



Laws can embody standards; governments can enforce laws--but the final task is not a task for government. It is a task for each and every one of us. Every time we turn our heads the other way when we see the law flouted--when we tolerate what we know to be wrong--when we close our eyes and ears to the corrupt because we are too busy, or too frightened--when we fail to speak up and speak out--we strike a blow against freedom and decency and justice.

*Robert Francis Kennedy*



DOCTORS: PEACEFUL PROTEST IN THE WHITEHALL

## LEGAL CHALLENGE DEMANDS FOR JUDICIAL REVIEW AND STAY ORDER

BAPIO was shocked when the Department of Health (DH) announced on the 7th of March 2006 that rules would be changed on the 3rd of April 2006, effectively ending equal opportunities for doctors from the Indian subcontinent and from elsewhere outside the European Union. This ruling was introduced with no consultation and applied retrospectively.

This means that many doctors who are already in the middle of their training may not be able to get further jobs and will have to leave the country to start all over again in their training. Doctors who have come to the UK, given PLAB and waiting for jobs will find their troubles multiplied many times because of this ruling. They are here spending time energy and money but have now had all hope taken away from them because they are no longer to be considered on equal opportunity.



### STOP PRESS

BAPIO has filed the case in the high court on Wednesday the 7<sup>th</sup> June 2006. It has asked for the Judicial Review and requested the court to declare the abolition of PFT unlawful. It has briefed one of the best in the job Mr. Rabinder Singh through M/s Lynder-Myers solicitors.

Following is the summary of our demands:

A declaratory order stating,

- that the decision to amend the Immigration Rules for Postgraduate Doctors and Dentists so as to abolish permit free training for doctors who qualified outside the UK and the EEA was unlawful;
- that the Department of Health guidelines on the impact of the amended Immigration Rules on doctors with leave to remain in the UK under the Highly Skilled Migrants Programme were wrong in law, discriminatory and unreasonable; and
- that the insistence of the defendants that these guidelines be followed was unreasonable and an abuse of power;
- that in deciding to amend the Immigration Rules for Postgraduate Doctors and Dentists so as to abolish permit free training for doctors who qualified outside the UK, the defendants failed to comply with section 71 of the Race Relations Act 1976;

An order is also requested for quashing of the decision to amend the Immigration Rules for Postgraduate Doctors and Dentists so as to abolish permit free training for doctors who qualified outside the UK and the EEA;

It is also seeking a mandatory order requiring the defendants,

- to consult fully with all interested parties, including BAPIO, on proposals regarding the future regulation, for immigration, training and employment purposes, of Postgraduate Doctors and in particular regarding the future of permit free training;
- the Department of Health to issue correct guidance on the impact of the Immigration Rules on doctors with leave to remain in the UK under the Highly Skilled Migrants Programme, and in particular to make it clear that doctors on the HSMP may be appointed to posts that extend beyond the duration of their current leave to remain and hence can compete equally with UK/EEA nationals for such posts.

BAPIO has worked hard to mobilise support from various organisations such as the Committee for Racial Equality, BMA, the Royal Collages, High Commissions of various Commonwealth Countries and various Overseas Doctors' Organisations and liased with the Department of Health and the Home Office. A peaceful demonstration by over 500 doctors took place on 21st April 06 in front of the Department of Health with wide media coverage. The petition signed by over 6500 doctors was submitted to Department of Health on the same day.

The ruling has caused huge distress to thousands of doctors



and their families, making futures uncertain, demoralising the workforce and making IMG doctors feel unvalued and unwanted. It is also clear that the BMA is hesitant to take the issue to court and similarly the CRE is also not going to take this issue further. BAPIO executive, advisory council and members are united in the belief that there is a need to stand up to this unjust and unfair ruling. We are left with no choice but to mount a legal challenge.

The legal challenge will request a judicial review and a stay order on the ruling pending the review. It is expected to cost over 50,000£ and BAPIO is dependent on members and well wishers to raise this amount.



## NEW WEB SITE FOR THE LEGAL ACTION

A brand new web site is now active for the legal challenge of BAPIO has been set up by Dr A Sajayan, Advisor to BAPIO

Visit <http://bapioaction.moonfruit.com/>



## BAPIO LEGAL ACTION TEAM

### EXECUTIVE COMMITTEE

Dr Ramesh Mehta  
Dr Raman Lakshman  
Dr Satheesh Mathew  
Dr Arun George  
Dr Ekta Sahu  
Buddhdev Pandya  
Dr Satwinder Basra

### CORE ACTION GROUP

Dr Peeyush Kumar  
Dr Parag Sayal  
Dr Vinay Shanthi  
Dr Satheesh Prabhu  
Dr Santosh Krishnan



## PLEASE HELP US ...

**We request you to help this action by**

1. Spreading awareness of this legal challenge by forwarding this news letter to every one in your email list
2. Spreading awareness of this legal challenge in email discussion groups you may be involved which involve doctor communities.
3. Spreading awareness of this legal challenge by word of mouth in the hospitals you work and amongst your friends

4. Donating what you can to the cause (see details below, any amount is welcome but most doctors have donated £100 or more) - meticulous account keeping is guaranteed and will be available for examination -

## FUND RAISING APPEAL

BAPIO request each one of you to contribute generously for this challenge for justice.

Donations will be used for the various procedures involved in legally challenging the ruling to end permit free training. It is envisaged that this will be initially in requesting a judicial review. Money will also be used for insurance in case the verdict is not favourable. Donations cannot be returned but any funds leftover will be placed in a trust and used for similar purposes in the future.

The above action will be subject to sufficient funds being donated to cover the legal advice, legal action and the management cost of above issues.

BAPIO has established BAPIO ACTION, a Company Limited by Guarantee to undertake some of these activities.

**Financial details will be Audited and publicised.**

<b>A/c Name</b>	<b>BAPIO</b>
<b>Bank</b>	<b>Norwich and Peterborough Building Society</b>
<b>Sort Code</b>	<b>086081</b>
<b>A/c number</b>	<b>92008541</b>
<b>Address:</b>	<b>43 Hookhams Lane, Renhold, Bedford, MK41 0JU</b>

## *Dukhi's corner*

Friends,

It is indeed a challenging time for all of us whether PPUD, Trainee or career grades, since our integrity and existence are being challenged and our contributions are being ignored by the government. The latest example of this is the change in the PFT regulations.

None of us are safe here any more and we are forced to live under the constant fear of being jobless or redundant at any minute. Unless we show our unity here and put pressure on the powers, the already bleak future is going to be non-existent.

This is not the time for the divisive mentality and repetition of the good old 'crab stories'.

Let us be united for OUR cause and contribute whatever we can to see this mission materialised.

**This is not the time for words; this is the time for ACTION...**

***Dukhi Atma***



**Feedback and suggestions to: Dr Sajayan ([sajayan@gmail.com](mailto:sajayan@gmail.com))**

**BRITISH ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN**

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