



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

Appeal Number: HU/04279/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 17<sup>th</sup> July 2019**

**Decision & Reasons Promulgated  
On 20<sup>th</sup> August 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE LEVER**

**Between**

**MS AYESHA HUSSAIN AFTAB  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr J Martin of Counsel

For the Respondent: Mr S Kotas, Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant, born on 6<sup>th</sup> April 1972, is a citizen of Pakistan. The Appellant was represented by Mr Martin of Counsel. The Respondent was represented by Mr Kotas, a Presenting Officer.

**Substantive Issues under Appeal**

2. The Appellant had made application for leave to remain in the United Kingdom on 7<sup>th</sup> June 2017. The Respondent had refused that application on 30<sup>th</sup> January 2018. The Appellant had appealed and her appeal was heard at Taylor House on 20<sup>th</sup> September 2018 before Judge of the First-tier Tribunal Davey. The judge had dismissed the Appellant's appeal.
3. Application for permission to appeal had been made to the First-tier Tribunal and that application had been refused on 29<sup>th</sup> January 2019 on the basis that the grounds were not arguable but were in reality nothing more than a disagreement with the Tribunal's assessment. That application was renewed to the Upper-tier and permission was granted on 12<sup>th</sup> June 2019. It was said that on the basis of the accepted evidence the judge may have erred in the approach to an assessment of whether the appellant as a lone woman returning to Pakistan would face very significant obstacles to integration and that approach may also have tainted the conclusion outside of the Rules. Directions were issued for the Upper Tribunal first to consider whether an error of law had been made in this case or not and the matter comes before me in accordance with those directions.

### **Submissions on behalf of the Appellant**

4. It was submitted in line with the Grounds of Appeal that the First-tier Judge had not focused on the question of integration nor said how she could integrate or reintegrate into Pakistan. It was noted that she was a single woman with no employment and had no male partner or friends.
5. In terms of an examination outside of the Rules it was submitted that there were other factors that needed to be looked at in terms of her private and family life and that the judge had wrongly erred in finding that the public interest outweighed those matters.

### **Submissions on behalf of the Respondent**

6. It was submitted that the case of **Kamara** defined what were considered to be very significant obstacles to reintegration. The case had noted that it was "a broad value judgment" and that is what the judge had done. The Appellant had resided in Pakistan in the conditions that she had related for some years. It was said there was no error of law.
7. At the conclusion I reserved my decision to consider those submissions and the evidence. I now provide that decision with my reasons.

### **Decision and Reasons**


8. The Appellant in this case was 47 years old. The Appellant had last entered the United Kingdom in January 2016 on a family visit visa. Prior to that the immigration history shows that she had visited the UK on family visit visas in the latter part of 2010 and the end of 2014/early 2015. Other than those two prior visits the Appellant was born and had lived all her life in Pakistan.

9. The judge had accepted the facts relating to the Appellant's circumstances in Pakistan. The issue for the judge to consider was whether the Appellant came within the terms of paragraph 276ADE(1)(vi) of the Immigration Rules and if not, whether on an examination of all factors under Article 8 outside of the Rules removal would be disproportionate.
10. In summary of the facts it was found that the Appellant had originally lived with and cared for her mother until her mother's death in 2007. Thereafter, she lived on her own in her flat within a block of flats. She had no other family members present in Pakistan and had no employment. It was said that she had no friends. She was financially supported by family in the UK and had been for some years.
11. The judge recognised and accepted that the Appellant's life in Pakistan was not without difficulties and constraints. It contrasted unfavourably with life for a female in the UK. However, the judge rightly looked at the test in paragraph 276ADE(1)(vi), namely whether there were very significant obstacles to integration.
12. The Appellant had not only lived all her life in Pakistan but the precise set of circumstances that formed the core of her case had been present for twelve years since the death of her mother in 2007. Her time out of Pakistan had been limited and no evidence was presented of any dramatic or significant change in circumstances within Pakistan or in any other manner materially since 2007. It was clear therefore that the Appellant would simply be returning to the circumstances and lifestyle that she had been used to for the last twelve years specifically (i.e. on her own) and in general terms (a female in Pakistan) for all her life.
13. The judge was entitled when assessing the question of integration or reintegration to find that those circumstances did not disclose that there would be very significant obstacles to integration back into life in Pakistan.
14. He did thereafter look at factors outside of the Rules under Article 8. He accepted that there was family life between the Appellant and others in the UK. He properly looked at Section 117 of the Nationality, Immigration and Asylum Act 2002 in terms of the public interest. Thereafter, he conducted a balancing exercise in line with the final stage test of **Razgar**. He found removal not to be disproportionate as the public interest outweighed the Appellant's personal circumstances. That was a decision open to him on the evidence and was neither perverse nor irrational.
15. He had factored in that on return the Appellant had her own accommodation to return to and would continue receiving money and support from her family in the UK as before. The public interest was not without significance in this case. This was not an example where the Appellant had applied for settlement under the appropriate Immigration Rules from Pakistan. She had done that in 2008 and it had been refused. Rather, she came to the UK as a visitor stating or inferring therefore that she intended to return but she did not and indeed made an application in-

country to remain. The public interest is not without an importance in those sort of situations and there was no material error of law in the judge concluding that removal was proportionate.

**Notice of Decision**


- 16. There was no material error of law made by the judge in this case and I uphold the decision of the First-tier Tribunal.
- 17. No anonymity order is made.

Signed   
Deputy Upper Tribunal Judge Lever

Date 13/11/19

**TO THE RESPONDENT**  
**FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed   
Deputy Upper Tribunal Judge Lever

Date 13/11/19