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15/08/2018

**Open Letter to the Rt Hon Jeremy Hunt, Secretary of State for Foreign and Commonwealth Affairs, HM Government:** *in response to community & overseas nationals requesting change in UK image, to improve and enhance UK – Nepal & South Asian friendship & relations ahead of Brexit, following troubling incidents*

Dear Mr Hunt,

Sir, the UK Nepal Friendship Society (UKNFS) provides this urgent representation to you in your capacity as Foreign Secretary, for your anticipated swift action.

The UKNFS as its name implies, has as a main purpose celebrating and deepening the historic friendship & special relations between the two peoples and nations of Nepal and the United Kingdom, at the heart of which have ever been our British Gurkha community whose role in defence of the realm and projection of British power overseas (including UN peacekeeping) is far disproportionate to actual numbers.

The UKNFS (which unequivocally supports immigration control discharged professionally) is very protective of the good name of the Foreign & Commonwealth Office and Home Office, while believing in the need for professionally delivered immigration control, and is particularly protective of good, mutually beneficial equitable friendship & diplomatic relations between the UK and Nepal.

It is our duty to highlight where dangerous complacency and indifference is found, to assist in alerting, as here in two particular experiences, when incidents occur through malpractice by those ultimately subject to parliament and related scrutiny that harm that special friendship and your own ability sir, to discharge your important role and activities as Secretary of State of the FCO.

It is therefore with great sadness that the UKNFS has learned of the following incident at Heathrow Airport on an Indian airline, Jet Airways plane on 5<sup>th</sup> August.

A Nepali [a Gurkha community member] dragged along a plane aisle like an escaped slave captured and brought back, by four white British people in front of largely Indian passengers, is an affront to the dignity of Nepal and the Nepali people ...

*' ... I forgot to mention that on that plane I was actually dragged down by those officers all the way to last back seat and my shoes came off and my trouser were coming off, there were all those crew*

members looking at, so I have bruises, wounds and cuts on my hands, ear, legs too. Emailed communication of August 8<sup>th</sup>

'... they are not immigration officer or anything to do with immigration but I think they are different department who's job is to take detainees from detention to plane or escort detainees but I think they work together with immigration or they do what immigration people tell them to do. So those officers were there just to do what they were told to do and they all looked English ethnic wise, they did not show me any paper work about the flight. they just told me that they were there to remove me from UK via immigration enforcement. especially 2 escort officers who were mean to be escorting me all the way to Mumbai were nice with me, they said me do not take anything personally or as offense as they were there just to do what they have been told to do, but I think it's shameful for immigration people or whoever it is to allow it to happen, as I resisted going inside the plane and said I don't want to go back and I can't go back that's when those officers started dragging me holding my legs and hands and dragged me all the way to the last seat at the back. then they also handcuffed me, I was already strapped around my hands. there were all these crew members watching it, that's when I had cuts and bruises on my hands, ear, legs, my whole body was in so much pain. honestly I can never forget that experience in my life even though I want to forget it, I still feel scared because of that day.' Emailed communication of 9<sup>th</sup> August

NOTE: the UKNFS was contacted on the case and so know the full background. The individual is a member of the Gurkha community, and from a sexual minority: the UKNFS has seen compelling evidence of his position of danger to life that UK immigration and the immigration tribunal had been provided with but appeared to have ignored, and some further appalling process abuses in regard to the manner of the individual's being detained. These latter involving police detaining – without checking with the Immigration Tribunal – someone who had not been told a final appeal request had been refused and that he had no knowledge of this or had received his HMCTS decision paper; this had only been sent by the immigration tribunal to the UKVI-UKBA. These are not impressive examples to share with the world on our UK immigration, policing and justice system: it's very damaging and gives an opportunity to countries where policing and jurisprudence are not transparent or independent, to cite the UK as a justification for similar and in this instance worse abuses.

Incidents can have minor repercussions, but in some cases the thoughtless actions and failures of process can have much greater ramifications and repercussions. This is the case here, for the nature of the audience (mostly UK nationals from our Indian ethnic minority, or Indian nationals, as well as Nepali's that also include Gurkha community members) was in this case of perhaps even more importance than the incident itself.

The incident is already being covered in the Nepali global media (article in Nepali) <https://www.kantipurdaily.com/world/2018/08/14/153425086430813432.html>. This open letter and valuable actions that can result from it regarding FCO & Home Office action and relevant improvements/reform, therefore offers an exceptional opportunity for our nation's good name [which is always and always should be a first principle of all FCO action (and of course related departments/agencies such as DFID)]. It provides therefore assistance to remedy in meaningful ways the harm caused at direct Nepali & broader South Asian community level in regard to the example above and particularly potential unstated malpractices strategy (three times the same person and all the subsequent history of abuse of processes maltreatment) regarding the example below. It is suggested in this latter that the constituency MP can inform all of the particulars, including having written to the previous Home Secretary for resolution to the plight of a genuine applicant (now wrongly constrained to apply for asylum)

The UK cannot afford in the context of Brexit, such extreme malpractice and brutality which understandably is tainted with perceptions of racism. The background to this understandable conclusion is highlighted through the following links:

<https://www.theguardian.com/world/2016/nov/07/uk-visa-policy-india-theresa-may-could-gamble-away-much-needed-goodwill-narendra-modi>

<https://www.independent.co.uk/news/uk/politics/brexit-latest-britain-india-immigrants-accept-more-free-trade-deal-diplomat-warning-yk-sinha-a8073516.html>

<https://www.hindustantimes.com/columns/the-message-from-britain-is-clear-indians-are-not-welcome-anymore/story-1oV838U6xcqGHf39vu9XuN.html>

Imagine if Nepali or Indian deportation security personnel had done that to a British national on an British airline, with largely British passengers on such a flight: this would be on national news, all across the media, and ambassadors would be being called in by the UK government.

The UKNFS regards this, I am sure you will agree, an ugly, unpleasant incident on a Republic of India owned commercial airline [Jet Airways], as a UK race relations-aggravating one, that includes homophobic contexts, and most of all is unacceptable in the context of Brexit in regard to such offensive behaviour projecting very negatively to Nepal.

Sadly, this incident accords with a different but no less serious experience [albeit in three stages over a year and a half: I refer to the experiences of a UKNFS officer at the hands of UKVI New Delhi over the 2013 – 2015 period that his constituency MP, Conor Burns, Bournemouth West has been involved and aware. It includes Passport defacements involving human rights abuse and contempt for [Nepali] overseas nationals

This contrasts in UK Nepali Community Parliamentary Democratic Processes Report <https://uknfs.org/uk-nepali-community-organisations-parliamentary-democratic-processes-report/> that has been presented to the Speakers of the two Houses of Parliament in Westminster and their counterparts the Speakers of the Upper and Lower Chambers of the Parliament of Nepal and the British and Nepali ambassadors.

UK Immigration is jointly operated and enforced by both the Home Office and the FCO [UK and overseas areas of activity, respectively], as such opportunities for non-accountability & transparency when malpractices occur, are self-evidently manifold. The second example concerns UK immigration operation overseas, from the UKVI in New Delhi, with the victim again a Nepali citizen [in fact an officer of the UKNFS as was known by all concerned]. The issues in this second incident, are potentially as catastrophic to the good name of the UK overseas, as the Jet Airways Nepali Gurkha community member one, but different.

*'An example of human rights abuse by government agencies officers includes placing of refused stamps in Nepali citizens passports (which has across the globe the traditional and logical interpretation that the individual may be a criminal/suspected criminal, untrustworthy and unsafe to have stay in another country) when in fact they had only been initially unsuccessful with applying for a visa, and the actual decision to refuse mitigated by the right to appeal (often successful). With passports being the property of both the individual who holds them and the state that issues them, it can readily be seen that the conduct mentioned, is a serious matter involving disrespect for another nation, and directly abusing human rights of the individual concerned.'*

Excerpt from pages 25 to 27 of the parliamentary report (above): provided as an appendix to this representation, and accompanied by the full report, for your awareness & consideration.

Refused 'signals' are appropriate for convicted criminals, suspected terrorists, exposed illegal immigrants BUT NOT for overseas nationals that are none of these, and victims of wont of professionalism in assessing visa applications

Once placed in a passport, the individual is 'marked' with his/her human rights regarding travel or trouble-free travel de-facto curtailed. Thus, when used abusively, as in the case of the Nepali citizen in question, overseas nationals have human rights abuse loss and other no less important diminutions of their ability to live full lives, enjoying the rights of all who are not convicted criminals, by UK immigration officials [commonly not even providing a name in their decision papers].

The complications for the FCO – Home Office are revealed below in a Home Office UKVI UK letter concerning this particular case – it reveals that such practice DOES constitute a major black mark, and that UK immigration is dysfunctional in the way it uses/abuses refused signals [normally a government agency operates accountably and consistency – not so this letter reveals.]

EXCERPT FROM 23<sup>rd</sup> May letter [regarding passport defacements victim] Home Office conceded dysfunctionality and bad practice in regard to this malpractice ...

The signal placed in the passport of a person who has been refused entry to, or leave to remain in, the UK is a means to convey status information to any UK and overseas stakeholder who may have cause to require details of a passenger's travel and immigration history. The significance of the signal used is widely recognised by UK and overseas law enforcement agencies.

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I cannot comment on behalf of Foreign and Commonwealth Office colleagues in diplomatic posts abroad. Good practice is for refusal signals to be entered into passports only after any appeal or legal representation issues have been resolved.

If the holder of a passport containing a signal is subsequently granted leave, the resulting endorsement or residence card will supersede the signal.

If one is a professional organization, transparent and correctly structured, one cannot have one part [particular geographical location] admitting other locations of the same organization, effectively *'do things differently, but we wouldn't do what they do where they are, here in the UK .... but they can do what they want, even if we know it is bad practice ...'* In the last paragraph, there is a complete disconnection with the terrible reality experienced by such malpractice victims, that they always encounter interrogation and often turn-back as suspicious individuals, when opening their passports to show such 'signals' – especially THREE.

This is a grotesque violation of human, and in this particular case one of the consequences was a 6-hour interrogation on first coming to the UK, carried out by 6 different UKBA officers involving some of the most disgraceful, bullying and deceitful tactics imaginable: the victims stands ready to share

these experiences with you and the Home Secretary, directly, and his other unacceptable malpractice experiences at the hands of the UKVI and the Immigration Tribunal.


From community and UKNFS perspectives these two incidents present very poorly as having racial contempt of pre-Commonwealth kinds. It is even more appalling if the UK is serious about having a much greater and dynamic trade & investment relationship with India and other South Asian countries – perceived racism and de-facto brutal bullying are very strong disincentives to trade, for understandable patriotic reasons.

The UKNFS is extensively involved in conjunction with the UK Nepali business community on major trade, business, employment generation and wealth creation for both Nepal & the UK. On this basis we urge your action sir, and that the Home Secretary kindly to coordinate with you on remedies on the two cases (involving identifying those immigration operatives who acted so recklessly and harmfully in both cases, in the UK and the UK High Commission in New Delhi), with swift reform to repair the process and the harm done.

Our British name has traditionally been associated with 'Fair Play' taking up just cause against tyranny and bullies, and never passing over with indifference the cries and misery of the victims of the latter.

Sir, the UKNFS is ready to play its part in assisting you so that the harm to our national name by these two incidents is effectively repaired. This cannot be done without action, for statements by unnamed senior officials are only scorned when they conflict with communities and nations direct knowledge of practices that are indefensible, especially where racial, minorities and national sensibilities have been unacceptably transgressed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Mercel-Sanca', with a long horizontal flourish underneath.

Alan Mercel-Sanca

Chief Executive Officer  
UK Nepal Friendship Society

Copies of this letter and related supportive documents are provided to:

The Rt Hon Sajid Javid MP, the Home Secretary

To and at the request of Nepali news media, and some elements of the broader South Asian news media

The Rt Hon Conor Burns (constituency MP for the individual in the second example)