IAC-AH-SC-V1

Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/07417/2014

THE IMMIGRATION ACTS

Heard at Manchester	**Decision & Reasons Promulgated**
On 11 February 2016	**On 10 March 2016**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

S N
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Khan, instructed by Prestige Solicitors
For the Respondent: Mr McVeety, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, S N, is a female citizen of Pakistan. Her application for asylum was refused and the decision made to remove her on 9 September 2014. She appealed against that decision to the First-tier Tribunal (Judge

Malik) which, in a decision promulgated on 5 January 2015, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The first ground of appeal is without merit. The appellant claimed that she was at real risk on return to Pakistan, *inter alia* because she was a party to an inter-faith marriage (Shia/Sunni). Judge Malik did not believe that claim. The appellant criticises the judge for rejecting parts of [her] evidence as "self-serving" and, in consequence, attaching "little weight" to it. The ground asserts that "valid explanations" were provided by the appellants which, the grounds complain, the judge rejected. The assessment of credibility of the evidence is a matter for the judge and I can see no error in his approach in this instance. This ground of appeal amounts to nothing more than a simple disagreement with findings which were open to the judge.

3. Likewise, the final ground of appeal is without merit. The judge found that the appellant had lied in her asylum claim and, notwithstanding taking all the evidence into account before reaching any findings, her conclusion indicated that evidence which purported to corroborate the appellant's account was also not credible. The ground of appeal complains that the judge should have attached greater weight to this corroborative evidence and to have reached a different conclusion. For the reason which I have given above, the judge was under no obligation whatsoever to do so. The judge has considered all the evidence in the round before reaching any findings as to credibility. Those findings were plainly open to the judge on the face of the evidence and there is no illogicality or perversity in the judge's approach or analysis.

4. The main ground of appeal which Mr Khan sought to rely upon at the hearing in the Upper Tribunal was the second ground. Indeed, it was on this ground that Upper Tribunal Judge Perkins [3] gave permission to appeal. The First-tier Tribunal judge had before him a letter dated 6 January 2014 which indicated that the appellant's husband (S G) worked as a programme coordinator for the Masjid & Imam Bargah Bait-ul-Huzan from 2001 to 2011. The judge concluded that there was "nothing to suggest in this letter that S G, the author or the organisation have any links to the Shia faith." The grounds assert that an Imam Bargh is linked to the Shia faith. The grounds contain an extract from Wikipedia which states that an "Imambargh Darbaray Hussaini" is a "Shia congregation hall". Granting permission, Judge Perkins considered that it was "at least reasonably arguable that the judge should have known that an Imam bargh was a Shia place of worship ...".

5. The ground of appeal concerns the proper limits of judicial knowledge. This will also always depend on the specific facts in any given case and will be a question of degree. For example, it would be entirely reasonable to assume that any judge sitting in this jurisdiction would take judicial knowledge of the fact that a "mosque" is an Islamic place of worship. However, I am not persuaded that any judge should be expected to have

taken judicial knowledge of the fact that an Imambargh is specifically a place of Shia Muslim worship. I agree with Mr McVeety, for the respondent, that there is an analogy to be drawn with the Christian religion. Any judge might be expected to be aware that a "church" is a Christian place of worship but would not necessarily be expected to be aware that, say, the Church of the Holy English Martyrs is likely to be a Roman Catholic place of worship. Furthermore, I note that the appellant was professionally represented before the First-tier Tribunal. Had a representative wished to stress in submissions the appellant's husband's Shia connections it would have been a simple matter for her to have explained the meaning of the expression Imam bargh to the judge. To rely, after the event, on this point as a ground of appeal does not assist.

6. Even if the judge was, as a matter of fact, incorrect in stating that the letter did not indicate any Shia connection the finding was not in any way central to his rejection of the appellant's credibility; the decision contains numerous findings that the appellant was not a credible witness, findings which stand apart from any of the judge's observations regarding the letter.

7. For the reasons I have given, this appeal is dismissed.

Notice of Decision

8. This appeal is dismissed so no fee order.

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 20 February 2016

Upper Tribunal Judge Clive Lane