



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

Appeal Number PA/03199/2020

THE IMMIGRATION ACTS

**Heard at George House, Decision & Reasons Promulgated
Edinburgh On the 16 February 2022 On the 22 March 2022**

Before

UT JUDGE MACLEMAN

Between

WASSILA JAAFAR

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Katani & Co,
Solicitors

For the Respondent: Mr M Diwyncz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge D H Clapham dismissed the appellant's appeal by a decision promulgated on 21 June 2021.
2. The appellant applied to the FtT for permission to appeal on 4 grounds.
3. The FtT granted permission on 16 July 2021.
4. The grounds, in summary, are as follows:

(1) - letter of disownment

(i) no assessment of letter disowning the appellant as a member of the Jaafar tribe; alternatively, no adequate explanation for its rejection;

(ii) finding on internal flight vitiated for the same reason; further, no assessment of expert report on internal flight;

(iii) duty on respondent to verify disownment letter.

(2) - death certificate - no clear finding, or inadequacy of reasoning, on whether death certificate, or death of appellant's husband, accepted.

(3) - the appellant's brother-in-law, Ali

(i) at [51 & 56] reliance on inconsistencies, without (adequate) assessment whether explained by mental health issues;

(ii) FtT "at a loss" on various points at [512 - 54] which had various possible explanations;

(iii) no assessment, or inadequate assessment, of expert report on insufficiency of protection "in terms of honour crimes".

(4) - corroboration

(i) at [53], unclear what evidence might have been expected "that Ali "was all powerful"; in any event, letter of disownment showed at least his tribal influence;

(ii) at [57], on not hearing from Joseph, unclear what evidence was expected.

5. The respondent's rule 24 response makes these points:

- no formal mental health report provided by appellant; very little to suggest a formal diagnosis; nothing to show memory issues.

- expert report referred to; no obligation to set out its entirety; clear it was considered; credibility not for the expert; nothing in decision to suggest Judge rejected existence of "honour based violence", rather, she was not satisfied of claimed events.

6. The "letter of disownment" on which the grounds firstly focus is in the respondent's FtT bundle, with translation, at pp 138 - 141, and in the appellant's bundle at p 94. It bears to be a resolution by tribal elders, including the appellants' alleged abuser, put into a formal document by the Mayor of *Dar El Was'a* and the Republic of Lebanon, Ministry of Interior & Municipalities.

7. The respondent's decision deals with this document at [65]. It is given "little weight" because the appellant did not provide the original and because it does not specify reasons for the appellant's banishment and punishment.
8. The rule 24 response does not deal with this ground. Mr Diwyncz accepted that the FtT's decision says nothing about the letter.
9. The letter refers to the appellant's "shameful act". Although not specified, it goes to the heart of her claim to be a victim of her tribe. The FtT was of course not bound to accept the letter at face value, but the appellant was entitled to an explanation from the FtT of what was made of it.
10. The FtT made scant reference to the expert report (which does not appear to have been before the respondent at the time of her decision). Again, it was not necessarily conclusive in the appellant's favour, but the FtT's alternative findings on internal flight do not take account of what Dr Fatah had to say.
11. Without resolving the rest of the grounds, the other reasons given by the FtT for dismissing the appeal are not collectively strong enough for the decision to withstand excision of those two errors.
12. While this matter was not explored fully at the hearing before me, and does not go to the error of law issue, it appears that the expert report does not deal with the disownment letter. That is a matter which might call for further evidence and submissions when rehearing the case.
13. The suggestion that the respondent was bound to attempt to verify the "disownment letter" appears to have been advanced at a very late stage; however, that remains as another issue when rehearing.
14. The decision of the FtT is set aside. It was agreed that the further outcome, under section 12 of the 2007 Act and under Practice Statement 7.2, should be to remit to the FtT for a fresh hearing, not before Judge Clapham.
15. No anonymity direction has been requested or made.



17 February 2022
UT Judge Macleman

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A **“working day”** means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is **“sent”** is that appearing on the covering letter or covering email.