



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Numbers: PA/01054/2015  
PA/01055/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 10 May 2017**

**Decision & Reason Promulgated  
On 21 June 2017**

**Before**

**DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA**

**Between**

**S A  
S W**

**(anonymity directions made)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the appellant: Mr D Balroop of Counsel

For the respondent: Mr S Witwell, Senior Presenting Officer

**DECISION AND REASONS**

- 1.** The appellants are nationals of Pakistan born on 9 September 1989 and 11 May 1984, respectively. They appealed against the respondent's two separate decisions dated 26 August 2015, refusing to grant them asylum and humanitarian protection in the United Kingdom. First-tier Tribunal Judge, MK Lawrence dismissed their appeals on 26 February 2016. The appellant appealed against the decision and were granted permission to

appeal and Upper Tribunal Judge Canavan who found that the decision of the first-tier Tribunal involved the making of an error of law and remitted the appeal to the first-tier Tribunal for a fresh hearing.

2. The appeal came before Judge O'Garro of the First-tier Tribunal, who dismissed the appellants appeal. The appellants appealed against this decision and First-tier Tribunal Judge Parkes refused permission to appeal. Upper Tribunal Judge Rimington granted permission to appeal stating that the credibility finding by the Judge was merely based on a minor discrepancy and thus the reasoning is adequate. She further stated that the timeline was overly rigid when rejecting the credibility of the second appellant and the reasoning relied overly on the Secretary of State's refusal letter without further explanation and referred to the case of ***MK (duty to give reasons). Pakistan [2013] 641***
3. Thus, the appeal came before me.
4. The First-tier Tribunal Judge in her decision found the following which I summarise. The appellants claim that they are homosexuals and have entered into a civil partnership which demonstrates the strength of their relationship. They fear that if they are returned to Pakistan, they will be mistreated or even killed because of their sexual orientation.
5. The appeals are interlinked and the Judge proceeded to consider the First appellant's claim, saying that if she finds his evidence credible that he is in a homosexual relationship with the second appellant, she will be able to reach a finding of the second appellant's claim that he is also a homosexual.
6. The Judge found that the appellant at his screening interview at question 4.2, was asked to explain briefly why he cannot return to his home country to which he answered, "because I have a civil partnership with my boyfriend and someone has told my father and mother as well. I don't know where from, but someone sent pictures to my father, I don't know how". The Judge compared this answer to his answer at his asylum interview at question 64 when the appellant was asked when his family found out about their relationship and the appellant's answer to that was "I have a family friend who attended our wedding he has gone back to Pakistan. His name is Numan; he had some photos on his telephone of our wedding day. He went to our house and he showed them those photos".
7. The Judge found that the appellant stated at his screening interview that he does not know how his parents found out about his civil partnership. At his asylum interview, however, he said his parents found because his friend Numan attended their wedding and showed the photographs to his parents. The Judge did not find it credible that the appellant at his screening interview would not know how his parents found out yet at his asylum interview was able to give full details, including the name of the man who attended his wedding and who returned to Pakistan and showed his father the photographs. The second appellant's evidence in this regard

was at question 198, was asked how his family came to know of his sexuality. He replied that his friend Numan told them. At question 199 he stated, "when he went to Pakistan he had money. After two weeks or a month he did not have money. He asked for money and I gave him some. He told me that he was going to show these photos to my family. I thought he might be kidding and he was serious. He showed the photos to my family".

- 8.** The Judge then considered the second appellant's screening interview and noted that his answer was different to that given by the first appellant at his screening interview. The second appellant said that he is claiming asylum because he is in a partnership but made no mention of any threats. The Judge was entitled to take this into account this omission by the second appellant as damaging credibility.
- 9.** The Judge then turned to the timeline of the asylum claim, specifically as to when the appellant became aware that he was at risk on his return to Pakistan which he claims was when his father found out about his sexuality. At question 129 of the first appellant's asylum interview, he was asked why did he not claim asylum earlier stated, "when I got the phone call. I realise my life of that risk in my life has been threatened. Then I applied for asylum because that was the only way to live here". The Judge then turned to his answer at question 68, where the appellant was asked when did his father telephone and threatened him, to which he replied it was in April after Numan went to his house. At question 66, the appellant said that Numan left for Pakistan two weeks after their wedding.
- 10.** The Judge found this to be an important discrepancy in the timeline. She stated that both appellants attended the Asylum Screening Unit on 27 March 2015 to claim asylum and the reason given at question 129 was that his father threatened him. The Judge noted that on his own evidence, noted at question 68, the appellant said that his father did not know about his sexuality until April 2015 which could not be possible on the evidence of both appellants.
- 11.** The Judge also noted the discrepancy in both appellants' answers as to when Numan left the United Kingdom for Pakistan. The second appellant when asked why he claimed asylum on 27 March, which was less than two weeks after his wedding, he said that he cannot confirm the dates and said that Numan left a week after the wedding. The first appellant's response at question 70 was that all he knows is that Numan left two weeks after their wedding. The Judge found that at the time that the appellants claimed asylum on 27 March 2015, according to their own evidence their families would not have known about their sexuality.
- 12.** The Judge found that the appellant's credibility is have seriously been undermined by the inconsistencies noted. She found that if the appellant's claims were genuine, they would be consistent, in their evidence.

13. The Judge found that although they have entered into a civil partnership, that in itself does not demonstrate that they are in a genuine same sex relationship or that they are homosexuals.
14. She further noted that when Mr Collins, Home Office presenting officer questioned the appellants for why they were not wearing wedding bands and both gave inconsistent answers as to where their bedding bands were.

### **Discussion and findings whether there is an error of law**

15. I have given anxious scrutiny to the decision of First-tier Tribunal Judge and have taken into account the grounds of appeal and the submissions at the hearing. The issue in the appeal for the first-tier Tribunal Judge to decide was whether the appellants are in a genuine homosexual relationship. She considered the first appellant's appeal and stated that if she finds him credible, the second appellant's appeal would succeed on those bases. Therefore, the credibility and the consistency in their evidence was central to the Judge's analysis of the evidence.
16. The Judge found that there were inconsistencies in the evidence. The appellant said at his asylum interview that his family found out about his sexuality and civil partnership in April 2015 when one of his wedding guests, namely, Numan went to Pakistan and showed his family photographs of the wedding day. However, at his screening interview the appellant said that he did not know how his father had found out about a civil partnership and that someone has told his father and mother and he does not know from where "but someone sent pictures to my father."
17. The Judge was entitled to find not credible that the appellant would not have known at his screening interview how his father found out but at his asylum interview be able to give full details. Furthermore, in light of the second appellant's evidence that Numan was trying to bribe him, it is not at all credible the appellant would not know how his father found out, at his screening interview.
18. The Judge found that the second appellant at his screening interview at question 4.2 omitted to say he had been threatened. He said that his reason for claiming asylum was because he is in a partnership and made no mention of any threats. The Judge was entitled to find that the second appellant's omission at his screening interview went to his credibility and took this evidence in the round.
19. Furthermore, the appellant's evidence at his asylum interview that his father threatened to kill him does not accord with his evidence at question 4.2 of his screening interview where the appellant said that when his father found out, he told him that "this is not good, but this is my life".
20. The Judge noted that at question 129 of the first appellant's interview, he was asked why did he not claim asylum earlier to which he replied, "when

I got the phone call I realise my life was at risk in my life had been threatened then I applied for asylum because that was the only way to live here". She compared this answer to his answer at question 68 where he said that his father rang and threatened him in April after Numan visited him and said at question 66 that Numan went to Pakistan two weeks after the wedding.

- 21.** The Judge also considered the second appellant's answer to question 198 of asylum interview when he was asked how his family knew about his sexuality and he had said at question 199, when Numan went to Pakistan, he had money and after two weeks or a month he did not have money and asked the second appellant for money and he gave him some. The second appellant's evidence was that it was three or four days after the wedding, he spoke to Numan who asked him for money. He also said at question 206 that two weeks after Numan asked for money, he spoke to his family.
- 22.** The Judge took into account the second appellant's answer at question 215 when he was asked why he claimed asylum on 27 March which was less than two weeks after their wedding. His response was that he cannot confirm the dates but Numan left a week after the wedding. The Judge found that this was clearly not consistent with the first appellant's response at question 70 of his asylum interview when he said that all he knows is that Numan left for Pakistan two weeks after their wedding.
- 23.** The Judge found that the answers given by both appellants and the timeline was not consistent. The evidence was that his family found out in the second week of April and their marriage took place on 16 March 2015. The appellants gave different timelines for when Numan went to Pakistan and told his parents. The Judge found that as of 27 March 2015 it was not possible that his father knew of his sexuality according to the time line.
- 24.** The Judge stated that there are other consistencies which have been noted by the respondent in her reasons for refusal letter for which the appellant has not been able to give a credible explanation and that this further discredits his credibility but did not set them out. I will set out some of the other credibility findings in the reasons for refusal letter, for completeness and to determine whether a differently constituted Tribunal could decide the appeal differently on the evidence.
- 25.** When the second appellant was asked at question 119, to describe how he met the first appellant, he stated that they met at a pub at Old Camps Street in Tooting Broadway. However, the first appellant said that they met at a pub in Old Compton's Street in Soho. Tooting Broadway and Soho are in completely different locations. It would be expected that the appellants would be consistent about when they first met. This goes to the credibility of the appellant and to the credibility of his claims.
- 26.** The second appellant did not have much information about the first appellant at his asylum interview. He did not know when the first appellant came to the United Kingdom and what he studied here. He did not know

whether the first appellant had worked in the United Kingdom and was unaware of how the first appellant realised his sexuality. Similarly, the first appellant did not know where the second appellant went to school and why he came to the United Kingdom and whether he had any gay relationships in Pakistan or what he studied. This lack of knowledge about each other is not consistent with a genuine relationship.

- 27.** There was also an inconsistency in the evidence as to where the partnership ceremony took place. The second appellant stated that was in Ealing Broadway and the first appellant said that it took place in Hammersmith town hall. It is not in the least credible that both would give a completely different venue for where that marriage ceremony took place. This also goes to their credibility and to the credibility of their claim.
- 28.** When the second appellant was asked, who proposed first, he said “I do not know whose idea it was to get married” and then said, “I think I was the one to propose first”. When the appellant was asked why he does not recall such a significant event as a proposal, he did not answer the question put to him but when given a second opportunity to explain, he said that he thinks he mentioned it first “as far as I remember”. This vague response and inability to remember a recent significant turning point in his life, goes to his credibility and to the credibility of this claim that the appellants are in a genuine homosexual relationship.
- 29.** The Judge took all the evidence into account, in the round and came to a sustainable conclusion. I find that there is no perversity in the reasoning of the Judge and the conclusions that she arrived at on the evidence. I find that no material error of law has been established in the First-tier Tribunal Judge’s decision. I find that she was entitled to conclude that the appellants are not credible and nor is their claim that they are homosexuals and they are not entitled to be recognised refugees or to be granted humanitarian protection in this country based on their claimed homosexuality.
- 30.** I uphold the decision of the First-tier Tribunal and this dispose of the appeal.

**DECISION**

I find that there is no error of law and I dismiss the appeal

2017

Dated this 17<sup>th</sup> day of May

Signed by

A Deputy Judge of the Upper Tribunal

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Mrs S Chana