



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-004233

First-tier Tribunal No: HU/57771/2021
& IA/17073/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

8th September 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE SYMES

Between

CHITRA MEETOO
(Anonymity order not made)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Ms McKenzie

Heard at Field House on 10 August 2023

DECISION AND REASONS

1. This is the appeal of Chitra Meetoo, a citizen of Mauritius born 17 November 1983, against the decision of the First-tier Tribunal signed on 30 May 2022 to dismiss her appeal on human rights grounds.
2. The Appellant entered the UK on 5 April 2017 with her two children, as visitors; she left her children with her cousin, Mr Doorga, whilst she returned to Mauritius on 10 June 2017. She last entered the UK as a visitor on 13 September 2017. Her application of 6 January 2021 (made as a parent under Appendix FM) was essentially based on her relationship with her children in

the UK (who have been granted leave to remain based on the care they receive from Mr Doorga); it was refused because the Respondent did not accept she satisfied the Suitability criteria having submitted false information (by way of inconsistent information as to the childrens' living arrangements), though the criteria for the route were thought to be otherwise met.

3. The Appellant's case before the First-tier Tribunal was essentially advanced on the basis she had suffered domestic verbal and physical abuse from her husband and his family in Mauritius, culminating in an incident in September 2016 when her husband was violent towards her in front of her son. She feared that his family would find her if she returned to Mauritius and take away her children. In the UK she was supported by Mr Doorga; he believed he would be unable to support her if she returned to her country of origin. The Respondent invited her to pursue an asylum claim given she had raised fears of domestic abuse but this was option ultimately not pursued.
4. The First-tier Tribunal noted that the evidence on the Appellant's living arrangements vis-à-vis her children since her arrival here was unclear as they were variously stated to be living at an address in Rainham, Essex, and in Dover, a matter not wholly cleared up by the suggested explanation that this was because the Rainham address was used only for school registration purposes. The Tribunal went on to find:
 - (a) There was very limited medical evidence before it supporting the claim that the children lived with Mr Doorga because the Appellant was unable to care for them: it was more likely there was another explanation, such as her living separately from them whilst she sought work in London.
 - (b) Mr Doorga was the childrens' primary carer: from 2020 they lived with him in Dover, the Appellant seeing them around three times weekly and acting as their emergency contact for purposes such as schooling, which was sufficient contact to amount to family life between her and her children.
 - (c) The Appellant had not proven family life between her and Mr Doorga: he was a remote relative and whilst he helped her with financial and emotional support, they did not live together.
 - (d) The Respondent's refusal on Suitability grounds was not made out, in that the asserted inconsistencies in the childrens' care arrangements were insufficient to make good an allegation of deliberate dishonesty in the account given in the application to the Home Office.
 - (e) Whilst not falling foul of the Suitability regime, the Appellant failed to satisfy the Eligibility criteria for the parent route: the children were not British citizens and had not lived in the UK for seven years.
 - (f) The Appellant had not established that she faced very significant obstacles to integration in Mauritius: one incident in September 2016 aside, her account of domestic abuse was not particularised and was essentially generic in nature. Her oral evidence that her husband's family came to the hospital where she worked and threatened her was not otherwise corroborated; indeed it was absent from the witness statements and the supporting letters she provided from neighbours and friends in Mauritius, none of whom mentioned knowledge of any history of abuse, with the exception of one letter from an individual who was hospitalised for two weeks after being caught up with her husband's family. Absent eye-witness evidence, hospital records or crime reports, the factuality of the asserted

abuse was not accepted. There was no evidence that she suffered from physical or mental health conditions preventing reintegration in Mauritius.

- (g) Considering her private and family life more generally, the independent social worker report addressed the childrens' best interests by stating they would not be served by limiting contact with the Appellant. However there was no express statement that their best interests required them to stay in the UK or precluded relocation to Mauritius, beyond the inevitable disruption involved in departing from their lives and education presently established in the UK. The son was now eighteen and the daughter had already changed primary school once in the UK; she could continue with her education in Mauritius whilst the son could reasonably be expected to find work there.
- (h) The Appellant's English language proficiency and financial support from Mr Doorga were neutral factors; her lengthy overstaying since 2017 counted against her. Overall her removal would not be disproportionate.

5. Grounds of appeal against that decision set out numerous propositions regarding the courts' approach to private and family life without explaining their relevance to the case in hand; there is a suggestion that the Appellant is seeking medical help and that the grant of permission to appeal would assist in that quest. Nevertheless the Upper Tribunal granted permission to appeal on 24 October 2022 on the basis that it was arguable that the independent social worker's report had not been adequately addressed.
6. On the day of the listed hearing there was no attendance by the Appellant nor any explanation for her absence. I considered that it was the interests of justice to hear the appeal as it appeared she had been notified of the hearing via the address on file.
7. For the Respondent Ms McKenzie submitted that the grounds of appeal were difficult to understand and apparently not seriously pursued notwithstanding the grant of permission. There was no merit in this appeal.

Decision and reasons

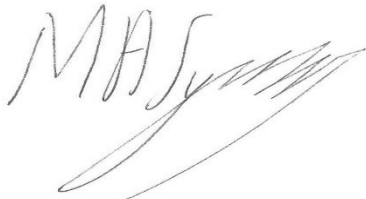
8. This is a difficult appeal to determine as the grounds of appeal are not comprehensible. The Judge granting permission to appeal to the Upper Tribunal sought to identify arguable errors of law of her own volition, though it is difficult to see that they could amount to *Robinson*-obvious errors once one reads the underlying material. On balance and taking into account the lack of clarity of the grounds of appeal I do not consider that the Appellant has established any flaw in the reasoning below.
9. The essence of the Appellant's case was that she had suffered domestic abuse in Mauritius. The First-tier Tribunal rejected that contention as it had been advanced vaguely and was inadequately corroborated from sources that could reasonably have been expected to have mentioned the abuse had it truly occurred. Much of the independent social worker report is written on the basis that she had experienced abuse: however once that premise is rejected, the Appellant's primary objection to returning to her country of origin falls away.
10. It is clear the Appellant has a genuine and subsisting relationship with her children. However as noted by the Tribunal, the essence of the independent

social worker report is to the effect that they need her presence in their lives; once domestic abuse is stripped from the equation, then the focus turns to whether the Appellant faces very significant obstacles to integration to life in Mauritius were she to return there with her children. I can see no flaw in the approach taken to the evidence as to the fact of domestic abuse: there is no corroborative evidence save for some comments by the children recorded in the social worker report, but I do not consider there is sufficient detail therein to hold that this is a failure to take account of a material consideration. Were the Appellant's account supported by independent evidence of the kind identified as lacking by the First-tier Tribunal, her human rights claim would take on a different hue without doubt. But that is not the state of the evidence on this appeal. Nor can I see any error of law in the approach taken to the Appellant's ability to care for her children: there is nothing to suggest that she has been incapable of looking after them for any extended period of time given the limited material available regarding her state of physical and mental health.

11. I conclude that the First-tier Tribunal's conclusions were rational and fully open to it on the evidence available.

Decision:

The decision of the First-tier Tribunal contained no material error of law. The appeal is dismissed.



Deputy Upper Tribunal Judge Symes
Immigration and Asylum Chamber

29 August 2023