



Immigration
Enforcement

Immigration Enforcement Secretariat
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Laura Smith
[request-719157-
829d4aa4@whatdotheyknow.com](mailto:request-719157-829d4aa4@whatdotheyknow.com)

www.gov.uk/home-office

Tuesday 19 January 2021

Dear Ms Smith,

Re: Freedom of Information request - 62153

Thank you for your email correspondence of 18 January, in which you ask for information regarding those detained under section 48(2)(d) of the Mental Health Act 1983. Your request, which can be found in full at the enclosed annex, is being handled as a request for information under the Freedom of Information Act 2000.

It is not clear, from your email, what specific information you require. To help us deal with your request properly, I would be grateful if you could clarify the point set out below.

As you are aware, section 48(2)(d) of the Mental Health Act 1983 specifically applies to persons detained under the Immigration Act 1971, or under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State). However, not all those detained under immigration powers are subject to Immigration Enforcement action as they may have outstanding applications or barriers to potential removal or deportation action; this can include Judicial Reviews or MP representations as well as other applicable barriers.

Therefore, please can you please be more specific regarding which part of the migrant population you will like to receive information about. For example, are you asking about Immigration Offenders, Asylum Seekers or those with other applications outstanding, or do you require information about all the migrant population?

Once you provide this information, we will aim to send you a full response to your request within twenty working days.

Yours sincerely,

Immigration Enforcement Secretariat
ImmigrationEnforcementFOIPQ@HomeOffice.gov.uk

Freedom of Information request – 62153

Annex

From: Chai Patel <request-719157-829d4aa4@whatdotheyknow.com>
Sent: 18 January 2021 21:24
To: FOI Requests <FOIRequests@homeoffice.gov.uk>
Subject: Freedom of Information request - Mental Health Act s.48

Dear Home Office,

- 1) How many individuals are currently held under s.48(2)(d) of the 1983 Mental Health Act?
- 2) How many individuals were held under s.48(2)(d) of the 1983 Mental Health Act during 2020?
- 3) Does the Home Office have specific practices or policies in place for the processing of immigration decisions for those detained under s.48(2)(d) of the MHA 1983?

Yours faithfully,

Laura Smith