

P. Patel
Second
Claimant
27 3 14

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/17247/2013

B E T W E E N:-

THE QUEEN
(on the application of
THE PUBLIC LAW PROJECT)

Claimant

- and -

THE SECRETARY OF STATE FOR JUSTICE

Defendant

SECOND STATEMENT
OF PRAGNA PATEL

I, Pragna Patel of Southall Black Sisters, 21 Avenue Road, Southall, Middlesex, UB1 3BL, will say as follows:

1. As my first witness statement mentioned, I am the Director of six years of Southall Black Sisters. I make this further statement in support of the Claimant's application for judicial review.
2. The Public Law Project's solicitors, Bindmans, have asked whether I am aware of any cases involving women assisted by Southall Black Sisters which have been funded under paragraph 3 of Part 1 of Schedule 1 LASPO. This is the provision to cater for "civil legal services provided in relation to abuse of an individual that took place at a time when the individual was a child or vulnerable adult".
3. "Abuse" in this context means physical or mental abuse, including sexual abuse, and abuse in the form of violence, neglect, maltreatment and exploitation. Clinical negligence cases are excluded, as are those arising from family law

statutes. It follows that what this paragraph is concerned with are civil advice services and representation in claims to address serious wrongs perpetrated against vulnerable children and adults.

4. The residence test will not apply to these cases where the person was abused when they were a child. But it applies fully to those abused as vulnerable adults.
5. In Southall Black Sisters' experience, such cases fall into two main categories.
6. The first concerns those involving abused women who seek redress against the family members responsible. The second concerns claims against state institutions whose employees or agents act abusively. There will be other categories of cases which arise in other contexts that are not routinely covered by Southall Black Sisters such as elder abuse in care homes or the exploitation of disabled adults in care homes .
7. Paramjeet's case falls into the first category.
8. Paramjeet, an Indian national arrived in the UK on a spousal visa in April 2008. Throughout her marital life, she was subjected to physical, emotional and sexual abuse from her husband and in-laws. She lived in the marital home which comprised of her husband, mother and father in law and five other family members who also often bullied, harassed and ill-treated her. Paramjeet's husband made repeated demands for dowry payment, which she was unable to meet. She found work as a cleaner in a local primary school but her husband made her also work in the family restaurant without pay. Paramjeet therefore worked for 12 hours a day and was also expected to undertake all the domestic chores for the entire household. She was not given a key to the front door of the house and as a result, was often made to wait for hours in the cold, until a member of her husband's family allowed her in. She was also made to eat stale leftovers from the family's restaurant.
9. In December 2010, Paramjeet became ill but her husband initially refused to take her to the doctors. Her condition quickly deteriorated and by the time she was able to access medical treatment, she was told that she had contracted

tuberculosis and pneumonia. She was admitted for urgent medical treatment and spent two years receiving in-patient treatment at various hospitals.

10. Throughout this time, her husband and in-laws continued to harass and abuse her. She was told that she was 'better off dead'. On a separate incident in December 2011, her husband assaulted her and taunted her. She became suicidal and was placed on suicide watch by the nurses at the hospital.
11. When she was eventually discharged from the hospital, Paramjeet returned to the marital home as she had no-one else to turn to for support. Her in-laws refused to allow her into the marital home and she was made to live in a shed in the back of the house which had no washing or showering facilities. She continued to receive out-patient treatment from doctors, nurses and her social workers who were all aware of her imprisonment in the garden shed and difficult home environment.
12. In December 2012, Southall Black Sisters was contacted because of concerns over Paramjeet's health and well being. Southall Black Sisters assisted Paramjeet in leaving the marital home, finding permanent accommodation and helped her regularise her immigration status (by then, her leave to remain had lapsed). She is currently pursuing divorce proceedings and is in the process of obtaining legal advice with regard to taking civil action against her husband and in-laws for the imprisonment and abuse that she suffered at their hands.
13. Plainly Paramjeet became vulnerable as a result of her abusive treatment by her husband and his family. But she would have failed the residence test at a critical time - when her immigration status was irregular. She would not meet it until a year after it had been regularised. The critical legal advice and assistance that she received in the meantime from the solicitors to whom we referred her, including on how to seek a remedy against her husband and in-laws, would simply no longer be provided. I cannot see that advice being funded under the exceptional funding scheme.
14. Sudarshan's case is an example of the second category.
15. Sudarshan, a 57 year old Pakistani National, was detained by the UK Border Agency during an immigration raid in 2007. She spent three years in immigration

detention during which time, she was ill treated and denied access to urgent medical treatment. She states that immigration officials often shouted at her and treated her like an 'animal' causing her to suffer a complete mental health breakdown and to become very vulnerable indeed. With the assistance of immigration lawyers, she was eventually able to leave the detention centre and was granted refugee status for five years. She brought a claim against the UKBA for unlawful detention and ill-treatment experienced during detention. Her claim was settled and she was awarded £42,500 in damages. Her ill-treatment has had a permanent impact on her mental health, however. She is still suffering from chronic post - traumatic stress disorder.

I, Pragna Patel, believe the facts stated in this witness statement to be true.

Signed

PRAGNA PATEL

Dated