

Dear Sirs,

I am writing to you as a matter of urgency I am writing on behalf of my husband Peter who has asked me to write to you since he is currently very ill in hospital.

My husband of 12 years Peter Duut a Dutch national who has lived in the UK since 1 August 2008 and worked for 2.5 years, on a self-employed basis and then due to the recession needed to claim Jobseekers allowance benefit in 2010 for 5 months then successfully found employment in September 2010 having no problems with his Habitual Residency test whatsoever. Peter claimed Jobseekers Allowance during his five months out of work.

I became quite ill in March 2011 and during this month my husband Peter had been working on contracts of three months and his last contract of 'employment' ended in March 2011. It was at this time that Peter needed to claim benefits and was wrongly advised by our local jobcenter to claim carers allowance for a couple of weeks until I became fitter.

Peter was advised to top the amount of Jobseekers allowance up with Income Support. Being ill myself I was unable to advise Peter and to my horror realised that Peter had a payment from carers allowance of 55 pounds per week for both of us to live on and pay our bills with in our rental property.

Peter was then told that he had failed his Habitual Residency test and also that he had no right to reside in the UK, even though Peter had been paying all of his national insurance stamps and taxes, making the UK Peter's competent state.

By the time I felt better I spoke to the jobcentre department numerously asking for Peter to claim Jobseekers allowance. This took the jobcentre until July 2011 by which point Peter was clearly very frail and thin. Peter was then sent a letter which our MP had kindly helped with in writing to the department of work and pensions who eventually awarded Peter a compensatory payment of 75.00 pounds for their error.

Peter was asked to attend appointments yet after his Jobseekers allowance was finally sorted out his body and the stress of the entire situation meant that Peter was quite ill and unfit for work, yet was told that he was not entitled to any other benefits except Jobseekers allowance, since he would fail the Habitual Residency test.

At this point I went with Peter to meetings during the summer of 2011 at Jobcentre plus, Peter was weighing 61kg and is 6ft 3 inches tall. Peter looked like a person who had been released from a prison of war camp and he was unable to walk far due to frailty and breathlessness.

Peter then developed stomach problems due to not eating regularly and very small amounts for such long periods of time and having no money for food. I then took Peter to my general practitioner who made an appointment for Peter to attend hospital on the 5th and 9th September 2011. On the appointment of the 9th September 2011 Peter was rushed into hospital as an emergency.

After explaining the entire situation to his doctor at hospital I was immediately given a letter which is quite dire and has hit our family quite hard. I do know that the legal system is a cold system, yet where does one draw the line on torture and inhumane treatment or even right to life?

Peter's hospital doctor wrote a letter for jobcentre plus stating that Peter is clearly

unfit for work, also that he has very likely been unfit for work since April, which is the date when he was unable to afford food.

Last week I posted this doctor's letter to jobcentre plus where we live in Haverhill, Suffolk, UK. I have also written to jobcentre plus mentioning case law of Swaddling. On the 19 September 2011 my mother spoke to jobcentre plus and was told that the department has stated clearly that Peter is entitled to no benefits unless he is fit for work and that the Netherlands is Peter's competent state, even though Peter has been paying his taxes and National Insurance in the UK. It is clear in EU law that the last state a person pays their NI stamps and taxes in clearly their Competent state.

To our horror I received a further letter today 20th September 2011 - please bear in mind that the Department of work and Pensions had been given the doctors letter last week which I posted through their letter box- the letter I received states that Peter now need's to attend an appointment on 17 October 2011, which may last up to an hour to discuss what work Peter can do- while Peter has widespread lumps in all of his organs and is in hospital in agony. Peter is trying to stay alive and now weighs 58kg. Our family are awaiting his biopsy results on 22 September 2011 where we will be given news of the results.

I have written to my local MP as has my mother, yet the UK seem unable to budge on their UK regulations. The Department of work and Pensions seem to state that Peter has paid 30 weeks of tax, which is entirely wrong since he has worked for some 2.5 years and had a chartered accountant who dealt with his taxes since 2008 which he paid and then his further employment of approximately 10 months working for the housing association was clearly more than 30 weeks of tax. The Departments decision is based on the fact that Peter did not pay 50 weeks of national insurance/tax in 2008 for that current year. We moved back to the UK in August 2008, where after that time Peter worked since 1 September 2008 until February 2010, then commenced employment in September 2010.

I am hoping that you may be able to advise my family who are desperately upset about this discrimination of Peter. Peter himself keeps saying that this is 'so unfair' - when he has worked so very hard. Peter has worked hours that most individuals would never begin to consider and to be told he has not worked in the UK is very upsetting for him.

My mother has been told that we need to take Peters case to the Secretary of State which as you can understand is not an easy task by any means.

We simply wish for Peter to be seen as a citizen of any state and also treated as a human being. I have attached a picture of Peter in the state he was in before he was taken into hospital.

I myself am disabled and just starting my second year studying LLB law, I wish to be a Human Rights lawyer. I cannot believe that this is happening to my husband in the UK.

Yours faithfully

Laurel and Peter Duut