



**Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/06102/2014**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Determination**

**On 8 December 2014**

**Promulgated**

**On 9 December 2014**

**Before**

**Deputy Upper Tribunal Judge MANUELL**

**Between**

**MISS ISHRAT BATOOL  
(NO ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellants: Mr A Alexander, Counsel  
(instructed by Rashid & Rashid)

For the Respondent: Mr I Jarvis, Home Office Presenting Officer

**DETERMINATION AND REASONS**

*Introduction*

1. The Appellant appealed with permission granted by First-tier Tribunal Judge VA Osborne on 3 November

2014 against the decision of First-tier Tribunal Judge Buchanan made in a determination promulgated on 9 October 2014 dismissing the Appellant's asylum, humanitarian protection and human rights appeals.

2. The Appellant is a national of Pakistan, born on 13 March 1982. She had appealed under section 82 of the Nationality, Immigration and Asylum Act 2002 against the Respondent's refusal to grant her asylum and to remove her from the United Kingdom. The Appellant had claimed that she was at risk, among other matters, because she was a woman at risk of honour killing. Judge Buchanan found that the Appellant was not a credible witness and could return safely to Pakistan.
3. When granting permission to appeal, First-tier Tribunal Judge Osborne considered that it was arguable that Judge Buchanan had erred in his assessment of the evidence surrounding the Appellant's alleged gunshot injuries, and as to her secret wedding against the wishes of her own family.
4. The Respondent filed notice under rule 24 indicating that the appeal was opposed. Standard directions were made by the tribunal and the appeal was listed for adjudication of whether or not there was a material error of law.

### *Submissions*

5. Mr Alexander for the Appellant relied on the grounds of onwards appeal earlier submitted and the grant of permission to appeal. The judge's assessment of the medical evidence which the Appellant had produced showing that she had injuries to her arm was erroneous. The judge had relied on his own assessment, without any relevant medical expertise, when concluding that the Appellant's injuries were caused by pellets rather than bullets, and that there had thus been no intention to kill her. The conclusions he reached were improperly reasoned, for example, his discussion of the lack of exit wounds. It had not been a fair assessment of the medical evidence. The judge had gone too far, especially as it was accepted that the Appellant would have to have surgery to her arm.
6. Counsel further submitted that the issue of the secret marriage had not been addressed when it ought to have

been as it was an essential element of the Appellant's case. There were two families in Pakistan of whom the Appellant was afraid, yet the judge had made no proper findings at all on that issue.

7. Mr Jarvis for the Respondent relied on the Respondent's rule 24 notice. The sum of the submissions made for the Appellant amounted to mere disagreement with proper findings. There was neither perversity nor irrationality. The judge had engaged with the evidence in the country context. Y v Secretary of State [2006] EWCA Civ 1223 had been followed, in that the judge assessed the facts in accordance with local conditions when determining plausibility. The reasons for refusal letter had set out the objective evidence and the issue for the tribunal was the Appellant's credibility. Underlying the claim was a property dispute to which the judge had made sufficient reference. The option of relocation had been relevant to the credibility assessment.
8. In reply, Mr Alexander submitted that the judge had failed to deal with the Appellant's core account. There had been an inadequate engagement with the case.

*No material error of law*

9. The tribunal accepts Ms Jarvis's submissions. Indeed, the tribunal considers that the grounds of onwards appeal as submitted were in truth merely a disagreement with a properly reasoned decision. The grant of permission to appeal was a generous one.
10. The background evidence concerning the evil of honour killings Pakistan was not in dispute and informed the judge's approach to the case. Credibility to the lower standard was central. It was contended that the judge had in effect set himself up as a medical expert when weighing the evidence surrounding the wounding of the Appellant in the arm. That was not the judge's approach at all. Rather he analysed the evidence put forward by her and on her behalf, which, in addition to the Appellant's own inconsistent testimony, consisted of two medical reports (one from Pakistan and one from the United Kingdom) The judge noted that "radio opaque foreign bodies of metallic density" (Pakistani report) and "pellets" (English report) had been found in the soft tissue by the doctors. It was open to the judge

to find that such foreign bodies would have been likely to have been described as bullets had that been the opinion of the author of either report and, in support of that finding, it was reasonable to have expected that, had the Appellant been shot with murderous intentions as she had claimed, there would have been exit wounds. In further support of his conclusion, the judge also found that the Appellant had not been critically injured as she had claimed, and had the financial resources to have had the foreign bodies removed in Pakistan or in the United Kingdom prior to her appeal hearing, at her option. The judge set out further detailed findings about the alleged attack in his determination: see, e.g. [6.21], completing a careful, in the round assessment conducted with anxious scrutiny.

11. All of those findings were reached following a logical analysis to the lower standard. The judge made no plausibility assumptions about local conditions. He weighed up the materials which the Appellant had presented, and assigned weight for the proper reasons he gave.
12. The subsidiary argument advanced by Mr Alexander that the judge had failed to make findings about the secret marriage similarly was not supported by a sensible reading of the determination. The analysis to which the tribunal has already referred was reached in the context of the Appellant's claim to have made a secret marriage against her family's wishes and those of her spouse: see, e.g. [6.6 and 6.7] where the judge set out that context. The judge went on to show that the Appellant's claimed fears were incredible: see [6.22] and [6.23]. Again his reasoning is careful and logical.
13. Thus the tribunal finds that there was no error of law in the determination. There is no basis for interfering with the judge's decision to dismiss the Appellant's appeal, which dismissal must stand.

### **DECISION**

The tribunal finds that there is no error of law in the original decision, which stands unchanged

**Signed**

**Dated**

**Deputy Upper Tribunal Judge Manuell**

