



# Campaigners criticise Home Office's use of child's medical records to reject family's asylum request

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The Home Office has used a child's medical notes to reject her family's asylum request, claiming that the notes showed that the family were not telling the truth about why they had come to the UK.

The family now faces being removed from the UK, after the Home Office argued that a comment made by the daughter to a psychiatric nurse "significantly undermined" the reason for asylum stated on their application.

The move—revealed by the *Sunday Times*<sup>1</sup>—has been condemned by human rights organisations, which argue that it "breaches doctor-patient confidentiality" and could prevent vulnerable people from seeking medical help.

The issue arose after the Home Office learnt that the daughter had medical issues, which prompted it to request access to her full medical records as part of a safeguarding exercise. In these records the Home Office found notes from a psychiatric assessment undertaken 48 hours after the child had overdosed, in which she said that her family had come to the UK for access to better healthcare for her father.

This seemed to go against the asylum claim, in which the father had said that he was escaping alleged assassination attempts by the mafia. However, the family's lawyer said that the child did not understand the real reason why her family had had to flee Albania, as she had been told a "sugar coated" version.

In a letter dated 6 September 2017 and seen by the *Sunday Times*, the Home Office told the father: "You claim to have experienced a number of unfortunate events whilst in Albania, which you attribute to being targeted by the mafia. Yet, as admitted by your own daughter in documents [the NHS records], you and your family actually travelled to the UK in order for you to seek better medical treatment.

"The fact that your daughter identified your reason for leaving Albania and travelling to the UK was, in fact, to receive better medical treatment is considered to significantly undermine your claim that you travelled to the UK in order to escape persecution."

Despite the family's lawyer arguing that the daughter did not understand the reasons why her father was claiming asylum, the judge assessing the case sided with the Home Office.

## Hostile environment

Human rights groups have said that sharing patient information in this way creates a "hostile environment."

Koldo Casla, policy director at Just Fair, a charity that campaigns for economic and social rights, said, "Everyone should feel confident they can access healthcare and trust the excellent medical staff at the NHS. The Home Office must stop manipulating the NHS and put an end to this hostile environment.

"In accordance with international human rights law, the government must ensure a watertight separation between asylum and immigration proceedings and the provision of healthcare services."

A spokesperson from the Joint Council for the Welfare of Immigrants said, "Using a vulnerable patient's data for the purpose of immigration enforcement breaches doctor-patient confidentiality. It's extremely dangerous and prevents people from accessing the medical care they need.

"People signing medical consent forms often have not received legal advice and have no idea that the information may be used against them by the Home Office. There is an urgent need for a data firewall between the Home Office and the NHS."

A Home Office spokesperson commented, "We carefully consider all asylum claims on their individual merits, taking into account all evidence provided. We only return those with no legal right to remain in the UK, including failed asylum seekers, where it is safe to do so."

MPs from the House of Commons Health Committee have previously said that sharing confidential patient data with the Home Office for immigration purposes must stop, as it could lead to "serious unintentional consequences" for patients and wider public health.<sup>2</sup>

1 Pogrand G. Home Office used suicidal girl's medical records to reject family's asylum claim. *Sunday Times* 2019 Apr. <https://www.thetimes.co.uk/article/home-office-used-suicidal-girls-medical-records-to-reject-family-asylum-claim-jqk5xrzh>.

2 Iacobucci G. NHS must stop sharing confidential patient data with Home Office, say MPs. *BMJ* 2018;360:k512. 10.1136/bmj.k512 29386315

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