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Afghan veteran faces deportation

A Fijian soldier who twice fought for Britain in Afghanistan faces deportation after missing paperwork deadline - he says, because the Army did not pass the correct files on to him



Filimone Lacanivalu, foreground, served in the Armed Forces for nine years, including two tours in Afghanistan

By **Jasper Copping**
5:34PM GMT 14 Nov 2013
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Senior military figures have given their backing to a Fijian soldier facing deportation from Britain after he failed to fill in the correct paperwork on leaving the Army.

Filimone Lacanivalu, who has served in the Armed Forces for nine years, including two tours in Afghanistan, said that when he left in 2010, the Army failed to send him the relevant documents, which would have allowed him to stay.

When the former private went to see Home Office officials to resolve the situation last month, he was detained and taken to an immigration centre where he has spent the last four weeks. He was due to be removed from the country on Sunday night.

Speaking from the centre, near Heathrow Airport, the 34-year-old said: "I'm really confused, sad and depressed. I feel I am being let down by the Government and the Army. When I left, I wasn't instructed to apply. Now, I just have to keep my fingers crossed."

He has received the backing of a range of defence figures. Stuart Tootal, who in 2006 led 3rd Battalion the Parachute Regiment in Afghanistan, said: "Given the service that Filimone Lacanivalu has given this country - with nine years' service and two operations in Afghanistan - it is tragic that he might be deported because of bureaucracy."

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Colonel Tim Collins, who led the 1st Battalion the Royal Irish Regiment in the Iraq War, added: "This is a huge shame. He needs more than a little bit of sympathy. This is someone who has loyally given service and sworn an oath to the queen. We should reciprocate what he has given to this country."

Dr Hugh Milroy, chief executive of Veterans Aid, a charity which has campaigned on difficulties facing foreign and commonwealth soldiers and is working on this case, said: "This is yet another outrage. We have been telling people for a long time that this is a major problem.

"Here we have an innocent man who has done nothing wrong and served this country well and he has been hung out to dry by these bureaucrats."

Adrian Weale, founding member of the British Armed Forces Federation, said: "There should be allowances for the fact that soldiers are not necessarily aware of all the rules regarding their rights and every effort should be made to accommodate those with a good service record."

Ian Sadler, whose son, Trooper Jack Sadler was killed during Mr Lacanivalu's second tour of Afghanistan, has also called for the Fijian's release. "He should be put up in a hotel and a civil servant should straighten this out."

Mr Lacanivalu said he signed up in 2001 after seeing photographs of ceremonial parades and pictures of Buckingham Palace.

He served in the 2nd Battalion The Yorkshire Regiment and had postings in Northern Ireland, Bosnia and the Falklands Islands, in addition to his two Afghan tours. For the second of these, in 2007-2008, he was based in Helmand province, as the insurgency there intensified. His regiment lost two men, while several from other units were also killed.

Mr Lacanivalu, who has a brother still serving in the Royal Artillery, said: "It was a scary time. We had to deal with a lot of IEDS. I had maybe four or five engagements with the Taliban. I saw people die."

His experiences there affected him and he said it was partly in response to this tour that he decided to leave the Army, in January 2010. Since then, he has settled in Birmingham, where he has been trying to find work through a variety of voluntary work placements, arranged by an outreach organisation.

All Commonwealth soldiers with at least four years service can apply to the Home Office for the right to remain in the UK within 28 days of leaving the army. However, Mr Lacanivalu had mistakenly assumed he automatically qualified for residency when he left.

He claims that it was several months later that he received from the Army information about the need to apply for permission to remain.

Mr Lacanivalu, two of whose uncles served in the Army, including one who fought in the Falklands War, hired a solicitor to file a belated application, but that was refused during the summer.

He went to Home Office centre in Croydon, south London, on October 12, in order to resolve the situation, but was detained without being permitted to return to his flat in Birmingham. Since then, he has been at Harmondsworth Immigration Removal Centre.

The Home Office on Thursday said that a review was being conducted and that the removal process was suspended until its conclusion.

Vinita Templeton, a solicitor with the law firm Duncan Lewis, learnt of his



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plight on Monday. She is awaiting a guarantee that legal aid will be forthcoming, and is, on Friday, planning to lodge an appeal at the Administrative Court, claiming Mr Lacanivalu is being "unlawfully detained", because the proper processes were not followed at the end of his army career.

She said: "HM Forces are under an obligation and they did not follow the process. We would argue that because the Army did not follow due process, the Home Office should be taking a compassionate stance on this.

"He was a soldier on the front line. He has been in situations where he has been caught in the crossfire. He has seen people killed in front of him. This man has served this country. The last thing you would expect is for him to be locked up."

A Home Office spokesman said: "Mr Lacanivalu applied to stay in the UK outside of this period, however his case is now under review."

The Ministry of Defence declined to comment.

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 **buddyboy940** 3 days ago
The useless prick cameron and his equally useless defence secretary should be forced he is worth 50 of these useless basxxrds. Roll on the elections!!!

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That useless basxxrd cameron should be forced to go to the detention center, taking free Filimone as he is worth about fifty of their wretched ilk.

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peterexpat ago
When do the people of Britain start getting violent? When it`s much too late.

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Anderson ago
As always the state makes an example from an easy target. MEanwhile the foreigner: terrified and intimidated my young daughter not top mention costing here thousands in contribute nothing. Jack Straw thinks he can shrug his shoulders and walk away just be of innocent people are still paying the price every day.

3 [Reply](#) [Share >](#)

Avatar [3 days](#)

troubleshooter ago
Yet another cock up by the home office.

So we have a soldier, locked up because of not getting the right paper work.

An yet the same Home office service goes round the country finding real immigrants v

Just for them to move to a different area. An for the Home office to waste more mo

The soldier should be FREED ASAP an the paper work corrected for him to stay.

5 [Reply](#) [Share >](#)

Avatar [4 days](#)

julesinkl ago
He did not follow the rules, it was up to him to find out if he wanted to stay. Soldiers are a lot more savvy than some may imagine, they even have..... Internet!! apply later.

I hope he does defeat the objections and remains but not because he is a soldier, just As to detaining him, isn't that what a lot of posters want for overstayers?

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2

Avatar [4 days](#)

moe82 ago
If there is anybody deserving of our best efforts it's people like this (Mr Lacanivalu), n us.

15 [Reply](#) [Share >](#)

Avatar [4 days](#)

clipstone ago
If this man had been killed on duty - as well he might have been as a front line soldier, accorded him all military honour. He survived so we tell him he's not wanted in the cou

20 [Reply](#) [Share >](#)

Avatar [4 days](#)

remindmelater ago
Amazing how many convicted Foreigners are granted "right to life" status despite their A convicted paedophile awarded damages for being held in custody even and here is a to be booted out.

This is a National disgrace.

24 [Reply](#) [Share >](#)

Avatar

Charles mac kay ago

Typical of Britain that's gratitude for all you've done for them. I bet if you came from Britain you'd be okay. They'd even compensate you for interfering with your human rights. All this comes from no 10 and spineless government

28 [Reply](#) [Share](#) >



Avatar [Avatar](#) ago • 4 days

limeyexpat ago
So let me get this right...we will deport this veteran that fought for us, but we will let in someone who can steal enough to buy a ticket to these shores..... Wow is this yet another May scam?

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Avatar [Avatar](#) ago • 4 days

Yumus Bejoqin ago
Salaam, salaam.

Don't worry, it's just a false salaam.

Listen you infidels you gotta get your priorities sorted, in'it. How you gonna give a decent wage to a Taliban A's family if you go wasting it on the likes of this Fiji scrounger? Mullah Quorna didn't even torture them first! Bloody savages in'it!

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Avatar [Avatar](#) ago • 4 days

Saint Steve ago
Yet we let every Tom, Dick and Harry from Eastern Europe in. The more of the news the more of the UKIP.

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Avatar [Avatar](#) ago • 4 days

Roddy ago
Here's a plan. Let this soldier stay in Britain. He's contributed more to this country than any other immigrant official to Afghanistan.

Problem solved.

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Avatar [Avatar](#) ago • 4 days

Joshuaatthewalls ago
What utter nonsense we allow trash in and allow degenerates to stay here this man should be on the Housing List

21 [Reply](#) [Share](#) >



Avatar [Avatar](#) ago • 4 days

welshwonder ago
Time Cameron and Hammond grew a pair and tell May at the Home Office to give her a lesson. Politicians don't care about our military.

21 [Reply](#) [Share](#) >



Avatar [Avatar](#) ago • 4 days

cooperist ago
He was a mercenary fighting a war for the YKWs. We owe him nothing.

4 [Reply](#) [Share](#) >



buddyboy940 [Avatar](#) ago • 3 days

This lad was in Afghanistan in an attempt to save you from sitting next to an enemy. Your lives were clearly wasted on you!

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pgc → cooperist ago
No he wasn't. Protocol Additional to the Geneva Conventions of 12 August 1949, Article 47 Mercenaries.

^ | v
• Reply • Share >

gailforce → cooperist ago • 4 days
I agree, like the gurkhas he opted to do a job of work for which he was paid.

2
^ | v
• Reply • Share >

moe82 → gailforce ago • 4 days
It's not merely a job of work, it was and is a life changing decision, a case where the worst that could happen is a six pack of Coke falls on your foot when you're carrying it.

4
^ | v
• Reply • Share >

moe82 → cooperist ago • 4 days
You have hugely underestimated the significance of this small, but specialised group of treating this ex-soldier (because that is what he is whether you like it or not) migrants we see in the UK.

11
^ | v
• Reply • Share >

moe82 → cooperist ago • 4 days
Flagged. Just like your other posts ...troll.

4
^ | v
• Reply • Share >

cooperist → moe82 ago • 4 days
Perhaps you can tell us why a Fijian in the British Army is not a mercenary in the recent Afghan war. Or perhaps not.

3
^ | v
• Reply • Share >

pgc → cooperist ago • 3 days
There is a very clear definition in international law about the definition of mercenaries (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts), 8 June 1977, Article 47.

^ | v
• Reply • Share >

moe82 → cooperist ago • 4 days
Fiji, if it had escaped your notice was part of the Commonwealth.

12
^ | v
• Reply • Share >

cooperist → moe82 ago • 4 days
So what?
Why shouldn't he go back there now?

4
^ | v
• Reply • Share >

moe82 → cooperist ago • 4 days
As I said before you're a f____cking troll and your opinion isn't worth listening to.

11
^ | v
• Reply • Share >

moe82 → cooperist ago • 4 days

What do you mean so what?? I hose in the Commonwealth whc have close ties with the United Kingdom. A mercenary is an indi force purely for monetary gain.

10 · Reply · Share >



Avatar

· 4 days

Dinfrance ago

Bloody civil servants.....Time THEY spent some time being useful instead of sc helped. Still, he was on a sticky wicket joining the Green Howards (spit)

8 · Reply · Share >



moe82 → Dinfrance · 4 days ago

It would appear so, as they have well and truly messed this guys discharge ad

7 · Reply · Share >



Avatar

· 4 days

Graeme S ago

FFS the country is full of the most nasty undesirable Taliban types ... this man has se

20 · Reply · Share >



Avatar

· 4 days

tedsanityville ago

shocking, simply shocking.

10 · Reply · Share >



Avatar

· 4 days

ireland ago

'The Ministry of Defence declined to comment', that surely says everything.This from Osborne and Hammond,shows how little regard, even scorn they have for the armed incorporate the Military Covenant into law, some promise, nothing new from Cameron? Mr.Lacanivalu has served this country , surely he has done more than enough to stay armed forces, easy targets for cutbacks and P45s.

20 · Reply · Share >



danielfg → ireland · 4 days ago

What makes it worse is that he has a British wife and two children in this count

13 · Reply · Share >



moe82 → danielfg · 4 days ago

No, the MoD are washing their hands of it, like they do most veterans i now.

9 · Reply · Share >



Avatar

· 4 days

vogomatix ago

I think we ought to cut the rubbish out and ensure that anyone who has done (say) 7 automatically qualifies for UK citizenship

9 · Reply · Share >



moe82 → vogomatix · 4 days ago

Why an arbitrary 7 years? Why not the minimum engagement period of 4 yea

12 · Reply · Share >



vogomatix → moe82 · 4 days ago

If you read my original post I wrote. (say) 7 years. I wasn't really that years is too short personally, it should be a recognition of significant ser

1
• Reply • Share >

• 4 days
moe82 → vogomatrix ago

I read your original post. However, when you try and arbitrarily c
Some have only served a year before being deployed on operat
challenging of their lives and careers. That is why it is only sensil
minimum period of military service - 4 years. Any less than 4 ye
system for various reasons. Seven years and then you create a
soldiers to stay just for the sake of immigration after fulfilling the

5
• Reply • Share >

• 3 days
vogomatrix → moe82 ago

I'm not convinced the minimum 4 years is acceptable. The awa
worthwhile performance, not just going through the motions. Th
prefer to retain someone who has done 4 years and is thus exp

In the specific case of the article, I think that two tours in a high
than sufficient to qualify :-)

• Reply • Share >

• 3 days
moe82 → vogomatrix ago

You miss the point, if they want to stay on then fine, but to cre
point is to be self-defeating.

• Reply • Share >

Avatar • 4 days
moe82 ago

Shame on 2 YORKS for absolutely f____king this guys life up.

10
• Reply • Share >

Avatar • 4 days
stephenthegreat ago

Where's the European Court of Human Rights when you want it?

15
• Reply • Share >

Avatar • 4 days
Lap Dog of the Sheffields ago

His mistake was actually doing the tours. If he'd passed phase 2 gone on the sick, so
then signed off he could have got residency after his 12 month notice period.

6
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Avatar • 4 days
beatonthedonis ago

Complete a tour in the French Foreign Legion and you get a French passport.

Complete two tours in the British Army and you get put in a detention centre.

46
• Reply • Share >

• 4 days
ireland → beatonthedonis ago

Or a p45.

18
• Reply • Share >

Avatar • 4 days
Wanderingone56 ago

Anyone?

29

• Reply • Share >



• 3 days

troubleshooter → Wanderingone56 ago

sorry cannot find anyone...come to think of it they isn't anyone.

2

• Reply • Share >



Avatar



• 4 days

onetimetary ago

He shouldn't have to apply if he has served in the Armed Forces it should be an autor

35

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