



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/01101/2015**

THE IMMIGRATION ACTS

**Heard at Manchester
On 4 November 2015**

**Decision and Reasons
Promulgated
On 11 November 2015**

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

JA

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Khan, Bukhari Chambers Solicitors

For the Respondent: Mr Harrison, Senior Home Office Presenting Officer

DECISION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an anonymity order. Unless the Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

1. The appellant is a citizen of Pakistan. She has made an asylum claim and I have made an anonymity direction for this reason. The appellant has appealed against a decision of First-tier Tribunal Judge Siddiqi dated 3 August 2015 in which she dismissed the appellant's appeal on asylum and human rights grounds.
2. The appellant has been granted permission to challenge this decision. At the hearing before me Mr Khan relied the grounds of appeal. Mr Harrison relied upon the rule 24 notice and invited me to dismiss the appeal. After hearing from both parties I reserved my decision, which I now provide by reference to each of the two grounds of appeal relied upon by Mr Khan.
3. I am satisfied that the judge's decision is comprehensive and adequately reasoned. I do not accept Mr Khan's submission that the decision contains contradictions. The grounds of appeal amount to no more than disagreements with findings that were open to the judge.
4. As Mr Khan submitted, the judge accepted much of the appellant's account of ill-treatment toward her on the part of her husband in Pakistan and in the UK. The judge expressly accepted the history of abuse but was entitled to find that this had ceased and they were no longer in a relationship. The judge was entitled to find that there was no suggestion that her husband acted in an abusive manner after they separated at an earlier point in the relationship. Having made these findings the judge was entitled to conclude that the appellant's fears that the abuse would re-start once she returned to Pakistan (where her husband is now said to be) to be speculative [30]. The judge was entitled to find that there would be no real risk of a repetition of the abuse for the reasons she has provided: they were no longer in a relationship, the abuse had ceased for a lengthy period of time, on occasions in the past when there was the opportunity for abuse (past separation and when the husband returned to the house to collect his belongings) there was no abuse.
5. Mr Khan asked me to find that the judge failed to take into account that the husband had returned to Pakistan and this would explain why there was no further abuse. He also asked me to note that the reporting of domestic violence to the police is a taboo matter in Pakistan and the husband and his family would not forgive the appellant for this. If the husband and his family wished to abuse the appellant or take her children away from her there was no reason why threats could not be made in a variety of ways from Pakistan. There was no such evidence before the judge and she was entitled to take into account its absence when assessing prospective risk.
6. In addition, the judge has properly reasoned why she did not consider that the appellant's children were at risk of being removed from her care. Although the elder child had been taken away many years ago at a very early age, all three children have remained with her from

birth and even when she was on her own in Pakistan [33]. The judge properly considered in detail the family's likely circumstances in Pakistan [35] and was entitled to find that the family would be able to support themselves without the support of other family members. The judge took into account the best interests of the children and was entitled to the findings of fact made in relation to this [45].

7. The judge did not expressly refer to KA and others (domestic violence-risk on return) Pakistan CG [2010] UKUT 216 (IAC). This decision was not provided to her. It was not provided to me and Mr Khan made no mention of it during the course of his submissions. It is however a well-known decision and the judge's findings are not inconsistent with it. The decision is referred to in the SSHD's decision letter, which the judge clearly took into account. The judge did not consider that this is a family that would have to resort to a shelter and as such there was no need to go on to consider the circumstances for the family if this happened. Any error of law in failing to apply KA is therefore not material.
8. The decision of the First-tier Tribunal did not involve the making of a material error of law and I do not set it aside.

Signed:

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
9 November 2015