Roseline lives! Court overrules UK government decision to condemn kidney transplant patient to death

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OurKingdom [1] 29 November 2012

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- Culture [3]
- Civil society [4]

[5] [6]

Roseline Akhalu successfully appeals against decision to deport her to Nigeria where she would die within four weeks. OurKingdom, which has reported on this case since May 2012, publishes today's statement from her advocates, Public Interest Lawyers.

Today in a much welcomed ruling Immigration Judge Saffer has overturned the Home Secretary's refusal to grant our client, Roseline Akhalu, leave to remain in the UK.

Roseline, a Nigerian university graduate, came to the UK in 2004 on a Ford Foundation scholarship to do a Masters degree in Development and Gender Studies at Leeds University. Soon after arriving and whilst here lawfully she was diagnosed with renal failure and began treatment. In 2009 she had a successful kidney transplant. Roseline needs to take immunosuppressant drugs for the rest of her life or the transplant will fail. However, such drugs are prohibitively expensive in Nigeria and so, if deported, Roseline would be unable to afford them and she will die within four weeks.

At the hearing on 21 November 2012, the Home Office accepted the evidence that Roseline would, if removed to Nigeria, not be able to afford the immunosuppressant drugs she needs to survive but continued to maintain that her removal was proportionate and not in breach of her human rights.

The judge, after considering all the evidence, found that this was an unusual case where the removal of Roseline would breach her right to a private and family life protected by Article 8 of the European Convention on Human Rights. The Judge found that Roseline had established a private life of value to her, members of the Church and the wider community. He took note of the fact that Roseline came here legally, was diagnosed whilst here legally, that the cost of her ongoing treatment was not excessive and that she would die quickly in distressing circumstances if returned. After considering all the evidence he found that the Home Secretary should have granted Roseline leave to remain and allowed the appeal.

Roseline Akhalu said: "I am very pleased and relieved by the judgment. I would like to say I am immensely grateful to all who have helped me in this struggle to get leave to remain."

Tessa Gregory, Roseline's solicitor at Public Interest Lawyers added: "We are delighted by the ruling. Roseline is a respected and very popular member of her community and is an asset to this country. The Home Secretary's decision that Roseline should be deported to Nigeria where she would die within four weeks was unlawful and inhumane and has rightly been overturned."

Greg Mullholland, Roseline's MP said: "It is fantastic news that a judge has today upheld Roseline's appeal. It has been a long drawn out campaign and a deeply distressing time for Roseline and those close to her. I hope the Home Office now see sense and allow Roseline to remain in the country. It would be a serious misuse of the public purse to appeal this decision given the evidence that has been presented."
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