

This challenge was brought on behalf of a man who suffers severe mental health difficulties and has a history of self harm and suicide attempts. He is detained at HMP Wandsworth pending his deportation to Lebanon. In brief, the challenge to his immigration detention is made on the basis that given the severity of his mental illness and the potentially grave consequences of continued deprivation of liberty, even a short period of detention is unreasonable. Further it is argued that in detaining him the SSHD has failed to apply her policy on the detention of those who are suffering serious mental illness. The policy provides that those people whose illness cannot be satisfactorily managed in detention should only be detained in 'very exceptional circumstances'. It is also argued that the Claimant's detention breaches Articles 3 and 8 of the ECHR.

Expert psychiatric reports have been obtained from two independent consultant forensic psychiatrists on behalf of the Claimant and the SSHD. Both reports agree that the Claimant suffers from an emotionally unstable personality disorder with quasi-psychotic symptoms and post-traumatic stress disorder. Both reports recommend the Claimant's transfer to hospital under s48 of the Mental Health Act 1983. The SSJ, however, has refused to transfer the Claimant. This refusal is based upon the SSJ's interpretation of a report provided to the court by the Claimant's treating psychiatrist and a decision from a mental health unit that the Claimant does not meet the unit's criteria for admission. The SSJ also relies on a report by a psychiatrist from that unit.

In granting permission Lang J concluded 'In my judgment, the Claimant has a good arguable case that he should not be in immigration detention because of his psychiatric condition, on the legal and policy grounds set out by the Claimant in his claim form.'