



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA010852017

THE IMMIGRATION ACTS

Heard at Field House
On 20th June 2017

Decision & Reasons Promulgated
On 23rd June 2017

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

N A
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Sifolahi, Counsel, instructed by Tower Hamlets Law Centre
For the Respondent: Mr P Nath, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal, with permission, by the Appellant. The Appellant is a national of Pakistan born on [] 1971 and she had made an asylum application in July 2016 which was rejected on 20th January 2017. It was her appeal against that Decision which came before First-tier Tribunal Judge Rhys-Davies on 3rd

March 2017. By a Decision and Reasons promulgated on 22nd March 2017 her appeal was dismissed on all grounds.

2. The basis of her claim was that if returned to Pakistan she will be at risk from her family and the man whom her family wish her to marry. She has refused to marry that man and that is what would put her at risk. She came to the UK on 11th August 2012 with a two year student visa which was then extended to expire in August 2016. She had thus been in the UK for four years as a student. It is part of her case that her family only allowed her to come to the UK to study on the basis that she had agreed to marry the person they wanted her to and that she would come to study for a period of only six to twelve months.
3. The judge heard evidence from both the Appellant and her sister, who resides in the UK. He also had some documents, said to corroborate the claim, which were a newspaper from Pakistan and letters purporting to be from the Appellant's proposed fiancé. The judge also had a medical report. The judge made extensive adverse credibility findings and it is those that are challenged by the Appellant's representatives both in the grounds and orally.
4. The grounds essentially argue that the judge has not done a holistic assessment of credibility and that the findings that he has made were not open to him and fundamentally flawed; indeed so flawed that they cannot stand. One of the paragraphs in the determination which is challenged is paragraph 17, which says:

"I find that this appeal should be dismissed. Notwithstanding the low standard of proof, the broad consistency of the Appellant's account in the retelling, the expert opinion of Mrs Moeen and the Respondent's acceptance that at least part of the Appellant's account is consistent with known country background evidence, I am satisfied that the core of the Appellant's account is not at all credible and I reject her account of her reasons for fearing to return to Pakistan in its entirety."
5. That paragraph cannot be read in isolation. It has to be read along with the following paragraphs that also contain adverse credibility findings and as is accepted it is of course not the case that simply because an account is consistent with background country information it has to be credible.
6. The other challenges to the overall credibility findings are that the judge has not considered all of the evidence in the round and that means that the judge's consideration of the documentary and potentially corroborative evidence was flawed and the reason for rejecting the witness, the Appellant's sister's evidence, is also flawed.
7. Looking at the judge's findings the judge found at paragraph 19 that the Appellant had not reconciled a fundamental conflict at the heart of her claim and that was the discordance between her claim of great family pressure to proceed with the arranged marriage and dire consequences for defying this on the one hand against the absence of any problems with her family after her arrival in the UK and before early 2016. I

am unimpressed with the argument that she only told her parents in early 2016 categorically that she would not marry this man because she had already overstayed the length of time that they had permitted her to be here by some three and a half years without any problem and that is a point that the judge also makes in paragraph 20.

8. At paragraph 21 the judge makes another finding that the Appellant had said that her parents did not pressure her to return immediately because they were preoccupied with concern about her sister and her children after her marriage collapsed. Even if that were true, the judge says, it does not explain what happened thereafter. He also noted that the proposed fiancé did not begin to express any doubts until recently.
9. The judge at paragraph 22 says that the repeated delay of her return home to a period lasting over three times as long as she said she was allowed to stay without any apparent objections was irreconcilable with her evidence to the Tribunal that her parents were traditional, that she was kept on a short leash, that her marriage to the even more traditional proposed fiancé was set in stone and that the period of study in the UK was always regarded by her family and him as short-term.
10. He notes that the expert did not address that issue. He also considered and found against her on the basis that it was not credible that her parents would permit her to go abroad at all in the circumstances which she claims. He considered the documents in terms of Tanveer Ahmed and gives very good reasons why he rejected the newspaper evidence and indeed it would have been astonishing if he had not. The single article relied upon is printed in English whereas the rest of the paper is printed in Urdu. Furthermore, the family member who, it was claimed, placed the article, speak no English.
11. He gives reasons for rejecting the letters because there was no evidence that they originated from Pakistan. The sister's evidence he understandably rejected, looking at things in the round, on the basis that she is a close family member wishing to support her sister. I find no error of law in the judge's reasoning, which is detailed and open to him on the evidence that was before him. The appeal to the Upper Tribunal is dismissed.
12. An anonymity direction was made by the First-tier Tribunal. I will continue that.

Notice of Decision

The appeal to the Upper Tribunal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any

member of her family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 23rd June 2017

Upper Tribunal Judge Martin

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 23rd June 2017

Upper Tribunal Judge Martin