



HOUSE OF COMMONS

LONDON SW1A 0AA

TOMMY SHEPPARD MP

The Rt Hon Sajid Javid MP
Secretary of State for the Home Department
Home Office
Direct Communications Unit
2 Marsham Street
London
SW1P 4DF

21st January 2019

Home Office reference: C1353681

Dear Sajid

I wrote to the Minister of State for Immigration in September last year requesting her intervention in the case of Julianna Colaianni, whose application for Leave to Remain in the UK as the spouse of a British citizen had been refused, compelling her to leave the country.

In my letter I expressed my serious concern that the decision did not take full account of the impact Julianna's departure from the UK would have on the health and well-being of her husband, my constituent, Antony Duffy. I explained that Antony relies heavily on his wife to help him manage his serious mental health condition which can manifest in suicidal ideations.

The response I received stated that my representations about the impact Julianna's removal would have on Antony's mental health had been noted, but the Home Office was satisfied that her case has been properly handled, and that the correct decision had been made. I was appalled at such a lack of compassion and an apparent willingness to forcibly separate a married couple and seriously endanger the health of one of my constituents.

Following that decision, Julianna submitted a fresh visa application but this was rejected a few weeks later because the Home Office argued that Antony, as her visa sponsor, failed to meet the minimum income requirement. I understand that Julianna's solicitor has now lodged an appeal on the grounds that the rules have not been applied correctly in this case. The appeal remains outstanding.

On a separate point from the appeal, I understand that if a visa sponsor is in receipt of certain disability benefits, the requirement to meet the minimum income

threshold is waived. The rationale behind this flexibility is that a person with a disability or significant health condition faces greater difficulty achieving the minimum income requirement.

While receiving disability benefits clearly does evidence, to some extent, the seriousness of a person's health condition, it is certainly not obligatory for anyone to claim benefit. Nor is receiving disability benefit the only valid means of demonstrating the severity of a person's health condition.

There can be little doubt that Antony is highly likely to be eligible for disability benefit. In fact, this is something he has discussed with his GP. While Antony has so far not pursued an application for benefit, his health condition has unquestionably reduced the amount of income he has been able to earn through self-employment, as it has significantly limited the time he has been able to work.

Antony tells me that a substantial amount of evidence regarding his health condition has already been submitted to the Home Office. Surely therefore, it would be entirely reasonable and appropriate for the Home Office to consider that evidence and apply the same logic to Antony's income as it would to any other visa sponsor, with a health condition, who was receiving disability benefits.

In my view, Antony's legitimate decision not to apply for such financial assistance should never have resulted in the forced separation from his wife or the consequent loss of vital emotional support. With a simple act of compassion the Home Office can correct this injustice and I implore you to do so.

You may also be interested to note that Antony and Julianna have launched a petition calling for the minimum income criteria to be scrapped. So far the petition has been signed 115,000 times and can be viewed at www.Change.org/priceonlove.

Given the urgency of this case I would be grateful for your immediate attention to this matter. I look forward to hearing from you soon.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tommy Sheppard', written in a cursive style.

Tommy Sheppard
Member of Parliament for Edinburgh East