

SUCCESS AT LAST

Immigrants begin rebuilding their lives as long legal battle ends in victory



ABOUT TIME: Dr P Badrinath, protesters (above) and HSMP workers (below) celebrate their legal win

THOUSANDS of professionals lured to Britain by the prospect of building a brand new life have revealed the huge emotional price they have paid in their fight for justice.

Many had given up their homes, savings and jobs in response to the British government's call for doctors, senior academics, engineers and information technology experts under the Highly Skilled Migrant Programme (HSMP).

The promise of better job and education prospects for the family was accompanied by an assurance of the right to make Britain their permanent home within four years. But changes to immigration rules threw all that into doubt at a stroke in 2004.

In one case, a Bangladeshi physics graduate committed suicide after being forced to return by the abrupt and retrospective changes.

And so began a long fight which ended only last week when the Home Office released its implementation of an April court order that HSMP migrants can apply for permanent residency (Indefinite Leave to Remain or ILR) under the original criteria and seek compensation for any unnecessary visa extension fees.

Anuradha Sunil, a GP with the NHS in Reading who has suffered as a result of the rule changes, is relieved but is still not celebrating.

Dr Sunil told *Eastern Eye*: "It feels like a nightmare is over but now I have to start picking up the pieces. This has had a massive impact on my personal and professional life. When the rules were suddenly changed, my husband was in the process of wrapping up his business in India to join me and our son here."

"We have now been living apart for five years. My 10-year-old son has been forced to live without his dad."



by ADITI KHANNA

"We are here providing a service to the community and paying taxes. We have been treated very unfairly. The Home Office has failed to take all this emotional impact into account."

"Even now, I have been calling non-stop to set up an appointment for my application under the latest revised rules, but it has proved impossible to get through."

P Badrinath, an NHS consultant, also points to the enormous emotional toll of these immigration changes on his family. He was among the first batch of professionals to qualify for an HSMP visa when it was first introduced in 2002. He has since gone on to acquire British citizenship in 2008.

But the delay of a year in processing his application under the new points-based system at the heart of the changes meant his son was forced to pay higher fees for his economics degree, affecting his choice of university.

Dr Badrinath said: "The Home Office has offered a refund, which is just £335 per application. But the financial impact of the rule changes has been far greater."

"My son was not able to go to the university of his choice because we had to make the decision based on what we could afford. He also did not qualify for any government grant, which he would have had access to if we had ILR."

"I would still say it was the right decision to come to Britain. It is a fair society and the court case proves that. But the Home Office must take into account other implications and suffering. Many of us were forced to spend more of our money because of what has been proved to be an illegal action."



These are among thousands of hardship stories linked to HSMP workers, many of whom were forced to abandon their lives here to return to their home countries.

Baitul Atique was forced to return to Bangladesh in January 2007 after the Home Office rejected his wife Sabiha's application for a visa extension. In March, he was found dead in Dhaka from an overdose of sleeping pills. His family blamed the government for the death.

HSMP Forum executive director Amit Kapadia, who has led a tireless campaign against the changes, consulted with the UK Border Agency to ensure the implementation guidelines cover all those affected. The self-confessed "insomniac" has made campaigning for immigrants' rights his life mission.

His forum's focus will now be on the new Immigration and Citizenship Bill, which is being debated in Parliament from Tuesday (2). "In spite of having had their hands burned by two

successful legal challenges which declared some of the recent retrospective legislation unlawful, ministers Jacqui Smith and Phil Woolas are determined to press ahead with the new bill.

"The government just never seems to learn. If long-standing, taxpaying, completely legitimate migrants want to make a commitment to citizenship after six years – which was originally promised when they came here – they are reduced to the status of criminals by effectively being sentenced to a community service order," Kapadia (pictured left) explained.

A Home Office spokesperson said: "This case [HSMP] involves an old set of rules which have since been swept away by Britain's new points based system. The Home Office has now put in place remedies for the highly skilled migrants affected by the judgement."

■ For information on the remedies, visit www.ukba.homeoffice.gov.uk/workingintheuk/tier1/hsmp/hsmp-judicial-review-09/