



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

Appeal Number: PA/07372/2018

**THE IMMIGRATION ACTS**

**Heard at UT (IAC) Hearing in Field House  
On 28<sup>th</sup> February 2019**

**Decision & Reasons  
Promulgated  
On 15<sup>th</sup> March 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE J G MACDONALD**

**Between**

**MRS MARIA [F]  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr S Abbas, Solicitor, instructed by Imperium Group  
Immigration Specialists

For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant is a citizen of Pakistan whose appeal was dismissed by First-tier Tribunal Judge Howard in a decision promulgated on 19<sup>th</sup> December 2018. Grounds of application were lodged. The grounds say that no mention or regard was made by the judge to the fact that she was a single mother when considering the Appellant's Article 8 claim. The Appellant had highlighted the position of single mothers in Pakistan and it was not a favourable one in the slightest. The judge ignored the Appellant's evidence that her ex-partner wanted custody of the child. The judge had

also failed to consider the Appellant's mental health and history of abuse she has suffered as detailed in the medical evidence. The judge had failed to consider the submissions made in respect of those matters and had totally ignored the finding from medical professionals regarding the sexual abuse she had suffered as a child. Reference was made to the PTSD symptoms from past events. Arguably given that the Appellant was a single mother and the country information Article 8 was engaged and deserved more than just a cursory consideration. Secondly the judge's consideration of the facts is also questioned. The Appellant did not state that her family had a pistol in the home. It was stated in evidence to the Respondent in her witness statement that her family came to her friend's house armed with a pistol. The judge had failed to take into account why and how her friend came to visit her and eventually managed to take her from the home. The judge did not have regard to all the evidence.

2. Permission to appeal was granted by First-tier Tribunal Judge Gumsley in a note dated 17<sup>th</sup> January 2019.
3. A Rule 24 notice was lodged by the Secretary of State. It was said that the issues as to whether or not the gun was in the home of the family was not the central reason why the Appellant's account had been rejected. This had formed one of the minor findings made by the judge and without it there were sufficient findings which in any event undermined the Appellant's claim; see paragraphs 23, 24 and 26 of the decision. As such if it was found to be an error it was not material. The judge was entitled to consider the fact that the family were willing to use violence towards the Appellant's friend as undermining the account that she was able to enter the Appellant's family home and liberate her from being held captive.
4. The grounds of the Appellant returning as a single lady were predicated on the basis that the judge had accepted the Appellant's account in its entirety. This was misconceived as the judge had found that the Appellant's family was not seeking to harm her as claimed given the inconsistency in her account of returning to them among other reasons. The grounds did not establish how the Appellant in light of the findings of fact would have an arguable private life claim.
5. Thus, the matter came before me on the above date.
6. Before me Mr Abbas relied on his grounds and said that the judge had not properly considered the Article 8 claim. The Appellant was a single mother and separated. The judgment was not safe and it should be set aside and remitted to the First-tier Tribunal for a fresh hearing. I was referred to the medical evidence at pages 45 to 46 of the medical bundle and the fact that the registered psychotherapist had formed a view that the Appellant was sexually assaulted on two separate occasions in Pakistan. He had concluded that if returned there she would be an outcast and at risk of further attack by her family. The judge had misinterpreted the Appellant's evidence and the judgment, as stated, was not safe.

7. For the Home Office Mr Clarke said the grounds were very narrow and none of the reasoning of the judge or very little of it was challenged in the grounds. The point was that the Appellant was not estranged from her family and that was not challenged. She would not be returned as a single mother. It was unclear what qualifications the psychotherapist had and in any event, nothing turned on his findings. In terms of Article 8 the Appellant would need to set out what care facilities were needed in Pakistan for the Appellant to have any benefit from arguing that her mental health was a serious issue in this appeal. There was no error in law by the judge and the decision should stand.
8. I reserved my decision.

### **Conclusions**

9. I have to agree with what is said in the Rule 24 notice that the Appellant's grounds in this case are based on a misconception. The judge gave a number of reasons for finding that she was not estranged from her family (paragraph 28). He went further than that noting that given his findings there was no factual basis on which to find that she was at risk of persecution in her home area as a single woman. The judge said, "*she has the support of her family*" (paragraph 30). As such he found that Article 8 was not engaged.
10. It is unclear from the grant of permission to appeal exactly why permission has been granted in this case. The judge made clear findings, not challenged in the grounds, that it "*is not credible a friend would be able to secure her escape from a locked room in the family home.*" (paragraph 24). There is no challenge to that finding and the judge gives reasons for it. The fact is she would not be returning as a single mother because she would have the support of her family. As the Rule 24 notice says the grounds of application are predicated on the facts as claimed by the Appellant but those facts were rejected by the Judge for clear reasons.
11. As such the grounds are misconceived.
12. On the findings of the judge he was entitled to find that Article 8 was not engaged. Absent any evidence about care facilities in Pakistan there is no medical health issue arising in this appeal. The Appellant was not estranged from her family; on the contrary she would have their support. Even if Article 8 had been engaged it is clear that there were no exceptional or compelling circumstances in this case and in terms of carrying out the balancing exercise, if that had been necessary, the appeal would have been bound to fail because the interference with her private life and family life would have been proportionate to the legitimate public end sought to be achieved namely the economic wellbeing of the country through immigration control.
13. In short, the judge gave cogent reasons why he did not believe the Appellant. He considered the presence of the pistol in the house and

made findings on that. Those findings were findings that he was entitled to make based on the evidence before him. The crucial finding, however, is that it was not plausible that a friend would be able to secure her escape from a locked room and absent any challenge to that finding this appeal had no realistic prospect of success.

14. As such there is no error of law in the judge's decision which must stand. I see no need for an anonymity order.

### **Notice of Decision**

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

No anonymity order is made.

Signed *JG Macdonald*

Dated 13<sup>th</sup> March 2019

Deputy Upper Tribunal Judge J G Macdonald