

# Know your medical rights

## Advice for detainees and their supporters in UK immigration removal centres

---

### On arrival

On arrival a nurse from the healthcare centre will ask you some questions about your health and whether you have been a victim of torture or abuse. **If you have been tortured it is important to mention this.** If you do not mention it, you can raise it later. It is important for healthcare staff to know this as it may mean you should not be in detention.

You are entitled to a physical and mental examination by a doctor within 24 hours of admission to the detention centre. If you refuse a doctor's examination, you can have an examination later, if you ask.

### Healthcare while in detention

While you are in detention, you should receive all the medical care you need to the same standard as in the NHS. This includes emergency care, any treatment, medicine or tests you need and referral or transfer to hospital if necessary. If you are already receiving treatment or taking medicines, this should continue while you are detained. If you need to be referred to hospital, health centre staff may wait for your GP notes, before referring you to hospital. All this is free.

If you have been in close contact with someone who has tuberculosis (TB), you will need to have tests for this illness. This could be a skin test, blood test or a chest x-ray, or a combination of these.

If you have an illness that is infectious and might spread in the detention centre, you may need to have a doctor's examination. This must be explained to you by the doctor first.

You can ask to see a doctor of the same sex as you.

You can ask for privacy when you see the doctor.

### Hospital appointments

Usually, detainees have appointments in local NHS hospitals when they need to see a specialist. If you have a hospital appointment, you are (usually) entitled to know about it in advance. Some detention centres have beds in a hospital type ward for detainees who are sick and sometimes specialist doctors visit the detention centre.

If you have a hospital appointment, you should be able to keep this. You should not be moved to another detention centre if this means that you cannot keep the appointment. The detention centre doctors and nurses can stop your transfer by insisting on a "medical hold" so you do not miss your appointment. If you have a hospital appointment that was arranged before you were detained you should be taken there from the detention centre if possible. If this is not possible (for instance because the hospital is far away) the appointment should be rebooked at the local hospital).

If the detention centre thinks you may try to escape or hurt yourselves or someone else, they may use handcuffs to take you to the appointment. You should see the doctor in the hospital without guards present or in handcuffs. Ask the doctor for privacy and to take off handcuffs. The doctor can ask for them to be taken off.

### If you are wrongly detained

Some people should be held in detention only in very exceptional circumstances- and only if they can be looked after properly. People who should not normally be detained include:

- unaccompanied children and anyone under the age of 18;
- elderly people, especially if they need supervision;
- pregnant women, especially after 24 weeks of pregnancy;

- those suffering from serious medical conditions or serious mental illness;
- those where there is independent evidence that they have been tortured;
- people with serious disabilities;

If any of these apply to you, or another detainee, tell the health care staff, who must assess the situation, and if they find evidence of torture, find that you are mentally ill or at risk of suicide, or that your health is deteriorating because of detention, they have to record it and report it to the Detention Centre Manager.

Every 28 days your detention is reviewed by your Home Office case manager and any changes in your medical condition must be taken into account.

### **If you have been tortured (Rule 35)**

If you have been tortured or raped you should not be held in detention. Make sure that you tell healthcare staff, who will arrange for a doctor to assess you under Rule 35. This should be done by a doctor not a nurse..

The doctor must tell the manager of the detention centre and THE HOME OFFICE about a detainee who may have been the victim of torture. You will be asked to countersign the doctor's report to make sure it is accurate and that you agree that this confidential information can be passed on. You should be given a copy and get a reply within 72 hours, either releasing you from detention or giving reasons for refusing to give you bail.

### **If someone becomes ill in detention**

If you are worried about your own or another detainee's mental or physical health getting worse, tell the healthcare staff and ask that they be treated as soon as possible.

The doctor must tell the manager and the Home Office about a detainee whose health may be damaged by being in detention. The doctor must pay special attention to any detainee with mental health problems and should make special arrangements (such as counselling) if necessary. In the case of a detainee who the doctor thinks

may be suicidal, the detainee will be placed under special observation.

If a detainee becomes seriously ill, severely injured or removed to hospital on account of mental illness, the detention centre manager must inform a detainee's husband or wife, or next of kin, and anyone else who needs to know.

### **Getting an independent medical opinion**

All detainees can ask to see a doctor from outside the detention centre, as long as there is no cost to the detention centre, and the manager is satisfied that there are reasonable grounds for the request. Your lawyer may arrange this. Medical Justice can sometimes arrange for a doctor to speak to or visit detainees who are victims of torture or have serious physical or mental health conditions. Detainees do not pay for this service. You or your legal representative, if you have one, can refer your case to Medical Justice online - <http://www.medicaljustice.org.uk/>,

The independent doctor who visits can examine you, and make recommendations to the doctors in the centre, but cannot prescribe treatment for you.

Medical Justice receives a lot of referrals and can only assist those detainees where a medical report is most likely to make a difference in getting bail or to help an asylum claim.

### **If you are pregnant**

If you are pregnant, you have a right to normal antenatal care. If you are concerned about your pregnancy you can contact Medical Justice.

Detention centre staff and immigration escorts are not allowed to use physical force on you (except if this is necessary to prevent harm) because this may be dangerous to you and your baby. This means they cannot use handcuffs on you, carry you against your will, push you or use any other physical force.

### **If you are under 18**

If you are under 18 and not with your family you should not be detained. If you are with your family, you can be detained at Cedars or Tinsley

House for up to 7 days but the Home Office has to treat your best interest as a primary consideration in all decisions.

The guards and immigration staff are not allowed to handcuff you or use any physical force on you except to prevent harm.

If you or your parents are worried about your health you (or your parents) can contact Medical Justice. Because you will only be detained for a short time everything can happen very quickly and so it is important that you call as soon as possible if you are worried.

### **Medico-Legal Reports**

Medico-legal reports can be important in providing evidence of torture or health problems that may help you get bail and for your asylum or human rights claim. If you think a medico-legal report would be useful for your case you should discuss this with your solicitor.

### **If you are about to be removed**

If you are going to be removed or deported to a country with malaria and you have lived away from your country for more than 3 months, you will no longer be protected against malaria. Pregnant women and young children are particularly at risk and should be offered anti-malarial prophylaxis. Some anti-malarial drugs are not suited to women in early pregnancy or people who have had mental health problems including depression or children under 11kg (for Malarone) or under 6 kg (for mefloquine). Make sure you read the information leaflet that comes with your anti-malarials. If you are concerned about whether you or your child can safely take the medication, discuss this with your doctor or contact Medical Justice for advice.

If you have known medical problems, before you are removed, the doctor will assess if you are fit to fly. The doctor is required to inform the Home Office if you are not fit for removal. You can ask to see what the doctor records on the fitness to fly report to make sure it is accurate. If they are not accurate you should raise this with the healthcare unit. You should also let your solicitor know. If you don't have a solicitor it may be

worth attending the legal surgery or contacting Medical Justice.

### **Medical records**

Your medical information is confidential. Your medical records from previous detention centres or from prison should be transferred at the same time as you are transferred. Healthcare staff may also be able to obtain your previous UK medical records if you have any, for example your GP records, if you agree to this.

If you are given counselling while in detention, ask for this to be recorded in your medical records. This may be important in getting bail. You can request the counsellor to write a letter saying that you have received counselling.

When you arrive at the detention centre you may be asked to agree that immigration staff can see your medical records. You may wish to ask your solicitor for advice before you agree to this.

You have the right to see your medical records. Ask at the health care centre how you should apply and put your request in writing. You can also give consent for your solicitor and a private doctor to receive copies of your medical records. You may be charged £10.

### **Use of force/ handcuffing**

If they think it necessary detention staff can use handcuffs or physical force against you, but only for the shortest amount of time necessary. Only specific 'control and restraint' techniques can be used - nobody is allowed to beat you.

Force cannot be used on children and pregnant women, and they cannot be handcuffed, unless when is it absolutely necessary to prevent harm. (For example if they are going to harm themselves or attack another person – it cannot be used just to force them to comply with a removal).

### **Making a complaint**

If you are not happy with your medical treatment in detention, talk to the doctor about it. If the doctor is unable to help you, ask to talk to the health care centre manager, or put your

complaint in writing. You can also tell your solicitor or your visitors about it. You can also ask to talk to a member of the Independent Monitoring Board IMB in confidence.

There is a leaflet on how to make a complaint, which you can find on the Medical Justice website.

## Organisations that may be able to help

### *AVID (Association of Visitors to Immigration Detainees)*

If you would like someone to visit you while you are in detention, you can ask Avid to put you in touch with a local visitors group.

[www.aviddetention.org.uk](http://www.aviddetention.org.uk)

Phone: 0207 281 0533

### *BID (Bail for Immigration Detainees)*

If you would like advice on how to get bail, BID provides advice to detainees in all detention centres and detainees held in prison at the end of their sentence. You can call BID's helpline Monday to Thursday 10 am to 12 midday on 02072473590.

[www.biduk.org](http://www.biduk.org)

### *Freedom from Torture*

Freedom from Torture provides direct clinical services to survivors of torture who arrive in the UK, as well as striving to protect and promote their rights.

Phone: 020 7697 7777

[www.freedomfromtorture.org](http://www.freedomfromtorture.org)

### *Helen Bamber Foundation*

The Foundation provides practical support and treatment for survivors of genocide, torture, trafficking and rape who seek safety and refuge.

[www.helenbamber.org](http://www.helenbamber.org)

Phone: 020 3058 2020

### *Independent Monitoring Board (IMB)*

IMB members are local volunteers who monitor the day-to-day life in the detention centre or prison to try and ensure that proper standards of care and decency are maintained. If you have a problem that has not been dealt with by detention centre staff, you ask to talk to a member of the IMB in confidence. Problems might include concerns over lost property, visits from family or friends, religious or cultural requirements, or even serious allegations such as bullying.

[www.justice.gov.uk/about/imb](http://www.justice.gov.uk/about/imb)

### *Legal advice surgery in the Detention Centre*

If you would like legal advice, you can find a list of legal aid lawyers who take on immigration cases. In most detention centres you can see a lawyer through the legal surgery. Ask a welfare office or in the detention centre library.

### *Medical Justice*

Medical Justice arranges for a doctor to visit detainees who are victims of torture or have serious physical or mental health conditions.

<http://www.medicaljustice.org.uk/>

Phone: 0207 561 7498, Fax : 08450 529370.

---

**Medical Justice**  
Working for health rights for detainees

**Website :** [www.medicaljustice.org.uk](http://www.medicaljustice.org.uk), **Phone :** 0207 561 7498, **Fax:** 08450 529370

This leaflet is produced by Medical Justice that is an charity that is independent of the Home Office, and the companies who run immigration removal facilities.