



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

Appeal Number: AA/00241/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 16 June 2014**

**Determination  
Promulgated  
On 16 July 2014**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**SHAGUFTA RIAZ**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms R Pickering, instructed by Halliday Reeves Law Firm  
For the Respondent: Mr M Diwncyz, a Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant, Shagufta Riaz, claims to be stateless and was born on 18 December 1977. The appellant claims to have been born in Burma and came to Pakistan at the age of 3. It is accepted that she is of Rohingya ethnicity. The appellant's husband and child are dependants upon her claim for asylum, which was made in April 2013, the appellant having entered the United Kingdom with her family as a Tier 1 (General Partner);

her husband had come to the United Kingdom with leave to remain as a student in 2008. His leave to remain had expired on 10 June 2013. The appellant's asylum claim was refused by the respondent on 20 December 2013 and at the same time a decision was taken to issue removal directions [to Pakistan]. The appellant appealed against the removal decision to the First-tier Tribunal (Judge Dickson) which, in a determination promulgated on 19 February 2014, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The judge had before him background material relating to the treatment of the Rohingya people in Pakistan. The appeal to the Upper Tribunal turns, as Ms Pickering acknowledged, on the narrow basis of the judge's findings as to the validity of the passports of the appellant, her husband and child. The appellant asserts that she is stateless and that the Pakistani passports which she and her family had used to obtain visas to enter the United Kingdom and to travel here were false documents which they had obtained by paying bribes. Both the appellant and her husband had given evidence before the First-tier Tribunal and had attested to the "hatred" with which they, as Rohingya people, had been treated in Pakistan.
3. The judge acknowledged that the appellant and her husband may have suffered discrimination in Pakistan along with other Rohingyas [52]. However, the judge did not find the appellant and her husband to be credible witnesses. He did not believe that they had suffered problems with the Federal Investigation Agency (FIA) as alleged. At [53], the judge found that "the appellant and her husband come from families who have retained Pakistani citizenship. I do not consider they have ever come to the attention of the Pakistan authorities while they have been living in Pakistan. I do not consider they would face any difficulties on return apart from readjusting to life in Pakistan after spending time in the United Kingdom." The judge found that the passports used by the family had been "obtained ... from the Pakistani authorities, but they are genuine and that no bribes were paid."
4. Ms Pickering submitted that the judge had not given adequate weight to background material (e.g. UK Home Office Country of Origin Information Service Report - August 2013) which indicated that "fake passports are widely available" in Pakistan. The COIS Report "the Consul General of the United States in Pakistan as having indicated in July 2010 that 'nearly 90% of applications for American visas made by Pakistanis were refused because they were accompanied by false documents ...'" Ms Pickering submitted that it was unlikely that the appellant and her family, as Rohingya people, would have been granted citizenship.
5. The judge's determination contains a careful and thorough analysis of the evidence. The judge reached findings which he supported by clear and cogent reasons. The judge accepted that Rohingya people in Pakistan do suffer difficulties but I find that he did not err in law by concluding that the evidence "did not establish that ... all Rohingyas would not be able to obtain Pakistan citizenship." [48] It was clearly open to the judge to find

that the appellant had failed to discharge the burden of proving that she and her family had been denied citizenship and that they had travelled to the United Kingdom on false passports. There is nothing in the evidence before the judge or to which Ms Pickering referred me which would indicate that the First-tier Tribunal's finding was unsustainable. That finding is not perverse nor was it made contrary to the weight of the evidence. Whilst the evidence showed that Rohingya people do suffer from problems there was no evidence to show that they were invariably excluded from obtaining citizenship and, whilst there was also evidence of a widespread use of false documents in Pakistan, it was open to the judge to find that the appellant's passport and those of her family members were genuine documents. There was nothing to indicate that the judge ignored evidence which was of relevance to these findings or that he had regard to evidence which he should not have considered. In the circumstances, I do not find that he has erred in law.

### **DECISION**

6. This appeal is dismissed.

Signed

Date 30 June 2014

Upper Tribunal Judge Clive Lane