
WITNESS STATEMENT OF MRS HIRAL PATEL

I, Mrs Hiral Patel give this statement in support of my family's application for leave to remain in the UK. I can confirm that the contents of my statement are true and accurate to the best of my knowledge and belief.

Background:

1. I was born in Nadiad, Gujarat, Western India on 30th May 1979. My father, Jitendra Ambalal Patel (not to be confused with my husband) worked as a civil engineer for the Gujarat government when I was born. My father was involved in the Sardar Sarovar Narmada Nigam project to construct an irrigation canal network.
2. I lived with father and mother, Urmila Patel in addition to my younger brother, Dhvani. When my father was reassigned to work for a new project, our family would relocate throughout Gujarat to be with him. It was difficult growing up in this environment and I found it difficult to form friendships and adapt to new locations. We lived in cities and remote parts of the countryside, some with salted water and others with no water at all.
3. Additionally, India has a strong caste system which is still in place to this day. Throughout India the people do not ask your name or your profession, they simply ask for your caste. My husband and I are from the Patel caste, a mid-caste and we are traditionally farmers. As Patels, certain jobs and places to live are out of our reach. For example, it would be expected by others that we starve to death rather than take a job that is beneath our caste, to work as cleaners for example.
4. If we were to go against the caste system we would be ostracised by other members of the large Patel caste. We and our extended family, including our parents would be exposed for disregarding the caste order and we would be in great shame.
5. I attended school from the age of around 4 and I attended several schools before completing my Higher Secondary Exams with P.P. Shroff High School in 1996. I also attended the Padra campus of the M.S. University of Baroda, where I studied Commerce as a Bachelor's Degree. I met my husband, Jitendra Jaytantibhai 'Jayesh' or 'Jay' while at University and we came to meet through a shared friend, Hardik.
6. Jayesh and I were friends for over 1 ½ years before we began to date. We enjoyed talking with each other and became close. Jayesh's parents did not approve of our relationship as we were both young, not working and he could not support me. My parents did not approve of our relationship either, this was because I was a graduate and Jayesh did not complete his university degree.
7. As a result, my parents arranged for me to marry a member of the community, Mr Hiren Patel who was older than me and is currently studying in London. I met this man once, around February 2000 when we became engaged and received a blessing from family and friends. I was told to live with Hiren's in-laws by my parents, but I was deeply unhappy with my arranged marriage.

8. I could not pretend for the sake of my family that I was willing to marry Hiren, so I met with Jayesh in Padra and decided that we would marry without our parents' consent. Jayesh and I married in a legal office with our witnesses and documents on 29th April 2000 and signed the register and left home. We borrowed money from Jayesh's friends so we could support ourselves until our parents accepted our marriage.
9. We did not receive a marriage certificate at this time and found that our marriage was not registered and so returned to our lawyer on 12th May 2000. The lawyer explained that the Registrar was on holiday and so our marriage was not registered until 6th August 2000.
10. We returned to Padra and Jayesh's uncle, Suresh, convinced his father, Jayantibhai that we be permitted to live with him. We lived with Jayesh's parents and elder brother and his brother's wife in a small house with just two bedrooms. Conditions were difficult. Jayesh approached his father for money so that he might further his education and support the family. Jayesh's father borrowed money and so attended a private college and completed both a computing hardware and networking course.
11. Around 3 months after marriage I discovered I was pregnant. I did not want to have a child as we were living in poor conditions and could not afford another mouth to feed. I could not return to my parents for money our support – they had said that I must live with the consequences of the decision. As Jayesh's brother, Rahul had been married for around 2 years and was yet to have a child due to medical conditions, so the family forced me to keep the baby. It was a struggle to afford basic medicine in a large household when my husband was also studying.
12. I gave birth to a baby boy, Dhruvik, on 19th February 2001. Life was very difficult when our son was born – we could not afford basic provision and we had to cope with a new-born. On 30th April 2001 Rahul and his wife also had a child, Vraj. As Vraj was the first child to the eldest son he was prioritised before Dhruvik. Also, as Vraj required medical treatment after birth, money was very tight.
13. Jayesh considered emigrating to Canada after we heard that as a graduate I could emigrate to once they had two years' work experience in a particular field. One of Jayesh's uncles, Vinod owned a company supplying bottled gas to industry. We were interested in emigrating but it was very costly to commute to the gas company in Baroda so I could obtain unpaid work-experience. Jayesh's uncle did not really wish to help, but felt they had to assist us as a family favour. The costs of emigration to Canada were also very expensive and the Canadian visa requirements changed part-way through the process. We never did emigrate to Canada.
14. While I was on work experience Jayesh and I became pregnant again. I was very worried that the family would insist that I keep the child and so I attended a charity hospital and arranged for an abortion without even telling Jayesh. The charity hospital had poor sanitation, the staff were poorly educated, they talked down to me and did not even use gloves or wash equipment like scissors. I was not given any anaesthetic and could see and feel the abortion taking place. I was bleeding for 40 days after the procedure and received no follow-up care. It was a terrible experience.
15. After the abortion I told the whole family that I had no real option but to have an abortion as there was no way we could afford to care for Dhruvik, let alone another baby. The family were

upset but did not say anything to me, knowing that this was our unfortunate situation.

16. After approximately 2 ½ years of IT courses and work placement without pay, Jayesh completed his studies. Jayesh worked for 8-9 months without pay before he received low wages as a System Administrator.
17. Several months later, on the recommendation of my friend, we applied for a visa to come to the UK. Originally, we travelled to the UK in the mistaken belief that we could work on a visit visa and, after returning to India, the experience would be useful in an application to emigrate to Canada.
18. We flew to the UK with Air India and arrived in Heathrow on 15th June 2003. We had borrowed money and booked a hotel in London, where we stayed for two days. We then lived with my uncle, Rupesh Patel, who was living in Greenford at this time. We stayed with Rupesh for around 20 days before we moved to 64A The Broadway, Greenford, UB6 9QA nearby to Rupesh.
19. We had little knowledge of the UK immigration system and after applying for a job, we came to know that we could not work on a visit visa. All the while Jayesh's father was under pressure from the lenders and was struggling to pay the interest on our loans. We thought that if we could work legally in the UK, we could repay some of our debts before returning home.
20. Rumours among the Indian community that there were different visas and that you could say longer and work with 'indefinite stay'. I did not understand the meaning of indefinite stay. On speaking with my father, he said that his friend, Ashok was in the UK and on contacting Ashok it was confirmed that indefinite stay was possible and that he had a person who could apply for an indefinite visa on our behalf.
21. Jayesh and I travelled to Brighton by train to meet with Ashok, his family and his friend, Sanjay Shah. We left our passports with Ashok and gave Ashok £2,000.00, a further loan obtained by Jayesh's father. We did not know at this stage that Sanjay was the contact who could apply for our visa.
22. After around a week or 10 days, we received a phone call from Ashok and were asked to come to Slough. We travelled to Slough and were collected from the train station, after some time Sanjay came, took a further £2,000.00 before providing us with our passports and a red and blue National Insurance card. Sanjay explained that we had a stamp for one year and that after one year we could apply for an indefinite stamp.
23. One returning home we realised that the stamp said something and was not indefinite, but we did not understand what. We contacted Sanjay who recommended that we contact a private employer agency. We approached a recruitment agency who told us that we did not have permission to work or public funds and needed a Home Office letter. We contacted Sanjay who said he would be in contact with a further link in the Home Office, who would send a letter. Around a couple of weeks later, we received a Home Office letter to our address, saying that we had permission to work. We thought that this letter was genuine and registered with the JobCentrePlus on Wembley High Road. We approached the counter and asked how we apply for a job. The staff member checked the computer system and noted that our names and age did not match those with their records.
24. We honestly explained how we came to have the visa stamp and National Insurance Number.

The next day we attended with our passports and Home Office letter and were both interviewed by 3-4 members of JobCentrePlus staff. The JobCentre took my statement and passport and details of my past addresses and the names of all those involved in obtaining our visas. We were then allowed to return home.

25. About 5 days later we were called to attend the JobCentrePlus office in Neasden. We were interviewed by the department head. Our passports were returned to us as our visas were still current, but the national insurance number and Home Office letter were confiscated.
26. Ashok and Sanjay began to ignore our phone calls and I suspect that this is because we have caused them trouble. We were very concerned about the money we and our family owed in India and on contacting Jayesh's family; they were not supportive of our failed attempts to better ourselves through education and immigration. Jayesh's father was aware that he could no longer support us and I was pregnant at this time.
27. We remained in London for around 5 months, leaving on 15th November 2003 before moving to be with my cousin, Himanshu, a student in Leeds. We stayed with Himanshu in cramped conditions for around 3 weeks.
28. Conditions in Leeds were even worse as my father-in-law needed money and wanted us to repay him. We have not been able to repay even half of the funds owed in India and are struggling to overcome the interest payments.
29. Eventually Jayesh obtained a job, subcontracted with a cleaning company. Jayesh earned very little, especially after paying the rent and I was too heavily pregnant to work. At one point Jayesh's employer refused to pay him and we could not even afford a loaf of bread. Eventually Jayesh took casual jobs for off-licenses earning between £1.00 and £1.50 per hour. We could not afford our rent and lost the house. In one year we had moved house over 15 times and we did not have the money to pay rental deposits.

Smarth's Birth:

30. I was more than 2 ½ months pregnant before I realised that I was carrying Smarth. I was shocked to be pregnant – how could we repay our debts and care for a child under such poor circumstances? I was unaware of healthcare in the UK – I was considering an abortion but was not registered with a doctor and did not know how to go about it. Jayesh's family were not sympathetic and worried about how we could repay the loans if I was to have another child. Soon I was 4 months pregnant and it was too late to have an abortion.
31. My pregnancy with Smarth was not very difficult, but I did not have good nutrition as some days we could not afford food and frequently moved house, staying in crowded houses with shared facilities.
32. Smarth was born as a healthy child on 19th March 2004. My feelings of happiness were overwhelmed by worry about our future. We could not afford to raise Smarth and were uncertain about his future education or health. We were unable to afford nappies and so I cut triangles from towelling to make reusable nappies, which I re-washed in a bathroom sink.
33. Jayesh and I relied on hand-down children's clothes from our landlady, whose son was 18 years old at that time. We did not have our own pots and pans to cook meals – everything was borrowed and we were in debt.

34. When Smarth was just two days old, the health visitor disapproved of our cramped living conditions and said that she would recommend us for a council house as a high priority. This was not possible as we did not have a visa and the council refused our application.
35. When Smarth turned around 3 months old I got a job preparing home-made samosas for an Indian restaurant, working in a cellar. I was allowed to take Smarth to work so he sat next to me in a car seat. The floors were greasy with oil that had spilled over from a large frying pot and I frequently slipped. There was also smoke and steam from cooking in the cellar and knives were left lying around.
36. My working conditions were neither healthy nor safe for Smarth, but we had little option so I worked from 9am to 6pm, 7 days a week. I earned very little money from this job and left the role when Smarth became able to walk. Jayesh was working in off-license and sandwich shops during this time.
37. Smarth has only recently been told that we live here illegally, but knows that his father and I are from India. As a child he knows nothing about visas, but recently he has heard of friends travelling to India on holiday and has asked why he cannot go to another country on holiday. We have told Smarth that we need a passport to travel to India or anywhere on holiday. We tell Smarth that we do not have passports.
38. Smarth is becoming increasingly inquisitive and as we are in the UK and we have explained that life in the UK, although difficult, is much better for us than in India. In comparison to Dhruvik, Smarth is spoiled in the UK as if he was an only child. We have told Smarth about our life in India, including our crowded home, livestock roaming the streets and not having toilet paper – Smarth is very unimpressed and would not wish to stay in India for longer than a visit.
39. Although we speak some Gujarati with Smarth and he understands some of the conversation at a basic, routinised level, supplemented with English. If we speak in authentic Gujarati he does not understand and he would very rarely speak any Gujarati, usually answering in English. Smarth gets angry when we try to converse in English, saying that it is difficult for him. When I try to teach Smarth English we have difficulties, especially with the pronunciation of 'e' and 'a' so he tells me that I first need to learn English before I can teach him. Smarth would ask strangers for a second opinion on how to say English words rather than listen to me and his father. We often rely on our neighbour, Matthew to help explain certain things to our son.
40. In a small gathering of Indian speakers, Smarth becomes frustrated and says that we are "too noisy" – Smarth would not cope with the hustle and bustle of India including the traffic and street vendors.
41. Smarth dislikes dirt or high temperatures, often telling his dad to reduce the temperature of the heating. Smarth gets prickly-heat when he is too warm and would be badly affected by the high temperatures and poor sanitation in India.
42. My elder son, Dhruvik now lives with my parents in Nadiad as Jayesh's parents are struggling to support his elder brother, sister-in-law and their two children. My father funds Dhruvik's education and healthcare.
43. I speak with my family around twice a month and when Smarth is in the mood, he would speak

with his brother and grandparents. Smarth and my family rely on me to act as an interpreter during these calls. Smarth always asks when his brother can join him so they can play together and Dhruvik would like to meet his brother. I know that it is not possible for us to return to India to be with Dhruvik as my father would once again place me in charge of both children, a substantial burden in addition to my family's debt.

44. Smarth's health was quite good when he was a baby, though he often cried – but I could not spare him attention as I had to work to support the family.
45. When Smarth was around 3 years of age he enrolled with St. Augustine's Catholic Primary School in Leeds as a nursery pupil. Smarth enjoyed nursery and quickly made friends to play with. Before Smarth attended nursery he and I did not have many friends, so this was a welcome change for us. My brother, Dhvani had also arrived from India as a student this time and between Dhvani, me and Jayesh we cared for Smarth when he was not in attendance in nursery. I would sometimes bring Smarth to the Library Crèche where he would play with the other children.
46. Also, Smarth's younger cousin Pooja Patel came to Leeds from London when Smarth was around 3 years old. Smarth and Pooja enjoy each other's company and would play games together. Pooja, unlike my friends' daughters, will play with Smarth without complaining that he is a boy. Smarth would also go to the cinema with Pooja, his younger cousin Maahi and with my friend's daughters.
47. We moved home to live in Bradford during September 2008 and Smarth further integrated into the community and made more friends. Smarth soon became a pupil with Gomersal St. Mary's Primary School where attended full-time. Smarth enjoys science and maths and would bring books home from the school library. The school brings Smarth on educational school trips to farms and museums as well as the theatre for Christmas pantomimes.
48. Smarth follows a fairly fixed routine; he would wake up around 7.45am, has breakfast and is driven to school by Jayesh for 8.45am, at school Smarth has lunch at 12pm and finishes school at 3pm. At 3.15pm Smarth gets home and has a meal while watching TV shows until 5pm, around 5.30pm Smarth has a bath or shower, at 6pm I teach Smarth science, maths and language using Key Stage 2 educational books from WH Smith and online materials from IXL.com. Smarth's school also assign home projects for completion with parents. Home lessons typically end at 7.45pm – some lessons end earlier and some last longer depending on whether we can complete the exercise. Smarth enjoys performing experiments at home.
49. English is spoken and taught differently in India – Smarth is taught phonetically and uses different pronunciations to me, Jayesh and Dhruvik in India. Smarth cannot understand Dhruvik's English and so Dhruvik speaks in Gujarati and I translate into English for Smarth. In India, English is spoken grammatically and is comparatively very formal.
50. Smarth has many certificates from his school and was recently awarded a trophy for being a good learner and being a best friend. Smarth's school behaviour is very good and he has previously been given a certificate for his excellent behaviour. Smarth really likes science and learns science very quickly. I also encourage Smarth to take maths practice online.
51. We always celebrate Smarth's birthday and have held large parties particularly for his 5th and 6th birthday. On his 5th birthday we threw an Indian themed birthday party at our home and

invited family friends. For his 6th birthday we took Smarth and his friends to Tropical World in Leeds and all the kids enjoyed seeing the exotic birds, fish and animals.

52. 25 of Smarth's classmates and 15 of my friend's children attended Smarth 7th Birthday party at the Cleckheaton Cricket Club and we arranged a magician to attend also. Everyone had a great time and Jayesh and I took many photos. Smarth's cousins Pooja and Maahi also came to his birthday parties.
53. Smarth turned 9 years old this March so we held a garden party and played games at home. Luckily the weather was good during Smarth's party and around 7 of his friends were in attendance. We had planned to go to the cinema for his birthday, but Smarth did not wish to go as he said that the movies that were playing were 'for girls!'
54. While living in Bradford, Smarth made friends with Ben whose grandparents live next to our house. Ben would visit Smarth during weekends and long holidays and they are quite close to one another. Smarth and Ben play on their bikes, with Nerf guns, football, digging for treasure, building a wall during the recent snow. Ben has a dog called Luna and they play together. Smarth and Ben would attend each other's birthday parties and eat dinner together at each other's homes.
55. In terms of food, Smarth enjoys different meals – but spaghetti, pasta, noodles and sandwiches are his favourites. I would cook different types of food at home, including my native Indian food but Smarth prefers spicy noodles or egg-mayonnaise on sandwiches, saying that he is not hungry if he does not like what I am cooking. Smarth is mostly vegetarian, but does enjoy meat and eggs – things that my family do not eat in India. I have never eaten meat and have only tried egg a few times. Smarth has noticed that other school children eat meat in their packed lunches and now thinks that white people eat meat while 'brown' people are vegetarian.
56. Smarth never watches Indian TV shows or films, saying that the people speak a 'funny language'. He only watches segments of Indian movies if there is action. Smarth loves English shows Power Rangers, Ben 10, K-9 and films such as Transformers, Avatar, GI-Joe and Madagascar.
57. India does not offer the TV shows that Smarth likes; I speak to Dhruvik by phone and I know that he can only occasionally watch Tom and Jerry and other animated shows in Gujarati. In India the family head controls the TV and my father, for example would watch the news in three languages so there is rarely an opportunity for children to watch TV. In our home Smarth tells us what to watch! Smarth's friends enjoy the same shows and films as him and they would sometimes watch films together.
58. In the UK Smarth enjoys trying new things such as ice-skating and he has taken 12 ice-skating lessons. Smarth also took taekwondo lessons for 2 ½ years and he has reached a yellow and white belt. Smarth has also taken Bollywood dance classes and takes weekly swimming lessons with his school. I know that Smarth would not have the same opportunities in India and there are no swimming pools in our family time.
59. Since year 1 at school, Smarth has taken football lessons and has played in 2 matches against another primary school and has won one of these matches.
60. In addition to temple Smarth also attends St. Mary's Church in Gomersal with his school.

Smarth participates in choral singing, attends mass and has starred in church plays. Smarth always brings religious leaflets home. Smarth asks me the difference between Jesus and Bhagwan, which is Gujarati and Hindi for God.

61. Last year Smarth was involved in the Queen's Diamond Jubilee preparations and participated in singing at the Galpharm Stadium in Huddersfield. Around 200 schools within Kirklees council contributed to the Jubilee celebrations and Smarth enjoyed this experience.
62. Smarth has told us that he would like to visit another country, complaining that his friends go on holiday overseas but he cannot. As we do not have visas we cannot leave the UK, so in 2011 we visited Scotland saying it was another country. Smarth was satisfied with this at the time, but more recently his cousins Pooja and Maahi have been given visas and they would like to visit Disneyland. Smarth feels left out.

March 2013 Visa Refusal:

63. As our visa application was refused in March 2013 we have spoken with Smarth to explain that we do not have visas. Smarth does not understand the need for government permission to stay in the UK. Smarth was born in the UK and has never been to another country so thinks of himself as British, saying that he cannot leave the UK. Smarth began to cry when I told him that we were not allowed in the UK, but he tries to hide his emotions. I am really worried about Smarth's reactions and wellbeing – he is so strongly opposed to leaving the UK.
64. Smarth has priority in the UK, he is like an only child and spoiled in comparison to Dhruvik and Dhruvik is treated well in comparison to Jayesh's nephews. If we had to return to India, Smarth and Dhruvik would both loose-out.
65. Also, the school system is very different in India to the UK. There is capital punishment in Indian schools and Dhruvik is fearful of becoming ill or not completing his homework, knowing that he will be caned and publically ridiculed in front of his class. Educational capabilities are openly ranked as good or stupid pupils – there is no encouragement and poorer pupils are sent to the back of the class. Dhruvik has no childhood – he cannot play. Dhruvik explained to me that he cannot take time to play as if he does not study and perform well at school that he will not have a good job.
66. Smarth is not disciplined in the Indian way – it would be a huge shock to Smarth to be educated in Indian. Smarth speaks little Gujarati, usually when forced to do so – Smarth would likely be bullied for having a weak understanding of Gujarati. Smarth would struggle to keep up with school lessons and the schools in India do not offer translators or have extra letters.
67. Jayesh and I have now told our families that our visas have been refused – they were not supportive and I know that we would not be welcome to live with either of our families on return. My father has also said that he would stop supporting Dhruvik if we return to India.
68. The temperature in India often exceeds 45°C in the summer and Smarth is not accustomed to these temperatures and there are mosquitos. There are open sewage channels in the street and the electricity supply is not stable. I explained to Smarth that the normal people in India do not have toilet roll and Smarth was curious as to how they clean themselves.
69. I think the Home Office refusal of our visa is very unfair and unreasonable to Smarth who was born here more than 9 years ago. Smarth has built the foundations of his life in the UK and he

could not cope in India.

Request:

70. In the past the UK has had laws allowing 7 year old children to stay in the UK. I think the Home Office have been unfair as Smarth is 9 years old and has lived in the UK for his whole life. Smarth does not think it fair that his cousins Pooja and Maahi have been given visas, even though Pooja is around 1 ½ years younger than him.
71. Smarth has many friends and family in the UK and he feels part of the community. Smarth has been educated under the UK syllabus and speaks only limited Gujarati. Smarth loves UK culture, TV shows and has many extra-curricular activities. The UK is his home and he thinks of himself as being British. Adapting to life in India would be extremely difficult for Smarth and our return would place a greater burden upon Jayesh's family.
72. Jayesh and I have friends and family in the UK too and we enjoy our time together. We have made mistakes in the past but ask that you please do what is best for Smarth and allow him a future in the UK.

I have read back my witness statement and can confirm that the information contained within is true and accurate to the best of my knowledge and belief. I would be grateful if my statement is considered in my family's immigration application.

Signed: _____
Mrs Hiral Patel – Smarth Patel's mother

Dated: 15th April 2013