

Bhatt Murphy Solicitors

PRESS RELEASE

For immediate circulation

HOME SECRETARY ACTED UNLAWFULLY

A High Court Judge has today ruled that the Home Secretary acted unlawfully in August 2010 in making changes to the Home Office policy for detaining those with mental illness in immigration detention. In a judicial review brought by a detainee with paranoid schizophrenia, Mr Justice Singh QC ruled that the changes were unlawful as they failed to have due regard to equality duties owed by the Home Secretary under discrimination legislation. The Claimant was found to have been unlawfully detained for over six months. The circumstances of the Claimant's detention were also found by the Court to have constituted inhuman and degrading treatment in breach of Article 3 of the European Convention on Human Rights. This is the third occasion in less than a year where the Home Office has been found to have treated an immigration detainee in an inhuman and degrading manner. It should be a source of considerable concern and political embarrassment for the Government to be found in such frequent breach of Article 3, which also prohibits torture.

The Claimant's solicitor **Hamish Arnott** of **Bhatt Murphy Solicitors** said:

"It is shocking that the Home Secretary has reacted with disinterest to two previous court findings that immigration detainees with mental illnesses were subjected to inhuman or degrading treatment. This judgment will now require her to confront this issue and carry out a proper review of the policy to ensure that this does not occur again".

Notes to Editor

- For interviews please contact Hamish Arnott on h.arnott@bhattmurphy.co.uk or 07947 482 699
- The Claimant's identity is protected by court order and can only be referred to as 'HA'. He is not available for interview.
- The following documents are available on the Bhatt Murphy website:
 - Mr Justice Singh's approved judgment: *R(HA (Nigeria)) v Secretary of State for the Home Department* [2012] EWHC 979 (Admin)
 - Bhatt Murphy's briefing note explaining the circumstances of the Claimant's detention, the history of the Home Office policy and the impact of the judgment
 - H.M. Chief Inspector of Prisons' report published in February 2012 criticising the detention of those with mental illness at Harmondsworth IRC. Its main recommendation to the UK Border Agency (UKBA) emphasised that mentally ill people should only be detained "very exceptionally".
 - Letter from the Immigration Law Practitioners Association dated 10 October 2010 to UKBA raising its members' concerns regarding the changes and UKBA's response dated 20 December 2010.

- Press releases re: the two previous cases in which the High Court found the Home Secretary in breach of Article 3: *R (S) v SSHD* [2011] EWHC 2120 (Admin) (5 August 2011); and *R (BA) v SSHD* [2011] EWHC 2748 (Admin). These Claimants were represented by Jed Pennington of Bhatt Murphy. All three men were unlawfully detained at Harmondsworth (i.e. S, BA and HA).

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