



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

Appeal Numbers: PA/11790/2016
PA/11787/2016
PA/11784/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 15th June 2017**

**Decision & Reasons Promulgated
On 3rd July 2017**

Before

UPPER TRIBUNAL JUDGE RIMINGTON

Between

**A G I (FIRST APPELLANT)
S I (SECOND APPELLANT)
S I (THIRD APPELLANT)
(ANONYMITY DIRECTION MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr Trussler
For the Respondent: Mr Tufan, Senior Presenting Officer

DECISION AND REASONS

The Appellants

1. The appellants appeal against a decision of the First-tier Tribunal Judge Rowlands who dismissed their appeals against the Secretary of State's refusal dated 11th October 2016 of their claims for asylum, humanitarian protection and protection under the European Convention. The First-tier Tribunal Judge's decision was issued on 29th March 2017.
2. The appellants are citizens of Pakistan. The first appellant is the mother born on [] 1970 and the second and third appellants are her daughters aged 27 and 23 respectively at the date of hearing. Their claims were linked to those of their mother and also independent thereof.
3. The immigration history of the first appellant showed she was first granted a visa as a dependent of her husband in 2007 and entered the country on 20th July 2007. The second and third appellants accompanied her as dependants of their father. On 5th November 2013 the first appellant was granted a student visa which was extended until October 2015. However, her leave was curtailed on 13th August 2014 as having been obtained by deception. Her application on the basis of domestic violence was rejected in March 2016 and in July 2016 she claimed asylum. The second and third appellants' leave was also curtailed in August 2014 and they too claimed asylum in 2016.
4. I take note that at the hearing the appellants were unrepresented, as indeed were their applications for permission to appeal.

The Grounds for Permission to Appeal

5. It was asserted that (i) the Immigration Judge wholly relied on the reasons for refusal letter without considering the appellants' evidence as a whole (ii) the judge failed to appreciate the appellants' case in terms of them having taken a promise from the first appellant's husband to allow them to study abroad before he gave his daughters' hands in marriage to his cousins in Pakistan (iii) The evidence was stated in the witness statements but no reliance was placed on that by the judge.
6. The grant of permission made by First-tier Tribunal Judge Ford noted that the decision made brief reference to the appellants' witness statements, but there was no mention of the history of their attempts to seek forced marriage protection orders in the UK, nor was there any mention of the first appellant's allegations of blackmail by a third party and it was arguable that the Tribunal may have overlooked these aspects of the claim in relation to the assessment of risk.
7. I note that the grant of permission appears to refer to aspects that were not set out in the application for permission to appeal, but nonetheless I will deal with the grounds as they are set out.
8. At the hearing before me Mr Trussler submitted that the appellants were litigants in person and he wished to amend the appellants' grounds of

appeal to include a challenge to the failure of the judge to consider in full the report of Dr Giustozzi, specifically paragraph 15. He considered that the judge had by-passed any consideration of that report.

9. Mr Trussler argued in his submissions that the judge had not engaged with the appellants' explanation that the father was merely complying with their wishes in coming to the UK whilst waiting to marry the daughters back in Pakistan.
10. Mr Trussler also submitted that the witness statement of Miss U K was a detailed statement and had not been placed in context by the judge. The judge had merely indicated a summary dismissal.
11. Mr Trussler agreed that at the date of the hearing the proceedings for a forced marriage order had not been pursued because the ex-husband and father had not been located. He had disappeared, as identified by the judge. He noted there was no documentation in the appellants' bundle but considered that there were such documents in the Home Office bundle. In fact there was a letter from the Foreign and Commonwealth Office dated 17th March 2016 acknowledging an *application* for a forced marriage order.
12. Mr Tufan, protested that there was no ground of appeal regarding Dr Giustozzi's report but nonetheless criticised the report's sweeping assertions regarding abuse *and trafficking*, none of which had been made in the appeal. The mother had previously been a teacher in Pakistan and was an educated woman and the case law had indicated that she and her daughters could re-settle in Pakistan. Simply, there was no knowledge of where the appellants' ex-husband and father was. The judge did not accept that the husband came to the UK in order to force the daughters to marry. I was referred to the case of **Gheisari v Secretary of State for the Home Department [2004] EWCA Civ 1854**, specifically paragraph 14. whereby it was accepted that a sentence simply added by a judge, that is "*His evidence lacks the ring of truth*" was considered by the Court of Appeal to be sufficient to show separate consideration from that of the respondent, went beyond simply echoing the Secretary of State's incredulity, and, indicated the Adjudicator's own evaluation of the veracity of the account. That was his task and that was found to be acceptable by the Court of Appeal. That was the case here.
13. Mr Trussler responded that the first appellant had been able to engineer a situation such as to force the husband to come to the UK. He repeated that there was no consideration of the report of Dr Giustozzi.

Conclusions

14. I am not persuaded there is any error of law in the decision by the judge on an overall reading of the decision or that he overlooked relevant factors or evidence. In response to the permission to appeal, the judge specifically stated at paragraph 32 that he had considered all of the

evidence in the case (including that to which he did not specifically refer to) and reached his following conclusions.

15. The judge rehearsed the evidence in detail, noting specifically that the first appellant came to the UK as a dependant of her husband as long ago as 2007. He also identified that at the date of the hearing the second and third appellants were indeed the age of 23 and 27 years old.
16. At paragraph 19 the judge notes:-

“At the hearing it was accepted that there was evidence to show that her husband’s behaviour towards her [the first appellant] had warranted her making an application in the Family Courts for a non-molestation order and that there had been a complaint to the Police about an assault upon her”.

The judge clearly took into account the background of molestation occasioned by the husband. That does not indicate that he failed to address the relevant documentation.

17. The judge also recorded that the respondent had noted that since the assault that took place in February 2016 there had been:-

“... no further problems and indeed no contact with her husband which casts doubt on the credibility of their claim that he was attempting to force the daughters into marriage. She had not claimed asylum at all on that basis in 2016 when her daughters had claimed but had instead made a claim outside the Immigration Rules on the basis of her being a victim of domestic violence. Her explanation for doing so was not credible and consistent with their claim”.

18. In relation to the claim of being harassed by a Mr S R, the judge recorded at [24] that the first appellant was clear she had not appeared in any indecent videos and that it was asserted by the Secretary of State that the claim was *‘wholly speculative and unfounded’*. Indeed, the judge noted

“... in reaching the conclusions that the respondent had concerning the first Appellants claim they had taken into account her failure to make a claim during the whole nine years that she had been in the United Kingdom”.

19. Thus regarding the threat of blackmail by Mr S R the judge noted the respondent’s conclusion that there was absolutely no evidence to confirm that that was the case, and in fact it was contradicted by the claim of the first appellant that the obscene photographs were of her and not her daughter [29]. The judge clearly stated that he had considered the refusal letter as it related to the third appellant and the conclusions to be drawn thereon.

20. The grounds assert that the judge failed to appreciate the appellants' case in terms of them having taken a promise from the husband and father to allow them to study abroad before he gave his daughters' hands in marriage to his cousins in Pakistan. It is evident the judge did not accept this. At paragraph 33 the judge notes the violence perpetrated on the first appellant, that all three appellants were well educated and modern thinking women and would not believe that it was right for girls to enter into marriage that was not of their own choosing but he specifically asserted contrary to their assertions on the threat of marriage that

"I am not satisfied that it is the reason for them coming to the United Kingdom"

and he proceeded to give his reasons, clearly stating at paragraph 33, that he rejected the first appellant's account of the history of friction with the husband's family in Pakistan:-

"The respondent rightly points out that the husband's family were totally accepting of their marriage despite it not being arranged. They had been able to live with the Appellants sister-in-law for a number of years which would indicate that they [the family] are less traditional than claimed".

21. Mr Trussler urged me to accept that the judge had not taken into account the first appellant's witness statement, but the contention that the family was merely following an agreement was specifically rejected by the judge because of the passing of time. Indeed, as the judge states they had been able to live with the first appellant's sister-in-law for a number of years. This entirely contradicts the first appellant's statement whereby she states that the enmity continued and to which I have referred above.
22. The judge also specifically states at paragraph 34 that he was satisfied that there were issues between the first appellant and her husband before they left Pakistan, but specifically does not accept that she would agree to accompany him with their two daughters to the United Kingdom if he still insisted on them marrying and/or that he would have brought them all to the United Kingdom and tolerated the situation for the length of time he did in the UK if he still wanted them to marry his family's chosen person. I note that the daughters are now aged 27 and 23 years of age.
23. As indeed the judge states that he was:-

"... equally satisfied that he would not have financed the whole of their trip and remained with them not just when they arrived but also from 2007 right through to 2016. That is not the actions of somebody who was insisting on them all going back to Pakistan so the girls could marry and not the actions of somebody who was angry with them for their failure to do so".

24. The judge has clearly made findings over and beyond those made by the respondent. The judge identified the discrepancies in the first appellant's claim, the delay in her claim, and the changes made in the claims. That effectively undermined the credibility of all the appellants. The judge clearly departed from the reasons for refusal letter making up his own mind and expressed a finding that the real reason for the marriage breaking up was the violence that he showed towards the first appellant. That was fully factored into the decision.
25. Although there was a letter of receipt from the Foreign and Commonwealth Office dated 17th March 2016 regarding an *application* for a forced marriage order there was no firm evidence before the judge to confirm that this had indeed been taken forward or indeed that there was substance to this. There was a separate letter from a letter from the Criminal Justice System Witness Care Officer dated 2nd September 2016 but this did not identify the case against the ex husband, and was addressed to the first appellant and not the daughters, and took the case on forced marriage no further forward. Nor did it identify the case against the husband. On considering the documentation that was produced, I do not find it a material error, in the light of the findings made on violence, that the judge, did not specifically further address the one letter on the marriage order application.
26. I reject the suggestion that the witness statement of Miss U K was not taken into account. As the judge stated at paragraph 41, he rejected the witness statement and gave reasons for it because "*the vast majority of the evidence is of things that have been said to her by the first Appellant*". Although Mr Trussler urged me to consider this in the context in which it was given, there is no doubt that the *key* elements of the witness evidence was indeed information from the first appellant.
27. Once again at paragraph 43 the judge noted "*Having regard to the totality of the evidence both oral and documentary*" he dismissed the claim. A Judge does not have to refer to every piece of evidence, **Budhathoki (reasons for decision)** [2014] UKUT 00341 and it is quite clear for a series of reasons as to why the judge rejected the appellants' claim and the witness evidence.
28. I reject the amendment application made by Mr Trussler. First, it was not raised in the grounds. Secondly, the judge clearly dealt with the conclusion of Dr Giustozzi who appears to refer to trafficking which was not raised as an issue in the appeal and further makes reference to lone women, which these appellants are not. They would remove together. Indeed the judge refers at paragraph 37, in essence to the conclusions of the report, such that he did not accept that the first appellant's ex-husband would be able to find the family because of his rank: first that he was not senior and "*although he may have been able to find them he certainly was not able to force his wife to be with him nor his daughters to enter into any kind of marriage*". In fact it was only after he apologised to her that she would accept him back on her terms. As the judge stated:-

“This does not indicate to me someone who has such influence in Pakistan that he would be able to find them wherever they were if they returned even assuming that he knew for one minute that they had actually returned to Pakistan”.

29. At paragraph 39 the judge was quite clear that he had considered the expert’s report in the case and the country guidance cases finding:-

“... from the evidence given by the first Appellant that she has in the past succeeded not only in relocating in Pakistan but also been able to survive by finding work. She is clearly a resourceful woman and well qualified and would able (sic) to fend for herself and there is no reason why she could not do so again. So far as the second and third Appellants are concerned they are also well educated and there is no reason why they could not be successful in Pakistan even without family support”.

30. **Shizad (sufficiency of reasons: set aside) [2013] UKUT 00085 (IAC)** confirms that the judge needs to give adequate but not extensive reasoning for his findings if the decision as a whole makes sense. That is the case here. For the reasons given above I find no error in the decision and it shall stand.

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 them or any member of their 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 Helen Rimington

Date 30th June 2017

Upper Tribunal Judge Rimington