



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

Appeal Number: PA/06155/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 4 June 2019**

**Decision & Reasons Promulgated
On 10 June 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AARTI [P]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 15 August 1987 and is a female citizen of India. She appealed to the First-tier Tribunal against a decision of the Secretary of State dated 30 April 2018 to refuse her international protection/human rights application. The First-tier Tribunal, in a decision promulgated on 19 June 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. A previous hearing before the Upper Tribunal had to be adjourned because an interpreter in Hindi was not available. At the resumed hearing on 4 June 2019, an interpreter was again not made available but, fortunately, it was

possible to use a Punjabi interpreter who was present at the tribunal centre. The appellant confirmed that she was content to proceed with a Punjabi interpreter. I told the appellant that she should let me know if she did not understand any part of the proceedings. I was assisted by Mrs Pettersen, who appeared for the Secretary of State, who made her submissions in a manner easily comprehended by the appellant.

3. The grounds of appeal are brief. The grounds were not drafted by the appellant herself but by Counsel instructed by the appellant's solicitors who no longer appear to be retained in the appeal. There is, in essence, one ground of appeal, namely that the judge failed to have proper regard to the best interests of the appellants daughter subject to the provisions of section 55 of the Borders, Citizenship and Immigration Act 2009. The findings of fact of the judge are not challenged. The judge had rejected [66] the appellant's account of having suffered abuse at the hands of her first husband. The judge accepted that the appellant is taking medication for anxiety [77] but the judge did not accept that there was any evidence that the second husband of the appellant was seeking to remove the appellant's daughter from her. The judge rejected the appellant's claim that she would face ill-treatment in India on account of the conduct of either of her two husbands [89]. At [90], the judge agreed with a previous tribunal's finding that the appellant had failed to prove that she had no family or friends in India who would assist her.
4. In her submissions to the Upper Tribunal, the appellant told me that her second husband is now living in India. She said that she only had her husband's family in India and no family of her own who would assist her.
5. I have considerable sympathy for the appellant who presented her case cogently. It is also clear that she is suffering anxiety at the present time, possibly as regards the uncertainty of her immigration status and the custody of her child. However, I am bound to consider the appeal only on the grounds on which permission has been sought and granted. It is clear that the judge at [52] did consider the position of the appellant returning to India as a single mother 'with a young child.' The judge does not refer to section 55 of the Borders, Citizenship and Immigration Act 2009 in terms but I am satisfied that his analysis addresses the best interests of the child and I agree with this Secretary of State's submission that those best interests will be met by the child remaining at all times with the appellant. This will mean that the child will return with the appellant to her own country of nationality, India. No challenges been made to the judge's findings of fact as regards the availability of family or other support in India. I am not in a position to reverse those findings. It may be the case that there is limited family support on which the appellant may draw in India, but the judge also found that she would have the support of friends and others, a finding which has not been challenged in any way. In conclusion, I am satisfied that the judge has addressed the best interests of the appellant's daughter and, given that there is no other challenge to his decision, I find that the appeal should be dismissed.

Notice of Decision

This appeal is dismissed.

Signed

Date 4 June 2019

Upper Tribunal Judge Lane