



Upper Tribunal

(Immigration and Asylum Chamber)

Appeal Number: HU/05875/2018

HU/07109/2018

HU/07114/2018

HU/07119/2018

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre
On 6 February 2019**

**Decision & Reasons Promulgated
On 12 February 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE BIRRELL

Between

**SADIA ABDUL RAHIM
ABDUL RAHIM
MOMOONA ABDUL RAHIM
DUAA ABDUL RAHIM
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Timson counsel for the Appellants

For the Respondent: Mr C Bates Senior Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. I have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this Appellant. Having considered all the circumstances and evidence I do not consider it necessary to make an anonymity direction.
2. The Appellants are a mother, father and two children born 28.2.1978; 23.5.1969; 17.3.1998 and 26.6.1999.
3. This is an appeal by the Appellants against the decision of First-tier Tribunal Judge Monaghan promulgated on 6 August 2018, which dismissed the Appellant' appeal against a decision of the Respondent dated 15 February 2018 to refuse a human rights claim.

The Judge's Decision

4. Grounds of appeal were lodged in essence arguing that that the Judge failed to engage with the argument that the Appellant could have met the requirements of paragraph 276ADE(vi) of the Rules as a result of her mental health problems.
5. Permission was granted by First-tier Tribunal Judge Hollingsworth on 9.11.2018

Submissions

6. At the hearing I/we heard submissions from Mr Timson on behalf of the Appellant that:
 - (a) He relied on paragraph 2 of the grounds of appeal in that the Judge had failed to consider whether the Appellant would have the capacity to participate in life in Pakistan if she were returned there as that was the 'nib' of her appeal.
 - (b) He argued that the Judge did not have sufficient regard to the medical evidence.

- (c) He suggested that the thrust of the Judges findings at paragraphs 80-81 was that she had mental health problems but would be alright as her husband and family would return with her. Given that the medical evidence was that her condition would deteriorate this was not taken into account.
7. On behalf of the Respondent, Mr Bates submitted that:
- (a) The Judge clearly took into account including the most recent evidence from Dr Miah which Mr Timson referred to. He took into account that the Appellants MH Issues while they appear to have started in 2015 were triggered by events in Pakistan in 2009
 - (b) The evidence before him was that the care provided was largely from her family as she does not engage outside the family and indeed her engagement with her husband and daughters is limited
 - (c) In terms of her return to Pakistan and integration there she is not integrated in the UK. She would be able to integrate to the same limited extent that she had in the UK.
 - (d) The Judge was entitled to conclude that there would be disruption but beyond that her position would not change.
8. In reply Mr Timson on behalf of the Appellant submitted
- (a) The Appellant was a victim of persecution and has severe depression and if sent back this would get worse
 - (b) The Appellants ability to integrate in her circumstances would be impacted as Pakistan caused her problems.

Legal Framework

9. The Appellants claim is that she met the requirements of paragraph 276ADE1(vi) of the Rules in that at the time of her application 'there would be very significant obstacles to the applicant's integration into the country to which he would have to go if required to leave the UK.'

10. I assessing whether this Rules was met the grounds rely at paragraph 2 on Parveen [2018] EWCA Civ 932 where at paragraph 8 it states:

"In Kamara v Secretary of State for the Home Department [2016] EWCA Civ 813, [2016] 4 WLR 152, Sales LJ said, at para. 14 of his judgment:

"In my view, the concept of a foreign criminal's 'integration' into the country to which it is proposed that he be deported ... is a broad one. It is not confined to the mere ability to find a job or to sustain life while living in the other country. It is not appropriate to treat the statutory language as subject to some gloss and it will usually be sufficient for a court or tribunal simply to direct itself in the terms that Parliament has chosen to use. The idea of 'integration' calls for a broad evaluative judgment to be made as to whether the individual will be enough of an insider in terms of understanding how life in the society in that other country is carried on and a capacity to participate in it, so as to have a reasonable opportunity to be accepted there, to be able to operate on a day-to-day basis in that society and to build up within a reasonable time a variety of human relationships to give substance to the individual's private or family life."

Finding on Material Error

11. Having heard those submissions I reached the conclusion that the Tribunal made no material errors of law.
12. It cannot be argued that the Judge had not identified the issues in this case as she recorded the Appellants case in some detail at paragraphs 20 onwards highlighting Mr Thornhills argument that there would be very significant obstacles arising out of her mental health problems to her participating in any kind of meaningful life in Pakistan and thus this was the focus of her findings.
13. The Judge also set out in detail at paragraphs 61-67 the medical evidence placed before the Judge and there is no merit in the suggestion that she did not take into account the evidence of all of the medical professionals including the most up to date report of Dr Mir as this was specifically referred to. The Judge

therefore accepted at paragraph 74 that the Appellant was suffering from severe depression with psychotic symptoms and elements of PTSD. She accepted that there was stigma attached to mental health problems in Pakistan (paragraph 99) and that while medication and mental health facilities were available there were not as good as in the UK.

14. She had already recorded the evidence of both the Appellants husband and two daughters that her life in the UK, her capacity to integrate in the UK even with all of the available support and medication was significantly restricted in that she had limited engagement even with her husband and daughters and remained largely at home cared for by them but that this could continue in Pakistan (paragraph 103 and 107) . It was open to her to find that to the very limited extent that she was capable of engaging with life outside her immediate family she would have the care and support of her family in doing so. She recognised that there would be obstacles at paragraph 108-109 arising out of her mental health issues but reached the conclusion that they would not prevent the reintegration of the family.
15. I am therefore satisfied that the Judge's determination when read as a whole set out findings that were sustainable and sufficiently detailed and based on cogent reasoning.

CONCLUSION

16. **I therefore found that no errors of law have been established and that the Judge's determination should stand.**

DECISION

17. **The appeal is dismissed.**

Signed

Date 11.2.2019

Deputy Upper Tribunal Judge Birrell