

# Father wins time in fight to keep kids

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**A** SOUTH African expatriate who is desperate to prevent the deportation of his children from the UK has won a reprieve just five days before his son and daughter were to be returned to South Africa.

Justin Tutt, 29, of Burnley, Lancashire, wants British immigration officials to allow his children Seth, 8, and Leigh, 5, to stay with him in the UK on humanitarian grounds.

His case has put the spotlight on foster care in South Africa: Tutt claimed social workers had told him that the prospects for his children if they were returned to the country would be bleak.

The former Gordon's Bay restaurant manager was given a glimmer of hope when the UK Border Agency said he could apply for the children to be granted indefinite leave to remain. The agency confirmed in an e-mail to the Sunday Times on Friday that the "safety and welfare of children is of paramount importance".

The relieved father said: "This is a huge step away from the agency's plans to have them deported on March 1 when their holiday visas expire.

"I will do everything in my power to stop them from being sent back to South Africa. Why must they end up in foster care when they have a father who loves them and wants to bring them up?" he said.

Tutt, who has a British passport, was born and raised in South Africa but moved to the UK five years ago after his marriage crumbled.

His estranged wife, Deidre, who suffered from depression, committed suicide eight months ago in Pretoria.

The children were then sent to live with their maternal grandparents in Kimberley until Tutt was able to arrange visas for them.

"There was never any other option than that they had to come and stay with me. Imagine my shock when I found out that

## Says they face bleak future in SA foster care if deported from UK



NOT GIVING UP: Justin Tutt with Leigh and Seth outside their home in Burnley, Lancashire  
Picture: RON LAMB/CAVENDISH PICTURE

my British passport does not qualify them automatic entry into the country," he said.

"Last year, tougher immigration laws kicked in which state

that people living here must earn at least R303 400 plus R32 507 per child per year before their dependants can enter the country."

Tutt, a barman, earns R1 624 a week.

"For six months the children stayed with their grandparents in a retirement complex... This could not continue as they are old, 70 and 75, and social workers were called in. I was horrified to learn they would be put into foster care and it would take me years and lots of money for lawyers to get them back," he said, adding that there was also the possibility they might be separated.

The barman said he had left South Africa because of poor employment prospects, crime and the high cost of living.

Seth and Leigh live with their father and his fiancée, Claire Miles, 29, the couple's seven-month-old son, Jake, and Claire's daughter, Kaitlyn, 7.

A solicitor is also helping Tutt to apply for a settlement visa that would allow the two children to stay in Britain for five years, after which they would be able to apply for British citizenship.

"I don't want to slate my home country. But the facts are that unemployment is huge, crime is bad and the cost of living is sky-high. I cannot go back even if I wanted to.

"School fees are ridiculously expensive and medical aid is unaffordable."

Paula Proudlock, of the Children's Institute at the University of Cape Town, said social workers and the courts in South Africa were swamped by applications for foster care.

"The complex foster-care system was designed for 50 000 children, but at the end of April 2012 there were 544 000 children getting the foster-child grant and hundreds of thousands in various stages of application," Proudlock said.

"The majority of orphans wait up to four years before they get their grants.

"Abused and protected children are getting inadequate protection services because the social workers and courts have such high foster-care caseloads."

Proudlock said the crisis had been caused by HIV/Aids.