



16 April 2013 [TONGAN](#) | **In the matter of Mr. Patimiosi Ngungutau, former local recruit with the Tonga High Commission, London, the Ministry of Foreign Affairs and Trade wishes to advise that Mr .Ngungutau has been recruited locally by the former Tonga High Commissioner.**

Dr. Ngongo Kioa to be a member of the domestic staff of the Tonga High Commission, London. At that time Mr. Ngungutau held a United Kingdom visa to reside and be employed in the United Kingdom. Mr. Ngungutau's recruitment by the Tonga High Commission was therefore equivalent to a local recruitment of a person in the United Kingdom, and not from Tonga.

Since Mr. Ngungutau was not recruitment from Tonga and brought to the United Kingdom by the Ministry of Foreign Affairs and Trade, the Ministry of Foreign Affairs and Trade and the Tonga High Commission in London have no legal obligation to repatriate him back to Tonga. Mr. Ngungutau would have already had his own arrangements to return to Tonga from the outset.

It is also Tonga Government policy that the employment of domestic staff expires at the time the appointment of the Head of Mission who recruited such domestic staff ends. Dr. Kioa's appointment ended on 13th December 2012, and therefore Mr. .Ngungutau's employment also ceased at the same date.

Mr. Ngungutau, with assistance from the Tonga High Commission in London, attempted to seek the appropriate visa, to continue to reside and be employed in the United Kingdom. This application however was denied by the United Kingdom authorities, and his subsequent application for review was also denied.

The Ministry of Foreign Affairs and Trade is not obligated under law or policy to repatriate Mr. Ngungutau to Tonga. Any representations made to Mr. Ngungutau that the Ministry of Foreign Affairs and Trade was obligated to do is inconsistent with Tonga Government policy.

This position has already been explained both verbally and in writing directly to Mr. Ngungutau.

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