



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/25166/2015

THE IMMIGRATION ACTS

Heard at Field House
On 5 December 2017

Decision & Reasons Promulgated
On 21 December 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN

Between

MASOODA [B]
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr. D. Coleman, Counsel instructed by A-R Law Chambers

For the Respondent: Mr. I. Jarvis, Home Office Presenting Officer

DECISION AND REASONS

1. In a decision promulgated on 22 June 2017 the decision of First-tier Tribunal Judge R. L. Walker was set aside to be remade.
2. The appeal came before me on 21 September 2017 when I adjourned the hearing. I was informed that the Appellant was receiving medical treatment and was not in attendance. It was requested that an adjournment be granted due to the absence of the Appellant and so that further medical evidence could be obtained in relation to this treatment. Mr. Jarvis did not oppose the adjournment, and the appeal came before me to be remade on 5 December 2017.

3. I heard oral evidence from the Appellant, from her son Mr. Ahmad [M], and from her daughter Ms Fatima [T]. The Appellant was assisted by the interpreter, Ms Nazia Fazil, who confirmed before proceeding that they both fully understood each other. Both representatives made oral submissions. I reserved my decision.
4. In addition to the oral evidence, I have taken into account the witness statements of the Appellant, her sons Mr. Ahmad [M] and Mr. Ahmad [B], her daughter, Ms Fatima [T], handwritten letters from her grandchildren [ZbM], [ZnM] and [ZA], the psychiatric report from Dr. Sajid Suleman dated 29 September 2016, further medical evidence in a bundle dated 22 November 2017, supporting documents and the skeleton argument.
5. Mr. Jarvis provided the cases of SQ (Pakistan) [2013] EWCA Civ 1251, SS (Congo) [2015] EWCA Civ 387, and Britcits [2017] EWCA Civ 368.

Burden and standard of proof

6. The burden of proof lies on the Appellant to show that, at the date of the hearing, the decision is a breach of the Appellant's rights to a family and private life under Article 8 ECHR. The standard of proof is the balance of probabilities.

Findings and conclusions

7. I make the following general observations. The hearing in the First-tier Tribunal was on 25 October 2016. The error of law hearing in this Tribunal was on 8 June 2017. At the adjourned hearing on 21 September 2017 I was provided with three letters from the Appellant's grandchildren. I also received some further medical evidence as referred to above. However, I have no evidence in relation to the medical treatment that the Appellant was receiving in September 2017 when the hearing was adjourned save for mention in a letter from Dr. Khan that the Appellant had recently had cataract treatment on her left eye (see below).
8. Further, despite the passage of time, I have no updated witness statements from the Appellant or from her children. The witness statements before me were prepared for the hearing in the First-tier Tribunal in October 2016. The witness statements of the children are in substantially the same terms. Bearing in mind that I am considering circumstances at the date of the hearing, and mindful that the Appellant is represented, it is significant that I have no up to date witness statements from the Appellant or from her children. This is especially the case in relation to her son, Mr. [B], who wrote to the Tribunal on 16 November 2017 explaining that he could not attend the hearing as he was going on holiday. He is in Pakistan. His short letter states that his mother is "totally dependent on us", but he gives no details, and relies on a witness statement prepared over a year ago. The financial evidence is that which was provided for the hearing in October 2016.
9. I did not find the Appellant or her children to be honest or reliable witnesses. I found that they were evasive when questioned, in particular when challenged about

the claimed lack of support for the Appellant in Pakistan. I find that the evidence is vague and inconsistent in a number of key areas, for example in relation to the Appellant's living arrangements (see [11] below). I find that the Appellant and her children have exaggerated the level of dependence which the Appellant has on others.

10. In particular, I did not find it credible that the Appellant and her family would be unable to find accommodation for her in Pakistan. No evidence was provided to corroborate this claim, despite the fact that they had found accommodation for her before without problems. I found this to be a claim lacking all credibility. Neither did I accept their claims that there would be no family support in Pakistan. For the first time at the hearing it was claimed that the Appellant did not have a good relationship with her daughter in Pakistan. This had not been mentioned before, and the emphasis previously was on the physical distance between the Appellant and her daughter in Pakistan. I found this to be an attempt to make the Appellant's circumstances in Pakistan appear to be worse than they are.
11. In relation to the Appellant's current living arrangements, these are not detailed in the witness statements, and the oral evidence of the Appellant and her children did not satisfactorily clarify this issue. In the Appellant's witness statement dated 4 October 2016 she states that she is being looked after by her son Ahmad [M], and that her day to day care needs are met by Mr. [M]. However, the address on her witness statement is not the same address as Mr. [M], but is the same address as Mr. [B]. It was said in oral evidence that she moved between the three children's houses, but there was no detail given, and it was not clear how often she moved (see further at [40] to [43]).
12. Further I did not accept the claims of the Appellant or her children that they did not consider that she would want to stay here beyond the terms of her visa (see [57] below).
13. I also take into account the letter from 2015 which stated that that the Appellant had heart problems. The Appellant said that she had written this letter with her sons. She did not remember reading the letter, but she did sign it. Mr. [M] said that it had been explained to the solicitor who had written the letter. He said that she "may" have a heart condition, but that it was not serious. He then said, when asked whether there had been any diagnosis of a heart condition, that the Appellant might have a diagnosis, but it was "not in my notice". I did not find these explanations satisfactory as to why the letter stated that the Appellant had heart problems when there is no reliable corroborative evidence to suggest such problems. I find that this was an attempt to exaggerate her level of illness.

Medical evidence from Dr. Suleman

14. I have carefully considered the evidence from Dr. Suleman. The main psychiatric report is dated 29 September 2016. The most recent evidence from him is a letter dated 8 November 2017. This states that the Appellant suffers from recurrent depression. She is being treated with Citalopram and has also received CBT. He

states that the Appellant is “currently feeling much better”. He states that “she feels” she will not be able to cope if forced to return to Pakistan. He refers to the support provided by “her sons” who help her to “engage in structured activities” and ensure compliance with medication. “I feel that this support is essential to keep her well and I am worried that she will be at high risk of relapse if this support is withdrawal (sic) or if she is removed from the UK.”

15. While I accept Dr. Suleman’s expertise as set out in his report, I place limited weight on this letter for the following reasons. There is no reference to the Appellant’s daughter, yet it is the Appellant’s case that her care is spread between her three children, not just her sons. Secondly, Dr. Suleman has given no details of the “structured activities” in which the Appellant is alleged to engage. No reference has been made in any witness statement or in oral evidence to me about any “structured activities”.
16. Dr. Suleman states that her depression is “recurrent”, and states “when unwell”, but he has given no detail of how often she experiences periods of being unwell or for how long they last. It is clear from his letter that she has periods when she is better, such as now, when he describes her as “feeling much better”.
17. Dr. Suleman’s report which goes into more detail states the Appellant started to feel “in low mood” after the death of her husband [4.4]. He states that she first became depressed in Pakistan in October 2012 [5.1]. She was prescribed Citalopram. At [5.2] and [5.3] Dr. Suleman states that he first saw her in October 2014. He describes how he started her on 20mg Citalopram. She improved and by February 2015 her symptoms settled and she “recovered from depression”. In September 2015 her Citalopram was reduced to 10mg. She then remained settled until November 2015 when her symptoms of depression started to reappear. Her Citalopram was increased to 20mg. “Her symptoms settled quickly and she was recovered in 6 weeks. She has remained settled since then. She continues to take Citalopram 20mg daily.”
18. There is no evidence in his later letter that the Appellant has had any recurrence of her depression between the report written in November 2016 and now. His later letter does not state that he has even seen her since November 2016. Although it states that he has managed her in his clinic for the last four years, there is no reference to her needing any treatment in addition to her medication over the last 12 months.
19. Further, the evidence shows that, even in the UK with the support of her children, she has had times where she has been more depressed and low. Her evidence is that she started to feel low on the death of her husband in 2004, and that it became worse in 2012, when she received treatment in Pakistan. However, the evidence shows that her situation is stable when she is taking 20mg of Citalopram, as she is doing now. This medication is available in Pakistan as evidenced by the Appellant herself who received it in Pakistan in 2012.

Letter from Dr. Tasneem Khan

20. The Appellant provided a letter dated 13 November 2017 from Dr. Tasneem Khan at the South Woodford Health Centre. This states that the Appellant suffers from depression, high blood pressure, arthritis, hypothyroidism, and “recent complicated left-eye cataract surgery”. I have no further evidence relating to the eye surgery, which was given as the reason for the adjournment being necessary in September. Dr. Khan gives no details of the other conditions in terms of their severity.
21. Dr. Khan goes on to state that the Appellant is “totally dependent on her two sons”. As in Dr. Suleman’s report, there is no reference to her daughter. This runs contrary to the evidence of the family that she is dependent on all three children, and is not “totally dependent” on her sons. Dr. Khan states that her sons help her with “day to day living, assisting her on having her medication promptly on time, ironing her clothes, cooking, doing shopping, and most importantly giving her the support that she requires to overcome her fear of loneliness and depression”. The letter indicates that she is on repeat medication for three drugs, which do not include Citalopram. The only prescriptions provided are for Citalopram and the most recent is dated 16/11/2017.
22. I find that I can place limited weight on this letter due to the fact that it directly contradicts the evidence of the family which is that she is as equally dependent on her daughter as her sons. I would expect the medical professionals involved in her care to know on whom she was dependent.

Private life under the immigration rules

23. I have considered the Appellant’s claim that she satisfies the requirements of paragraph 276ADE(1)(vi). In order do to this she must show that there are very significant obstacles to her integration into Pakistan if required to leave the United Kingdom.
24. I find that the Appellant has lived in Pakistan for the vast majority of her life. She has strong social, family and linguistic ties to Pakistan.
25. I have considered the care that the Appellant claims to need. I find that the level of care has been exaggerated by the Appellant and her family. I find that she does not need assistance with her personal care. There is no evidence that she needs assistance with washing or toileting. When the Appellant herself was asked about her needs she referred to shopping and visiting hospital. The report of Dr. Suleman refers to her needing help with cooking, cleaning, paying bills and shopping. Dr. Khan refers to ironing, cooking and shopping.
26. It has been suggested that she needs her children to ensure compliance with her medication, but I do not find this credible. Dr. Suleman states that she requires reminding to take her medication, but he does not indicate that she has a medical problem which means that she is unable to take her medication unsupervised. He further states that “when” she is depressed she needs reminding, but I have found above that there is no evidence that she has had a recurrence of her depression in the

last 12 months, and she has been taking her medication during this time. Neither the Appellant nor her children gave any detail as to how they remind her, especially bearing in mind that she is currently living alone (see [43] below).

27. I find that when the Appellant was living in Pakistan she had a helper/carer who assisted her on a daily basis. I find that she had this help from 2004 until 2012. Despite the claims that it was impossible to find someone who could be trusted, there is no evidence that the Appellant had problems previously in Pakistan. When asked, she said that security issues were always there, but her mother was alive and would come and visit her. She said that nowadays circumstances were different, and a carer could just go and tell people that the Appellant was living alone and "anything could happen". She said that she did not have a carer continuously and that sometimes they would just leave.
28. I find that the Appellant has family in Pakistan including a daughter and three brothers. In her witness statement she said that unfortunately her daughter is married and lives a considerable distance from where the Appellant lives. In her children's witness statements the same paragraph is repeated almost word for word, and states that the sister lives at a considerable distance and for that reason is not able to provide day to day care. At the hearing for the first time it was suggested that the Appellant did not have a good relationship with her daughter in Pakistan. There is no evidence to corroborate this, and no reasons were given. I attach no weight to this claim and find that it was an attempt to make out that the Appellant's situation in Pakistan is worse than it is.
29. I find that the Appellant has three brothers living in Pakistan. At F8 of the Respondent's bundle is a letter from one of them, Mr. Javaid Iqbal, Director General (Debates), Senate Secretariat, Parliament House, Islamabad. This letter is dated 24 March 2015. This states that the Appellant lives "quite far away" and it is beyond him to see and look after her in old age. At the hearing the Appellant was asked, given his position, whether he was influential and/ or wealthy. She said that he was but that "everybody has their own priorities". She was asked why he would not be able to make arrangements for her care in Pakistan, and said that this was the reason she had come to the United Kingdom. If they could have supported her she would be living with them in Islamabad now. It was put to her that there was nothing stopping her brother from arranging for someone to help her in another part of Pakistan, and that she did not have to live with him. She did not answer but replied that it was difficult "shopping, going to hospital", and added that living alone there was lots of stuff to do.
30. I find that she has many extended family members in Pakistan who will be able to assist her on her return. I do not accept the evidence that none of these people would assist her. I find that her three brothers have 12 children between them, many of whom are in Pakistan. I find that she would be assisted by her daughter, brothers and extended family. I further find that the Appellant had help with daily tasks on and off for a period of some eight years. I find that she had no problems during this time. I find on the balance of probabilities that, given the family support in Pakistan,

if she is not able to, or chooses not to, live with her family, they will be able to assist her to find someone to help her with these tasks.

31. Mr. [M] said in oral evidence that he did not accept that it would be possible to find somewhere for the Appellant to live. He was asked if, even though he had enough money and his uncle in Pakistan was influential, they not find somewhere for her to live. He replied that "these people were not helpful". He then stated that she had grandchildren and children here, and that her relatives had their own families. They could not help her as her family here could. I find that is not what he was asked, and it is significant that when challenged about the situation in Pakistan, he instead referred to her family in the United Kingdom.
32. I do not find it credible that the Appellant would not be able to find somewhere to live. Mr. [M] was asked if he had ever made enquiries about either her living in a care home or having a carer, and he said that he had tried to find out in January 2015. He also made the claim that there was no security in Pakistan and that a carer could just walk away. He said that nobody could be trusted. I note that no claim has been made relating to the claimed security problems in Pakistan. Especially given the position of her brother, I do not find it credible that they would not be able to find somewhere for the Appellant to live.
33. In relation to medical treatment, I find that the Appellant received treatment for her mental health in Pakistan. She was prescribed the same medication as she receives now. She said that she also received the medication she receives for high blood pressure and thyroid problems in Pakistan. There is no evidence before me to suggest that she would not be able to access this treatment again.
34. I find that the Appellant's children's will be able to provide financial support to the Appellant in Pakistan in the same way as they claim to be supporting her here now. It has not been suggested that they would not do so.
35. Taking all of the above into account, I find that the Appellant has failed to show that there will be very significant obstacles to her integration into Pakistan, and she fails to meet the requirements of paragraph 276ADE(1)(vi).

Family life under the immigration rules

36. In relation to family life under the rules, the Appellant has not claimed that she can meet the requirements of the rules, but I find that the reasons for this are relevant to my consideration under Article 8 more generally. The Appellant can only make an application for leave to remain as an adult dependent relative if she has had entry clearance as an adult dependent relative. The Appellant came here as a visitor. To satisfy the requirements for entry clearance as an adult dependent relative, she would have had to have shown that she needed assistance for her personal care tasks and that that such care was not available in Pakistan. She has not shown that she requires such assistance.

37. It was submitted that the rules for adult dependent relatives, whose lawfulness has been upheld in Britcits, are designed to exclude people for whom essential care can be delivered in their home country. I was referred to [58] of Britcits. I find that this is not the case for the Appellant as I find that she could obtain the care that she needs in Pakistan, and importantly was receiving the care that she needed prior to coming to the United Kingdom. Appendix FM-SE requires that independent evidence be provided that the level of care is unavailable, and it is clear in the Appellant's case that she would not have been able to provide such evidence. When asked about whether she had attempted to obtain any such evidence, the question had to be repeated, and she said only that one of the reasons she came here was due to it being difficult to have a carer.
38. Mr. [M]'s evidence is that the Appellant's helper was like a cleaner, not a carer. I find that this shows that they would not have been able to show that the Appellant met the requirements for entry clearance as an adult dependent relative.
39. I find on the balance of probabilities that a decision was made to apply for entry clearance as a visitor and then apply for settlement, knowing that the Appellant would not be able to meet the requirements of the immigration rules for entry clearance as an adult dependent relative. It is clear that her care needs did not approach the level required for entry clearance as an adult dependent relative.

Article 8 outside the immigration rules

40. I have considered the Appellant's appeal under Article 8 outside the immigration rules in accordance with the case of Razgar [2004] UKHL 27. I find that the Appellant has three children and five grandchildren living in the UK. The evidence is that she stays with her children, moving from one house to another, but I did not find this evidence reliable or consistent. I have found above that the witness statements do not set out her living arrangements. I do not know if it has always been the case that she has moved from one house to another since her arrival, but I have no clear evidence which explains the living arrangements.
41. The Appellant said that she moved house when the grandchildren indicated that they wished her to come and live with them, but this was not corroborated by the evidence of the Appellant's son who did not say that when she moved depended on the demands of her grandchildren. I do not find it credible that she moves house dependent on the demands of her grandchildren. Further, the Appellant's son was very vague about how much time she spends at each house before moving on.
42. I have considered the case of Britcits in relation to Article 8 being engaged in this situation. However, in this case, the Appellant is already here and has been here for some four years. I have set out above that I find that the level of dependency has been exaggerated. While I find that the Appellant is dependent on them for somewhere to live, that is because she came to the UK to visit them, and is effectively now an overstayer who could not rent in her own right. She stays the homes of her three children. She does not need assistance with her personal care. Her mental

health is stable. I find on the balance of probabilities that she does not need to live with any of her children, and could live alone.

43. Indeed, I find that at the date of the hearing, December 2017, she was living alone. She gave her address as 98 Cooper Sale Close, which is the address of her son, Mr. [B], who at the time of the hearing was in Pakistan. Mr. [M] said that he had gone about two weeks prior to the hearing, and was returning on 17 December 2017, a period of about four weeks in total. Mr. [M] confirmed in his evidence that the Appellant was not living with anyone as at the date of the hearing. If she was dependent on others for her everyday needs, I find that she would have moved in with her other son or her daughter when Mr. [B] went to Pakistan.
44. I also find it significant that, when her daughter was asked what the Appellant did when she spent time at her house, she said that she spent time with her grandson, and talked to her. She not say that she needed to do anything for the Appellant. I find that the Appellant is not as dependent on her children as she would like to suggest.
45. Further, I find that there is no evidence to suggest that her children are any more dependent on her emotionally than would normally be the case between an adult child and his/ her parent. If any one of them were dependent on her above and beyond the normal emotional ties, I find on the balance of probabilities that she would live permanently with that child, rather than moving between their homes.
46. In relation to her grandchildren it was submitted that, as they only have one grandparent living in the UK, this meant that their relationship with the Appellant was stronger. It was also submitted that they saw much more of her than most children see their grandparents. Not only do I have no evidence to corroborate this claim, but the evidence of how often they see her, and how often she moves between properties, is not consistent or reliable. There are plenty of children who only see one grandparent on a regular basis. This does not give any greater weight to the relationship in and of itself.
47. There is no evidence before me that the Appellant has parental responsibility for any of her grandchildren. If this were the case, she would not be moving from one house to another, leaving that child behind. I have given careful consideration to the letters from her grandchildren. I accept that her grandchildren love her, and that they enjoy her company. I accept that for the last four years she has been living with or close to them. However, I find that there is nothing to suggest that they have a stronger relationship with their grandmother than any other children in their situation. She does not have parental responsibility for them.
48. I find on the balance of probabilities that the Appellant does not have a family life in the United Kingdom sufficient to engage the operation of Article 8. In relation to private life, the Appellant has been in the United Kingdom since 2012, and given the low threshold, I find that she would have built up a private life during this time. I find that the decision would interfere with this private life.

49. In case I am wrong in my finding relating to family life, and in relation to private life, continuing the steps set out in Razgar, I find that the proposed interference would be in accordance with the law, as being a regular immigration decision taken by UKBA in accordance with the immigration rules. In terms of proportionality, the Tribunal has to strike a fair balance between the rights of the individual and the interests of the community. The public interest in this case is the preservation of orderly and fair immigration control in the interests of all citizens. Maintaining the integrity of the immigration rules is self-evidently a very important public interest. In practice, this will usually trump the qualified rights of the individual, unless the level of interference is very significant. I find that in this case, the level of interference would not be significant and that it would be proportionate.
50. In assessing the public interest I have taken into account all of my findings above in relation to my consideration of the appeal under the immigration rules, paragraph 276ADE(1)(vi), and my finding as to why the Appellant could not meet the requirements as an adult dependent relative under Appendix FM.
51. I have also taken into account section 19 of the Nationality, Immigration and Asylum Act 2002. Section 117B(1) provides that the maintenance of effective immigration controls is in the public interest. There is a strong public interest in refusing leave to remain to those who do not meet the requirements of the immigration rules. I have set out above why I have found that the Appellant does not meet the requirements of the immigration rules in relation to private or family life. In relation to her private life in particular, I have found above that there are no very significant obstacles to the Appellant's reintegration into Pakistan and I find that she will be able to re-establish her private life there.
52. The Appellant used an interpreter and I have no evidence of her English language skills (section 117B(2)). I find that the Appellant is not financially independent (117(3)). Further, in relation to finance, the case of Britcits considered the cost to the public purse. It states at [69] that the material before the court showed that "in terms of the NHS alone, the costs of caring for an individual between the ages of 65-85 is approximately £75,000". The evidence of Dr. Suleman was that she was a private patient. However, the prescriptions for Citalopram are issued by the South Woodford Health Centre, and there is no evidence that she has paid for them. The letter from Dr. Khan indicates that she had "recent complicated left-eye cataract surgery" and I have no evidence that she paid for this. The letter from Dr. Khan indicates that she is registered at a GP practice, but does not state that she pays privately for this. I was referred to [27] of SQ which states that the UK "is under no obligation to act as "the hospital of the world"".
53. Section 117B(4) does not apply as the Appellant has not been in the United Kingdom unlawfully. In relation to section 117B(5), the Appellant's leave to remain has been precarious. She had no expectation that she would be able to settle here. Less weight should be given to her private life. While this does not apply directly to family life, as set out above, the reasons why I have found that she came as a visitor, rather than applying under a route which would have enabled her to apply for settlement, are relevant.

54. Section 117B(6) is not relevant as the Appellant does not have parental responsibility for her grandchildren. However, I have considered their best interests in accordance with section 55 of the 2009 Act. I do not find that their best interests would be compromised if the Appellant were to return to Pakistan. She does not have parental responsibility for them. The evidence is that she moves from one house to another every two or three weeks, and I have not accepted that she moves when her grandchildren demand it. They all live with their parents, and there is no suggestion that their parents are unable to provide the care that they need. There is no evidence that any one of them is more dependent on her than would normally be the case between a grandparent and grandchild.
55. I find that they will be able to keep in touch with her by visiting her in Pakistan, and by modern methods of communication. Indeed, this is how they keep in touch with their other grandparents who are not living in the United Kingdom. I do not accept the submission that returning her to Pakistan would sever “completely” her family life with her grandchildren. I do not accept that the families would not be able to visit her in Pakistan. Her son is there now, although it was stated in evidence that the last time had been was two or three years ago, and that he could not afford to go every six months/ a year. It is not suggested that they would need to visit that regularly, or that family life would only be maintained by visits, but visits could be made.
56. In relation to the Appellant’s daughter’s child it was submitted that, as he had been born after the Appellant arrived, he had no awareness of a time without his grandmother. It is particularly significant, as I am being asked to give particular weight to this relationship, that the Appellant’s daughter does not mention her child in her witness statement, and I have no updated witness statement before me to cover how the relationship between the Appellant and her grandson has developed over the last year. I find that her child’s position is no different to the Appellant’s other grandchildren.
57. I do not make the finding lightly that the Appellant and her family have attempted to get around the provisions for entry clearance as an adult dependent relative, but I find that this is the case. At the time of her application, she was feeling more unwell, her daughter was making more frequent visits to Pakistan to see her, and her claim is that there was nobody to look after her in Pakistan. Mr. [M] said that they applied for her to come here as it was not possible for them to keep going to Pakistan. When asked why she could not return at the end of the visa, the first reason he gave for this was that his sister had married in 2014. I find that when the Appellant came to the UK, the family had not yet decided whether the Appellant’s daughter’s marriage would be arranged in Pakistan or the UK. However, it was decided that she should marry here. That in and of itself prohibited her from providing assistance to the Appellant in Pakistan, which she had been providing prior to her marriage when she had been spending time in Pakistan with her mother. Having decided that she would marry in the United Kingdom, the family would have been well aware that she would not be able to do this in the same way. I did not find the Appellant or her

children to be reliable witnesses, and I do not believe them when they state that it was their intention that she would return to Pakistan at the end of her visit visa.

58. I do not accept the Appellant's or her children's evidence that nobody can be trusted in Pakistan, and that the security situation is such that she cannot return. It was submitted by Mr. Coleman that they would be able to find somewhere for her to live but that it would not be adequate or satisfactory. I have not found this to be the case given the level of family support that she would have in Pakistan, and given the family's financial situation. I have found above that she will be able to receive medical treatment in Pakistan as she has done in the past.
59. Taking into account all of the above, I find that the balance comes down in favour of the Respondent and the public interest in maintaining effective immigration control. I find, in carrying out the balancing exercise required, that the Appellant has failed to show on the balance of probabilities that the decision is a breach of her rights, or the rights of any of her family members, to a family or private life under Article 8 ECHR, or indeed any other rights protected by the Human Rights Act 1998.

Decision

60. The appeal is dismissed on human rights grounds.

61. No anonymity direction is made.

Signed

Date 20 December 2017

Deputy Upper Tribunal Judge Chamberlain

TO THE RESPONDENT **FEE AWARD**

As I have dismissed the appeal, there can be no fee award.

Signed

Date 20 December 2017

Deputy Upper Tribunal Judge Chamberlain