

To Deputy Rob Ward, Chair, Jersey Education and Home Affairs Scrutiny Panel

St. Helier
Jersey, Channel Islands
JE2 3JW

R.Ward2@gov.je

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STATEMENT FROM LEAH MCGRATH GOODMAN
RE: TREATMENT BY JERSEY AUTHORITIES DURING
RESEARCH INTO JERSEY / UK CHILD ABUSE AND HAUT DE LA GARENNE
2009 TO PRESENT DAY

Leah McGrath Goodman

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lmcgrathgoodman@gmail.com

Some years ago, I made the objective observation that anyone who attempts to conduct a proper investigation into child abuse on the island of Jersey soon finds themselves targeted by Jersey's authorities. It doesn't seem to matter if you are the island's chief of police, or one of its most popular politicians. From police officers Graham Power and Lenny Harper, to former Health Minister and Senator Stuart Syvret, to politicians such as Trevor and Shona Pitman and countless others, the basic facts show that investigating child abuse in Jersey will unfailingly lead to one, or several, of the following: being fired or suspended from your job, or both; being smeared by the local media, often repeatedly; being subjected to abusive police searches, detainments and interrogations; being imprisoned, bankrupted, physically threatened, or any variation of those; being driven from the island or the UK, or both; and otherwise being treated in such a way as to suggest that investigating child abuse is tantamount to committing a crime, rather than child abuse itself being seen as the crime.

It should also be noted that Jersey is a \$2 trillion tax shelter with un-elected leaders who have repeatedly (and publicly) stated that the reputation of the island comes first. They have further stated that the application of the law in Jersey must meet the test of being in the "best interests" of the island. In practice, this seems to generally put the island's financial and political interests above justice for the individual. With the understanding that "best interests" is an enormously vague term, subject to broad interpretation, one must question who is interpreting it, and if it should be an un-elected leader rather than, perhaps, the island's democratically elected leaders who answer directly to the people of Jersey.

Jersey's current setup is a unique approach, and one that is vastly different than what is practiced in the majority of Western democracies. At the same time, the lack of apprehension of child abusers on the island of Jersey doesn't just invite questions about the quality of its democracy and system of governance, it inarguably threatens its financial sector. To put it simply, hedge fund managers, global banks, high-net-worth individuals and large investment firms don't want to do business with places seen as complicit in crimes like child abuse. For this reason, it is in the best interests of the island to address this issue, rather than prevent journalists from investigating it.

I have been traveling to the island of Jersey since I was in my early 30s. I fell in love with its beauty and its people long before I knew anything about Haut de la Garenne (HDLG), or the island's issues of child abuse. When I lived in London, I would often come to Jersey for extended weekends to see friends and spend some quiet time on the beach. I learned to dive in Bouley Bay. I am an investigative journalist, writing books, as well as articles for a wide range of publications, including *Newsweek*, *The Wall Street Journal*, *Fortune*, *The Guardian*, *The Financial Times* and others. But I did not initially come to the island in my professional capacity as a journalist.

I was writing my first book at home, in New York, when I witnessed, from a distance, Jersey's devastating child abuse scandal. Day after day for weeks, I watched the senior investigating officer, Lenny Harper, give interviews outside the children's home. I read through the accounts of the survivors and victims, which would eventually number nearly 200. Meanwhile, the number of reported paedophiles committing offenses on the island of Jersey would eventually exceed 150. By the end of Operation Rectangle, people from around the world would tell their stories of being abused on the island. Yet the prosecutions by Jersey authorities following the investigation would be fractional. Not one person in a position of power, even in cases of well-corroborated accusations, would be convicted of a crime or imprisoned. Haut de la Garenne, the children's home where so many reported crimes had been committed, has now been reopened as a youth hostel. It continues to serve as lodgings for young children. It's as though the island's authorities have forgotten that, just several years ago, the police were digging up children's remains there. It is one thing to try and preserve a historic building for future use. But to continue to encourage children to stay there and use it as a sleeping quarters is beyond the pale.

During the HDLG probe, government officials repeatedly stated that they fully intended to run a thorough investigation and bring the perpetrators to justice. It wasn't long before it became apparent, however, to anyone reading the newspapers that Harper and his boss, the island's chief of police, Graham Power, were under pressure to shut down the investigation. Some even believed they were wrong to have begun a dig under Haut de la Garenne, even after the excavation yielded children's remains. Long after they left the island, one could still open a copy of the *Jersey Evening Post* to see smears written about them, although both men had since retired and returned to the mainland years ago.

Members of Jersey's parliament found themselves afoul the law for simply speaking out about child abuse and other crimes against vulnerable people on the island. Stuart Syvret was repeatedly imprisoned and fined by the Jersey courts to the extent that he no longer felt comfortable giving evidence, including to the Jersey Care Inquiry, unless he was assigned a legal representative. In a healthy democracy, one should be able to comfortably speak the truth without fear of repercussions. In Jersey, even child abuse survivors who have spoken out have been imprisoned. When activists and bloggers on the island refuse to be gagged, they have had their lives threatened. This should not be the case.

To this day, when I conduct interviews on the island, almost no one feels safe speaking in public. The chilling effect is palpable. Too many people have been singled out, attacked, their lives hobbled and

sometimes destroyed. Most of these people have given up on believing there can ever be real justice or change, as reflected in Jersey's abysmal voting rates. As someone who cares very much about the island and its people, I believe that cultural, structural and meaningful change is possible. But it will have to be through a democratic change of processes, where those making key decisions on the island are also directly accountable to the people of Jersey.

One more thing I would just like to mention, if I may: A number of people, including journalists, who have researched or witnessed Jersey's deficits of democracy and miscarriages of justice, have had strokes or other fatal events, some at relatively young ages. I do not think this is because of the lack of strain that is put on them in trying to address these extremely difficult issues. I do believe a great deal of that stress is exacerbated by the constant attacks they find themselves subjected to by Jersey's authorities (please see first paragraph above). It needs to be said that these situations are ruining people's lives. Many of the people I've interviewed would simply like to see more accountability, more of a focus on access to justice for the average individual on the island. Many who have played an active role in addressing child-abuse issues in Jersey are currently suffering from depression, mood disorders and post-traumatic stress. I mention this only to make clear that the human toll is so much higher than even the very unfortunate numbers we already see. Many who have genuinely tried to help Jersey's abuse survivors – cops, politicians, activists, social workers, journalists and others – in my opinion, now comprise a separate class of witness/survivor, subject to secondary forms of trauma.

It is in honor of the countless abuse survivors and these others – many of whom won't speak out, not because they don't want to, but because they are fearful of more institutionally driven abuse, or just too plain exhausted from speaking out and being ignored – that I submit this.

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During the course of my research as a journalist into Jersey and its child-abuse issues – specifically the events surrounding Haut de la Garenne – I have been subjected to systemic and institutional interference from Jersey authorities, Jersey Immigration, and the Jersey Home Affairs Department spanning nearly a decade. The goal of these interferences, it would appear, is twofold: One, to block me from conducting research on the island. Two, to conduct regular intelligence-gathering by subjecting me to professional and physical examinations that others conducting research on the island are not. In the era of mobile phones and emails, it seems extremely odd that anyone would even bother to attempt to impede a journalist's travels, but extreme measures have been taken for so long that it seems advisable to offer, at the very least, a basic timeline of what has happened, for the public record.

These events run from 2009 – well before the Jersey Care Inquiry began – to the years after the Inquiry concluded its initial report and left the island.

The below timeline is not a short read, so I just want to summarize it here: To me, this is a simple story of a journalist traveling to an island to conduct research into decades of child abuse and what, as a result, happened to her. I submit this truthfully to show how bizarre, exhausting and threatening the behavior of Jersey's authorities can be, and how this environment inevitably lends itself to suboptimal results when they need not.

I also want to point out that while the particulars of my story may be unique, the pattern of systemic and institutional interference by Jersey authorities toward anyone investigating child abuse on the island is not unique. At this point, I think one would be hard-pressed to find an instance of a thorough investigation into child abuse on the island that did not encounter such systemic and institutional

interference. In fact, after decades of this behavior, I think one can safely say that this pattern is far too consistent to be a coincidence and has likely crossed the line into proof.

As the Scrutiny panel undertakes its work into assessing whether Jersey has made improvements in accordance with the Inquiry's recommendations of "wider cultural and structural changes" regarding "The Jersey Way" – a catchall term that, for many, references the island's core issues of what appears to be highly coordinated, government-sponsored, institutional corruption – I have been asked to make a public submission. I am doing so in hopes that this will help, not hinder, the progress of the panel and the broader conversation under way on the island about the state of its democracy and evolving attitude toward enacting a separation of powers, which would create independent checks and balances. I am also doing so knowing that by participating in this process of speaking freely, I could find myself subjected to more institutional retaliation. I hope the Scrutiny panel, whose work I understand will be ongoing, will consider what happens to those who do submit testimony, as some may experience retaliation for speaking out. And I hope it also remembers that, in my case, it is much easier for an American to submit testimony than it is for someone who must live, work and make a life in Jersey.

While time constraints require that I streamline the information below, I submit this to the best of my knowledge and in accordance with the documented evidence. In addition, I submit this with the assurance from the panel that it will be received under the protections of parliamentary privilege and any other protections it may muster, with the understanding that only with these safeguards will it be made public. For this, I am most appreciative.

While this timeline does not encompass the totality of my experiences with the "Jersey Way," it is the best I could do under the current deadline. For brevity's sake, I thought I would simply highlight one strain of what happens when a journalist seeks to investigate a topic on the island of Jersey that some might not want examined. Please let me know if you have any questions; I would be happy to try to answer them, if I can.

TIMELINE:

2009-2010 – I began investigating Haut de la Garenne. I traveled to the island of Jersey regularly on a Business Visitor's visa (which is what most non-UK journalists use), and only stayed for short periods of time, well within the limits of the visa.

Summer 2011 – About a year and a half into my research, my trips to the UK and Jersey were becoming frequent enough (and expensive enough, with all the hotel bills) to justify my retaining a flat for overnight stays and an office for the mounting paperwork. Jersey has strict rules about outsiders leasing property, so I rang up Jersey's Customs and Immigration and spoke with ██████████ to make an appointment to get myself and my lodgings approved.

21 July 2011 – I voluntarily attended a meeting with the Jersey Immigration authorities, at my request, to make sure my non-qual accommodations passed muster. I was told they did. My lodgings were specified for non-domiciled visitors only and I was informed that I was following the rules correctly. The first officer I met with, ██████████ told me not to worry and that as long as I did not intend to live in

Jersey or take a job there – and my trips did not exceed the six-month time limit for the Business visa – I could proceed with my research as a journalist. When he asked what I was researching, I was completely honest and said I was investigating Haut de la Garenne. He quickly excused himself and, after a short time, returned with a second man, who did not give his name, but was clearly his superior. The two men proceeded to shout at me. I was told that I needed to get a long-term “Writer’s visa” to conduct my work on the island. I asked if they had just changed their minds due to the subject of my research. The two men would not answer the question and immediately asked me to leave, escorting me out.

July-August 2011 – I went home to the U.S. and did not return to the UK until early September. Once at home in New York, I took the liberty of contacting the British Consulate to ask about the “Writer’s visa” that Jersey Immigration had talked about. I’d never heard of it. The Consulate informed me that an ordinary Business Visitor’s visa would suffice for my short-term research trips to the UK and Jersey, so long as I was going for six months or less. This advice coincided with what ██████████ had originally told me before I had disclosed that I was researching Haut de la Garenne, so I was inclined to think this was correct. Just to be sure, though, I called Jersey Immigration from New York to let them know what the Consulate had said – that the Consulate had affirmed a Business Visitor’s visa was fine and that a “Writer’s visa,” in fact, was no longer in existence anywhere in the UK. (According to the British Consulate, it had been discontinued years ago. I soon learned from my UK immigration lawyer this was true.) When I asked Jersey Immigration if the British Consulate’s advice sounded correct, I was told they had no objection and “nothing further to add.”

Sept 10-11, 2011 - In early September, I was traveling through the UK on my way to a bank conference in Salzburg, Austria. On the way, I had meetings in London, Jersey and Munich. I took the redeye flight from New York to Heathrow Airport on Sept 10-11, 2011 – the flights had been booked and paid for by the bank that had asked me to speak (I still have all this documentation). I did not expect a problem, as I had done my due diligence with both the British Consulate and Jersey Immigration. I had been traveling to the UK and Jersey for years as a journalist without incident, and had a 100% clean travel record. But as soon as I arrived at Heathrow Airport and was identified at the border check, my passport was taken away and I was detained. I was sent to a waiting area where I was told I would need to answer a few questions. But no one asked me any questions. Instead, a border officer took me to the baggage carousel to get my luggage and then proceeded to impound it. At no time did I receive any explanation why. He took my purse, wallet, bank cards, keys, phone and all the remaining items I had on me, as well as all forms of identification. He brought me to an empty room beneath the airport, a windowless basement and closed the door. When the door closed, it automatically locked. I was never told I was being locked up or taken into custody. I was simply handed a small slip of paper that said: “You have been detained under paragraph 16 of Schedule 2 to the 1971 Act or arrested under paragraph 17 of Schedule 2 of that Act.” I did not know what this meant.

In the basement of Heathrow, another official took me to a new room and began photographing and fingerprinting me. When I asked why, he said, “It’s procedure.” He would not say what procedure it was for. Was I being arrested? No one would say. I asked the personnel guarding me if I could call my solicitor or my consulate. I was told no. They said I had “no rights,” because Heathrow had not yet admitted me into the UK. In other words, I was not in any country, legally. I later learned that the Heathrow border is effectively a black site, and even wrote about it for *Newsweek*: <https://www.newsweek.com/2015/01/16/edward-snowdens-helpers-296988.html> It certainly makes you think about things differently.

For several hours, I waited for any information. The border guards repeatedly told me they needed more time to go through my papers and luggage before deciding what questions they wanted to ask me. After a long time passing and still no questions, it seemed clear that physically searching me and my things was the first priority of my detainment. I asked that they give me legal representation or allow me to return to the U.S. This was denied. I was informed they could keep me for as long as they wanted and, should I prolong the process in any way, they might have to transport me to a separate, longer-term facility, off-site. The disclosure seemed to be presented as a threat. At this point, I wanted to call my family and partner, but this was also denied. None of the officers would provide their full names. CCTV cameras were everywhere, but none of them took any audio recordings, according to the UK Border Agency. In all, I came into contact with at least a dozen or so different officers and agents.

I was locked up from 0645 GMT to 1900 GMT, over 12 hours without food or sleep. My basement room had no food or beds. I was ultimately denied entry into the UK and sent back to the U.S. (deported). They marched me to a plane, pulled my credit card out of my wallet and handed it over to the airline agent for me to be charged. There was a sort of process of signing me over to the custody of the airline that ensured I was not at any point allowed freedom of movement.

The two officers who interrogated me in the basement, which happened only very late in the day, asked me very personal questions about my life, my partner, where I was staying in Jersey and where I lived in New York, who I was talking to on the island, and many questions about my professional contacts and work, etc. I was not open to discussing anything, so I was treated with great hostility. The officers found my partner's number in my phone and called him twice to try to get him to contradict me. Since they were unable to find anything of use in my luggage or paperwork, nor any evidence I had done anything wrong or broken any rules, harassing my partner appeared to be their main focus. My partner had nothing to do with my work, so had little to tell them. Throughout our conversations they repeatedly accused me of having a future intention to break rules. Considering my clean travel record, I asked them, on what grounds were they making these statements? They said they did not need evidence because they could deport me on accusations.

There are many details of my detainment that were highly unusual: They kept me locked up for more than 12 hours – the legal limit. (Today, the UK Border Agency cannot keep a suspected terrorist detained for that long.) I was denied legal and consular representation, as well as contact with my partner, family members and the outside world. The UK border agents also kept telling me that the detainment was taking so long because it was a weekend and no one from Jersey Immigration, which had flagged me up for detainment, could be reached. They did not hide the fact the detainment was being done at the behest of Jersey (which Jersey later attempted to deny). The notes from the UK Border agency from my detainment, which I still have, corroborate this.

When I was deported, the UK border agents told me that, if I wanted to come back and conduct research, I must file for a long-term visa. They also told me they could have banned me from the entire UK Common Travel Area (which includes Jersey), but had decided not to. From all of our conversations, it was plain they knew nothing of my research into Haut de la Garenne, nothing of my backstory, and were simply taking instructions from Jersey. This surprised me, as I had assumed Jersey would, in most matters, be subservient to the UK. But this was not what I observed from the basement of Heathrow.

September 2011 – I began the process of applying for a long-term visa, at the instruction of Jersey Immigration and the UK Border Agency (UKBA). This same month, the U.S. State Department was alerted to my treatment at the border and received a full report. It informed me that it would be making

queries with the UKBA, as the manner of my detainment at the border consisted of what it considered to be “police-like powers,” which would trigger my rights under the European Convention on Human Rights. In addition, MP John Hemming (Birmingham Yardley) sent a letter to the UKBA, asking for an explanation as to why I was detained, fingerprinted, searched, interrogated and held against my will while investigating Haut de la Garenne, when this had never happened to any journalist doing research on the island before.

1 October 2011 – I filed a Subject Access Request (SAR) with the UK Border Agency for all files on my detainment held in 2011, including the CCTV footage of my detainment, to which I was entitled under the UK’s Data Protection Act. I received a letter of acknowledgement 6 October 2011, requesting I wait at least 40 days before checking on the progress of my request.

19 October 2011 – A letter from then-UK Minister for Immigration Damian Green was sent to MP Hemming stating that a senior officer at the UKBA had reviewed the UKBA’s decision to detain me and that this officer, who he did not name, had determined the detainment had been triggered by Jersey Immigration flagging me up. Minister Green further wrote, “The UK Border Agency apologises if Ms. Goodman feels that she has been treated unfairly,” adding that the detainment was “correct and proportionate.”

November 2011 – After filing numerous direct complaints with the UKBA about my treatment at the border, and receiving emails stating the UKBA considered its behavior “routine,” I filed a lengthy appeal, asking for an independent review of the matter that did not consist of the UKBA merely reviewing itself. In addition, the 40 days had passed since my first Subject Access Request (SAR), and I had not heard back yet from the UK Border Agency, so I sent a letter asking what I needed to do to in order to obtain the documents from my detainment and the CCTV recordings of my 12-hour lock-up. I did not receive a reply.

December 2011 – I received a large packet of documents from the UK Border Agency (UKBA) in response to my initial SAR, much of it blacked out. The package did not include the CCTV footage of my detainment, however, which I had requested now a few times, nor any acknowledgement of my requests for this footage. The documents did show that after my meeting with Jersey Immigration in July 2011, they did, indeed, flag me up to be detained whenever I next crossed the border. The documents also showed the unfolding narrative of my detainment, in the words of the border agents, which is far too long to detail here, indicating, once again, that the officers were *taking direction from Jersey*. The packet also contained the official “removal” order that the UKBA used to deport me, which noted “directions to remove a person or persons” under an “international arrangement” with the Channel Islands. The name of the signing officer was blacked out. An email also included with the SAR documents showed one of the UKBA interrogating officers telling his superior, “Yes, she was held against her will.” According to the U.S. State Department, this constitutes a use of “police-like powers,” and is a violation of my human rights.

3 January 2012 – After paying several thousand dollars for a long-term visa at the insistence of the UKBA and Jersey Immigration, and all going smoothly, I received a letter from the UKBA stating that my

application was denied. In terms of assigning me points for my visa, the UKBA awarded me zero points in every category, including categories that were fact-based (such as proof of address, or bank balance, etc). This letter also informed me that I was now being slapped with a two-year travel ban from entering the UK Common Travel Area, which included Jersey. The UKBA did not explain why this decision was suddenly being taken five months after my detainment at Heathrow, when the border agents informed me they would not be banning me. I found it confusing that, upon taking the advice of the UK and Jersey authorities to apply for this long-term, Tier-1 visa, the response was to deny it and take the extra measure to ban me. It seemed as though I was not only being punished for voluntarily meeting with Jersey authorities back in July, which I was happy to do, but for applying for the long-term visa as instructed. My UK legal team contended that the UKBA did not follow the proper procedures for the visa, had denied me due process and, in their opinion, acted with bald malice. I appealed the decisions on all counts, including requesting an administrative review (AR). I did this through a team of UK lawyers trained in such matters, as I had done with my latest, long-term visa application. In the coming days, I would discover that my long-term visa application had, in fact, been denied months ago, in November 2011. For some reason, the UKBA did not see fit to tell me until the New Year.

9 January 2012 – At this point, I had exhausted most of my immediate options for appeal and independent review with the UKBA, which, in its correspondences, attempted to couch the issue as a simple complaint about my removal at the border, instead of one about the legality of my detainment and being held against my will. Further, the UKBA stood by its process of “investigating” itself and finding nothing amiss. Even after additional inquiries by UK MPs, Jersey lawmakers, UK ministers, the UK Parliamentary Ombudsman and the U.S. State Department about whether I was wrongfully imprisoned and my human rights violated, the UKBA finally stated that the matter was not addressable within its system. I appealed to the Independent Police Complaints Commission, but the IPCC claimed the case was not subject to its jurisdiction, because I was not technically “arrested,” which would have automatically conferred upon me certain rights – including the right to legal representation at the border and an IPCC review. When I checked the IPCC’s web site, however, it stated that its remit covered not just arrests, but also “inhuman or degrading treatment or punishment” under the European Commission on Human Rights. I asked the caseworker (whose name I still have) why this was not enough to trigger a review. He said, “We would not have considered Articles 2 or 3 to have been engaged in relation to this matter. And in addition to this, police-like powers were not exercised.” His contention was that only an arrest, not locking me up for 12 hours, would constitute “police-like powers,” despite the fact my treatment was a de facto arrest. I wrote to him that, as far as I knew, “I was not ‘arrested,’ which means the UKBA did not have the authority to hold me against my will. Yet despite my requests to fly home, it went ahead and held me in lock-up for over 12 hours. And because I was not arrested, it is the IPCC’s position that it cannot conduct a review. Is it the IPCC’s position that this line of logic is sound?”

Note: The reason why the IPCC’s review function of the UKBA’s behavior is important is because, to the best of my understanding, without it, one must appeal by way of judicial review, which I was advised against. The judicial review, in addition to wasting time and resources that could be better spent elsewhere, would have unnecessarily distracted from my main focus: Interviewing the survivors of child abuse in Jersey and the circumstances surrounding Haut de la Garenne.

That said, I would like the Scrutiny panel to take special note that forcing individuals into institutional, legal, administrative and financial battles when they investigate, question or speak out on difficult topics, is the greatest arrow in the quiver of the “Jersey Way.” Imprisoning, bankrupting, threatening or

firing a person from their job is a very effective way to neutralize them. Please look again at the list of things that have happened to people on the island (read: people we can name) in the first paragraph of this testimony.

This is how survivors, witnesses, politicians, cops, social workers, lawyers, activists and journalists have been continually attacked and ultimately silenced in Jersey when it comes to addressing issues of child abuse – and many other issues. It's not easy for people to help others when they are fighting for themselves. It is frequently because of the kind of red tape and government interference that I am documenting here – almost always imposed through a Byzantine web of legal and regulatory frameworks – that many well-intentioned people give up.

20 January 2012 – At this point, I filed a Subject Access Request (SAR) with Jersey Immigration for all of its files on my detention, and any files on me from June 2011, the month before I met with Jersey Immigration, to the present day, to which I was entitled under Article 7 of the Data Protection (Jersey Law) 2005. I received a letter back from Jersey, dated 7 February, 2012, denying my request for information about my detention, visa denial and banning, although I did receive some very sparse, tightly edited information about my initial meeting with ██████████ in July 2011. The letter was signed by then-██████████. He gave two reasons, via the Jersey Home Affairs Department, for legally exempting Jersey Immigration from complying with my request for information related to my detention, citing “Section 29 of the Law”:

- 1) “the purposes of the prevention, detection or investigation of a crime and
- 2) “the apprehension or prosecution of persons who have committed an offence”

To this day, Jersey Immigration and Jersey Home Affairs have not explained to me what “crime” or “offence” it might be talking about here in relation to my files. Am I to in all seriousness believe that taking short research trips to the island to investigate child abuse should be considered a crime? This is not a rhetorical question.

26 January-10 February, 2012 – At this time, I sent for my few belongings that remained in Jersey. Obviously, I could not do this in person, as I had just been banned, so, at my instruction, I had UPS send a half-dozen boxes containing some books and wardrobe items from Jersey back to the U.S., via expedited shipping, scheduled to arrive in Vermont in 2-5 business days. The same day the boxes were mailed out, they were intercepted by the Jersey authorities, according to the tracking information I received. A number of these packages, rather than being sent to the U.S., were diverted to Germany. No explanation. Then all the boxes were flagged for inspection and re-routed far from the assigned destination, to a special Customs facility in the U.S., for repeat examination. U.S. Customs cleared the packages many times over for nearly two weeks before releasing them. The boxes did not arrive at my home in Vermont until the second week of February 2012. They were scheduled to arrive in January. When I contacted UPS to ask what was going on, it sent me a cryptic note stating, “Your shipment was flagged for inspection. Customs will not tell UPS why.” Upon receiving the boxes, I found a document left by Customs inside one of them stating, “a contaminant was found in this shipment.” The document did not state what this contaminant was, simply describing it as “Contaminant - other.”

Also noteworthy was UPS's behavior when it delivered the boxes. When the deliverer came, it was raining outside. He did not knock at the door (I was home). He dumped the boxes, which were in tatters,

on the ground in front of my house, and drove off. Each box had been cut up several times with an Exacto knife or, in some cases, ripped open with bare hands. Attempts had been made to retape the boxes, but they had been handled so much, they had broken down beyond repair. I retained evidence of all of this. I have used UPS for years traveling to different parts of the world without incident. Until this moment, I had been willing to believe that the UK Border situation was perhaps all just a terrible misunderstanding. Once I saw the physical condition of these boxes, however, the tracking showing them diverted to various places, including another country, and the fact the boxes were intercepted while still in Jersey, I no longer believed that.

27 January 2012 - I filed a third Subject Access Request (SAR) with the UK Border Agency, which so far had ignored my requests for copies of my CCTV footage at Heathrow Airport. As I had also been denied a long-term visa since seeking my first SAR, I requested any new information that the UKBA might have about the handling of my visa application and travel ban from September 2011 to the present day. The UKBA responded in a letter, stating, "We are unable to process your request, as a previous subject access request relating to the above-name subject was completed on 14 November 2011." At this point, I had the blacked-out paperwork they had sent me in December, but still no CCTV footage.

January 2012 – June 2012 – Three times during this period I requested administrative reviews for my visa and travel ban, to which I was also entitled. This is an appeals process for those who apply for a UK visa and are denied. During this time, I would send letters to the UK authorities by registered mail, so I could confirm the date of arrival to either the British Consulate in New York, or the other UK agencies with which I had to correspond. I did this religiously, because many times the UK authorities would say they had not received a letter, or had mislaid it. A few times, I was told a letter had been received, but not opened fast enough, therefore had missed the deadline – another way of denying due process. In one case, a lack of response was blamed on the letter-carrier moving too slowly. This was constant, across many of the UK agencies and commissions, to the point of being predictable. One of the more egregious occasions of this sort of behavior was when my administrative review (AR), was denied by the British Consulate. I sent the letter for review within the 28 days requested, so postmarked, but they claimed to have not received it until *one* day after the deadline. This claim was achieved by counting the days to the deadline through a very creative, non-mathematical process. In a written exchange, the Consulate acknowledged having made repeated "administrative errors" to me, but would not conduct the AR to which I was entitled. It should be noted, the Consulate had the power to do so, regardless of when it received my AR request, but simply chose not to.

Note: It is my belief that had I not voluntarily disclosed to Jersey Immigration in July 2011 that I was investigating Jersey's child abuse issues and Haut de la Garenne, I would not have been detained at all, nor denied entry, nor deported, nor banned from the UK five months after the fact. An AR was important, because it would have determined whether any of this behavior was proportionate or just. The person who commandeered turning down my AR in 2012 was [REDACTED], head of the [REDACTED] [REDACTED]. We had spoken before, so I traveled to New York to see him about this. When I arrived at the Consulate, he stated I needed to make an appointment. When I asked when, he claimed he would not take appointments.

16 March 2012 – MP John Hemming sent a letter on my behalf, challenging my two-year travel ban, as I filed one of my requests for an administrative review to examine the reasons for my ban. Following Hemming's appeal, I received a letter from the British Consulate in New York that abruptly reduced my two-year UK/Jersey travel ban from two years to one year. The Consulate called this "a revised notice of refusal." The letter also stated the British Consulate had decided on a "re-refusal" of my application for a long-term visa. (I was later told that my two-year travel ban was overturned, because "it was found to be improper.")

2 April 2012 – Immigration Minister Damian Green sent a letter to MP John Hemming, who was now pushing for the release of my CCTV footage, as I still had not received it, despite repeated requests. Minister Green wrote that I had not received the footage of my detainment, per my request, because the UKBA's CCTV recordings are "only retained for 60 days and then are over-written as they are re-used." He also stated, "I am satisfied, however, that the circumstances surrounding Ms. Goodman's detention have been fully investigated, as set out in my letter to you of 19 October 2011." The Minister also said that, in the AR of my two-year travel ban, "paragraph 320(7B) of the Immigration Rules may have been incorrectly applied and the automatic refusal period has been reduced to one year." He added that, "it is not possible to review the case further, and I can find no reason to change the decision." Additional inquiries with the Minister indicated my CCTV footage had been destroyed. This was disappointing, as I had requested the footage immediately after my detainment, before it would have been erased.

13 April 2012 – I sent another request for an administrative review of my "re-refusal" of my long-term visa application, to which I was entitled. I nonetheless received a written refusal on 26 April 2012 from the British Consulate. By now, I was fairly certain that any appeal I might make would not be treated with care, and that the UKBA's appeals process was not effective, but I still filed all the paperwork and engaged in all the appeals processes available to me, short of taking the UK and Jersey to court.

29 May 2012 – A letter from Immigration Minister Damian Green suddenly informed MP John Hemming that my CCTV footage did exist. Minister Green stated, "I can now confirm, following additional verification, a copy of the footage was made and retained. I am sorry this specific check was not made previously." The Minister requested I file another SAR, again, if I wanted this footage.

June 2012 – Around this time, *The Guardian's* journalists began working on a series about the Channel Islands and contacted me to talk about my detainment and banning from the UK and Jersey while investigating child abuse and Haut de la Garenne. For the first time, I received a call from Jersey Immigration's ██████████ and his boss, ██████████. After months of hostility from Jersey and the UK, I was informed they had no objection to my returning to the island. This followed *The Guardian's* contacting them. ██████████ told me they had now decided to do whatever they could to guide me through the process of returning under a long-term visa. I asked them why Jersey had declined to provide the documents I had requested under my SAR regarding my detainment on the grounds that I was being investigated for a possible 'crime' or 'offence.' They said this was all in the past. I asked if I was welcome to come to the island, then why did they flag me up for detainment? They denied to me that Jersey had done this. I asked, then why had the UKBA's own border agents stated repeatedly that

Jersey had flagged me up for detainment in their SAR response? ██████████ did not have an answer to this. Instead, they said, 'We will make inquiries' and 'Leave it to us.' These are direct quotes, but I never received any answers.

In the meantime, Jersey Immigration had told *The Guardian* that I had never filed any complaints or protested my treatment at the UK border. In response, I showed *The Guardian* a small fraction of my 10 months of paperwork.

September 2012 – This was the month my one-year UK travel ban finally expired, but my visa status had not been restored. At this time, it was still the requirement of the UK and Jersey that, in order for me to do research on the island, I had to have a long-term visa, not a Business Visitor visa. I began the process of applying, but because Jersey Immigration wanted to stick to its original story that I needed a "Writer's visa" and the UK Border Agency insisted that no such visa existed, there was no clear path to how I was going to get this visa. As I waited for them to decide, MP Hemming tried to push a decision forward from the UK. Meanwhile, in Jersey, the Deputy for St. Helier, Trevor Pitman, launched a public online petition appealing for my visa status to be restored, so I could investigate Haut de la Garenne and child-abuse issues on the island. *The BBC, The Guardian, The Huffington Post*, and others all wrote stories about this, which resulted in Deputy Pitman's petition receiving thousands of signatures from all over the world in less than a week. Here is the petition, which includes links to some of those news stories:

<https://www.change.org/p/john-vine-uk-independent-chief-inspector-of-borders-and-immigration-restore-the-visa-of-banned-journalist-leah-mcgrath-goodman-freejersey>

In addition, Deputy Trevor Pitman met with Jersey Immigration to try to get to the bottom of why I had been detained, deported and banned from entering Jersey, as well as the rest of the UK Common Travel Area. As part of my submission here to the Scrutiny panel, Mr. Pitman has kindly provided a statement describing the aggressive tactics used to get him to go along with my banning, and his discovery that I was being surveilled while on the island, according to Jersey Immigration's files. This, according to Mr. Pitman, included a classified police report detailing what methods were used to surveil me – a report Jersey Immigration would not let him see. For more on this in his own words, please scroll all the way down to the bottom of this submission for his full statement.* This statement is not edited by me in any way except to boldface key sections (italics are not mine), and I submit it to the Scrutiny panel with Mr. Pitman's permission and with the understanding that the same protections of parliamentary privilege extended to me by the panel will be extended to him. Thank you. (Please note that, not long ago, Mr. Pitman himself served as a Scrutiny chair in Jersey.)

December 2012 – With the assistance of many people at this point, I applied for the long-term visa Jersey Immigration, via the UK Border Agency, required. Because there wasn't visa application in existence for a "Writer's visa," Jersey asked me to use an application for people with UK Ancestry (which didn't apply to me). I was very perplexed, but proceeded with this process anyway and hoped for the best. Each of these visa applications are very expensive and take time. By now, I had spent upward of GBP20,000 on this process of trying to please the Jersey authorities. Even with so many people working on this, the visa application was still delayed. Eventually, at the prompting of MP Hemming, the UK Chair of the Procedure Committee, MP Charles Walker, had to personally chase my visa down to find out what was going on. UK Home Office records showed the application was received 12 December 2012. The reason given for the wait was because, according to MP Walker, "the Home Office was making additional enquiries into Ms. Goodman's application." I received no further detail on the nature of those

inquiries, other than hearing how, at the final moment, the visa was held up by the British Consulate in New York. MP Hemming put a parliamentary question in to Immigration Minister Mark Harper about the delay and, presto, my visa arrived a few days later. Jersey Immigration, at this point, had kept its promise to marshal the process and I was even contacted from the island on a Sunday night to make sure all was in order. This taught me that when Jersey decides to be cooperative, obstacles can be overcome.

January 24, 2013 – I received my long-term “Writer’s visa” in the mail and the news was publicly announced in a PR Newswire press release. A bit of it is here:

UNITED KINGDOM LIFTS TRAVEL BAN ON AMERICAN JOURNALIST

Follows Success of Online Petition and Motion from Member of Parliament

NEW YORK, Jan. 24, 2013/PRNewswire/ – In the wake of the child-abuse scandal surrounding BBC presenter Jimmy Savile, the United Kingdom lifted its 500-day travel ban on American journalist Leah McGrath Goodman and restored her visa this past week, allowing her to complete an investigation into allegations of systemic child abuse in the UK and its territories.

As reported by The Guardian and the BBC, Goodman was banned after being detained and questioned by UK authorities in September 2011 about her research into allegations of horrific crimes against children at the orphanage Haut de la Garenne on the island of Jersey, a leading offshore tax shelter controlled by the British Crown.

Amid fresh allegations about Savile’s predatory activities on the island of Jersey, Member of Parliament for Birmingham Yardley John Hemming filed a parliamentary motion in September 2012 protesting Goodman’s ban. “I am pleased that Leah now has her visa,” says Hemming. “They should not have banned her in the first place. She wished to investigate the story relating to Jimmy Savile and Haut de la Garenne before it became public. Clearly, her ban was part of the cover-up which should be investigated itself.”

Trevor Pitman, a member of Jersey’s Parliament, initiated a petition in defense of Goodman in September on Change.org, signed by thousands. “I’m pleased our campaign has been successful,” says Pitman. “Leah’s ban was politically motivated and symptomatic of a justice system that has been hijacked.”

Haut de la Garenne made international headlines in 2008, when Jersey police launched an investigation into nearly 200 complaints of alleged abuse, torture and murder at the children’s

home. The investigation was abruptly halted in 2009 after the island's Health Minister and Chief of Police were removed from their jobs under pressure to end the probe.

July 2013 – I flew back to Jersey for the first time since my UK/Jersey banning with my new, long-term visa. The visa did say “Writer” on it, which signaled to me that Jersey was somehow able to persuade the UK to create this “Writer’s visa” just for me. When I arrived at the border (Heathrow) the agents treated the visa as a real curiosity, passing it around to each other and saying they had never seen anything like it. I told them there was quite a fight over it, but hopefully this was over. Privately, I made some inquiries to find out if any other person possessed such a visa. I could find no one else who had one at that time. It appeared to be unique in the world. When I returned to London, I visited Parliament, and MP Hemming filed the below Early Day Motion:

Early Day Motion tabled by John Hemming MP.

- **Session:** 2013-14
- **Date tabled:** 02.07.2013
- **Primary sponsor:** [Hemming, John](#)
- That this House welcomes the arrival in the UK of US journalist Leah McGrath Goodman, the only journalist known to have been banned from the UK at any time during the last 10 years; notes that she was banned by the UK Border Agency (UKBA) in 2011 when she indicated an intention to research matters relating to Haut de la Garenne in Jersey; further notes that this was prior to the revelation of James Savile's visits to Haut de la Garenne; further notes that there are allegations children have disappeared from Jersey; further notes that the details of the original process resulting in her ban in 2011 and a full explanation of the delays in her being provided with a visa in 2013 have still not been revealed; calls on the UKBA to provide the missing CCTV records of the events in 2011 and full details of the communications relating to her being banned and the inquiries which delayed the provision of her visa in 2013; further calls on the Jersey government to co-operate with Ms Goodman in her investigations into the disappearance of these children; and further calls for the Government to stop being complacent about the disappearance of children from care in recent years and for the Government to recognise that an independent audit is required not only for financial arrangements but also for the outcomes for children.

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As part of my July 2013 trip, I flew to Jersey with a number of other journalists who had asked to accompany me to conduct interviews with the survivors and a number of witnesses to the events surrounding the dig at Haut de la Garenne. At least one of them has since died quite young. Many of these people are living with pain none of us can imagine. It is the only time in my life as a journalist where I might hold someone's hand while I am talking to them. Many of them have given up on justice or having their voices heard. Because the system has failed them so badly, many of them no longer trust the authorities, nor believe that speaking up will make a difference. As a journalist, I consider giving voice to the voiceless one of the most important parts of my job, especially where justice has been delayed or denied.

3 July 2013 – While my CCTV footage had now been confirmed found, my latest SAR asking for copies of the recordings, at the direction of the UK Immigration Minister, were denied. I was also told not to ask for my CCTV footage again. At this point, MP John Hemming decided to send a letter to ██████████ of the UK Home Office, referencing a letter dated 29 May 2012 from ██████████, the Director General of the Border Force that, in Hemming’s words, “disclosed that CCTV footage of the detention is still on file and a copy could be obtained by way of a further Subject Access Request. Ms. Goodman has made that request, which was denied, and she has been told that any further Subject Access Requests will be denied. It is of great concern that the UKBA feels it is able to not comply with the Data Protection Act, a law passed by Parliament which, as a public body, it has a duty and requirement to comply with. It is of greater concern that the UKBA is aware that it holds this video evidence and seeks to suppress its disclosure, and it is deeply troubling that actions of its officers, which were denied in an investigation, could be proven to have occurred had this evidence been turned over. I am asking you to intervene in this process and demand that the UKBA comply with the Data Protection Act and provide the video evidence it has confirmed it holds to Ms. Goodman. A further delay would be pernicious.”

1 August 2013 – Having still not received the CCTV footage from the UKBA, I sent a letter once more to the Data Protection Unit: “It has been two years of my making humble requests for this information, starting with the month of my detainment. How many requests must be made? Please comply with my SAR request for my full CCTV footage as soon as possible.” At the same time, MP Hemming launched an online petition directed at UK Immigration Minister Mark Harper (who replaced UK Immigration Minister Damian Green) to provide the footage without any further delay:
<https://www.change.org/p/uk-minister-mark-harper-mark-j-harper-release-video-of-12-hour-detention-of-journalist-leah-mcgrath-goodman>

30 August 2013 – As abusive UK detainments and the bullying of journalists around the world began to get more attention in the news, via *The Guardian* and other media outlets, I wrote about my own detainment at Heathrow for *The Huffington Post*: https://www.huffpost.com/entry/david-miranda-uk-detention_b_3844480. I was later asked to write a number of other articles on the subject and give several talks, including at a TEDx event.

5 September 2013 – Received a letter from the UK Home Office’s Data Protection Unit about my CCTV recordings, saying, “The footage has been located, and will be sent to you as soon as it has been processed in accordance with the Data Protection Act.”

20 September 2013 – MP Hemming received a separate letter from a different person at the UK Home Office, stating that the CCTV “footage needs further processing to ensure that the data held on the discs that will be sent to Ms. Goodman comply with the Data Protection Act, so it may be several weeks before we can send this to Ms. Goodman.”

20 December 2013 – I received a second letter from the person who wrote to me on 5 September from the UK Home Office’s Data Protection Unit, again confirming my CCTV footage had been located and

stating, "I would advice [sic] that the discs of this footage are available to send you, but before sending I would appreciate you [sic] confirmation that this is the correct address to send the discs." According to this person, who I spoke with on the phone, there were "about 21 hours of footage" to review from multiple camera angles. None of those angles included my interrogations in the interrogation room and none included any voice recordings.

17 March 2014 – I finally received the CCTV footage. I had waited now for two and a half years from my original request. I reviewed the footage; some parts were missing and key sections where my accounts differed dramatically from the border agents' were missing from the film.

June 2014 – I was detained again at the UK Border (Heathrow). This time, for less than two hours and the border agent acted professionally. I was not given a reason for my detainment, and was very concerned how this could still be happening when I now had a long-term entry-clearance visa intended to prevent such situations. MP Hemming put in an inquiry. I was not deported.

July 2014 – The Jersey Care Inquiry, led by UK Judge Frances Mary Oldham, launched on the island to look into the abuse of hundreds of children in Jersey from 1945 to the present day. Many people abused on the island did not fall under the Inquiry's narrow terms of reference.

September 2014 – The UK Border Agency responded to MP Hemming's detainment inquiry, saying that "new notes" placed on my file had prompted my detainment in June 2014. No one was able to explain what these new notes were, or what they said. I was told by the border agent who detained me, however, that every border agent in the UK would be compelled to detain me if these notes were not removed from my file. Further inquiries via my representatives in the UK showed that after a complaint was made, these notes were removed and I was not detained again.

15 December 2014 – I traveled from the U.S. to Jersey to renew my long-term Writer's visa, and was able to do so easily through Jim Griffiths and the Jersey Immigration team. I walked in and left my passport with them and they took my payment, which was around GBP1,000. I returned later in the day to pick it up with the renewal stamp in it. The renewal, which happened just months after the Inquiry arrived on the island, took place without delay or incident.

3 July 2017 – The Jersey Care Inquiry presented its report on decades of abuse of children in Jersey, and how the island's government had turned a deaf ear. The Inquiry stated it believed children on the island were still at risk and offered recommendations, including addressing the "Jersey Way." During the Inquiry's years-long investigation on the island, it confronted a number of efforts undertaken by powerful leaders inside Jersey's government to derail it. This included a push by some members of Jersey's parliament to defund it, and by others within Jersey's government to discredit it. In 2016, Jersey's Data Protection Commissioner released a 446-page report accusing the Inquiry of "systemic

breaches in personal privacy” and mishandling of information. The Inquiry stated that the Data Protection Commissioner’s report had “many inaccuracies.”

December 2017 – After the Jersey Care Inquiry concluded its report in summer 2017, my long-term “Writer’s visa” was coming due again in Jersey and I needed to renew it. I reached out, once again, to [REDACTED], at Jersey Immigration, to follow the same process I had when I renewed it before in 2014. But that smooth process would no longer be available to me, now that the Inquiry had left the island. Some of our exchanges:

Renewing my Writer visa -- inquiry; thanks

From: Leah McGrath Goodman
Sent: 07 December 2017 15:41
To: Immigration - Jersey <Immigration@gov.je>
Subject: Renewing my Writer visa -- inquiry; thanks

Leah McGrath Goodman

Thu,
Dec 7,
2017

to immigration, me

Hi [REDACTED],

I'll be coming to the island shortly to renew my Writer visa. and wanted to check on whether there is anything in particular you might need me to bring -- other than the visa itself?

The lady I spoke over there with asked for a copy of my visa, but I am afraid I do not have a secure way of sending this by email.

Of course, I will bring the visa when I come to the island.

Thanks very much and please advise me on how you'd like to proceed. Want to ensure all is in order for you.

Many thanks -- and happy holidays!

Leah

--

Immigration - Jersey <Immigration@gov.je>

Dec 8, 2017, 4:29
AM

to me

Official

Good morning Ms Goodman,

Thank you for your e-mail regarding an extension to your writer's visa.

Application to extend your visa must be made in person at our office at Maritime House. You will need to submit a completed application form along with the fee of £993 (see links below). The application form details the documentary evidence you will need to provide in support of your application.

[Application fees](#)

[Application form](#)

In order to process the application you will also need to demonstrate that there is still a requirement for you to have such a visa— evidence that you are continuing to conduct research in Jersey for your book.

I have also attached the relevant section of the Jersey Immigration Rules.

Once you are back in Jersey you will need to contact our office by telephone to book an appointment.

Kind regards,

Jersey Customs & Immigration Service

Immigration Casework & Nationality
Maritime House | St Helier | Jersey | JE1 1JD

01534 448000 | immigration@gov.je

Confidential Freephone (24 hrs) 0800 735 5555

Drug Smuggling / Illegal Immigration / Duty Evasion

Leah McGrath Goodman

Dec 8, 2017, 9:45
AM

to Immigration

Thank you for sending along this information. Will have a look.

Do I understand it correctly that I cannot book an appointment with Jersey Immigration before I arrive? I am happy to do so.

Many thanks again — have a good weekend.

Leah

--

From: Leah McGrath Goodman

Sent: 11 December 2017 08:42

To: Immigration - Jersey <Immigration@gov.je>

Subject: Re: Renewing my Writer visa — follow-up query

Had not heard back yet from you, but had one additional question.

You asked for me to include in my application evidence that I am continuing research in Jersey for my book (below).

As my research in Jersey is a matter of public record, may I ask what evidence would be acceptable to you?

Many thanks,

Leah

—

In order to process the application you will also need to demonstrate that there is still a requirement for you to have such a visa – evidence that you are continuing to conduct research in Jersey for your book.

—
From: Immigration - Jersey <Immigration@gov.je>
Date: Mon, Dec 11, 2017 at 11:38 AM
Subject: RE: Renewing my Writer visa — follow-up query [Official]
To: Imcgrathgoodman@gmail.com <Imcgrathgoodman@gmail.com>

Official

Good morning Ms Goodman,

You will need to evidence time spent in Jersey since 2014 (stamps in passport, rental agreements in Jersey, hotel receipts in Jersey etc); that you continue to research and write your book (meetings in Jersey, contracts with publishers, deadlines, draft manuscript, etc); that there is a need for you to be in Jersey to conduct your research; and any other evidence you feel might be relevant that will assist us in determining whether you still qualify for a writers visa. You will also need to meet the requirements set out in the Jersey Immigration Rules - Para 232 (ii)-(v), 235 & 236 (attached to a previous e-mail).

I have attached a copy of the application form for Leave to Remain. In addition to completing the application form please provide in writing an explanation as to why you should be granted an extension to your visa. If granted the fee for further Leave to Remain is £993.

Please note that an appointment has been booked for you on Wednesday 13th December 2017 at 0900 hours.

Kind regards

Jersey Customs & Immigration Service
Immigration Casework & Nationality
Maritime House | St Helier | Jersey | JE1 1JD
01534 448000 | immigration@gov.je

Confidential Freephone (24 hrs) 0800 735 5555
Drug Smuggling / Illegal Immigration / Duty Evasion

NOTE TO SCRUTINY: As can be imagined, I had no problem offering passport stamps, or other basic information showing my trips to Jersey, including my flights to the island and written explanations supporting the renewal of my visa. However, I had no intention of sharing my book research or any information about who specifically was involved in the project, as this would be inappropriate and journalistically unethical. The very idea that a professional journalist would ever share source meetings (many of which would require extreme privacy and discretion, particularly in cases of child abuse),

publishing deadlines, or turn over a draft manuscript of a book that had yet to be published in order to simply renew her entry-clearance visa is not only unorthodox and unheard-of, but thoroughly undemocratic. Freedom of the press does not include government agencies examining your notes and meetings, looking through your private documents, or inspecting your publishing contracts and manuscripts. These requests were not only well outside the standard application forms for Jersey and Jersey Immigration rules, they were outside the boundary of accepted practices inside Western democracies. Renewing a visa should not involve undermining the independence of journalists who collect facts, conduct interviews and encourage people to speak their truth, without having to fear being subjected to government surveillance and/or interference. Jersey Immigration's visa guidance, which was emailed to me several times (and I am happy to share), showed no legal or regulatory grounds for asking me to reveal the identity of those involved in the project, or for requesting a copy of my book manuscript.

Perhaps more importantly, I had been through the process of renewing my long-term visa in Jersey before, without any of these things being asked of me. In the past, Jersey insisted I needed this Writer's visa – no other visa would do, according to Jersey's authorities (and as evidenced in detail above). Yet at no time did Jersey ask for "proofs" of what it was asking for now. It seemed to me that with the Inquiry no longer on-island, Jersey Immigration was changing its rules, outside of its own published guidelines, to make things difficult. The requests Jersey Immigration was making now were dramatically different – much more intrusive – than any of the requests made while the Inquiry was still conducting its work on the island. This is something I would like the Scrutiny panel to note, as you consider whether the island has taken steps to change the "Jersey Way."

Although I was aware that Jersey would be on its best behavior while the Inquiry was on-island, I was still surprised and more than a little disappointed that [REDACTED] and Jersey Immigration would want to go down this road again.

To get some outside perspective, I spoke with a couple of people that day, based in the UK, both of which are familiar with the laws of Jersey, to hear what they had to say. I am omitting their names at their request, but here is part of these exchanges:

Note to Source 1 in UK re concerns about Jersey Immigration's visa requests:

Fwd: Time-sensitive: Renewing my Writer visa -- inquiry; thanks

Leah McGrath Goodman

Happy holidays !

I am in UK at present and about to fly to Jersey tomorrow to renew my visa this week.

I have asked Jersey Immigration if I need anything special to renew my Jersey visa — the last time, it was just a quick meeting, pretty straightforward — but this time, they sent the below (for full note, scroll down). This part really stumped me:

“In order to process the application you will also need to demonstrate that there is still a requirement for you to have such a visa – evidence that you are continuing to conduct research in Jersey for your book.”

Since my work on the book is a matter of public record, and clearly I haven't published it yet and continue to ferry back and forth every few months to do interviews, what might this be about? I am loath to provide them w/any specific info to protect the IDs of those I am working with...I really cannot begin to guess what further evidence they want, given the body of work I've already put out there.

You have always given good advice, so thought I would ask you. I have to say, since Jersey insisted I get this visa in a years-long effort, it is really quite the trick that it would now ask me to “demonstrate” why I need it. As you recall, it was Jersey that said this was The Only Way.

(I am on-island early next week to do this visa renew, so I am really hoping this goes smoothly — getting over here this time was not easy, but this is important now that Inquiry's finally wrapped.)

Thank for any suggestions...!

Best to the family.

Leah

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Response from Source 1:

Morning Leah. Merry (early) Christmas!

My initial thought is that they are not acting in good faith here, but perhaps that is me being over cynical.

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Note to Source 2 in UK re concerns:

Leah McGrath Goodman

Dec
11,
2017

In Jersey now — and went over to Immigration first thing this AM. They have agreed to meet to handle the visa Wed morning (they say they are too busy to meet any sooner and the appointment is necessary, I cannot just fill out the application and drop it off). They also would not make the appointment last week when I called and emailed. Apparently, I can only make an appointment with my feet on-island.

I did ask what evidence would be acceptable to show my research in Jersey is ongoing. Reply is below. Does it not strike you as perhaps asking for far more than is necessary to show that 1) I am a working writer and 2) doing research in Jersey?

It is completely mystifying to me why I would need to provide evidence for what is established fact. Who on earth would be contesting that I am doing research in Jersey? I have been reporting on it regularly for *Newsweek*.

L

Response from Source 2:

Sat, Dec 9, 2017

I would not trust them not to use this opportunity for intelligence-gathering purposes...You could turn it around and ask directly what kind of evidence would meet their needs. You could also tell them what you have told me, that it is a matter of public record that a book is planned, that substantial material has already been gathered and that publication has not yet taken place.

My response, same day:

Leah McGrath Goodman

I cannot imagine every writer coming to Jersey to study the war history, or the island's ecology goes through these constant examinations.

The guidance for documents they sent also appears to include, among other things, my offering up my original birth certificate and the deed to my house!

I will be in touch on the next steps. Please send traveling mercies.

LMG

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Second UK source responds again:

Dec 10, 2017, 7:30 AM

I do not know much about visas, but the important thing to keep in mind is that this is quite possibly an intelligence-gathering exercise on their part.

You are having some interesting experiences. Remember that you are one of the good guys so keep your head up, look them in the eye and do not get intimidated. If in difficulty, do not be afraid to challenge by asking them to give the law/regulation they are acting on. "Do you have legal powers to do this and under what law?"

SUMMARY:

This is exactly what I did. After flying to Jersey, I went to Jersey Immigration at Maritime House first thing on a Monday morning – this was December 11, 2017 – to meet with [REDACTED] and [REDACTED] but they would not discuss my questions in person or schedule an appointment for that day.

There was no one in the waiting room at any of the times I went down there (and I went down many times), but they told me they were very busy and would only respond to my questions by email. When I asked for an appointment to renew my visa – which was expiring in 4 days – they said they didn't have any time to meet that day, or the next.

This was a completely different experience than my renewal process in 2014. I was on-island. I had done everything they'd asked, but I still couldn't have a simple conversation or get a visa renewal. I walked down the street, and waited in a hotel room. When I sent an update to my UK sources of what was going on, one of them said they believed this constituted "oppressive conduct."

Each time I wrote to Jersey Immigration over the next few days, there was a longer-than-usual wait time for a response – usually 5-6 hours – suggestive that my emails were being run up a flagpole. Jersey Immigration then asked me to come in on Wednesday with all of the documents they had requested. I sent more questions about different visa options (options that were less intrusive). Here's what Jersey Immigration said:

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RE: Checking on appropriate visa(s) — thanks [Official]

Inbox

Immigration - Jersey <Immigration@gov.je>

Mon,
Dec
11,
2017

to me

Official

Good afternoon Ms Goodman,

We can discuss when you come into the office on Wednesday morning.

Kind regards,

Jersey Customs & Immigration Service

Immigration Casework & Nationality
Maritime House | St Helier | Jersey | JE1 1JD

01534 448000 | immigration@gov.je

Confidential Freephone (24 hrs) 0800 735 5555

Drug Smuggling / Illegal Immigration / Duty Evasion

From: Leah McGrath Goodman

Sent: 11 December 2017 16:53

To: Immigration - Jersey <Immigration@gov.je>

Subject: Re: Checking on appropriate visa(s) — update

Thank you very much for your response.

So I might understand this a little better, after contacting you last week, you explained that you could not make an appointment with me to renew my visa before I physically arrived on the island. After meeting in your offices this morning, you explained you also could not meet with me today (Monday) or tomorrow, now that I am on-island.

You may not realize this, but the appointment time you have requested for my visa renewal is the exact same time I am due to fly out of Jersey this week -- 9 AM Wednesday.

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NOTE TO SCRUTINY:

I had learned during my detainment at Heathrow in 2011 that Jersey Immigration had access to and would review my flight manifests to see when I was coming to the UK and Jersey. The fact they now wanted to meet with me at the same time I was scheduled to fly out of Jersey seemed rather unlikely to be a coincidence, and possibly another way to make a very basic visa renewal more difficult.

At this point, I knew I wouldn't be turning over my book manuscript, or information about source meetings, or other items a professional journalist would consider highly questionable/unethical to turn over, so this exchange was starting to feel unlikely to result in a visa renewal.

I asked Jersey Immigration if they would be satisfied with my doing my book research under the Business Visitor's visa – the same visa I was using in 2011 when Jersey objected to my traveling to the island to begin work on my book.

As you will recall, Jersey Immigration had always maintained the Business Visitor's visa was the 'wrong' visa,' resulting in my detainment, interrogation, deportation and banning. (Please note, I have never stayed in Jersey for longer than several weeks at a time, let alone anywhere near the six-month time limit denoted in the Business Visitor's visa guidelines.)

From: Immigration - Jersey <Immigration@gov.je>
Date: Tue, Dec 12, 2017 at 9:08 AM
Subject: RE: Checking on appropriate visa(s) — update [Official]

Official

Good morning Ms Goodman,

Thank you for the e-mail.

You can travel to and from Jersey as a general visitor or business visitor for periods of up to 6 months. Based on what you have said, this would fit better with your circumstances - *"I come to the island just a few times a year on work/holiday and always stay less than a month."*

However, you should be aware that each time you seek entry to the UK you will need to satisfy the Immigration Officer at your point of entry that you meet the requirements for the category you wish to enter under.

I have attached the relevant sections of the Jersey Immigration Rules and a link to the [UK Visitor Rules](#). Under the UK Visitor Rules, appendix 3 relates to the activities that are permitted for all visitors.

If you no longer wish to apply for the Writers Visa then we will cancel your appointment for Wednesday morning.

Kind regards,

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Leah McGrath Goodman
to Immigration

I received your attachment on the Business Visitor requirements, thank you.

As the last time there was a misunderstanding between us, it resulted in a protracted and painful situation for me at the border, would you possibly be open to leaving me with a short letter before I go, stating that you are open to my using the Business Visitor visa for holiday/work (research) purposes, as you said, provided I follow the requirements?

Many thanks — this would allow for a great deal of peace of mind and clarity.

LMG

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Leah McGrath Goodman

Dec
12,
2017

to Immigration

Did you receive this last note Ok?

If easier to mail this by post to my home address that would be fine as well. (You have this, yes?)

Just would like to make sure I have something before we cancel our appointment tomorrow morning, in case I find myself in a similar situation. This would protect us both from any future issue, which I don't think any of us want to have again.

Many thanks — please let me know if this is all right.

Happy holidays,

Leah Goodman

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Immigration - Jersey <Immigration@gov.je>

Dec
12,
2017

to me

Official

Good afternoon Ms Goodman,

Unfortunately we are unable to provide you with such a letter as your circumstances may change in the future. You have our email correspondence on this matter that should give you some reassurance for future travel.

The onus is on you to satisfy the Immigration Officer at your point of entry into the UK that you meet the requirements at that time for entry as a business visitor.

Based on the information that you have provided us over the last couple of days we are satisfied that you meet the requirements of a business visitor, therefore if we were contacted by a UK Immigration Officer we would recommend that, at this time, you are granted entry under this category.

As your research has rightly shown, travelling to the UK and Jersey as a business visitor fits your circumstances.

Kind regards,

Jersey Customs & Immigration Service

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IN CONCLUSION:

It turns out the original visa I used, the Business Visitor visa, in the words of Jersey Immigration, was fine for conducting research for my book.

It was not the “wrong visa.” This appears to mean that my 12-hour detainment, interrogation, deportation and banning in 2011 was, as many believed at the time, unnecessary and disproportionate.

The nature of my research in Jersey, which is quite public, has never changed. The length of my trips has always been well below the lowest legal limit. Yet the “requirements” for my visa, to this day, continue to keep changing.

I genuinely wish to finish the research and interviews for this book without any further interference. In addition, I think it is crucial that everyone has a chance to be interviewed, believed and allowed to comment on what happened to the children of the island and at Haut de la Garenne.

I appreciate that the Business Visitor’s visa is now a visa that Jersey Immigration will allow me to use, and I hope to be able to use it when appropriate, like any other journalist.

But at this time, I would still like to have the chance to renew my long-term Writer’s visa, if I may do so without having to turn over inappropriate materials such as source meetings or draft manuscripts of my book, a request that flies in the face of a democratic and free press. This request also could threaten the security of my sources while work is still under way in Jersey – particularly the security of those still on the island – concerns I believe are justified, based on the above events and timeline and the personal experiences of those with similar stories. By submitting this, I hope I might possibly be able to receive a fair process for receiving and renewing my “Writer’s visa,” as I did in 2012-2013 and in 2014.

I also hope that, in some small way, this submission gives the Scrutiny panel an idea of the Kafkaesque administrative, legal and regulatory complexities a person might face when undertaking an investigation into systemic child abuse on the island of Jersey.

I submit the above truthfully and to the best of my knowledge; thank you for offering it certain protections and privileges. If you have any questions, please feel free to reach out at any time.

Many thanks for reading through this. Please also see the testimony of the former Jersey Deputy for St. Helier, Trevor Pitman, below.

Very Sincerely,

Leah McGrath Goodman

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*STATEMENT REGARDING JERSEY IMMIGRATION MEETING: REF – LEAH McGRATH GOODMAN

My name is Trevor Pitman. At the time relevant to this statement I was a Deputy (MP) for the St. Helier No. 1 District in Jersey.

As will be known, related information to the above was included in my written statement to the Independent Care Inquiry; this being provided in 2015 if memory serves.

In brief, having been one of the handful of States Members who had taken up the cause of the victims of child abuse whilst in States institutions, and helped bring about the above inquiry, I took up the case of American journalist Ms McGrath Goodman when it became apparent that **she was being treated differently to the significant number of other journalists who had descended upon the Island in 2008.**

This American journalist was different in just one way I would suggest. By 2012, the world's media had largely moved on after the initial headlines to other international scandals. Ms McGrath Goodman however had stayed the course and continued to follow what has now become known as 'the Jersey Way' and its most infamous manifestation.

Suddenly **Ms McGrath Goodman was 'flagged up'** as a 'person of interest' at a UK airport through the Jersey authorities. The consequence was that her visa allowing her to work as a journalist was withdrawn and a two-year travel ban imposed. **The excuse being that she had 'the wrong visa'.** As an elected representative I was both shocked and disgusted upon learning of this. Even more so with the eventual claims from the then Home Affairs Minister that Ms McGrath Goodman had 'not told the truth' about what she was undertaking in the island.

I cannot overstress just how bad I felt this made our Island – an alleged democracy – look. Unfortunately, the so-called Jersey Establishment just did not seem to care.

Nevertheless, to cut a rather long story short as part of a campaign to get this entirely unjust ban overturned, **I began an international on-line petition highlighting the above.** Much political agitation over this consequent publicity in Jersey quickly led to a meeting between the leadership of the Jersey Immigration at Maritime House and me. I believe that there may well have been a couple of email exchanges between myself and Immigration leading up to this; but not being a States Member I have no means of accessing these should they still exist.

In perhaps a good example of how 'the Jersey Way' works by contrast I certainly remember being somewhat 'singled out' for my having taken up this journalist's case as it got ever more publicity; indeed, I seem to recall a particular speech by Sir Philip Bailhache, then External Relations Minister to this regard. It was the usual reaction of blame the messenger.

Far more importantly two things, in particular, stand out from the eventual meeting with Immigration.

Firstly, I felt this was begun with **an overly aggressive manner on the department's part; attempts being made to demand that I must 'accept' the department's position/statement** on matters (there were two officers in the room for most of the time). I obviously did not, and made this clear. Most absurd within this was the department's subsequent claim that Ms McGrath Goodman's 'flagging up' had in fact come about due to information received from 'a long

standing friend whom she had been staying with'. I highlight all of this in my written statement. There was also a claim that Ms McGrath Goodman's partner had drawn attention to her activities.

Nevertheless, having reiterated my request to see their records this was eventually granted – but only to a fashion. The most shocking fact to emerge to my mind was that it was quite clear **that the journalist was being monitored or surveilled while she was on the Island**. I am afraid that I did not feel Immigration was being entirely on-the-level with me. For while, within the file shown me I recall there was brief reference to both the above described claims, there was nothing in them detailing how these would have come about.

I pushed this observation and, in essence, was informed that such details and **the names of the officers involved were in 'a different and classified' report**. I asked to see this anyway, but **the request was refused**. I nevertheless recall that it was **ultimately acknowledged that the journalist had been monitored whilst in the Island**; and that surely I would expect the authorities to know who was in the island and what they were doing. I did not. I felt it made my Island look we had a form of Stasi operating as in the post-war East Germany.

In closing, I would simply add that due to the role I played in attempting to gain justice for the great many victims of State abuse and neglect, I have spoken with a great many journalists. As chance would have it the most recent occasion was only last week even though I no longer reside on the Island. None of those – **not a single one – have ever recounted experiences of being flagged up like some kind of criminal**; nor reported having their visa withdrawn. This last point I believe says a great deal.

Trevor Pitman

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