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10th March 2021

Our ref: [REDACTED]
Your ref: [REDACTED]

Dear Sirs

Mr [REDACTED], [REDACTED] / [REDACTED]. HO Ref: [REDACTED]

We write to submit an application for exceptional funding on behalf of our above client. We enclose the following documents:

1. CIV ECF1, dated 16 February 2021
2. CW1, dated 16 February 2021
3. Client's partner's payslip
4. Bank statement for client's partner's Account No.: * [REDACTED]

Evidence of Means

Our client does not have status therefore he is not working or receiving any income or benefits. He does not have a bank account. Our client lives with his partner and their 3 year old child.

Client's partner is working earning £2041.67 p/m. She receives £21.05 p/w (£91.22 p/m) Child Benefit. Her total monthly income is: £2132.89

Total deductions are:

£650 - Rent

£349.76 – Tax & NI

£367.20 – Childcare

£45 – employment expenses

£184.46 – partner deduction

£296.65 – child deduction

Total monthly disposable income is - £239.82

Client is eligible.

Application Background

This is an extremely complex case. Our client is a Pakistani national, although he is unable to prove his nationality. He was born on the [REDACTED] [REDACTED] [REDACTED]. As far as he knows he was born

in Pakistan, but he cannot remember living there, as he was brought to Texas, USA when he was very little.

In the USA, he lived with his uncle, [REDACTED], who told him that his parents had died when he was very young. Our client is not aware whether he was legally residing in the US or not, but he suspects he was not, as he was never sent to school. He has never seen any national passport or birth certificates / ID documents with his name and photo on it.

When he was 12 years old, our client was brought to the UK by his uncle. He arrived in the UK on the 6th February 2005. At the time, he was too young to understand Immigration law and he is not aware whether or not his uncle had obtained a visa for him to enter the UK.

In the UK, the uncle took our client to the Home Office, together with another friend of his, and told him that he would be making an application for Asylum. He was told what to say to the Home Office by his uncle and the friend. The Applicant was only a child at the time, and did what he was told to do. The information that he gave the Home Office during his Asylum Interview was not true.

Soon after this, the uncle returned to the USA and our client has not had any contact with him since. Following the asylum claim, our client was placed with a foster family and was given Discretionary Leave to Remain in the UK.

Between 2007 and 2013, our client committed a series of offences, for which he was ultimately sent to prison. In February 2014, he was arrested for drugs related offences. He was ultimately offered a plea bargain and he accepted two counts of possession with intent to supply Class A drugs and was sentenced to 28 months in prison. In 2018 our client was convicted of possession with intent and sentenced to 4 years. He is subject to a Deportation Order.

The Home Office has made several attempts to document our client, but these were all unsuccessful. In particular, the following attempts were recently made:

- a. 2 July 2015 – the High Commission of Pakistan informed the Home Office that ID for the client is required to issue an ETD. The Home Office noted that if ID cannot be obtained, the case is eligible for the NADRA Scheme.
- b. 14 July 2015 – the Home Office notes that no evidence of our client ID could be found and they had therefore emailed the referral form for the NADRA Scheme. On the same day, the Caseworker makes a note to say that the client is NOT eligible for the NEADRA Scheme, as this had already been used and proven unsuccessful in documenting the client.
- c. August 2015 – the Home Office requested the files of the client's brothers and uncles. No further information about these files is entered on the record.
- d. 4 December 2015 – the Home Office sent an email to RLO / RLA for an update on identity enquiries in Pakistan. It looks like no answer was received.
- e. 8 July 2016 - the Home Office sent an email to RLO / RLA for an update on identity enquiries in Pakistan. The Home Office also suggests a fact-finding trip to Pakistan. It looks like no answer was received.

- f. 30 July 2016 – the Home Office acknowledges that an ETD is the sole barrier to removal and that investigations are ongoing with the RLO / RLA on identity enquiries. No positive answer about the client's identity was received to date.
- g. 1 October 2016 – again, the Home Office acknowledges that an ETD is the sole barrier to removal and that investigations are ongoing with the RLO / RLA on identity enquiries. No positive answer about the client's identity was received to date.
- h. 15 November 2016 – the Home Office is still waiting for an update on identity enquiries in Pakistan.
- i. 26 November 2016 – again, the Home Office acknowledges that an ETD is the sole barrier to removal and that investigations are ongoing with the RLO / RLA on identity enquiries. No positive answer about the client's identity was received to date.
- j. 21 January 2017 – again, the Home Office acknowledges that an ETD is the sole barrier to removal and that investigations are ongoing with the RLO / RLA on identity enquiries. No positive answer about the client's identity was received to date.
- k. 17 May 2019 the Home Office stated that our client's case had been referred to Pakistan for verification checks. There has been no update or progress since that date as far as we are aware of.

It is our position that it is clear from the numerous failed attempts and inaction by the Home Office that they are unable to document our client. We intend to assist our client in preparing a combined statelessness application and application to revoke his deportation order. This will involve preparing a detailed statement from our client, obtaining evidence to demonstrate that the Pakistani authorities will not document our client, that the Home Office are unable to progress the matter and drafting detailed and complex legal representations.

Additional Information in relation to pages 4 - 5 of CIV ECF1

1. The issues at stake are of utmost importance for the applicant. Our client has been in the UK for over 15 years, he has no connections to Pakistan. He is unable to return to Pakistan as he cannot be documented but is unable to legally reside in the UK, he is living in a state of limbo which is having a severely adverse impact.
2. The procedure for this application is extremely complex. It requires thorough consideration of the Home Office file, gathering evidence on the attempts and failures to document our client and drafting detailed representations. It is submitted that the reasonable person without legal training and relevant experience would be extremely unlikely to be in a position to prepare and present an adequate application.
3. Our client has neither the means nor experience to represent herself in this matter which involves complex legal arguments that are not within his knowledge. The legal complexity of this case is such that it will require experienced legal representatives with knowledge of the immigration rules, Home Office policy and relevant caselaw. It will require careful and detailed preparation of evidence. Additionally, without legal representation our client will be unable to obtain essential evidence or to prepare representations to show that the complex legal requirements are met.

Conclusion

To conclude it is submitted that, having regard to all the circumstances of the case, this is one that qualifies for a grant of Exceptional Funding.

Communication about this application

If the basis of the application or another preliminary matter is not clear this may be a simple matter to resolve. In such an instance, please call or email the fee-earner concerned to try to resolve this to avoid the need to re-submit the application in its entirety if this is not necessary.

If you require further information, please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to be 'W. Wilson', written in a cursive style.

WILSON SOLICITORS LLP