



**Deputy Chief Executive
Policy and Strategy Group**

Amit Kapadia
Executive Director (Chairman)
HSMP Forum

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[By email]

27 April 2009

Dear Mr Kapadia,

Thank you for your recent correspondence about the outcome of the HSMP Forum Ltd Judicial Review. Lin Homer has asked me to lead, on her behalf, to ensure that the UK Border Agency puts in place a policy and procedures to action the necessary remedies that give effect to the judgment.

As you will be aware the Court Order, dated 8 April 2009, gives the UK Border Agency 42 days to implement the judgment. Our counsel has confirmed that we will need to put in place a policy and procedures for all those affected by the judgment by 20 May 2009.

Work is already underway to identify those who might be affected by the judgment and what needs to be put in place for each group. I am sure you will appreciate that this is not a simple matter and that it is right and proper that we take the time available to us to make sure that correct policy and procedures are in place. I have forwarded your email of 15 April to my policy team with this in mind.



In further correspondence you have also raised the specific case of Dr Ashish Vijayan. I have asked officials to look into this for me and to correspond directly with Dr Vijayan on this matter. Whilst I appreciate that your members are keen to formalise their position in relation to the judgment handed down, I would be grateful if you could stress to your members that we need time to put internal procedures in place to identify and process applications from those affected by the judgment. Applications should not, therefore, be submitted based on the outcome of the judicial review, until that guidance is in place and until the policy and procedures for those affected by the judgment are published on the UK Border Agency website. We would greatly appreciate your patience and support in this matter so we can direct our efforts to putting the remedies in place. In the meantime anyone whose leave is due to expire and has to submit an application for further leave on that basis will be fully catered for in the remedies once they are published.

The provisions of the Borders Citizenship and Immigration Bill are being considered by Parliament. Existing arrangements for obtaining indefinite leave to remain and to naturalise

as a British citizen will therefore continue until these proposals have been debated or agreed by Parliament. Whilst we have not yet made any final decisions about how our proposals will impact on people who are already in the immigration system I would like to assure you that full consideration will be given to this and the previous ruling handed down in relation to the HSMP Forum Ltd judicial reviews.

I would ask that any further correspondence on this matter is sent directly to myself in order to expedite a speedy and full response.

A handwritten signature in black ink that reads "Jonathan Sedgwick". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

JONATHAN SEDGWICK