



Justice and Home Affairs Committee

Corrected oral evidence: Family migration

Tuesday 25 October 2022

10 am

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Members present: Baroness Hamwee (The Chair); Baroness Chakrabarti; Lord Dholakia; Lord Hunt of Wirral; Baroness Kennedy of The Shaws; Lord McInnes of Kilwinning; Baroness Primarolo; Lord Ricketts; Baroness Sanderson of Welton; Baroness Shackleton of Belgravia.

Evidence Session No. 6

Heard in Public

Questions 58 - 66

Witnesses

I: Ms Rebecca Eribal, SEN Teaching Assistant; Dr Kamal Sidhu, General Practitioner at Blackhall & Peterlee Medical Practice, and New Seaham Medical Group, Durham; Mr Laurentiu Veliscu, Logistics Manager.

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Examination of witnesses

Rebecca Eribal, Dr Kamal Sidhu and Laurentiu Veliscu.

Q58 The Chair: Welcome to the Justice and Home Affairs Committee of the House of Lords and another evidence session in our inquiry into family migration, and welcome to our witnesses. I will start by asking each of you to introduce yourselves briefly. I think you know that we want to get on the record where you live and your occupation, but in particular the relative you have sponsored or wanted to sponsor, how long you have been separated and what immigration route you are pursuing. Dr Sidhu, I know you are speaking on your own behalf but also on behalf of your organisation. Laurentiu Veliscu, let us start with you.

Laurentiu Veliscu: I work as a logistics manager in the construction industry. I live in east London, and I came to this country in 2007. I have Romanian and British citizenship. In 2020, I applied for a family six-month entry permit visa, but I received it after 15 months, so I was separated from my wife for 15 months. The day after she came here I applied for pre-settlement. I was expecting the Home Office to give her a residence card within a short time, but I had to wait 11 months, so in total I waited 26 months for my wife to be settled here.

The Chair: That was under the EU settlement scheme, was it not?

Laurentiu Veliscu: Yes.

The Chair: Thank you. Rebecca.

Rebecca Eribal: I am a special educational needs teaching assistant from Leeds. I sponsored my husband to come here and join me and my son, who is now eight years old. We were separated for just under three years—for many reasons, but the main reasons were financial. In the end, we managed to get my husband here under the Adequate maintenance route. That is where you need to prove that you have enough money to cover basic costs and be in receipt of a benefit that exempts you from the minimum income requirement. We had to wait two years to apply that way, because my son is autistic and we needed to receive the Disability Living Allowance. When we received that, we were able to move forward, but it was a very long wait.

The Chair: Yes. Kamal Sidhu.

Dr Kamal Sidhu: Hello. I live in Durham in the north-east of England. I am a GP working in a practice covering a population of about 15,000 patients in an area of quite high deprivation. I also chair the GP wing of BAPIO, the British Association of Physicians of Indian Origin. Along with some like-minded organisations—particularly the British Medical Association; the APPNE, the Association of Pakistani Physicians of Northern Europe; the Doctors' Association UK; many royal colleges; and some legal minds—we are campaigning for a review of the ADR rules.

From a personal perspective, I have been trying to get my parents over for about four years, but I was advised that there is a negligible chance of success under the existing ADR rules. It all came to a head last year when my father suffered a substantial heart attack and ended up being quite unwell. I had to make four trips within the span of a few months during the lockdown period, spending time in hotel quarantine and all of that. That caused a lot of disruption for me and my family as well as my work colleagues and our patients.

Mine is not an unusual example; I am here on behalf of so many of my colleagues who have been very adversely affected by the harshness and rigidity of the existing rules.

The Chair: Yes, and we want to ask for more detail about that later in this session.

Q59 Lord Hunt of Wirral: Laurentiu, Rebecca and Kamal, I had better declare an interest as a practising solicitor. My question is: did you receive legal advice before making the application? If so, how easy was it to access it? Did you receive reasonably sound advice, looking back?

Laurentiu Veliscu: Initially I wanted to make the application myself and it seemed easy to do that, but before I did I contacted a lot of people, forums and groups and I spoke to a lot of people who got refused, with no reason given by the Home Office. That is why I got a solicitor. As I said, I have British and Romanian citizenship. Initially, I was ready to apply as a British citizen, but the cost was very high—around £3,500—and the chance of being refused was very high. They told me that if I was refused, the wait for an appointment at court to make an appeal was maybe 10 months plus. It was easier to reapply, which would cost me another £3,500.

So I decided to apply as a European citizen, because on the Home Office website the period was 15 business days. That is why I decided to apply as a European. I found a solicitor who made the application in my name, and I got all the legal advice from him. In the end, I had two solicitors. When I saw that it was taking 15 months and my application had no end, I changed solicitor because I thought that my first solicitor did not have enough knowledge for this type of application. From my point of view, the legal advice that I had was not enough. Two MPs got involved in the case: the MP for Romford, Andrew Rosindell, and the MP for Ilford, Wes Streeting. Even in this situation, the Home Office did not communicate very well, so in the end two MPs, a few organisations and two solicitors were backing my case, but I did not receive any clear answer from the Home Office.

Even today, I do not have a clear answer. In the end, I was advised by my solicitor to ask for my file to see exactly why it took so long, 15 months, to get my wife here, but they refused to give me my file within 60 days, so I still have no answer from the Home Office so that I can understand the reason for all the investigations and why everything was “under consideration” for 15 months plus another 11 months.

Q60 Baroness Shackleton of Belgravia: When you were sourcing your solicitor—I declare an interest as being one—is there a list of specialist immigration solicitors who do

only this sort of work? It is a highly technical area of the law and it is a waste of time going to somebody who has to learn on your back. It is not ideal, which is an understatement. Is there a list?

Laurentiu Veliscu: Yes. Immigration solicitors are companies, not individuals.

Baroness Shackleton of Belgravia: So you do not have a hotlist provided to you. I do family law. There is a list of people who only do family law, and you can look up the people for whom 75% to 80% of their work is that. Is there not such a thing in existence?

Laurentiu Veliscu: No.

Baroness Shackleton of Belgravia: Okay. That is bad.

The Chair: Can we hear from the other witnesses?

Rebecca Eribal: I will read this out, if that is okay, because it is a concise answer.

I tried to access legal advice through my union, but that was limited. The advice given was not adequate due to the Home Office guidance being so unclear, especially when it comes to the exceptional circumstances rule where the decision is in the hands of the case worker. I know of members of the support communities I belong to who have also had bad experiences. A friend of mine, who I will call H, accessed a so-called solicitor through her community. They were not even qualified but presented as such, and quite literally took the money and ran. As a layperson, it is almost impossible to tell who the quality providers are and who are not. The cost of high-quality legal advice is also prohibitive.

Lord Hunt of Wirral: Which is your union?

Rebecca Eribal: UNISON.

Lord Hunt of Wirral: Kamal, would you like to give us your experience?

Dr Kamal Sidhu: I was very fortunate, because we were already working with a campaign group and a barrister was kind enough to give me some legal advice. The experience of many of my colleagues is that they find it very hard to navigate through the complexity and rigidity of the rules. Even though they are keen to learn about the regulations and are professionals, the advice they get is very variable. Again, the costs can vary from just shy of £10,000 to more than £20,000 in some cases.

Lord Hunt of Wirral: And your own personal experience?

Dr Kamal Sidhu: I was able to get advice from being within the network of the campaign group, because we had some legal input there. The advice I got was that there is absolutely no point in applying under ADR rules from outside the country, because the chances of success are almost zero. I am glad I did not apply at the time, because a colleague of ours submitted a Freedom of Information request to

the Home Office in 2017, and no approvals were granted at all that year, and the numbers are very low overall. The advice I got was that you have to try to apply internally rather than from outside the country.

Q61 **Baroness Primarolo:** Thank you for coming along this morning. You have touched on the question I was going to ask, which was whether you clearly understood why the Home Office was making those decisions on your applications. I think I am right that the gist is that there was no explanation and you still do not know. Can we just get that on the record? Is that correct: that the feedback to you means that you have no idea?

Laurentiu Veliscu: I have no idea, no.

Baroness Primarolo: Okay. Could I just explore how you were able to interact with the Home Office and the websites with regard to information? What was your experience of the information that was being provided to you via, for instance, the government website, GOV.UK? Did you find it helpful? Was it clear?

Rebecca Eribal: I received a positive decision in my case, for which I am really grateful, but I would like to point out some areas where there was a distinct lack of transparency or there was confusion. For example, it was publicised during the pandemic that language requirements for spousal visas would be suspended and could be taken at a later date, due to the closing of test centres. That was on the Home Office website at the time.

When making the application, that turned out not to be the case and my husband had to sit a test. However, by that point they had already taken his passport for the application, and that was a necessary document in order to take the English test. In the Philippines at the time, a lot of government buildings were also closed, so he could not access a national ID. So I got in touch with the Home Office, who were perfectly happy to release the passport for us if we paid an extra £60 for the pleasure of it. We paid the extra money and received the passport, and he took the test. We took the passport back and finally got our decision. That was a Catch-22, and it was not very helpful in what is already a really stressful situation.

Baroness Primarolo: How did you contact the Home Office? Was it via email?

Rebecca Eribal: I rang the helpline number at first, but the poor woman I spoke to could not answer any of my questions, despite it being on the Home Office website. I ended up having to get in touch with VFS, the private company the Home Office uses to process visa applications. They were the ones who informed me about what to do and then charged me the £60 to take the passport out.

The Chair: Can I just check? That was £60 to a private company, not £60 to the Home Office.

Rebecca Eribal: Yes, but it is a company that the Home Office uses.

Baroness Primarolo: But they collect it for the Home Office, do they not? They are

the intermediary.

Rebecca Eribal: Yes, for biometrics.

Baroness Kennedy of The Shaws: It is the outsourced element.

Rebecca Eribal: Yes.

Baroness Primarolo: VFS?

Rebecca Eribal: Yes. It has several names across the globe, but that is the one we dealt with.

Q62 **Baroness Primarolo:** Thank you. Laurentiu, you talked about not getting the information, which has still not been provided. How did you find interacting with the Home Office?

Laurentiu Veliscu: From my point of view, the information on the website was okay and correct, but of course it did not mention how much time I would have to wait for the visa to be sorted. What is on the website is only theory. In practice, it is totally different. In general, they send standard emails. It does not matter what you ask; they send everybody the same answer. Even if I make a complaint, by law they have 20 days to answer but they just reply saying that they need more time.

All the communication by phone or by email is prepaid, so if you want to make a phone call to the Home Office or to escalate your case further, you have to put up your bank card or your details in order for the conversation to continue. Only after that can an operator answer.

I made a lot of phone calls and emails over 15 months. In the end, everybody escalated the case, but there was no feedback with a clear answer to what I asked. The standard email can be used for any person who applies for this type of visa. So the communication was very bad.

It was clear that the Home Office was not interested at all in giving a clear answer, even to the MPs. For the pre-settlement visa, for example, the MP Wes Streeting got an email after 11 months saying that they would give my wife a residence card within four weeks, but they did not. I was contacted by the MP, who said that communication with the Home Office was really bad, and he could not trust what it said either. So if an MP does not have any communication with the Home Office, how can I expect to get answers?

Baroness Primarolo: Do you have an estimate of how much you paid to do these emails when you were chasing your application? Was it around £2? Did you say how much it was.

Laurentiu Veliscu: It depends how long you are on the phone. The call is charged per minute. I do not remember how much. It is less than £1 per minute, but you lose time listening to a robot who gives you all the instructions and informs you that

they do not give legal advice. That costs you, and each time you make a phone call you have to listen to this information and these instructions.

Sometimes the operator did not have the answer, so he put me on hold for seven or 10 minutes, for example, to speak with his supervisor, who then gave me the same reply: "Wait and be patient, because we'll contact you soon". They never contacted me after that. I had to write to them again and again. Every day for 15 months, from the moment I applied to when I got the family permit visa, my life was only emails, law and communication with the solicitor.

In the end, I decided to take them to court—to the tribunal—and I started a pre-action protocol. They tried to threaten me, trying to make a connection between my receiving the visa and not applying to get the costs back—that was the main idea—but I refused. After a year and a month, they sent me a letter saying that the application had been granted, but there was a problem with the printer and the biometrics were missing from the system due to the age of the case. They said that it was not possible to print the vignette for the passport, and they could not give me a timeframe for exactly how long I would have to wait until my wife got her passport with the vignette.

Of course, I contacted the solicitor, who gave the same answer: I was part of a cohort of people with the same high-tech problem with the Home Office printer. I do not know what happened with that printer, but this was the main problem. So I waited another three months, and again there was pressure from the MPs. Even now, I do not understand whether the biometrics were missing from the system. They refused to allow my wife to go back to give her fingerprints again.

In the end, they sent the visa with the passport, but they did not inform me, so instead of a six-month entry permit it was only for four and a half months. I made a phone call and found that the visa had already been sent. There was a contradiction between what the Home Office said and the solicitor said, so there was total confusion, and no one knows what happened or when the visa was granted and in what conditions. As I said, they did not want to give me my file, even though by law they have to within 60 days. In the same way, they continued for 15 months with emails saying that it was under consideration and that there would be future investigations. The day after my wife arrived, I applied for the pre-settlement visa, and they sent me an email saying that they would have to start a similar investigation again. Fifteen months were not enough, and they needed another 11 months to start the investigation again and said that the application was under consideration.

The problem was that when I applied for the permit visa, my wife sent her passport, so we could not travel outside her country anymore, even to countries without visa requirements. When she applied for the pre-settled visa, she was not allowed to travel back to her country to see her family. I worked for 11 months, and she became pregnant and had prenatal depression. She was like a prisoner in this country for 11 months because she did not have anyone here, and I was also a

prisoner because I could not go to see my family either. We waited like that until they decided to give her the residence card.

Overall, it was a very bad experience, because, compared with my initial plans, she and I became different people because of this situation. We started making accusations: she was not doing enough or not searching for information enough, or I was not searching for information or did not have right solicitor or information. It was supposed to be a nice situation when my wife came here, but in the end we were exhausted. When she came to this country, we were very affected—I cannot describe it. We felt that this situation was abuse.

We still do not have any reason, and no one has told me what my mistake was and why I had to wait 26 months for my wife to get a residence card when other people get one in two or three months. In the airport, we met people who got one a month after they came here from the same country. I still have no answer from the Home Office. I wanted to take it to a tribunal again to get an answer, but my solicitor said that could take years.

Baroness Primarolo: I am really sorry. Your experience is clearly down to the Home Office, and it is terrible. It is not your fault; clearly, something is very wrong here. I am grateful for the details that you have given us.

Kamal, could you speak about clarity of information and being able to speak to or email the Home Office? It sounds like you have to pay for the privilege of not getting an answer here.

Dr Kamal Sidhu: In my case, I waited for about six months to get a decision. That was a time of real anxiety for us, particularly my father, because we were already worried about his physical health. It was worrying and concerning to see him being anxious and apprehensive about what would happen with his stay here. It was the same for my mother—we had sleepless nights. But having heard my colleagues' stories, the time it took in my case was probably less than many of theirs. Some of them have been waiting for about 11 months now. They have been to their MPs and have tried to contact the Home Office, but they have not been able to get any significant progress. Their lives are in limbo: they and their parents cannot plan. So a system whereby we could receive more regular, or individualised, updates—and some urgency—in these cases would be helpful.

Baroness Primarolo: For clarity, in all the experience, the Home Office does not contact the applicant to tell them the progress; they only respond once, with an email or a phone call that has to be prepaid before they will even take it. Is that correct?

Dr Kamal Sidhu: That is my understanding. Many of our members and my colleagues have tried to make contact through their solicitor and MP after they have exhausted those options, and they are still no further forward.

Baroness Primarolo: Indeed, and if you are getting your solicitor to make contact,

you are paying for the solicitor's time as well as for the privilege of the email.

Thank you. I think that has been explored really widely and I should leave it.

The Chair: I have one technical question. The Home Office refused to tell you what information they had on file about your application. Did they say why? There is a technical answer to that question, which is that, under the immigration Acts, where immigration is concerned they do not have to provide information they hold about a data subject to an access request. Did they say anything like that, or was it just a flat no?

Laurentiu Veliscu: In general, you get an automatic message that your request has been registered. From that moment on, there was no connection between me and the Home Office.

The Chair: I just wondered whether they actually referred to the exemption—not something, I have to say, that many of us are happy about.

Q63 Lord Ricketts: We come on to the costs of this process—the cost of being separated while you wait for a member of your family to come here, but also the cost of the process. I wonder whether you can help us on that. Mr Veliscu, you have already mentioned the cost of the actual application, but there are other costs associated with it through the long period of application. I wonder if you can give us some sense of that. You began by talking about the £3,000 that you had to pay for the visa application. Have you kept track of the total cost of the whole long 24 months that you have been put through?

Laurentiu Veliscu: My situation was maybe a little different, because when I applied for the family permit visa I asked my wife to give notice at her job, because I thought that the maximum period by law within which we would get an answer was 60 days. I did not know that my request for the family permit visa would take more than 60 days. In the event, given the situation and the pandemic, I had to send her money for 15 months.

I was renting at the time, because one of the long list of requirements in order to bring my wife here—as I said, I started the application as a British citizen—is that you have to bring an inspector to your house to see if you have the right space for your wife. I did not want any refusal, so I rented a three-bedroom house for one year—I knew that no one could refuse me for two people for a three-bedroom house—which I did not use. I sent my wife money for 15 months for her to survive, because she lost her job after she gave her notice.

Then there were all the other costs. The Home Office wanted to know that my relationship was not fake. I had to prove that by travelling to see her, so I had to travel a lot and provewith my flight tickets that I was going. I spent a lot of money on booking flights and hotels to be with her, because I was at the point where I had to prove that my relationship was not fake. I went on holidays with her inside the country, I visited her regularly, and I took a lot of days off because I had to go. They asked me about the situation for the financial year, so I spent a lot of time away

from my work; I did not go to my job just because they asked me to prepare all these documents to prove that I was able to keep my wife financially.

When the pandemic came, my solicitor told me that there was a risk that they would use that as a reason. If I stopped working during the pandemic, they would refuse me because I could not prove that for those months I would keep the same level of income. During the pandemic, when I did not know how dangerous the virus could be, I decided to work more. I worked seven days a week, 12 hours a day instead of eight, just to cover the situation so nobody could say, "You are affected financially, so for that reason we can't give you a visa."

The total cost from my point of view is over £20,000. I think it is more, but I know that in the end it is at least £20,000.

Lord Ricketts: Thank you very much indeed. That is very striking. Mrs Eribal, have you kept a note? I wonder whether you have had to pay the immigration health surcharge, for example, which is quite a large amount on top of everything else.

Rebecca Eribal: I definitely struggled to meet the costs. The health surcharge and the visa costs need to be looked at. Where I grew up, we were always taught to pay our own way wherever possible, but I really struggled to get the money together to pay for the fees. Being a single parent and meeting the care needs for my son means that it is really difficult to raise £3,000.

In the end, friends of mine set up a crowdfunding page. At first, I really struggled with that, but all those strangers came together and helped to bring my husband here. There is a fee waiver that you can apply for, but at the time there was no guidance. I sent an email that was not replied to until six or seven months later, when we had finally got my husband here anyway.

With regard to the full financial costs, for each application right through to settlement you are talking £15,000 to £20,000, depending on the situation. That does not include legal costs or sponsoring children, or extra costs such as our passport situation. That is a huge amount of money for someone like me. I have qualifications, I work full time and I am doing my Master's now, because now that my husband is here I can move forward. There are a lot of people who are in similar circumstances. Fees should be looked at. People want to pay a fair amount, but I just do not think £3,000 is a fair amount for me people like me who earn a small amount each month.

Lord Ricketts: On top of everything else, which builds up to that enormous amount that you mentioned.

Rebecca Eribal: Yes.

Lord Ricketts: Dr Sidhu, you have already talked about the cost of not having your parents with you, having to rush to them when your father was ill. Have you kept a note of the costs of this exercise so far for you?

Dr Kamal Sidhu: Yes. The fees, the legal costs, the cost of travel and the quarantine that I had to stay in all amounted to easily over £20,000. That is a significant cost for anyone.

The non-economic costs sometimes feel far worse. There is the emotional cost. You wake up in the middle of the night worried about what the next phone call is likely to be, and you wake up with dread. There is the sheer thought that you will not be able to look after your elderly parent when they really need you, and when they need to be looked after with care and dignity. The system just does not recognise that at all. That cost is far worse and very difficult to live with, including the impact that it has on grandchildren.

In my case, I went through a period of significant turmoil. I had to travel during Covid times when India was a red list country, so I was taking a risk with Covid and leaving my colleagues who were on the front line in dealing with the demand at the time. My family were worried about my father but also about me travelling. Even though lockdown is over, this feels like an indefinite lockdown, because we still cannot get our elderly parents over here.

The impact on grandchildren is often very much overlooked. They are deprived of bonding and of the time that they could spend with their grandparents. A survey done by a national newspaper during lockdown showed that on Mother's Day a quarter of families were prepared to break the lockdown rules in order to join their mothers on Mother's Day, yet we have no hope of being able to be with our parents or grandparents. It is very distressing. There are heart-wrenching stories of colleagues who have been in this situation and have been failed by the immigration system. That just does not seem fair, either to the immigrants or to society itself.

Lord Ricketts: Thank you very much. That is very powerful. The emotional cost as well as the economic cost is something that has come through from all three of our witnesses.

Q64 **Baroness Chakrabarti:** It is not a registerable interest, but I feel the need to say to these witnesses that my late parents were migrants to this country. I have found their testimony so far both very clear and really quite upsetting. I can only imagine what this experience is like for them, and I am grateful for their courage and their clarity.

I do not like the word "integration", but it is used a lot in relation to the motive behind family migration policies. I ask each of the witnesses to say, based on their own experience as sponsors and as family members, whether the concept of integration into British society was helped or hindered by the way these policies operate.

Secondly, all three witnesses are hard-working taxpayers, so what do they say to the suggestion that the policies are designed to protect the public purse?

Rebecca Eribal: My family was separated for three years. My son was separated from his father, and I was separated from my husband. The argument that this

encourages integration is something that I will never understand. My experience, and the experience of many, is that it promotes the opposite: separation. It separates families, damages relationships and childhood, and it is not integration.

In terms of the protection of the public purse, it forced me into single-parenthood, into a situation where I had to draw child tax credits and working tax credits, and that included the single-parent element. When my husband finally came here, he was able to work and became a taxpayer himself. He also became a manager in less than a year. How can that save the public purse? If anything, it costs it. I also know of people who had been elder carers who have been forced to leave the UK, which even forces elderly grandparents to rely on social care. In my experience, the financial element is likely to be wholly negative for the public purse, economically and socially.

Looking at the positive side—I want to tell a positive story in all this—my family had a happy ending. Alex, my son, is in a better place. Now that he is reunited with his dad, he is far better able to regulate himself, and his academic progress has come on in leaps and bounds. If my family had remained separated for many more years, that would not have been possible. Now we can progress. His future is better, and so is mine.

The Chair: I see you were getting a dry throat. Perhaps the Committee Operations Officer can see whether she can open one of the bottles of water; they are quite stiff.

Rebecca Eribal: It is probably my nerves.

The Chair: It is understandable; you are talking about something very personal. Would you like me to go on to the next witness?

Rebecca Eribal: Yes, that is fine.

The Chair: Kamal, would you like to come in?

Dr Kamal Sidhu: I entirely agree with Rebecca's sentiments. In no way that I can see does it promote integration at all; it is a clear barrier. Healthcare workers, doctors, nurses and other people are expected to display compassion and care for their patients, yet we are somehow not treated in the same way, in that you cannot bring your elderly parent who is unwell and probably at the terminal stage of their life. We are not thought worthy of that compassion. That leaves you with a sense of anger, frustration and soreness. How can that promote integration? It certainly does not.

On the cost to the public purse, I feel that the public are being misled. The health service at this moment is desperately short of staff, doctors and nurses. It takes £500,000 to train a consultant or a GP and £50,000 to train a nurse, yet I know so many colleagues who have left the country because they were not able to bring their parents here and were not able to carry out their duties as a son or a daughter. We are simply not costing that at all, yet we have millions of patients on

waiting lists and are going overseas to promote recruitment drives and so on. It all seems chaotic and not thought through.

In addition, the cost to the public purse of bringing an elderly parent under the ADR rules has been overstated. The Home Office calculations are based on an average age of 85 years, but the life expectancy in the top four countries where we import our medical workforce from is less than 65.

It is very well recognised that we are bringing to this country an elderly parent, who is perhaps unwell, to look after them and to give them a life of dignity and care. We are not going to use social care for that. There is the informal carer element, which was recognised within the 2011 census, where the families take responsibility; they do not use social care. The statistics show that 13% of the UK population is from ethnic minorities, but only 3% of the care home population are from those ethnic minorities. Most of the ADR applications, particularly with regard to the sub-continent or around there, refer to this group, so there is a disproportionate overstatement of the costs.

To some extent, people are prepared to have some safeguards around these rules and policies. There are very well set up systems in countries like Canada, New Zealand and Australia that have a much more humane and proportionate approach to these aspects. Why can we not learn from those systems, especially at a time when we need all the workforce that we can get?

I know of a consultant in A&E who has moved, not to their home country but to one of the countries that have been mentioned, because they can bring their elderly parent over. That is a clear loss to the UK taxpayer. How do we account for that? Who will they be replaced by? Perhaps by a junior doctor who will need years of training and further investment, and that is just the economic cost; I have not accounted yet for the expertise that we have lost. You have a consultant or GP who will probably be doing a lot of work on patient safety and clinical governance. You are not just replacing like for like. So it is a very unfair deal for the taxpayer, and I sometimes wonder whether, if we actually explained it to the public, they could see that it was a false economy. I sincerely hope so.

Let us be fair and kind to those people. Let us make the UK a credible and fair destination if we are to bring a medical workforce here.

Lord Ricketts: That is very powerful.

Laurentiu Veliscu: First, I do not want to draw an association between the Home Office as an institution and British society. When I came here in 2007, I came here as a graduate in economics after four years at university with a master's in commercial management, so from my point of view I am a good asset for this society. When I applied for my wife to come here, my plans were for her to go to university, but of course that did not happen because she did not receive a certificate of application for five months. My intention was for her to find a good job and for us to have a nice family together.

In the past I travelled a lot in Europe, I think to 18 countries. I am not saying this just because I am here in front of you, but British society is the best of all the countries I saw because of its people, its institutions and how we are treated in society. Out of all those 18 European countries, from my point of view the British are the best.

I consider that my country is the United Kingdom—England. I have no reason to go back to my country, because I have my life is here and my wife and child are here. I started a new Master's, in logistics, this month. So I still think that I can bring something positive to this society, and that my wife can too. I did not bring my wife as a cost for taxpayers; I brought her as a person who could bring something positive. She is not going to university right now because the Home Office did not send her certificate of application for five months, so she could not apply, but I hope that next year we can go to the next step and we will be a very good asset for this economy.

The Chair: I think the next question has been answered in part but not in whole.

Q65 Baroness Kennedy of The Shaws: My question is whether any of you thought about throwing in the towel because the system was so Byzantine, complex and inhumane that you thought, "Listen, I might think of going and joining my partner back home, or in the Philippines". Kamal, you have spoken of knowing colleagues, medics, who have decided that they would rather go back even though they wanted to build a life here. I just want to ask you about that. Did you ever feel, "This is too much"?

Dr Kamal Sidhu: Absolutely, so many times. My wife and I debated at different times what we could do if we went back and how we would settle. It is all so distressing to have that conversation about uprooting your children and your family when you have adopted this country as your home, and this is your life. It is home as I know it and as my children know it. It is so upsetting to have to think about going back because you feel that your family is so unfairly treated.

We know of many colleagues who have left—not just the colleague that I have referred to, the consultant in A&E, but a group who left this country because of the rigidity and inflexibility of the rules. I personally know of a colleague, a GP working in a practice who was also involved in training other GPs, who left for Australia for this very reason.

We are losing people. A couple of years ago, BAPIO and APPNE together surveyed about 1,000 doctors, 90% of whom said that they were considering relocating from the UK. We know that, in the last few years, thousands of doctors and GPs have left the country, generally to other countries that have more humane immigration systems. Canada and Australia are currently the favoured destinations because they do not have such rigidity around the rules. They see families as families, not just numbers.

It is also upsetting because the numbers that we are talking about here are quite small; they are a very small fraction of the overall immigration numbers. Prior to 2012 there were just over 2,000 applications under ADR rules. In the context of

total integration, that is not even one-tenth of 1% of total immigration, but the impact that this small number has on the whole NHS and front-line services is quite disproportionate.

This situation does not just push people away from this country who are already here; a lot of my colleagues who would perhaps have come to the UK from India do not do so because they do not see the UK as a country where they can settle. We talk about “attracting the brightest and best”, but that is not the reality on the ground, and that is not helpful. There are many more who are in the process of leaving and who will leave. At this time of near crisis, when we are trying to catch up with Covid backlogs and waiting lists, it is extremely important to retain every person that we can, whether in the health service or on the front line.

Baroness Kennedy of The Shaws: I know I am speaking on behalf of everyone here when I say that your evidence and that of our other witnesses today has been very distressing to listen to. It is shocking, and it reminds us of a previous Home Secretary saying that the department was not fit for purpose. That comes through from the evidence that we have heard today. It really is shocking.

Laurentiu, my heart sank as you spoke about your young wife being pregnant and suffering from depression, and the strain that the whole process has put on your relationship when you should have been joyful. That is tragic and shameful, and I want to apologise on behalf of the system. It is appalling. Do you know of people—from your own country, for example—who have just decided to give up the ghost and go back?

Laurentiu Veliscu: Yes. I work in the construction industry. In general, I meet a lot of people, and I keep in touch with them. If we change a project, I call them to see what they are doing, and most of them tell me that they are already in Romania and do not know when they will come back. So a lot of them are already going back.

Baroness Kennedy of The Shaws: Rebecca, when your husband was out there and you were having all this distressing rebuffing and the darkness of not knowing what the outcome would be, did you ever think of just throwing in the towel and going and living there? Or was that just not an option?

Rebecca Eribal: It honestly was just not an option because of my son’s needs. When I travelled abroad, I always had the intention of coming home; it was an experience. I was just lucky enough to meet my husband along the way. The fact that I had to return here without him was awful. Then I had to go through the process of getting my son’s diagnosis by myself. Then the pandemic hit. We spent seven weeks at home alone and I dared not leave the house because of social distancing—we did not know what everything was at the time. It was terrifying, and I did not have my husband at my side. It is still difficult to think back to that time and I do not know how we got through it, to be honest.

Baroness Kennedy of The Shaws: You too were having a baby on your own without the person you wanted to be there with you.

Rebecca Eribal: Yes, it was awful.

Baroness Kennedy of The Shaws: Thank you. That is shocking.

The Chair: Our last question is very different. Without sounding heartless, I would be grateful if you did not repeat things that we already have on record. We are listening hard, but we have another set of witnesses to see.

Q66 **Lord Dholakia:** Thank you. I want to follow up with a question for Dr Sidhu. What was the purpose of your coming to this particular country? When you were first interviewed about coming to the UK, did they ask whether your parents were going to join you here at some stage? Most importantly, you had been a general practitioner for four years. You are absolutely right; I have come across cases of people who are going back to their country of origin because of the pressure they face in this country over their parents. You visited India four times at the height of Covid in India at the time. What has the process of communication been between you and your family during the times when you have not visited India?

Dr Kamal Sidhu: I came to this country in 2003, and I have been a GP since 2008, so I have been here for about 14 years now. At the time I came in, nobody asked about your parents. In fact, I am glad that you asked that question, because it gives me an opportunity to highlight a very important aspect that people feel so upset about. The rules were changed in 2012. Prior to that, the rules had a degree of flexibility, so many of us came with the understanding that if our parents needed to be with us, we had the ability to carry out our duties and obligations to them. There is a very strong cultural element to that as well: as the only son, I have that responsibility to my father and my mother.

The rules were changed in 2012 in the interests of the public purse, I believe. It is only since then that the number of applications granted has gone down—from over 2,000 two years ago to merely 15 now. So people feel deceived that the changes have been made retrospectively. I became very upset when I found that out a few years ago. I did not realise that the rules had changed until I started making inquiries. Up to that point, I visited my parents every year with my family to see them. They visited us at times too, because they were in good health, so we maintained very strong communication. They are very attached to our children and grandchildren; they are one of their sources of resilience and strength, if you like, in the twilight years of their lives.

We thought that that could continue, but when they developed health problems it was very clear that that is simply not enough. I cannot get them the help and the care they need sitting remotely thousands of miles away. It is simply not possible, irrespective of what we think. The care sector in many of our home countries is not regulated, and they are very open to being vulnerable and exploited. You need somebody to take them to their appointments on a fairly regular basis; it is simply not possible to have reliable input of that nature and to give them the kind of care that they need.

Often, parents underplay their difficulties when they are talking to their children. When I talk to them or see them on a Zoom call, I just see a head shot. When you physically see them you see the frailty, you see that they have lost weight, you see that they have been neglected, but they would not share that with me on a Zoom call because they would be worried about making me concerned about them. They do not want to disrupt our lives.

Modes of communication such as Zoom or a video call have been helpful, particularly during lockdown, but it is no substitute for being able to hold their hand or to create some of those memories in the later years of their lives. Being physically with them has a very positive impact on their psychological well-being, much more than on the physical aspects. That is the bit that we miss out on. Often, elderly parents develop memory problems. They cannot have a reasonable conversation with you just through a video call, and it just becomes more and more upsetting as they age.

We are not really talking about big numbers here; we are not asking for the floodgates to be opened. We are simply asking whether the system can be fairer. The Home Office used discretion in my case, which I am immensely grateful for. Is it possible to use that discretion more often? Can we review the rules just to make them fairer to us and to the taxpayer, to my patients, to the public?

Rebecca Eribal: We used video calling and things like that, but of course it is no substitute for family life in person. No sensible person believes that it is any kind of substitute, certainly nobody who has gone through the visa process. It is inconceivable.

Let me give you an example. Given my son's needs, talking through a computer was, at many times, very stressful for him and for me. There are examples from other families. One community member's child communicated with his father solely through Skype. The child did not believe that her dad had legs, because she had only ever seen the upper half of his body. Another child believed that his father lived in the computer.

Technology helps, but it is really just a plaster on a gaping wound, which takes a long, long time to heal.

Laurentiu Veliscu: I communicated with my wife through WhatsApp, because during the pandemic Morocco's borders were closed, so the only option was for her to come to England. During this communication and because of the delay, we reached a point where she told me that everything was a lie and that it was not possible for a visa application to take so long in a country like the UK. In the end, that is why I took the Home Office to court: just to prove to my wife that it was not a simulation, that the delay was the Home Office's, and that I still wanted her to come. Even her family were thinking that I did not want her any more and that I was trying to find excuses. The delay was why she could not come here, and I took the Home Office to court just to prove to my wife that nothing has changed and that I am still fighting for her.

The Chair: I thank all three of you very much indeed. That has been very impressive evidence in every sense. We are impressed in every sense.

Baroness Shackleton of Belgravia: I share Baroness Kennedy's shame.

Several committee members: So do we all.

Baroness Kennedy of The Shaws: I think we all do. Is your wife sitting behind you?

Laurentiu Veliscu: No.

The Chair: Thank you. That brings this broadcast part of the meeting to an end.