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'Exemplary' soldier wins battle against speeding ticket deportation

The Home Office has been criticised by the High Court for refusing British citizenship to an 'exemplary' Commonwealth soldier, because he had a speeding conviction



'Exemplary' soldier wins battle against speeding ticket deportation Photo: Alamy

By **Ben Farmer**, Defence Correspondent
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An 'exemplary' soldier refused British citizenship because he had five points on his driving licence has won a High Court ruling to have the decision reconsidered.

A senior judge criticised the Home Office for not fully taking into account the soldier's background or character and said immigration officials had merely "ticked boxes on a form".

Sapper Poloko Hiri, 33, faces arrest and imprisonment in his native Botswana because of his service with the British Army, but was told he would be deported from the UK because he once broke a temporary 50mph speed limit on the M1.

In the High Court in London Mrs Justice Lang said the decision-making process had been legally flawed and the Home Secretary should reconsider.

Sapper Hiri joined the Army in August 2008 and served as a military draughtsman and combat engineer until 2012, when he decided to leave 73 Armoured Engineer Squadron to study for a degree.

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He applied for naturalisation as he feared imprisonment in Botswana, where those who have enlisted in foreign militaries can be deemed a security threat.

His application was refused though because a speeding conviction meant he was not considered of "good character", even though his commander had praised him as an "intelligent, motivated and hard-working soldier" with an "exemplary record of conduct".

Sapper Hiri had been given a £100 fine and five points after pleading guilty to speeding limit on the M1 after leaving Ripon Barracks for his Easter leave in 2011.

In the High Court, Mrs Justice Lang said the Home Secretary had failed to consider all aspects of his character when weighing his application to stay.

She said: "Plainly, criminal convictions are relevant to the assessment of character, but they are likely to vary greatly in significance, depending upon the nature of the offence and the length of time which has elapsed since its commission, as well as any pattern of repeat offending."

She said criminal convictions checks should not be applied "mechanistically and inflexibly" and Sapper Hiri's application had been backed by strong evidence of his good character.

"There has to be a comprehensive assessment of each applicant's character, as an individual, which involves an exercise of judgment, not just ticking boxes on a form," she said.

She added: "This was not an adequate assessment of the claimant's character, as required by law. No references were sought from his employer, or his personal referees, and there was no interview with the claimant."

Maj Chloe Plimmer, Sapper Hiri's former commanding officer, said his character had been proven on military training exercises "where his peers have had to depend on him in austere and challenging environments".

She said: "To see that Sapper Hiri has been denied British citizenship for what is deemed as 'bad character' directly contradicts his performance as a serving soldier.

Wg Cdr Dr Hugh Milroy, chief executive officer of Veterans Aid, which campaigned on Sapper Hiri's behalf, told the court: "If Poloko were good enough to carry a weapon for this country, then surely he is good enough to be a citizen."

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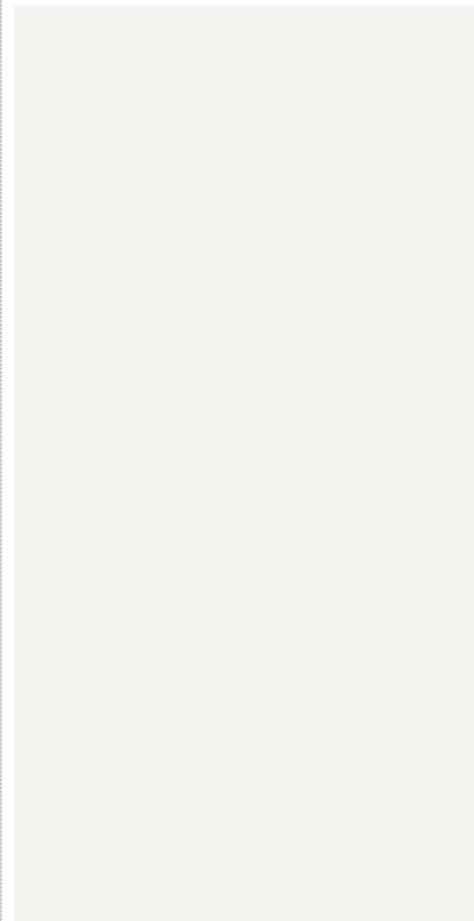
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