in these judgments. To date, our clients have not received the apologies the Chief Executive told the Committee they had received. It is clear that lessons are still not being learned and we once again call upon the Home Secretary to order an independent public inquiry without further delay."

Notes to Editor:

- For more information, please contact Jed Pennington on J.Pennington@bhattmurphy.co.uk or 020 7729 1115.
- The following documents are available to be downloaded from the Bhatt Murphy website:
 - The Home Affairs Select Committee report, “The Work of the UK Border Agency (April-June 2012), Eighth Report of Session 2012-13”. The section on immigration detention is found at pp8-13.
 - Jed Pennington’s paper to the ILPA AGM in November 2012, “*Deplorable failure, bureaucratic inertia and callous indifference: the immigration detention of mentally ill people by the UK Border Agency*”, which provides background information and details of the cases.
- The Home Secretary did not respond to Bhatt Murphy’s letter dated 8 August 2012. S and BA have still not received apologies from the UK Border Agency.
- The Government has a period of two months from when the report was published to formally respond.