Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/03606/2015

THE IMMIGRATION ACTS

Heard at Bradford	**Decision & Reasons Promulgated**
On 23 June 2016	**On 11 July 2016**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

[S N]
(ANONYMITY DIRECTION NOT MADE)

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Home Office Presenting Officer
For the Respondent: Ms Akinbolu, instructed by Joules Law

DECISION AND REASONS

1. I shall refer to the appellant as the respondent and the respondent as the appellant (as they appeared respectively before the First-tier Tribunal). The appellant, [SN], was born on [ ] 1965 and is a female citizen of Pakistan. She appealed to the First-tier Tribunal (Judge Callender Smith) against a decision of the respondent to remove her from the United

Kingdom having refused her claim for asylum. The respondent's decision is dated 18 February 2015. The First-tier Tribunal, in a decision promulgated on 18 March 2016, allowed the appeal. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. The appellant is an Ahmadi Muslim. As grounds record [2] the appellant claimed that she had first encountered problems in Pakistan on 1 January 2015 when she returned to that country from a visit to the United Kingdom. The "root cause of her problem" was that she had met the Ahmadi khalif whilst in the United Kingdom and this had inflamed non-Ahmadis to threaten her. The grounds complain that there was no evidence beyond that of the appellant herself that she had had a private audience with the khalif in London. It was also unclear why the appellant, a moderately discreet practising Ahmadi, should have made a voluntary disclosure of her meeting with the khalif to non-Ahmadi neighbours in Pakistan.

3. I find that the appeal should be dismissed. First, as Judge Andrew noted when refusing permission in the First-tier Tribunal, the judge had found [62] as a fact that the appellant would not moderate the expression of her faith whilst in Pakistan (having become more active as a proselytiser whilst in the United Kingdom) and that this would give rise to risk. That risk did not appear to be associated at all with the appellant's meeting with the khalif in London. Secondly, the judge was entitled to make findings on the basis of the evidence that was before him. That evidence consisted of the appellant's oral and written testimony that she had met the khalif whilst in London, the judge was entitled to accept that evidence and make a finding of fact accordingly. There was no requirement for the judge to go looking for corroboration of the appellant's evidence. Thirdly, as regards the fact that the appellant had disclosed details of her meeting to non-Ahmadis in Pakistan, there appears to be nothing in that part of the evidence which contradicts the judge's finding that the appellant, a devout Ahmadi whose devotion to her faith had deepened whilst in the United Kingdom, would not behave in that way. The ground represents little more than a disagreement with the finding which was open to the judge on the evidence.

4. Fourthly, even if I were to set aside the decision for the reasons stated in the ground and to re-make it, I am aware that the appellant has now produced evidence corroborating the fact that she met the khalif whilst in London. I am, of course, aware that that evidence was not before the First-tier Tribunal Judge but Mr Diwnycz, for the respondent, told me that the new evidence would "prove the case" advanced by the appellant. I do not find that the judge erred in law but, even if I were so to find, I would exercise my discretion not to set aside the decision in this instance.

Notice of Decision

5. This appeal is dismissed.

6. No anonymity direction is made.

Signed Date 4 July 2016

Upper Tribunal Judge Clive Lane