

STOP THE FORCED SEPARATION OF BLACK
FAMILIES

BRING ANWAR'S CHILDREN
HOME



ANWAR DITTA DEFENCE COMMITTEE

SUMMARY

ANWAR DITTA

Born in Birmingham
Brought up in Rochdale
Parents separated in 1962 and
custody given to father who sent
Anwar & her sister to Pakistan to be
looked after by grandparents.
Married Shuja-ud-din in Pakistan 1968

Case History

Shuja came to England in 1974
Anwar came to England in 1975
Applied for children on 9th Sept
1976 when they could afford a house.
Family interviewed on 21st Feb. 1978
Refused entry 18th May 1979
Appealed against decision 8-6-79

Appeal heard on 28th April
and 16th May 1980 in Manchester

Appeal refused on 30th July 1980

Leave to appeal against
adjudicators decision refused
on 16th Sept. 1980

Home office declares case of
Anwar Ditta completely closed
on 30th September 1980

Whitelaw indicates willingness
to accept new evidence

ANWAR'S CHILDREN

Kamran: born 7-11-70 in Pakistan
Imran: born 21-6-72 in Pakistan
Saima: born 16-7-73 in Pakistan
Samera: born 6-4-76 in Britain

The campaign

Public meeting in Rochdale sets up
defence committee in November 1979
Anwar speaks at CARL rally in London
of 20,000 — November 1979

Petition with 3000 signatures handed
to Timothy Raison, minister responsible
for immigration at Manchester town
hall.
Demonstration in Rochdale of over 300

Demonstration in Manchester of over
500 people on 26th April 1980

Silent pickets outside and appeal room
packed with supporters on both
occasions.

Emergency meeting in Rochdale with
large attendance from local Asian
community on 10th August 1980
Demonstration in Rochdale of over 300
people on 6th Sept. 1980

Picket of Homeoffice in London on
23rd September 1980

Demonstration in Rochdale of 1000
people on 15th Nov. 1980

EVIDENCE SUBMITTED BY ANWAR TO APPEAL

Birth certificates of the three children and marriage certificate
Family photographs showing Anwar, Shuja and their children
Statements to the witnesses to the births in Pakistan
Tax-form showing allowances for four children
Mortgage application mentioning four children
Remittance receipts for money sent to Pakistan, some dated prior to the application.

ADJUDICATOR'S GROUND FOR REFUSAL (extracts)

"Although in my view the Entry Clearance Officer was justified on the evidence before him in refusing the application, the oral testimony could be sufficient to tip the balance in the appellants (Anwar's three children) favour. The object and purpose ... is to enable the adjudicator ... from his impression of the witnesses ... to judge their credibility... I could not accept that Anwar Ditta and Hamida Rafique were simple Asian village women ... Although they left the UK in mid-childhood ... be lacking in education, they had an excellent command English and were far more westernised and sophisticated in their demeanor than the average member of the immigrant community... I cannot exclude from any consideration the credibility of members of the family... It has long been accepted that if a person has lied once it does not mean that they will never tell the truth and persons should not be penalised for a previous lie by being prevented from having family re-united... The PARENTS (Anwar & Shuja) of the appellants have on their own admission on several occasions lied to, or deceived, persons in official positions both in the UK and Pakistan... In these circumstances I cannot find that the appellants have on the balance of probabilities discharged the burden of proof on them and dismiss the appeal."

ALL BRACKETS OUR OWN

COMMENTS

The so-called lies and deceits the adjudicator refers to are:

1. Anwar was married in Pakistan to Shuja ud din at the age of 14½ and the Maulvi (the person officiating the marriage) put her age as 22 because 14½ is below the legal age of marriage in Pakistan without the consent of the guardian.+1
2. Anwar and Shuja remarried in the local register office in Rochdale where they agreed that they were a batchelor and spinster, while they had already married each other in Pakistan (because they thought that their Muslim marriage in Pakistan would not be accepted in England).

notes

- +1 A girl in Pakistan can validly marry below the age of 16, if she has attained puberty, though the person officiating the marriage would be liable to punishment under the child marriage restraint act (and also the groom - unless a minor)

A Tribute to Comrade Arjan Das Kataria

Comrade Arjan Das Kataria tragically died on a demonstration in support of the campaign to bring Anwar's children home on Saturday November 15th in Rochdale. Comrade Kataria was a heroic fighter for the working class and black people in Britain and firm supporter of the struggle against neo-colonialism in India. Before he left India in 1963 comrade Kataria was a member of the Republican Party of India, a party founded by Dr. Babasaheb Ambedkar to fight for independence and the rights of the Dalit people, the so-called untouchable the most oppressed people of India's toiling masses. Comrade Kataria was a founder member of The Dalit Mukhti Alliance and a tireless fighter for human dignity and equality of all people. He was an active member of the Indian Workers' Association, a shop steward in the AUEW of Harold Quilley and the Black Ink founders and a brave fighter against racism. Comrade Kataria was 57 years of age and leaves behind a widow and children. His funeral was held on Friday 20th November 1980 at West Bromwich Crematorium, Newton Rd., West Bromwich, and attended by anti-racists all over the country. We salute this valiant fighter for Human dignity who devoted his life to the fight against the criminality of the system we live in. We extend our most heartfelt condolences to his family, comrades in the IWA (GB) and those who worked with him.

The defence campaign is supported by:

Asian Youth Movement - Bradford	Indian Workers' Association(GB)
Asian Youth Movement-Manchester	Bangladeshi Workers' Association
Asian Youth Organisation-Dewsbury and Batley	Kashmiri Workers' Association
Asian Youth Movement-Nottingham	Pakistani Workers' Association
Asian Youth League-Leicester	AWAZ
Southall Black Sisters	OWAAD
	Friends of Nasira Begum
Haywood & Royton Labour Party	Rochdale Labour Party
Rochdale trades council	Runcorn & Widnes Trades Council
National Executive committee of CPSA	NUPE(M/Cr housing branch)
TGWU 6/143 and 6/207(General Workers branch)	ASTMS(M/Cr)
J.Barnett-MP	
Tony Benn MP, Michael Foot-MP, Eric Heffer-MP, G.Kaufman-MP, Silkin-MP	
Barbara Castle-Euro MP, Joan Lester MP, Mrs.Jayaben Dasai(Grunwicks)	
Alan Fisher(NUPE), Pat Phoenix(actress) Dr.Hamza Alavi(Academic)	
and many others	
Manchester Communist Party of GB	Anti Nazi league-Lanchashire
Socialist Workers' Party-Lanchashire	Big Flame(M/Cr)
Sheffield Campaign Against Racist Laws	Working People against Racism
Hind Mazdoor Lehr-Bradford	Rochdale Women's Group
IMG-M/Cr	ANL-Leicester
Rochdale Young Liberals	Scotland branch Labour party

The defence campaign has been supported by various student unions, anti-racist meetings and conferences aswell as various woman's groups and conferences.

The defence committee can be contacted at 127 Crawford St., Rochdale

1. The adjudicator failed to give proper consideration to the fact that Shuja Ud Din in Pakistan and the consequent cohabitation, and concentrated on the fact that Anwar's age was given incorrectly. A girl in Pakistan can legally marry below the age of 16, if she has attained puberty, though the person of full age and the groom if he was over 18 would be liable for punishment under the child marriage restraint act. This particular act is not in strict accordance with the Islamic Shari'ah, the Shari'ah never occupied it fully and people do not feel any moral obligation to abide by the child marriage act because a girl marrying below the age of 16 does not break any known ethical codes. This particular act of not even insisting the girl to have sex is not even a requirement because even under this act the girl is not to have sex until she is married. In marriage the only safeguard provided is that such a marriage can be repudiated by the girl or her father after attaining majority. Anwar did not have an arranged marriage and she was 14 years of age when she got married. Why is it so difficult to understand the reasons for giving her age not by Anwar herself, as 20 when she was only 14? If the adjudicator would concentrate on the fact that Anwar was married to Shuja in Pakistan he would have found it easier to accept the three children as Anwar's.

2. The adjudicator completely failed to recognise the fact that due to the frequent changes in the law it is perfectly understandable that Anwar believed that her Muslim marriage in Pakistan would not be accepted here and decided to go through the formality of a marriage in a registry office. What relation does Anwar's command of English or sophistication has with the complications of law?

The Adjudicator's Ground for refusal

(Extracts from determination delivered at hearing 30-7-80)

Appellants..... Kamran Shuja
Imran Shuja
Saima Shuja

Determination and reasons

"This is the appeal of Kamran Shuja, Imran Shuja and Saima Shuja, stated to be aged 9, 7, and 6 respectively, of Pakistan against the refusal to grant them entry clearance to join for settlement the joint sponsors Shuja Ud Din and Anwar Sultana Ditta of Rochdale as their stated parents... In their evidence the sponsors did not dispute... At the time of marriage she was 14½ and because this was below the legal age of marriage, her age was falsely given as 22 (actually 20, shows what attention the adjudicator paid to evidence submitted-ADDC) ... three children was born to them in Pakistan. The husband dissatisfied with the amount he could earn in Pakistan, left to seek work in Denmark but was unable ... Germany and France. He travelled to the United Kingdom as a transit passenger, overstayed and eventually was given leave to remain permanently. His wife wished to return to the United Kingdom which she considered to be her home having been born here... On arrival in the United Kingdom she and her husband were told that the Pakistan marriage was not recognised in the United Kingdom so they married again in the local register office ... They said that they told the registrar that they were a bachelor and spinster and made no mention of the Pakistan marriage because they had been told it would not be recognised in the United Kingdom... The sponsor's sister, in her evidence, told basically of the same sequence of events. The impression given by her was adversely affected by her scarcely concealed hostility to not only the proceedings in general, but also to the sponsor's representative... The object and purpose of oral hearing is to enable the adjudicator to have the benefit of hearing evidence given personally and from his impression of the witnesses and their demeanour to judge credibility... I have in particular, to consider the credibility of the sponsor, her husband and her sister... I could not accept that Anwar Ditta... simple village woman ... Although they left the United Kingdom in mid-childhood after being born here and may in consequence, be lacking in education, they had an excellent command of English and were far more westernised and sophisticated in their demeanour than the average member of the immigrant community...

It has long been accepted and rightly so that if a person has lied once it does not mean that they will never tell the truth, and persons should not be penalised for a previous lie by being prevented from having their family reunited... The PARENTS of the appellants have on their own admission on several occasions lied to, or deceived, persons in official positions both in the United Kingdom and Pakistan. How can they therefore expect me to give any weight to their credibility?... In consequence of their own admitted lies and deceptions... I am unable to accept the credibility of the principal witnesses. A large quantity of documentary evidence was produced... There were the usual legal birth and marriage certificates, I saw none of the family letters. Some of the remittance receipts were dated prior to the appellants' application and those... which pointed unequivocally to the relationship but were too few in number... In those circumstances I cannot find that the appellants have, on the balance of probabilities discharged the burden of proof upon them and dismiss the appeal."

A Reply to Sana Parichayal Mawana Rajani by The Adjudicator

The home office originally refused the children's application on the grounds that the secretary of state was not satisfied that Kamran, Imran, and Saima were related to Anwar Sultana Ditta and Shuja Ud Din as claimed. The adjudicator in his determination refers to Anwar and Shuja as the parents of the appellants and cynically adds 'It has long been accepted that if a person has lied once it does not mean that they will never tell the truth and persons should not be penalised for a previous lie by having their family reunited. The so-called lies and deceptions the adjudicator referred to are:

1. Anwar was 14½ when she married Shuja in Pakistan and her age was recorded as 22 (actually 20).
2. Anwar and Shuja married in Rochdale at the registry where they agreed they were a bachelor and a spinster when they were already married to each other, because they were told by a friend that their Muslim marriage in Pakistan would not be accepted here.
3. Shuja was an over-stayer (his stay was regularly renewed long before the appeal and he always had the legal right to be in Britain).

The only issue relevant to the case is whether the three children (the appellants) are Anwar's and that should not be determined by the adjudicator's subjective view about the credibility of the principal witnesses, or his opinion about the sophistication of the average member of the immigrant community. If the object and purpose of a hearing is to judge credibility as the adjudicator mentions, of the principal witnesses then it is indeed



Inland Revenue

HM Inspector of Taxes Rochdale 1

Newgate House Rochdale OL16 1XB

Telephone Rochdale 47311 ext

District Inspector N.C. Cumber R Gordon

Manchester Law Centre
595 Stockport Road
LONGSIGHT
Manchester
M12

Your reference

My reference 602/2432/JH

Date 1 January 1980

Dear Madam

MR SHUJA ul DIN

Further to your letter of 3.1.80.

Following investigations, we have accepted Mr Din's claim to child allowance in respect of Kamran Shuja, Imran Shuja and Saima Shuja.

Yours faithfully

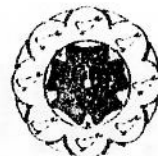
Mrs J A Turner

Rochdale Area Health Authority

Chairman: A.R. Copping

THE INFIRMARY, WHITEHALL STREET,
ROCHDALE OL12 0NB

Telephone: Rochdale (01706) 40952



Your Ref

Our Ref

Please ask for

GFWR/PO:
102535.

9th January, 1980

Dear Mr. Cohen,

Anwar Ditta, 18 Tweedale Street, Rochdale.

Thank you for your enquiry about the above named patient. I apologise for the delay in replying, but I felt that before doing so I should have the advice of the Medical Legal Department at the North Western Regional Health Authority. This I have now obtained.

I enclose a copy of my letter to her general practitioner

in February, 1977. In this I have stated that she is para 4, which means that she has had four pregnancies

Yours sincerely,

G.F.W. HOTSACK. F.R.C.O.G.
Consultant Gynaecologist.

Mr. S. Cohen,
The Manchester Law Centre,
595 Stockport Road,
Longsight,
Manchester M 12.



Anwar's Evidence

Anwar has the photographs of herself in Pakistan with her children, and with relatives who have never been in this country. Witnesses include: Hameeda her sister, who was present at the birth of her first child, Kamran. She has an identity card issued in Pakistan bearing her thumb print. Her medical record in this country shows that she suffered from asthma as a child and required frequent medical attention, but there was a gap of thirteen years before she reregistered with a Doctor in this country. Her father declared an Affidavit that he sent Anwar to Pakistan at the age of 9 with her sister Hameeda.

Anwar Sultana Ditta did not have three children in Pakistan

"There is a similarity in ages and even names between the children of Jamila and the three applicants"

The Immigration officer here implies that the applicants are the children of Anwar's sister-in-law.



Jamila's 6 children and
Anwar's three children
photographed together

WHAT THE HOME OFFICE SAYS!

The home office has refused the children's applications on the grounds that the secretary of state "was not satisfied that Kamran, Iqbal and Salma were related to Anwar Sultana Ditta and Shuja Ud Din as claimed".

It is not clear what the Home office thinks really did happen, and, in any case the Home office doesn't have to offer a consistent story to support the refusal. The onus of proof is entirely on Anwar and her family.

Two suggestions are made indirectly in the Home office statement as to what their officials appear to have believed about the case. Anwar has a great deal of evidence to show that these suggestions are false:

I Anwar Sultana Ditta never went to Pakistan

First of all the entry clearance officer says:



"I pointed out that no clear evidence of Anwar Sultana Ditta ever having been in Pakistan had been produced"

Later on in the statement he says:

"It appeared that there might be two Anwar Sultana Dittas, i.e. one who married Shuja Ud Din in Pakistan in 1958 and the other whom Shuja Ud Din married in the United Kingdom in 1975"

No positive supporting argument is offered for this extraordinary suggestion!

It is just the home office who are saying that and without investigating. When a person commits a crime, for example murder, they only need one or two witnesses to convict him.

I have got more than ten or twenty witnesses who can prove they are my children, but the home office doesn't bother to ask them. There's my sister who lives in Nelson who was present at the birth of my children but nobody bothered to ask her. The home office can investigate in Canada, Denmark, and in London, Stoke-on-Trent, Nelson, Manchester, Bradford and Rochdale. They can investigate in Pakistan and Kuwait. They can ask about the photographs, they can ask people who know us. It is really ridiculous. They could investigate. Why don't they investigate? Because they don't care for Black people. It is really unfair. They have no feeling for human beings.

Why should we pay a bill of £383 for phone calls for other peoples children. That money was out of my husband's pocket.

He works seven days a week. He has to send money home - That's £50 or £60 a month, he's got to pay a mortgage of £50 a month, and we have got to run ourselves. The adjudicator said the remittance receipts were too few. What is the price of mother's feelings to him? We send what we can afford.

It's six months since we bought any clothes. When ever we go down town we have never gone together, we just do ordinary shopping and come back home - we know that we can't afford anything else. Why are our children going to a private school in Pakistan. Because they are our children, and we don't want them to get into problems with English when they come here. I know how children are treated when they come here - they get called blacks and all that. Why do they do all these things. It's the government who begin all these things by saying the blacks are taking all the jobs and the blacks are taking all the houses. The blacks work for it, they work very hard. They save money and buy things, they buy their house, they send money for their children. They want their families here. I was accusing the Labour government because the laws are very strict, but just think the conservatives don't like black people. If the Labour government was destroying people's lives and destroying my family, how can the conservatives be of any help to me?

Why am I going to these meetings, why am I getting people to help me? Because they are my children. Do you think it is easy to campaign? It's really ridiculous, making black people suffer and destroying their families. What kind of law is this? God knows what hell we are going through. But we are not dealing with human beings.

The Case of Anwer Ditta in Her Own Words

I was born in 28-11-53 in Birmingham. I was brought up in Rochdale. My parents were separated in 1962 and custody was given to my father. He sent my sister and me to Pakistan.

I was married in 1968. I had my first child on 7-11-70, the second was born 21-6-72. The girl was born on 16-7-73. I came to England in 1975 and Samera, my fourth child, was born on 6-4-76. I applied for my children to come here in 1976, and as evidence gave them birth certificates, photographs of the children - some with me in them - and the children's medical cards. And after all these the home-office still refused to believe me. Why?

I am willing to give a medical test. I am willing to give a skin test. I am willing to go onto a lie detector to prove that they are my children. I'm not telling them any lies, why should I tell them lies? Why should I claim other peoples children? I hate to use the word claim, but this is the word Home office use. I applied for my children.

People think why did I leave the children? This is not a crime. I didn't know English law. I didn't know that I could bring my children straight away and the home office would have provided them with accommodation, money and everything. If I had known that I wouldn't have been going through all this trouble now. I thought that if I go to England and get a job and buy a house and we have got settled then I'll call the children. I didn't want my children to suffer. I didn't want my children to go to jail. Some people tell lies and bring other peoples children under other names but I am doing it the legal way because they are my children.

(The home office) can say anything. They are saying in the statement that details of the young children in the family are similar - their ages, even their names. But why should I call my sister-in-laws children? Why should I want to look after anyone else's children? Why should we suffer the way we are suffering? We've got no social life except the worrying and suffering and struggling and thinking how we are going to pay the bills. We never thought of going out. We never even have a decent day. We are never happy, sometimes we never even have smiles on our faces for days and weeks. Why? Because they are our children. There's nobody in the world who can prove they're not our children.

INTRODUCTION

For 4 1/2 years, Anwar Ditta, a Birmingham born woman, has been fighting against the racist immigration laws to be reunited with her three children - Seima, Imran, and Kamran. For 4 1/2 years Anwar and her husband Shuja, have been denied the basic democratic right to lead a normal family life with their children.

Anwar first applied unsuccessfully for permission to bring her children here from Pakistan under a Labour government. Her appeal was heard on 22th April and 16th May and rejected on 30th July

under the Tory government. On 16th September 1980, her leave to appeal was refused and on 30 th September the Home office declared the case of Anwar Ditta closed. Cyril. Smith, Anwar's MP, refused to make any further representation on her behalf. It is worth mentioning that the Liberals have a policy to oppose all immigration controls in reality their leading member of parliament has refused to uphold even the most basic human right. The only way Anwar will ever be reunited with her family is if we can build a genuinely anti-racist movement. YOU have the power to bring Anwar's children home. Since the campaign started, Anwar has got the support of a number of organisations and individuals, including MPs and trade union branches. We must keep the pressure on. Support Anwar and help build the broadest possible united front to uphold the most fundamental and basic human right black people are denied today - the right to bring dependants without racist harassment and annoying delays.

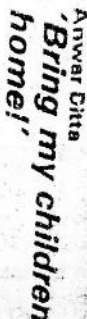
3. It is of no relevance to the case that Shuja was originally given a transit visa and he over-stayed. His stay had been regularised and the hearing was not about Shuja's immigration status. The fact that he is freely admitting that he over-stayed should be considered in his favour and not held against him.

4. The adjudicator dismissed the large quantity of documentary evidence as 'there were the usual local birth and marriage certificates.'

5. Remittance receipts were dismissed as too few.

6. No weight was given to medical evidence submitted.

7. The evidence of Anwar's sister, an eye witness, was not given proper consideration because she was, according to the adjudicator, hostile to the whole proceedings.



Assemble at Church Stile, off Drake St. at noon. Speakers from the Pakistani, Indian, Kashmiri, and (Sinhalese) workers' associations.

Rockdale Observer
[Saturday]
19 January 1911

She said: "I was born in Birmingham, brought up in Redditch, and went to University with my father, I married. I was 15 and came to England in 1973 without any children, to earn money and provide a home for them. I

example, the right of the state has a renewed, closing the last host of racist laws which deprive the national minorities of even the most basic democratic rights - for the family for the three children to be reunited with their parents.

The documents and other evidence submitted by Anwar and Shuja were fully valid and were not challenged by the Home Office. The entire case of the Home Office rested on what it calls "lies and deceit" on the part of the parents towards the authorities. The alleged "lies and deceit" used as grounds for refusal, were that: 1) Anwar was married to Shuja at the age of 14 and the Mauvi (first) put her age down as 22 at the

An example of a family in which the Home Office has not allowed to be united is that of Mrs. Anwar Ditta. Anwar was born in Birmingham in 1953, and sent to Pakistan by her father in 1962. She subsequently married a Pakistani, and her marriage and 2 children were registered in Pakistan. Anwar and Shuja remained in a local registry in Britain where they agreed they were a bachelor and spinster, thinking that their original marriage in Pakistan would not be recognised.

married her husband Shuja-ud-Din in Pakistan in 1966, Shuja came to Britain in 1974, and Awar herself returned in 1975, leaving behind three children who were born in Pakistan — Kamran, Imran and Saima.

After having settled and bought a house in Rockdale, Anwar and Shuja applied for their three children's entry in September, 1976. The application was refused on May 18, 1979, and the appeal was also refused in July this year. Then, on September 16, 1980, Anwar and Shuja have refused to be intimidated by the Home Office and are continuing the struggle for their family to be reunited. A demonstration is being organized in Rockdale on Saturday, November 15, assembling at Church Stile, off Drake Street, at 12 noon.

End Item

All attempts to bring them into England have failed. A letter sent to the Prime Minister received the reply that it was "reverting to the old members."

Some invited members to attend a mass picket on Tuesday outside Rockdale Collegeville Party Head-quarters in Drake Street in support of her cause.

4. 100.

Appeal for Funds

We need an estimated £10,000 to:

Cover extensive legal expenses

Send a solicitor to Pakistan and a respected individual to collect irrefutable medical evidence to prove that the children are Anwers.

Keep up the campaign

You can contribute to the Anwar Ditta Defence committee

or

Anwar Ditta legal fund

All correspondence to :

Anwar Ditta Defence Committee

c/o 127 Crawford St.,

Rochdale

telephone: 39832

What you can do

Set up a support committee in your area and get it affiliated with the Defence committee.

Organise a meeting for Anwar to speak

Set up a financial target that you intend to raise every month
write to the Home office, your MP and the press protesting against the forced repatriation of Anwar's family.

Pass a resolution of support in your trade union/student union.

Maintain regular contact with the Defence Committee (please send self addressed envelop with the correct postage).