

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Case No: FD13P00204

Neutral Citation Number: [2014] EWHC 3163 (Fam)

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 15/08/2014

**Before :**

**THE HONOURABLE MRS JUSTICE PAUFFLEY**

-----  
**Re I (wardship: removal from country of habitual residence: welfare)**  
-----

**Mehvish Chaudhry** (instructed by Dawson Cornwell) for the applicant mother  
**Katy Chokowry** (instructed by Williscredit & Co Solicitors) for the respondent father  
**Paul Hepher** for the children by their guardian, Ms Toni Jolly

Hearing dates: 11<sup>th</sup>-14<sup>th</sup> August 2014  
-----

Judgment

**Mrs Justice Pauffley :**

1. On 19<sup>th</sup> June 2014, at a pre trial review, I indicated it would be my intention, if possible, to conclude these proceedings at this substantive hearing over 4 days in August. I recall saying there would be a need for an “element of fact finding” in relation to historical events but that I would concentrate upon trying to settle the arrangements for the children and, so far as possible, bringing the case to a conclusion.
2. Since then Schedules of Allegations have been produced on behalf of each parent. The mother makes 12 claims against the father and his family; the father responds by making 5 against the mother.
3. My focus has to be upon those claims and counterclaims which have a real significance for the children’s welfare. To that end, I made clear that I would need to understand how and why the three older children came to be living here whilst their mother remained in Pakistan; and secondly why it is that currently such a poor relationship exists between those children and their mother. The issues upon which I have concentrated, because I see them as relevant to welfare determinations and, in due course, so that the children have an understanding of their history are these –
  - (i) Whether or not the mother agreed to the three older children coming to the UK with their paternal aunt in September 2011?
  - (ii) The children’s subsequent second departure for England in 2012 – did the mother agree to them travelling back after a period that year in which all three had been in Pakistan?
  - (iii) The mother’s assertion that the father and members of his family were violent towards her and the circumstances of her departure from the family home in February 2012.
  - (iv) Whether or not the mother shows interest in and commitment towards the children; or whether the father is correct when he has alleged she cares very little for them?
  - (v) Why, currently, the children have so poor a relationship with their mother?

*Background*

4. The mother, a Pakistani national, is a woman in her early thirties. The father who is in his early fifties, has dual Pakistani and British nationality. The parents married in 2004 and the mother went to live in the father’s family home in Rawalpindi. The father would divide his time between England and Pakistan.

5. The three subject children were born in Pakistan – W a boy who is now 8 and a half; U a girl who is 7; and A another girl who is 5 and a half. In September 2011, those three children came to England in the company of their paternal aunt, ST. Three months later, in December 2011, W and the father returned to Pakistan. The girls remained with their aunt in England.
6. In about January 2012, the parents' fourth child, M, was conceived.
7. In mid February, the two girls accompanied their aunt on a trip back to Pakistan for a family funeral. At the end of February, according to the father, he divorced the mother by a spoken Talaq. He maintains that the mother left the family home voluntarily. She says she was thrown out of the house by paternal family members.
8. Two months later, in April 2012, the girls U and A were brought to England by their aunt, closely followed by their father. W remained in the family home in Pakistan.
9. In September 2012, the mother obtained an order relating to W in the High Court in Lahore. On 28<sup>th</sup> September he was to have been produced in court. Instead he was removed from Pakistan and flown to England.
10. The parents' fourth child, M a daughter, was born in Pakistan in October 2012. Initially, the father questioned paternity, asserting that at the relevant time the mother was engaged in an affair with a named individual. In December 2013, a Cellmark Diagnostics analysis confirmed that the father is indeed M's father.
11. By then, the father had obtained a certificate of divorce from the government in the Punjab. In September 2013 he entered into an Islamic marriage with IK. She entered this country on a 6 month visitor's visa in October last year and has since been assisting the father and his sister in looking after the children.
12. The mother with the help of her lawyers had been trying to enter the UK since early 2013. In July that year her application was refused. An appeal was lodged. Eventually, in April 2014, she was given entry clearance.
13. At a hearing at the very beginning of April 2014, and very unexpectedly, the father produced an extremely brief statement in which he said he was willing to concede the mother's application (for the children's return to Pakistan) and planned to move back there with them. Exactly one month later, the father's position had undergone a complete reversal. He no longer wanted to return to Pakistan but to remain here.
14. In mid May, the mother and M arrived in the UK. They have been staying with the father's step or half sister NM in the London area. The father, his new wife and the three children all live at an address in West Yorkshire close by to ST who is married with four children of her own.
15. Since May, there have been attempts at rebuilding the relationship between the three older children and their mother as well as introducing the father to M. Most unfortunately, the visits between the mother and children for the most part have been disheartening and miserable occasions. The children would seem to be at pains not to enjoy themselves in their mother's company. W and U have made allegations about the way in which they were treated by the mother historically and more recently. Even

A has no good word for her mother accusing her of not loving the children and of “not hugging” them.

*The events of September 2011 – whether or not the mother knew about and consented to the children’s relocation to England?*

16. The first matter for scrutiny surrounds the circumstances in which the three children came to England in September 2011. Did the mother, as the father and his family say, agree to the children coming to England? Or were they brought here without her knowledge or consent.
17. The father relies upon a document headed “Authority Letter” attested by an advocate, bearing a stamp and dated 22/03/11. It is written in English and states – “I (mother) w/o (wife of) (father) (address) do hereby give authority to my legal husband ... to complete the British Passport Documents of our children, to travel any where else I have no objection in this regard. That the above statement is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.”
18. The mother accepts that the document bears her signature but does not agree she knew what she was signing. She said in evidence, “No one has read this letter to me; I cannot read English and do not understand it.” IM, the father’s brother in law had told the mother, she says, it was an admission’s letter for W to be given a place at a particular school in Lahore. The mother said she had never been shown the passports which the father and his relatives had acquired for the children from the British Embassy and she did not know they would be travelling to England. It was the first time she’d been separated from the children and she felt “really bad, really hurt that the children were separated” from her.
19. In cross examination, the mother said she had known about the father’s family’s plan for the whole family to travel to England, commenting that “if it had been the plan for (her) to travel as well, they would have submitted an application for her;” but they did not. The father had never said he would take her; and although the mother’s father had been assured and was convinced that the family would take her to England, she knew they never would.
20. Asked about a letter drafted for her by her uncle, PA, in which the mother apparently accepts she had consented to the children travelling to England, but under extreme duress, she said she had talked with a lady from the British Embassy over the telephone. She believed the family’s plan had been to tell the people at the Embassy she could not walk and therefore they could not take her with them. According to the mother, both the paternal grandmother and ST had been standing next to and telling her what to say to the lady. The mother said she did not know how the paternal family had obtained passports for the children.
21. The mother denied that she had gone to the airport to say goodbye to the children. She said she had been at home; she was not allowed to go out; and she’d heard from a neighbour that her daughters had been crying because they were going to England to be with their father. The neighbour had thought she knew and had said, “Don’t cry.” The mother had also learned about what had happened from the driver who had come back and told her.

22. The father's case is that the intention to bring the children to England was formed in 2010. He said in evidence that he had said to the mother that as soon as the passports (for the children) came he would take himself "and the kids to England and then he would sponsor (the mother)." He would try to settle the children and did not have the money to sponsor the mother as well; that was why he "had brought the kids first."
23. The father also said he had told the mother she would come to England as soon as possible and she had been "very happy with the plan." She had never changed her mind, he said, about the children coming to England.
24. In cross examination the father said he had not had the time to spend on applying for the mother's visa to come to England. The letter of authority had been written or typed, said the father, by "a guy in court." IM, his brother in law, had said to the mother, 'This is for your husband to apply for passports and take the kids anywhere abroad.' The father does not accept that the mother believed she was signing a letter for W's admission to a particular school. However, he did agree that the letter is in English; that he can read some but not much English; and added that IM must be able to write in English because he has a BA in Education.
25. Then the father admitted there was a difference between "travel" and "live", accepting that the letter does not provide consent to the children living anywhere.
26. His sister, ST, gave evidence and said she had to be involved in the plans because she would be looking after the children in England; and every time she had spoken with her own mother in Pakistan she had said that the mother was a careless mother. In September 2011, when she had been about to bring the children over to this country, ST had spoken to the mother who had said. "It's fine – you can take them and they will have a good upbringing."
27. ST also said, in answer to Ms Chaudhry's questions that the mother "did not care at all about being separated from the children." She had been living in the paternal family home, said ST. She was happy and when the children arrived in England they had spoken to her every day on Skype. By then, said ST, the mother was having an affair with her step sister's son.
28. Both the father and ST maintain that the mother was at the airport to say goodbye to the children when they left in September 2011.

*The children's subsequent second departure for England in 2012 – did the mother agree to them travelling back after a period in which all three had been in Pakistan?*

29. The mother's evidence is that she did not know about and had not agreed to the girls being taken to England in April 2012. She had found out from a teacher who told her they had gone and that only W remained in Pakistan.
30. The father accepts he did not have the mother's specific permission to remove U and A in April 2012 but believed he was entitled to and did not need the mother's consent. He relies upon the letter of authority and suggests the girls were simply returning to their place of residence.

31. Interestingly, ST, who gave evidence before the father, said something very different. She maintained that even though the mother was not living in the family home, she knew about the children going to England. She said her “brother had informed the mother’s Dad; and he had said ‘that’s fine.’” When ST was confronted with the father’s opposite claim, ST said, “Actually I did not know about that – that my brother has said he didn’t have the mother’s agreement.”
32. In relation to W’s departure from Pakistan in late September with the assistance of her uncle, the mother had brought a case before the High Court in Lahore. They had gone to court on 20<sup>th</sup> September. The father had been in England at the time. On 27<sup>th</sup> September the court bailiff had gone to the family home to look for W. The mother said she had been outside in a car, on the advice of her solicitor. Her uncle was there. Her brother was supposed to have been there as well but he was late. She said she had told her solicitor and the court in Pakistan she had been there.
33. According to the mother, the next morning at the hearing before the court in Lahore, her “case had been spoilt” because by then W was in London.
34. The father maintains that after 14<sup>th</sup> September, W was not in the family home in Rawalpindi but away in Lahore with the father’s cousin’s sister, “because of friendship.” The father’s cousin had made the arrangements for the flight and the ticket had been paid for by the paternal grandmother. The father who was in England at the time, had spoken to his family in Pakistan on 24<sup>th</sup>, 25<sup>th</sup> 26<sup>th</sup> and then on 28<sup>th</sup> September. He had been told by his brother in law that the mother had put a case in court but by then his “kid had been in flight from Pakistan to London.” The father said the court in Pakistan had not believed W was at the family home on 27<sup>th</sup> September.

*The mother’s assertion that the father and his family have been violent towards and treated her badly; the events of February 2012 when she came to leave the family home. Was she forcibly separated from the children?*

35. Next I turn to the evidence about alleged domestic violence as well as what occurred in February 2012 when the mother came to leave the paternal family home. According to her, she was beaten, kicked, slapped and her hair was pulled. The father’s mother had gone to sit in to the garden and said she would not come into the house until the mother had left the house. The father had beaten her three days before she had left. There had been allegations that she had had a relationship with a named individual and also that she had been stealing. The mother said she had marks on her neck and one under her eye where the paternal grandmother’s gold bangle had made contact. The servants had been called and asked if they had seen her with the man with whom it was being alleged she’d had an affair; they had said no.
36. The mother said that she knew she was pregnant with M at the time she was thrown out of the family home and that because it is not possible to divorce a pregnant woman she does not accept that the father pronounced a Talaq of divorce. The mother agrees that her father came to collect her from the paternal family home because she had not wanted to go alone. She said it had not been “a calm affair” for her because she was being separated from her children. She had known they, the father’s family, would not send the children with her. They had not let her take them. Even in the

home they had not allowed her to have the children in her care. She had “begged at ST’s feet” that she should not take the children (from her). ST had said ‘No.’

37. The father’s case is that news had reached him in late 2011, whilst in England, that his wife was having an affair and he “went very quickly back” to Pakistan. He had three witnesses. He had investigated the matter and it had taken “two months to be complete.” Then he had spoken to the mother and she had admitted it. On 29<sup>th</sup> February 2012, according to the father, the mother had asked him for a divorce. She said that the man with whom she was having an affair was taking her to England.
38. Thereafter, said the father, the mother was picked up and taken to her father’s home. He denies the suggestion that there was any violence between himself and the mother or between the mother and any of his family. In response to her allegations, the father said, “None of that happened.”
39. ST said it was a “lie that she had been at the family home” when the mother had been thrown out; and it was also a lie that the mother had begged her not to separate her from the children. ST said her brother had investigated everything about the affair. She, ST, had been called, arrived from Gujrat and advised the mother to ask for forgiveness but she had said, ‘No.’ She did not want to live with the father. The mother had left the house of her own accord on 6<sup>th</sup> March; it was ST’s daughter’s birthday. The reason for the divorce, said ST, was the mother’s illegal relationship with her step sister’s son. She added that they are in contact with the mother’s father and have told him everything; and he has said to his son in law, the father, “You are right.”

*The father’s claims against the mother – that she is feckless, not committed to the children, has neglected and caused them harm.*

40. The father told Ms Jolly that the mother is “careless, uncaring, uneducated and neglectful parent. He said she is ‘mentally unstable,’ and was difficult and stubborn.” He has produced three handwritten medical reports from the same doctor in Pakistan, one for each child, in which historical treatment for burns is described. Though the dates on each letter are different and the burns’ site varies as well as the treatment, the letters are remarkably similar. The stamps on each are in the same place and more or less at the same angle. On a cursory inspection, it would seem that the same fountain pen was used for each letter.
41. ST said she was “a careless mother.” Later she said the mother “was not feeding the children or changing their nappies and they would cry.”

*The problems between the mother and children at contact*

42. Finally in this list of issues for determination, I turn to the problems relating to contact between the children and their mother. All three have made disparaging and very disrespectful remarks about their mother to Ms Jolly their Cafcass guardian. They have also reacted with hostility towards their mother when they have seen her. The father did not accept that he or his family members had deliberately influenced the children but agreed they have become aware of the acrimony as the result of hearing things said by their cousins. They may also, he suggests, have overheard conversations between family members.

43. The results for the children as well as their mother have been awkward, tense and difficult meetings in which the children have felt the need to say critical things to their mother. Prime examples are references to the mother as “dirty” and to her having left them “because she had a boyfriend.” In May this year, U told the mother that if she loved her then she must beg forgiveness from the father and return to him. W told his mother she had burnt him when he was a baby. A said she had been raised by her paternal grandmother.
44. On 7<sup>th</sup> June, the children sat huddled together even although it was a warm and sunny day. They refused to touch the food and drink which the mother had prepared for them.

### *The hearing*

45. The hearing has been unusual. The mother understands no English and thus gave her evidence entirely through her interpreter. It was a lengthy exercise; she was in the witness box for the best part of a day and a half. We sat until 17.00 on the second day to complete her evidence. The father’s sister, ST, also gave her evidence through an interpreter over a period of about two hours. The father’s evidence occupied a shorter time than the mother’s; and for the most part he managed to give his answers in English and without recourse to his interpreter. From time to time when evidence was being given in Urdu, there would be challenges to the translation on the part of either Ms Chaudhry or Ms Chokowry because they had noticed errors or omissions. That was, I should say, extremely helpful.
46. Notwithstanding my clear indication at the pre trial review as to the ambit of the fact finding exercise, reiterated at the beginning of the hearing and at intervals during the course of the evidence there has been a very wide ranging evidential inquiry. Towards the end of the third day, I commented that for me the exercise of listening to the witnesses had been draining. Making every allowance for the fact that all of the mother’s and ST’s testimony was through interpreters and that the father’s evidence, at times, was difficult to understand, I am bound to say that a proportion of what I heard had only peripheral relevance to the critical decisions.
47. The “case” each parent mounts against the other would seem to have become all consuming. Family members, witnesses and supporters have been lined up in support of each side. There has been a sense of each parent almost struggling to outdo the other in making the most damaging allegations possible.
48. Issues which preoccupy the parents but are of only passing importance so far as I’m concerned are these –
  - Whether the father has been married three, four or six times;
  - The cause of the parents’ marriage breakdown;
  - Whether or not there was an affair between the mother and the son of the father’s step sister;
  - Whether or not the paternal family knew about the Pakistani court order requiring the production of W on 27<sup>th</sup> September 2012;



- Why the mother stayed with someone other than her sponsor for a month between early July and August this year

*The necessary findings*

*How the children came to be living here – whether or not the mother agreed in 2011 and / or in 2012*

49. At the end of it all, it is necessary to make findings about some of the issues ventilated but by no means all. It is important now and will become increasingly significant as the children grow older for there to be clarity about the reasons they came to this country without their mother; and why they have been looked after by the father but for much of the time by his sister.
50. The pointers have emerged very clearly in the accounts of the history as supplied by the father, mother and the father's sister. The paternal family clearly considered itself superior to the mother and her family. The paternal grandfather had been, as ST proudly told me, a gazetted officer. They are wealthy people who consider themselves to be educated. The mother, by contrast, was viewed as uneducated. The father explained that he had to teach her how to keep and also iron his and the children's clothes – although it's also been his case that there was no need for the mother to perform any domestic duties because he had servants.
51. I have no doubt at all that the father and his family members – who regarded the mother as a “careless” woman who had not looked after the children at all well in Pakistan – decided that the children should go to England but that the mother should not. It was undoubtedly the father's wish that the children should have the advantage of a British education and the other benefits of living here. Neither he nor his family in Pakistan had any plan for the mother to come to England with the children. No step was taken at any time to bring her to this country and his written case had provided no suggestion that had ever been part of the arrangement.
52. The father's oral evidence about a lack of time to prepare a visa application for the mother and a scarcity of money to sponsor her was really quite remarkable against the background of his six written statements in which he had never hinted at anything of the kind.
53. The Letter of Authority however it came to be signed – and I am inclined to believe the mother's account of being told it was a letter about W's admission to a particular school – did not provide the father with the mother's consent to bring the children to live in this or any other country. The mother's account of being pressured to tell a lady at the British Embassy that she could not walk so could not accompany the others there was detailed, extraordinary and explains, perhaps, how it was that British passports were obtained without her active participation.
54. There was, it seems to me, a distinct and important power imbalance within the relationship between the parents. The mother occupied the role of looking after the children and the father in the same way as he now expects IK to serve him by cooking, cleaning and caring for the children. It is easy to see how the plan for relocation to England was steamrolled through because that is what the father and his family wished to happen.

55. I reject the father's and his sister's claims that the mother knew and was happy about the plan; and I pause to remind myself that in September 2011 W was only 5, U was 4 and A was only 2 and a half. The mother must have been devastated to be separated from her children. The impact upon them must have been similarly overwhelming. Small wonder that in the early days, W and U would speak about their mother a great deal in school.
56. It is also instructive to survey later events so as to establish the mother's attitude in September 2011. There can be no doubt at all as to her resistance to the possibility that W should be taken once more to England by the document prepared on her behalf and sent to the British High Commissioner in 2012. In that letter, the mother described the father and his family as having "snatched" her innocent children who had been sent abroad.
57. By her committed persistence in pursuing these proceedings as she has, the mother has demonstrated just how painful and distressing it has been for her that she and the children were separated.
58. The reality, as I find, is that the children were indeed taken to England from Pakistan in both 2011 and 2012 because that is what the father and his family decided should happen. They proceeded with their plans knowing that the mother would not and did not agree. Her views were of no consequence to them. She was left behind without the financial means to come to England and without a visa. The removals were unilateral and thus unlawful actions with grave and long lasting consequences for the children's relationship with their mother.

*The mother's assertions against the father of harsh and violent treatment – did she leave the paternal family home in February / March 2012 voluntarily or was she evicted?*

59. The events of February 2012 were graphically described by the mother. There was intensity and congruent emotional arousal as she answered questions as to what had happened. I weigh her evidence against that of the father and his sister so as to decide where the truth lies. I found the mother to be a persuasive, mild mannered and articulate witness who had no difficulty in responding in detail to whatever was asked of her. Her account of harsh treatment from the father's family seemed to me to be entirely plausible. The detail with which she described being hit both by the father and the paternal grandmother was compelling. It obviously concerned her that, as she said, the father had beaten her up when she was pregnant with M.
60. I reject the father's claims that the mother wished to leave the family home, the children and asked him for a divorce so that she could be with his step sister's son. In the light of subsequent events, particularly the lengths to which the mother went to initiate and then pursue these proceedings it is wholly unlikely that the father's version of events is true. Having had the opportunity to assess the mother's commitment to the children over the several days of this hearing, I can be confident that he is attempting to deceive when he suggests the mother voluntarily left the children. I am convinced she was ejected from the house because that is what the father and the paternal family wanted. They had no respect for her and would have made no secret of their feelings in front of the children.

*The father's claims against the mother of being feckless, uncaring and having caused the children harm*

61. Now I turn to my conclusions relating to the father's claims against the mother of caring very little for and having harmed the children. I do so in the light of his evidence yesterday. The father said he had changed his mind. He has thought a lot about what would be best for the children and agrees that their relationship with their mother is "most important." He now wants them to develop their links with their mother and has suggested they should be spending every other weekend and half the holidays with her. The father now believes a shared parenting arrangement would be the best thing for the children.
62. The father clearly said, in answer to Mr Hephher, that there was no risk of the mother hurting or abducting the children. He said "she could be trusted with them."
63. In the light of that evidence it is fairly straightforward to decide how and why the father came to make his extravagant, groundless and extremely critical claims against the mother. I am as sure as I can be that his response to being faced with these proceedings was to seek to build the strongest case he could against her. Accusing her of being a bad parent was just one part of his defence. But the father knows there was and is no truth in those suggestions. The mother was and is a very caring, affectionate and loving individual. She has not burnt any of the children other than accidentally. She cares deeply for them and is entirely committed to their welfare.

*The cause of the contact difficulties*

64. The final matter for determination before I turn to welfare considerations is the cause of the difficulties at contact. There was, as is accepted by the father, a complete absence of communication between the children and their mother from February 2012 and February 2013 when these proceedings began. Earlier in his evidence had said he did not know where the mother was and how to get in touch with her. Later on, he accepted he should have done more to ensure there was contact. In the context of the wide family networks, including relatives with whom both the father and mother have links, it is simply incredible that the father was unable to locate the mother.
65. The absence of a parent for a significant period, in all probability, will cause harm especially where the children are so young that making sense of the situation for themselves will have been impossible. They may sense that they have been abandoned; they may feel that in some way they were at fault so that their mother was no longer part of their lives. But where, as here, there is adverse influence, the situation becomes a great deal worse. It is extremely painful to read of the hurtful, disrespectful and unkind comments made to the mother by the children.
66. It is easy to see how that situation arose. The father and his sister have worried about the likely impact of these proceedings upon them. They have feared, no doubt, that the mother may have succeeded in persuading me to transfer the children back to her on the basis, at least until recently, that they would go back to live in Pakistan.
67. The children have not been shielded from the father's and paternal aunt's bad feeling about the mother. They have been exposed to a great deal of negativity from which

they should have been protected. They have been manipulated and influenced to behave in a cool and unloving way towards their mother.

*Welfare decisions*

68. Against that background, I must decide what should happen in the short to medium term so as to settle the arrangements for the children.
69. Ms Chaudhry invites me to make orders which would have the effect of the children going to live with the mother in the family home of NM, the father's step sister. It is a large house where a number of others live including NM's son and daughter in law together with their two children. Their third child is expected soon. The mother and M have been accommodated there and have been very well supported in particular by Mr I, NM's husband.
70. Very understandably, Ms Chaudhry draws attention to the father's actions in bringing the children here unilaterally, in separating them from their loving mother and in exposing them to significant emotional harm in that their relationship with their mother has not been promoted or nurtured. Thus far, argues Ms Chaudhry, the father has shown little insight into the role the mother should be playing in the children's lives; and it is a real concern that ST, the children's aunt has seemingly exerted such influence. The mother is therefore extremely concerned about the situation in the father's home, pointing to the likelihood that the responsibility for looking after the children would seem to be delegated to IK and ST. Ms Chaudhry argues there must be a real question as to where the children's real home is arising out of the findings of the welfare inquiry performed by the local authority albeit some time ago.
71. I have given very close consideration to the issue of whether the children should now live with their mother. There would be one obvious and very clear advantage which is that the sibling group would be together and able to share their day to day lives. There would also be a clear advantage in that the children would have more or less continuous time with their mother from whom they have been separated for so long. There would be an opportunity for them to restore their fractured relationship by sharing her home, her routines and experiencing her ways of looking after them.
72. Had the hearing occurred in the spring or early summer of 2013, then I may well have decided differently, I know not. The mother's situation is truly heartbreaking. I extend my profound sympathy to her but I cannot bring myself to make a change in the children's residential arrangements as she would wish.
73. Now in the late summer of 2014, at a time when the children have been in England with the father and his sister since 2011, albeit not continuously, I do not consider it would be in the children's best interests to move them from their current home. They are accustomed to life with their father, ST, her children and now the father's new wife IK. They are making good progress in school and in almost every area of their development. Their significant problem, currently, is that they have not been truly encouraged and permitted to have a loving relationship with their mother. Now there are good indications, from the father's evidence at this hearing, that he is prepared to make real and significant changes so that the defect is addressed.

74. The children have each made clear how much they wish to remain living with their father and aunt. Though at his age W's wishes could never be viewed as having a major influence upon decision making, it is a factor against any change in the residential arrangements that he and his sisters would make their objections plain. Their emotional needs are to feel stable, settled and secure wherever they live. They are confident in their father's care and making the most of their educational opportunities. All of their physical needs are met as the result, no doubt, of the service provided to them by IK supplemented by ST. I have no doubt at all but that they look up to and respect their father. Any abrupt change into the home of NM on the basis that their mother's immigration status is not yet determined would not be beneficial to the children.
75. I agree with Ms Jolly when she suggested that there are now signs of developing insight in the father. There were subtle indications of emerging change within the papers, particularly Ms Jolly's reports; but the momentum gathered real pace during the father's evidence which is very encouraging.
76. Hearings of this kind can be and often are cathartic. Once evidence has been given, positions made clear and decisions taken very often there is potential for rapprochement and progress. I am optimistic that from the seeds sown at this hearing there will be a dramatic change in family relationships most of all between the mother and father. I would hope that he will pay attention to ensuring that all members of his family, both here and in Pakistan, apply themselves to supporting the essential aim of rebuilding trust and cooperation with the mother for the children's sake. The time for allegations and cross allegations is now at an end. The parents must stop building cases against one another and start constructing a solid basis for collaboratively supporting every area of their children's development.
77. Their aim must be shared parenting – full involvement from each of them in all of the important decisions as well as a proper division of the children's time when they are not at school. If the father is true to his word, most if not all of the contact difficulties will simply melt away. If they do not, then there will be a need to investigate the cause of any continuing problems and tailor the children's arrangements accordingly.