



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/06048/2017

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 12th January 2018**

**Decision & Reasons Promulgated
On 21st February 2018**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**MISS H A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Masood (instructed by Aden & Co Solicitors)

For the Respondent: Mr S Kotas (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal, with permission, by the Appellant who had sought asylum in the United Kingdom on the basis that she would be at risk on return to Pakistan.
2. The grounds make several challenges to the judge's Decision. The judge, Judge Sullivan heard the case at Hatton Cross on 24th July 2017 and in a Decision and Reasons promulgated on 21st August of that year dismissed the appeal on all grounds. The first and most forcefully put challenge is that the judge failed to adjourn the hearing for the Appellant's

representatives to obtain a medico-legal report. That is dealt with by the judge in paragraphs 14 and 15 of the Decision where she deals with preliminary matters. She notes that there had been an application in writing on 5th July for an adjournment for that reason which had been refused by a duty judge and the application was renewed orally before her. She was told that the Medical Foundation had declined to provide a medical report. Helen Bamber had been approached but was unable to provide a report and two other organisations were suggested as possible points of contact but there was no indication from anybody that they would be able to provide a medical report by any particular date. The situation therefore, as asserted by Mr Kotas, is that an application was being made for a report, the author of whom had not been identified and a timescale for which had not been identified notwithstanding the solicitors had been instructed for some considerable time. The judge was entitled to find that there was no indication that a report would ever be forthcoming and certainly no timescale given and under those circumstances the judge was entitled to refuse the adjournment. There was no unfairness taking into account matters the judge should have taken into account as set out in Nwaigwe (adjournment: fairness) [2014] UKUT 00418 (IAC).

3. The second point that is put forward on the Appellant's behalf is that the Appellant was a vulnerable witness and the judge indeed found that she should be treated as a vulnerable witness and said so at paragraph 16. That was because there was medical evidence that the Appellant suffered from anxiety and depression which had required medical treatment. However, treating someone as a vulnerable witness which involves following the President's Guidance in that respect is a far cry from saying 'I am a vulnerable witness and therefore you cannot make adverse credibility findings and you should give me the benefit of the doubt and believe what I am saying'. There was no evidence that the Appellant had memory problems or was unable to recount her story. There is no such evidence in the Decision and Reasons nor in the Record of Proceedings, which I have seen. I note the Appellant was represented by Counsel before the First-tier Tribunal. There is no suggestion that there was any challenge to the way in which the hearing progressed or of any difficulties the Appellant experienced in giving her evidence. There is no evidence and no suggestion that I can see that she was treated anything other than in accordance with the guidance for vulnerable witnesses.
4. The simple point here is that the judge gave numerous reasons for disbelieving this Appellant's account. There are clear adverse credibility points in relation to her supposed marriage. The judge at paragraph 24(a) finds it unlikely that a young woman of 26 from an intolerant family would have struck up a friendship in the way she claimed. The judge is entitled to that view and it is a finding properly open to the judge given what she was told about this Appellant's background. The judge also made adverse credibility findings based on the conduct of the relationship. Apparently they married but did not live together and there was very little contact between them. The adverse credibility findings are contained over seven subparagraphs in paragraph 24, all of which are properly based on the

evidence and open to the judge and the fact that the Appellant is a vulnerable witness has no impact on those findings. It is also clear that the Appellant had changed her evidence through the course of the hearing.

5. I agree with Mr Kotas that having dealt with the refusal to adjourn and the fact that she was a vulnerable witness the remaining grounds are in reality no more than a disagreement with the judge's reasoning all of which are properly reasoned, based on the evidence and sustainable and I therefore find no material error of law in the First-tier Tribunal's Decision. The appeal to the Upper Tribunal is dismissed.

Notice of Decision

The appeal is dismissed

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 2nd February 2018

Upper Tribunal Judge Martin