

Migrants and Mental Health Disability: Best Practices for Immigration and Court of Protection Professionals



Programme

09:30 Registration and refreshments

10:00 Welcome

Keynote address:

Professor Dinesh Bhugra, Emeritus Professor of Mental Health and Diversity at the Institute of Psychiatry, Psychology and Neuroscience, King's College London

10:30 **Panel Session 1:**
Multi-agency coordination, its importance and how it can be improved

Chair:

- **Ulele Burnham**, Doughty Street Chambers

Speakers:

- **Brian Dikoff**, Legal Officer, Migrants Organise
- **Christian FitzHugh**, Asylum Mental Health and Wellbeing Lead, Resettlement and Accommodation (ASRA), Home Office
- **Fran Busby**, Clinical Service Lead, South London and Maudsley NHS Foundation Trust (SLAM)
- **Dr Luke Geoghegan**, Head of Policy and Research, British Association of Social Workers (BASW)

Supporting migrants with complex mental health needs poses specific challenges. A lack of immigration status and recourse to public funds often limit the support that can be provided to individuals, but unaddressed health and social care needs can act as a barrier for

individuals to be able to engage with the immigration process, particularly where they lack the capacity to instruct a legal representative or engage in the immigration process.

Multi-agency collaboration and coordination between support organisations, local authority social services, the NHS and the Home Office are typically key. Each has a role to play to address needs in a holistic and person-centred way to enable individuals to engage with these systems.

The panel will reflect on the main challenges experienced by different agencies, identify examples of good practice in joint working, and offer perspectives on how multi-agency coordination could be improved to support migrants with mental health disabilities.

11:40

Refreshments

12:00

Workshop sessions (choose 1 of 3)

1. Identifying immigration issues within health and social care

Speakers:

- **Ruth Mercer**, Solicitor, Southwark Law Centre
- **Hannah Smith**, Barrister, Doughty Street Chambers

Migrants with complex mental health needs may experience difficulties in securing their legal right to remain in the UK, particularly where they lack the capacity to instruct a legal representative or make decisions relating to their immigration status. Aimed at Court of Protection professionals, local authority practitioners and other health and social care colleagues, this workshop will provide an overview of immigration issues that may arise in health and social care settings, as well as raise awareness of the applications that can be made on behalf of migrants with mental health disabilities to regularise their stay in the UK, in order to support their identification and make referrals for specialist immigration advice.

2. Accessing the Court of Protection to support migrant clients

Speakers:

- **Monica Kreeel**, Associate Solicitor, TV Edwards Solicitors
- **Zoe Harper**, Barrister, Doughty Street Chambers

This workshop offers an introduction to the Court of Protection and how and when it may be accessed to support migrant clients. It will provide an overview of the applications that may be made to the Court of Protection on behalf of clients who lack - or may lack - the capacity to instruct an immigration lawyer, to make decisions about their

immigration case, or to make decisions about their social welfare circumstances. It is likely to be most relevant to immigration practitioners but its discussion of practical, problem-solving approaches in cases involving migrants will also be of interest to Court of Protection practitioners and health and social welfare colleagues.

3. Mental capacity in the Immigration Tribunal

Speakers:

- [Amy Childs](#), Barrister, 36 Group; Litigation Friend, Migrants Organise
- [Alasdair Mackenzie](#), Barrister, Doughty Street Chambers

A practical session for immigration lawyers dealing the test for mental capacity; assessing whether and to what extent a person has capacity in the context of immigration proceedings; how to proceed when an appellant lacks capacity in respect of some or all aspects of their case; maintaining capacity under review; and advocating on issues of mental capacity before the Tribunal. As part of the discussion, it will also deal with the power to appoint a litigation friend, finding an appropriate litigation friend, their duties and relationship with the appellant, and practicalities for securing their appointment by the Tribunal.

13:05

Lunch

14:20

Workshop sessions (choose 1 of 3)

1. Supporting migrants detained under the Mental Health Act 1983 and on discharge

Speakers:

- [Professor Cornelius Katona](#), Honorary Medical and Research Director, Helen Bamber Foundation and Royal College of Psychiatrists' lead on Refugee and Asylum Mental Health
- [Dr Piyal Sen](#), Consultant forensic psychiatrist and medical director at Elysium Healthcare and Honorary Professor at Brunel University, London

This workshop brings an expert clinical perspective to the needs of migrants and asylum seekers who are detained under the Mental Health Act 1983 and following their discharge into the community. A case study approach will inform discussions on appropriate support for migrants in these contexts, the specific challenges they face and how services can work most effectively to meet their needs.

2. Practical migration issues in the Court of Protection: capacity and best interests

Speakers:

- **Juliane Heider**, Solicitor, Islington Law Centre
- **Asma Nizami**, Barrister, Doughty Street Chambers

This workshop will focus on migration issues that arise within the context of Court of Protection proceedings and address the steps that are necessary to ensure that the rights of migrants as the protected party ('P') are fully explored and promoted in this emerging area of practice. It will address the assessment of capacity to instruct immigration solicitors, make decisions about immigration status in the UK, and make decisions about any return to the country of origin. It will discuss the importance of addressing an individual's right to remain in the UK, and the potential for regularising any immigration status issues, when considering the best interests of any return to the country of origin within the context of Court of Protection proceedings and suggest approaches for investigating and evidencing these issues. It will also consider Court of Protection case law in international cases and share practical approaches for obtaining evidence on the country of origin to inform best interests analyses.

3. Immigration Applications for Discretionary Indefinite Leave to Remain

Speakers:

- **Beth McGovern**, Solicitor, Southwark Law Centre
- **Jennifer Blair**, Barrister at No5 Chambers and Lexis Nexis; Modern slavery lead, Migrants Organise

This session is aimed at immigration law practitioners and will deal with applying for Indefinite Leave to Remain outside the immigration rules for migrants with mental health disabilities. It will address the legal and policy framework for requesting Indefinite Leave to Remain on a discretionary basis; the evidence required to support an application; and how to deal with refusal decisions. A practical case study will inform discussions.

15:25

Refreshments

15:45

**Panel Session 2:
Advancing Trauma-Informed and Client-Centred Practice**

Chair

- **Zoe Harper**, Barrister, Doughty Street Chambers

Speakers:

- **Professor Cornelius Katona**, Honorary Medical and Research Director, Helen Bamber Foundation and Royal College of Psychiatrists' lead on Refugee and Asylum Mental Health
- **Francesca Valerio**, Community Programme Director, Migrants

Organise

- [Shu Shin Luh](#), Barrister, Doughty Street Chambers

This final session offers an opportunity to reflect collectively on strategies for promoting rights-based and responsive services better able to accommodate the needs of migrants with mental disabilities. The panel will share their perspectives on approaches that are:

- *Trauma-informed*: what this means, how it can influence outcomes for migrants with mental health disabilities, and the role of clinical expertise;
- *Client-centred*: the perspectives of migrants with mental health disabilities and changes that place these at the centre;
- *Rights-based*: envisaging a more accessible immigration system and services for migrants with mental health difficulties, and using the Equality Act 2010 and other strategies in support of advocacy towards change.

The panel will consider improvements that could be implemented in the immediate term as well as potential longer-term goals in order to open a discussion on systems change to work towards collectively.

17:00

Close and Drinks Reception

BIOGRAPHIES



PROFESSOR DINESH BHUGRA

King's College London

Professor Dinesh Bhugra has published widely in the field of cultural psychiatry, sexual dysfunction and service development. He has authored/co-authored over 500 scientific papers, chapters, editorials and 45 books. Several of his books have won awards and gone into multiple editions. Three of his books have been translated into Mandarin and Japanese. His *Oxford Textbook for Public Mental Health* won Book of the Year award last year. In the same year *Practical Cultural Psychiatry* was highly recommended. Last year he published *Conversations on the NHS and Psychiatrists on Psychiatry*. His two recent books are on *Social Justice and Search for the Self*. He has been a series editor on books published by Oxford University Press on Cultural Psychiatry.

He is the Editor of the *International Journal of Social Psychiatry, and International Review of Psychiatry*. His recent research has focused on burnout in medical students and doctors, geopsychiatry, mental health of sexual minorities and otherism.

He was elected the Dean of the Royal College of Psychiatrists (2003-2008) and then its President (2008-2011). He was appointed Chair of the Mental Health Foundation (2011-2014). He is Patron of Care-if charity, South Asian Film Festival and on the board of Sane and Psychiatric Research Trust charities. He is a Friend of Migration Museum in the UK. He is a Distinguished Friend of Migration Museum. He chaired DocHealth charity which is jointly funded by the BMA and the Royal Medical Benevolent Fund (2018-2021). Currently he is Non-Executive Director of Sussex Partnership NHS Foundation Trust.



ULELE BURNHAM

Doughty Street Chambers

Ulele Burnham's practice spans the law relating to mental capacity and mental health, equality and human rights law.

Ulele is the joint leader of the Court of Protection and Mental Health Team. She is a very experienced advocate in proceedings before the Court of Protection and associated and appellate jurisdictions. She also has significant experience in Equality and Anti-discrimination law.

She is ranked as a Band 1 expert Court of Protection: Health & Welfare practitioner by Chambers and Partners 2024 and Tier

2 by Legal 500 2024. She is described as "clear, articulate, confident and strong advocate with an excellent court style.", "standout counsel in the Court of Protection...trusted by practitioners and judges alike". Of her written advocacy, commentators say that her "drafting skills are excellent" and that her "written work is incredible" and "second to none".



BRIAN DIKOFF
Migrants Organise

Brian Dikoff is the Legal Officer at Migrants Organise. He is an OISC level 3 immigration and welfare adviser. He founded and coordinates the Migrants Mental Capacity Advocacy (MMCA) project which provides ongoing and holistic support for migrants and asylum seekers who have issues with their mental capacity to engage with the immigration process both in appeal and pre-appeal stage. The project also advocates for systemic change through strategic legal, policy and community organising work. He is currently the NGO co-chair of the Equalities Asylum Stakeholders Engagement Group with the Home Office and leads on Migrants Organise's strategic legal and policy work.



CHRISTIAN FITZHUGH
Home Office

Christian Fitzhugh has been the Strategic Mental Health and Wellbeing Lead for Asylum Seekers at the Home Office since July 2021. He and his team advocate for measures to improve mental health and wellbeing of asylum seekers as they navigate the asylum system. This ranges from the provision of training and tools, to the promotion of good practice and commissioning of relevant research and therapeutic interventions.

Previously, Christian worked on EU policy within the Department for Digital Culture Media and Sport and for the European Social Network focusing on sharing good practice in relation to local level European social services.

Outside of work, Christian is a governor at the Stanford Junior School and mentor with the IntoUniversity programme. He has also supported vulnerable migrants through the Migrants Organise mentoring programme and Syrian family resettlement through the Community Sponsorship Programme.



FRAN BUSBY

South London and Maudsley NHS Foundation Trust (SLAM)

Fran Busby is a registered social worker and the Homelessness Lead for South London and Maudsley NHS Mental Health Trust. I manage 5 multi-disciplinary teams across 3 South London boroughs, delivering outreach mental health and dual diagnosis care for people experiencing homelessness.

Her service, START Homeless Outreach Teams is the winner of the 2023 London Homelessness Awards. She sits on the Steering Group for the APPG on Ending Homelessness, was the social work representative for the NICE Guidelines Committee on Homelessness and is part of the Clinical Leadership Group for Mental Health and Homelessness for Transformation Partners in Care.

She has worked with people experiencing street homelessness for 28 years, mainly in Adult Social care and the NHS, but also in third sector organisations such as St Mungo's and Thamesreach.

She is passionate about delivering integrated, relational care for people experiencing multiple disadvantages and is gathering data on 2 homelessness pilot projects for NHSE and OHID.

DR LUKE GEOGHEGAN

British Association of Social Workers (BASW)



Dr Luke Geoghegan is Head of Policy and Research at the British Association of Social Workers (BASW). He is the officer lead for UASC issues. Luke gave evidence to the Joint Parliamentary Human Rights Committee in opposition to what became the Nationality and Borders Act. Subsequently BASW called for social workers to boycott working for the National Age Assessment Board (NAAB). Luke is a registered social worker and prior to taking up this role, was a front-line social worker in a team for 'looked after' children, many of whom were UASC.



RUTH MERCER

Southwark Law Centre

Ruth Mercer is a supervising immigration solicitor at Southwark Law Centre, who also specialises in homelessness and migrant accommodation. For the past five years she has worked on a project with a number of South London hospitals providing immigration and homelessness representation to homeless hospital patients. Ruth also co-ordinates the national Housing and Immigration Group. Ruth joined Southwark Law Centre as a Justice First Fellow in 2019, and prior to this worked as a refugee legal advisor in Thailand for four years.

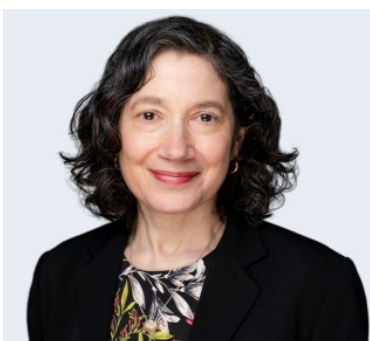


HANNAH SMITH

Doughty Street Chambers

Hannah has a broad practice in public and civil law. She regularly acts for clients in immigration and asylum appeals before the First-tier and Upper Tribunal and has successfully appealed refusal decisions in contexts including Article 3 ECHR medical cases. Hannah has a particular interest in the overlap between social welfare and immigration law and acts in appeals concerning eligibility to claim benefits on the basis of a person's right to reside in the UK.

Hannah has particular expertise in cases concerning EU law and the Withdrawal Agreement. Before becoming a barrister, she worked as a solicitor at the AIRE (Advice on Individual Rights in Europe) Centre where she delivered training to lawyers, NGOs and local councils across England and Wales on the impact of the UK's withdrawal from the EU on immigration applications and access to benefits.



MONICA KREEL

TV Edwards Solicitors

Monica Kreel is a community care, public law and Court of Protection solicitor in the Social Welfare team at TV Edwards LLP in Whitechapel, London. She qualified as a solicitor after a career working in disability policy, advice, and investigations: working at the Disability Rights Commission and the Equality and Human Rights Commission. Her recent cases include *R (TMX) v London Borough of Croydon & Anor* [2024] EWHC 129, where she acted for a disabled asylum seeker whose Article 3 and 8 rights were breached by the local authority's failure to provide accommodation. She has represented disabled migrants in the Court of Protection and the Administrative Court, ensuring that they have suitable support after leaving mental health detention or immigration detention.



ZOE HARPER

Doughty Street Chambers

Zoe Harper acts in immigration, court of protection, human rights and public law proceedings.

She is well-regarded for her sensitive and effective work with vulnerable migrants, including those affected by torture, trauma, mental health difficulties or other serious health concerns. She frequently acts in complex refugee protection, trafficking and human rights claims, including claims involving health-related issues, and is experienced in advising in cases where there concerns in relation to mental capacity.

Zoe has an active and parallel practice before the Court of Protection. She is regularly instructed by litigation friends, including the Official Solicitor, family members and local authorities in cases involving health and welfare issues, including deprivation of liberty. She regularly advises and represents in cases involving migrant clients before the Court of Protection.



AMY CHILDS

36 Group

Amy Childs is an experienced public law practitioner specialising in immigration law. Her wide ranging practice includes judicial review challenges and appeals from the First-tier Tribunal up to the Court of Appeal.

She has particular expertise in representing vulnerable clients, including individuals with disabilities, minors, victims of torture and trafficking, and clients lacking capacity. Amy is well-versed in cases requiring the appointment of a litigation friend to support clients through the legal process.

Amy's commitment to advocacy extends beyond her practice. She has volunteered with the Migrants Organise's Migrants Mental Capacity Advocacy (MMCA) project as a litigation friend in the First-tier Tribunal. Additionally, she has been appointed by the Court of Protection to provide instructions to a solicitor on behalf of a client who lacked the capacity to do so.



ALASDAIR MACKENZIE

Doughty Street Chambers

Alasdair Mackenzie is a barrister at Doughty Street Chambers, where he is head of the immigration team. He specialises in asylum and human rights work, in particular in complex issues concerning mental health, rights of appeal and exclusion from refugee status. He advised in the first case to establish the power of an immigration tribunal to appoint a litigation friend, *C v FTT*, and has recently worked with Migrants Organise on the adoption by the IAC of a practice direction in respect of appellants who lack capacity. Before coming to the Bar he was a founder and director of Asylum Aid.



PROFESSOR CORNELIUS KATONA

Helen Bamber Foundation and Royal College of Psychiatrists

Professor Cornelius Katona is Honorary Medical and Research Director of the [Helen Bamber Foundation](#) - a human rights charity working with asylum seekers and refugees and Hon Professor in the Division of Psychiatry at University College London. He is the Royal College of Psychiatrists' lead on Refugee and Asylum Mental Health. He was a member of the Committee that updated NICE guidelines on PTSD. He chaired the Steering Group for the Commission on the Integration of Refugees which published its [report](#) and recommendations in March 2024. He has published more than 300 papers and written/edited 16 books. In 2019 he was awarded the Royal College of Psychiatrists' Honorary Fellowship, the College's highest honour, for his 'outstanding service to psychiatry'.



DR PIYAL SEN

Brunel University, London

Dr Piyal Sen grew up in Kolkata, India, seeing refugees from an early age, victims of the Partition of India and the Bangladesh liberation war. He subsequently specialized in Forensic Psychiatry and works as Medical Director with Elysium Healthcare at Milton Keynes and is also visiting Professor at Brunel University, London.

He is the current Chair of the Special Committee on Human Rights and a member of the Working Group on Forced Migration of The Royal College of Psychiatrists. He was part of the group which wrote the recent Royal College of Psychiatrists' report on mental health of those seeking sanctuary in the UK. He does medico-legal work on asylum-seekers and refugees and research on the mental health

conditions of detained asylum seekers and refugees

Piyal has contributed to the book offering practical guide to professionals on how to work with those seeking sanctuary, published by Cambridge University Press.



JULIANE HEIDER

Islington Law Centre

Juliane Heider is a solicitor at Islington Law Centre. She regularly represents clients living with a mental health disability, including individuals who have experienced trauma and human rights abuses, complex diagnoses, are detained under the Mental Health Act or who lack capacity.



ASMA NIZAMI

Doughty Street Chambers

Asma is a barrister at Doughty Street practising in both COP and immigration/asylum law. She is ranked as a Leading Junior in the Legal500 (2025) for both "Court of Protection: health and welfare" and "Immigration" and in Chambers and Partners (2025) for "Immigration".

Asma has expertise spanning the full range of the COP's jurisdiction, including welfare disputes, s.21A challenges, cases involving deprivations of liberty, and complex matters before the High Court (including inherent jurisdiction cases). Asma is regularly instructed in parallel COP/forced marriage cases, which can involve immigration issues.

Asma represents and advises in all areas, of immigration, asylum, deportation and nationality law. She is familiar with the obstacles faced by clients who lack capacity to make immigration decisions, and those experiencing mental health vulnerabilities.

Asma has been instructed as an immigration expert in COP proceedings. She has a particular interest in capacity issues affecting migrant and refugee communities and is well placed to represent clients in cases involving the crossover between both of her areas of expertise.



BETHAN MCGOVERN

Southwark Law Centre

Bethan McGovern is an immigration and senior public law solicitor at Southwark Law Centre. She currently leads the law centre's public law work alongside working on a project focused on provision of immigration advice to rough sleepers. Bethan has worked in immigration and asylum law for 12 years with a focus on acting for people with significant mental and physical health and/or mental capacity issues in initial applications, appeals, challenges to immigration detention and related public law cases. She has acted in successful challenges to SSHD's failure to make reasonable adjustments for such individuals in relation to the immigration and asylum system, resulting in changes to SSHD's policy. She has been a member of the Migrants Mental Capacity Advocacy Project's expert panel from its start.



JENNIFER BLAIR

No5 Chambers and Lexis Nexis

Jennifer Blair is a barrister at No5 Chambers and Lexis Nexis. She provides advice at Migrants Organise where she is their modern slavery lead. She specialises in working on complex family and safeguarding cases with mental health vulnerabilities.



FRANCESCA VALERIO

Migrants Organise

Francesca Valerio is the Director of Migrants Organise Community Programme and qualified social worker. The Community Programme provides ongoing and holistic support to around 800 vulnerable migrants and people seeking asylum, including victims of torture and trafficking and those with complex mental health needs. Ms Valerio obtained her degree in social work at the University of Venice in 1999 and on arrival in the United Kingdom registered as a social worker here. She worked in child protection in Italy and for a number of charities in the United Kingdom, including mental health charities. She has worked for Migrants Organise for the past 16 years and holds a Masters degree in Sociology from the University of Urbino and an MSc in Social Anthropology from University College London. She is trained in working with people suffering mental illness and in assessing mental capacity.



SHU SHIN LUH

Doughty Street Chambers

Shu Shin practices in all areas of public law. Her practice has a strong human rights, civil liberties, and anti-discrimination focus.

Her expertise covers a broad range of subject matters including community care, mental health and mental capacity, health care, education, housing, welfare benefits, human trafficking, immigration and asylum, and deprivation of liberty both in the context of immigration detention and the Court of Protection. She pursues significant public interest litigation on behalf of individuals and organisations.