



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

Appeal Numbers: AA/06665/2014  
AA/06513/2014  
AA/06666/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 6<sup>th</sup> March 2015**

**Determination Promulgated  
On 15<sup>th</sup> April 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE LEVER**

**Between**

**MRS ARIFA SHAHEEN (FIRST APPELLANT)  
MISS AYESHA QUDSIYA SAEED KHAN (SECOND APPELLANT)  
MISS FALAK IRTIZA KHAN (THIRD APPELLANT)  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellants: Miss Currie of Counsel

For the Respondent: Mr Jarvis

**DECISION AND REASONS**

**Introduction**

1. The Appellants born on 21<sup>st</sup> May 1961, 17<sup>th</sup> September 1994 and 1<sup>st</sup> January 1998 respectively are all citizens of Pakistan. The Appellants had arrived in the United Kingdom on 19<sup>th</sup> October 2013 and made a claim for

asylum on 20<sup>th</sup> March 2014. The Respondent had refused that application on 15<sup>th</sup> August 2014.

2. The Appellants had appealed that decision and the appeal was heard by First-tier Tribunal Judge Prior on 22<sup>nd</sup> October 2014 sitting at Hatton Cross. The judge had dismissed the appeals on all grounds.
3. Application for permission to appeal was made on 8<sup>th</sup> December 2014. Lengthy Grounds of Appeal were attached. Permission to appeal was granted by Designated Judge Coates on 14<sup>th</sup> January 2015. It was said there was an arguable error of law in that clear findings had not been made in support of adverse credibility findings and it was said to be somewhat difficult to follow the decision. Directions were issued directing the Upper Tribunal to firstly consider whether or not an error of law was made by the First-tier Tribunal in this case. The matter comes before me in accordance with those directions.

### **Submissions on Behalf of the Appellants**

4. Miss Currie referred me to the lengthy Grounds of Appeal and submitted that the judge had failed to reach clear findings of fact. It was also said there had been a failure to make findings in respect of the evidence of the Appellants' sister. It was further submitted that there had been a failure to consider the risk on return and finally a failure to have a fair hearing in that the judge should, on his volition, have adjourned the matter for the production of medical documents.

### **Submissions on Behalf of the Respondent**

5. The Respondent opposed the application and submitted that the judge had dealt with all matters and had made clear findings if the determination was read as a whole.
6. At the conclusion I reserved my decision to consider the evidence and submissions raised. I now provide that decision with my reasons.

### **Decision and Reasons**

7. The judge had had regard to the documents in this case both in that which he states at paragraph 7 and a reading of the decision as whole. Whilst a first reading of the narrative may appear a little unclear (not helped by lengthy paragraphs) the reality is the judge was attempting to summarise "highly inconsistent and particular incoherent" evidence as he so stated at paragraph 23. However it is clear the judge was fully appraised of the evidence in the account provided. He did deal specifically with the sister's evidence at paragraphs 23, 28 and 30.
8. The judge had concluded at paragraph 31 "Since I could place no reliance upon the evidence before me as it related to all contested issues in the appeal I could not be satisfied as to the social and family circumstances of the Appellants as they might prevail upon their return to Pakistan". He was entitled to reach that conclusion based upon the inconsistencies and credibility features he dealt with within the body of the decision.
9. It was submitted the judge should, of his own volition, have adjourned this case to obtain medical reports on the Appellants as a "**Robinson** obvious"

point. I find no merit in that submission. Firstly if it was so “**Robinson** obvious” why did the Appellants’ solicitors not obtain the evidence? There was no application for an adjournment on behalf of the Appellants at any stage as recorded. Although the Appellants’ sister at the error of law hearing passed a note to Miss Currie suggesting such was made, I find no record of that within the papers and I note at the CMR hearing the solicitors made no request for an adjournment or indicated they were awaiting medical reports.

10. Further there were medical documents in the Appellants’ bundle. The judge referred at paragraph 32 to the absence of fully reasoned medical or psychiatric reports but there were medical documents as such. He also noted that the medical evidence referred to the adult Appellant having a single heart attack in Pakistan in 2014, whilst her evidence was that she had two heart attacks in 2011 and 2012. Accordingly even on what might be presumed uncontentious matters there was a clear inconsistency; the hallmark of the Appellants’ evidence as described by the judge. The criticism therefore that there was no fair hearing because the judge failed to adjourn for medical reports is without merit.
11. The Respondent had accepted that the second Appellant had given a speech concerning Shia/Sunni relations and as a result unknown people had gathered outside the family home. The Respondent further accepted the likelihood the uncle had been murdered but it was not accepted there was a link between those two matters. Essentially the judge had rejected all other claims given the levels of inconsistency and incoherence/credibility within the evidence of the Appellants’ case. In respect of those two features accepted by the Respondent the judge had noted at paragraph 23 that “beyond the events of 25<sup>th</sup> October 2014 there was no evidence of any continuing threat to the Appellant”. The judge had noted the inconsistencies in the evidence that the alleged threat came from either the neighbours, local Sunni community, Pir Deval Sharif Group or indeed who or what constituted that group.
12. In those circumstances the judge was entitled to conclude at paragraph 34 that there was no risk on return and that the Appellants had failed to discharge the appropriate burden and standard of proof applicable in these cases.

### **Notice of Decision**

There was no material error of law made by the First-tier Tribunal in this case and I uphold the decision of the First-tier Tribunal.

No anonymity direction is made.

Signed

Date **15<sup>th</sup> April 2015**

Deputy Upper Tribunal Judge Lever

**TO THE RESPONDENT**  
**FEE AWARD**

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

Signed

Date **15<sup>th</sup> April 2015**

Deputy Upper Tribunal Judge Lever