

27 JAN 2010

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The Rt Hon Liam Byrne MP
House of Commons
London
SW1A 0AA

Our Ref: GV/100/149978/DL/MS
CTS Ref: M27340/9
Your Ref: HUSS01113/01091505

25 January 2010

Dear Mr Byrne

Thank you for your letter of 15 December 2009 to Lin Homer on behalf of Mr Gus Hussain of 17 Chartist Road, Birmingham, B8 1QB, regarding the wording of the time limit for submitting an appeal following an entry clearance refusal and acceptable proof of marriage from applicants in Azad Kashmir. Your letter has been passed to me to reply and I apologise for the delay in responding to you.

An applicant's appeal rights are stated on the written notice of refusal, along with the advice that the completed appeal form must arrive no later than 28 days after the date of the refusal notice. In some instances applicants will not receive their notice of refusal on the date that it issued. The notice therefore also records the date and method that the document left the Visa Section, eg if it was handed personally to the applicant, sent by courier or returned via the Visa Application Centre (VAC). Due to these different methods it is not possible for the Visa Section to record when an applicant actually receives the document, and therefore when it was "served". The standard 28 days wording is therefore used as a guide to applicants. As the method of delivery is recorded on the refusal notice this is taken into account when the appeal is received and date stamped by the Visa Section.

The second point raised by Mr Hussain concerns acceptable proof of marriage for applicants whose marriage took place in Azad Kashmir, where The Pakistan Muslim Family Ordinance of 1961 does not apply and marriages are not registered with the Union Council.

I am able to inform you that the Visa Section now accepts Nikah Khuwanis from Azad Jammu Kashmir as different family law applies there, but that they do not accept Nikah Khuwanis from any other region of Pakistan. If an applicant from any other region submits a Nikah Khuwani they will be refused as it is not acceptable evidence of marriage.

The standard Nikah Nama form is issued under the Muslim Family Ordinance 1961, rules 8 & 10 and is acceptable evidence of marriage as long as it contains the following:

- The rule 8 & 10 of Family Ordinance 1961 should be written on the top of the form.
- Names of Bride and Groom.
- Identity cards numbers of both bride and groom (these numbers should be the same as given on the Pakistani passport(s)).
- Date of Marriage.
- Signatures of both Bride and Groom or their counsels.

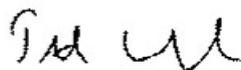
The Nikah Nama should bear a stamp of the Nikah Registrar, or sometimes a stamp of a Union Council. Nikah Namas are normally registered with the Nikah Registrar and are also stamped by the Nikah Registrar of the concerned area.

The UK Visa Section was refusing applications who had submitted Khuwani's from Azad Jammu Kashmir, prior to receiving definitive legal answer from legal advisors in Islamabad. Any application that has been solely refused on the basis of a Nikah Khuwanis from Azad Jammu Kashmir will be overturned if the applicant appeals or writes to the Visa Section. The address is:

UK Visa Section
UK Border Agency
7th Floor
Apollo House
Croydon
CR9 3RR
UK

The press office of the British High Commission in Islamabad recently released a statement to inform all concerned that the Visa Section now accepts Nikah Khuwanis from Azad Jammu Kashmir.

Yours sincerely



Jonathan Sedgwick
Deputy Chief Executive