



Psychiatry & Behavioral Science - 2017

19 Forensic Psychiatric Assessment of Detainees in the United States Immigration System

Ziyad Nuwayhid, MD, University of California Irvine, Department of Psychiatry, 101 The City Drive, S, Route 88, Bldg 3, Orange, CA 92868; Gregory B. Leong, MD, PO Box 8578, Alta Loma, CA 91701; and Ngoc-Tram T. Vo, DO, University of California, Irvine, 101 City Drive, S, Bldg 3, Route 88, Orange, CA 92868*

After attending this presentation, attendees will: (1) gain an understanding regarding how forensic psychiatric assessment of immigrant detainees is necessary for the fair and efficient adjudication of removal and asylum proceedings; and, (2) learn of the legal and cultural barriers to forensic assessment of immigration detainees.

This presentation will impact the forensic science community by illustrating the challenges of forensic mental health evaluation of immigrant detainees and identifying best practices for use during removal and asylum proceedings.

Currently, perhaps as many as 1,000 mentally ill detainees are being held with the cost of incarceration increasing daily due to continued delays in processing their cases. The United States immigration system has struggled to keep pace with the increasing number of detainees who have severe mental illness requiring forensic mental health evaluation. Information provided by the government, advocacy groups, and media sources illustrate that, in the growing detention system, providing detainees with adequate legal representation and mental health care pose a daunting challenge. Legal protections for immigrant detainees with severe mental illnesses require a focused emphasis, given the differences in their position compared to those in domestic criminal legal detention. The purpose of this systematic review is to describe the epidemiology, challenges, and best practices relevant to the forensic mental health evaluation of immigrant detainees.

A systematic review of literature indexed in MEDLINE® and PsychInfo® was conducted. The search terms “detainee,” “immigrant” and “forensic psychiatry” were entered into a literature search for publications between January 1990 and December 2015. Relevant articles were selected and reviewed. The references for these articles were reviewed to augment the search strategy. The selection criteria for articles was that they contain: (1) peer review articles; (2) United States immigration data; and, (3) forensic assessments.

This study identified 14 articles relevant to this review. The epidemiology of this issue is poorly defined. In addition, there have been few controlled studies identifying best practice interventions. Most articles rely on anecdotal encounters and describe the challenges of working with this difficult and vulnerable population. Several cases, which will be presented, illustrate the difficulty mentally ill detainees face in obtaining fair proceedings. Some of these cases have provided the impetus for recent legal rulings that will impact this process going forward.

The unique requirements for forensic assessment of immigrant detainees require diligent scrutiny from forensic, legal, and advocacy perspectives and make this a crucial area for greater study among forensic psychiatrists and other forensic mental health professionals. A particular need is for mentally ill detainees to be provided counsel and forensic mental health assessment when the need arises. This is especially true given the recent wave of increased undocumented immigrants, including the severely mentally ill.

Immigrant, Forensic Psychiatry Assessment, Mental Illness