



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

Appeal Number: PA/00822/2015

THE IMMIGRATION ACTS

Heard at Stoke-on-Trent

**Decision & Reasons
Promulgated**

On 17 October 2017

On 27 November 2017

Before

UPPER TRIBUNAL JUDGE LANE

Between

**IS
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs Khan, Buckingham Legal Associates

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

DECISION AND REASONS

1. The appellant, IS, was born in 1973 and is a female citizen of Pakistan. In a decision dated 6 August 2015, the respondent refused the appellant's application for asylum. The appellant appealed to the First-tier Tribunal (Judge Callow) which, in a decision promulgated on 16 January 2017, dismissed the appeal. The appellant now appeals, with permission to the Upper Tribunal.
2. The appellant is a Sunni Muslim from Faisalabad. The appellant became pregnant by a man who was not her husband. The pregnancy was terminated. The appellant claims that her brother and other members of

the family sought to kill her. Following arrival in the United Kingdom, she met a Portuguese citizen. That relationship broke down although in March 2014 the appellant applied for a residence card as the spouse of an EEA national. The appellant claims to have then discovered that her husband was already married. The appellant relied upon a First Information Report (FIR) dated October 2014 asserting that the appellant had a boyfriend and had become pregnant out of marriage. The appellant claimed that her brother had issued a *fatwa* against her in November 2014. The appellant claimed that, but for the issue of the FIR and *fatwa*, she might have returned to Pakistan following the breakdown of her relationship in the United Kingdom.

3. As regards the arrest warrant/FIR upon which the appellant relied, the respondent had obtained a document verification report (DVR) which was dated 6 July 2015. There is a similar DVR in respect of the *fatwa* dated 9 July 2015. Both documents are deemed by the DVRs to be false.
4. The appellant also relied upon medical evidence indicating that she was suffering from post-traumatic stress disorder (PTSD). Medical evidence indicating that the appellant's mental health had "deteriorated". The doctor concluded that "on the balance of probability [the appellant] will try to harm herself whilst in Pakistan".
5. There are four grounds of appeal. First, the appellant challenges the reliance placed by the judge on the DVRs. The judge records at [21] that the appellant had been unable to explain in oral evidence why she had relied upon a false FIR arrest warrant and *fatwa*. The appellant asserts that she does not believe that the FIR was false. The DVR had only been produced at a hearing in April 2016 (a previous decision of the First-tier Tribunal had been set aside and the matter remitted). DVRs were, therefore, before the appellant when she prepared for her hearing before Judge Callow in December 2016. The appellant complains that the DVRs are unsigned. The DVRs also make reference to e-mails which have not been produced to the appellant. The judge had erred in law by relying upon the DVRs.
6. I find that the ground has no merit. The appellant appears to be more concerned with quibbling with the particulars of the DVRs rather than seeking to rebut their contents. The initials of the author of the DVRs are given as are the verifier's qualifications. On my examination of the forms, I cannot see that there is provision on them to include the signature of the verifier. In any event, there is no legal provision or procedure which would invariably vitiate a DVR as evidence simply because it had not been signed; rather, the document is admissible and it is for the judicial decision maker to consider what weight should attach to it.
7. As regards the *fatwa*, there is significant detail given on the DVR regarding the steps taken by the verifier to check its authenticity. The full name of the Secretary General of the International Khatame Nabuwat Darul Iftaa Jamia Ilmia Ichra Lahore is given in the document. The DVR records that, "he [the Secretary general] asked me to send the *fatwa* through an e-mail.

I later received a reply e-mail from him said he had never issued such a fatwa. These were not his signatures and this is not his letterhead. He further claims in his reply that the fatwa issued does not conform to the true according to the Islamic Sharias (*sic*) as it is the state or the court that investigate and punish. It is not an individual who is authorised to do so.” The Secretary General also indicated to the verifier that his name had been incorrectly stated on the document. It is significant that, in the time since this DVR was served on the appellant and her representatives, she has taken no steps whatsoever to seek to obtain the e-mails which are referred to in the DVR. Also significantly, the DVR makes plain that there were not only problems with the form of the *fatwa* document but also with its substance; the *fatwa* purported to confer powers of investigation and punishment on an extra-judicial body in Pakistan. If such a body possessed such powers, then one would have expected the appellant to produce evidence which might show that it did possess such powers. In the circumstances, I find that Judge Callow was plainly entitled to rely upon both DVRs. Not surprisingly, the judge found that the appellant’s reliance on these false documents severely undermined her credibility as a witness. The judge did not err in law in reaching such a conclusion.

8. Secondly, the appellant complains that the statement of a witness (S) had been misunderstood by the judge. At [39], the judge wrote,

A consideration of the evidence in the round, in particular the failure by Mr S in his lengthy statement ... make any mention of having spoken to the appellant’s brother by Skype in circumstances where the brother threatened to kill the appellant, is most unsatisfactory.

The appellant asserts that the written statement of S at [22] recorded, “...I had in 2014 a conversation with S’s mother and sister. I had no idea [the brother] was present in the house let alone in the room...I recall his sister being frantic when he butted in telling me that we were all conspiring against him including me and that I was meddling in his affairs. ... He went off threatening to do this and that to everyone did not know do not want to know or listen to what I had to say.” I consider that the judge’s observation was reasonable in the circumstances. It was open to the judge to place weight on the fact that S had failed to record that the appellant’s brother had threatened to kill the appellant. The passage from S’s statement which I have quoted above does not suggest the contrary. The fact that S may have threatened ‘to do this and that to everyone’ does not amount to threatening to kill the appellant.

9. Thirdly, the appellant complains that the judge has attached insufficient weight to the medical evidence. I disagree. The judge has set out at length the jurisprudence regarding suicide and Article 3 ECHR. His conclusions at [46] were plainly available to him. The judge wrote, “... if [the appellant] needs to relocate it has not been shown that she has a genuine fear creating a risk of suicide. Both Pakistan and the UK in answer to the sixth proposition [of J [2005] EWCA Civ 629] have effective mechanisms to reduce the risk of suicide.” I can identify nothing wrong in

law in that statement. I am satisfied the judge has dealt with the medical evidence appropriately.

10. Fourthly, the appellant complains that the judge has failed properly to scrutinise the evidence. The appellant asserts that the judge had evaluated the evidence in “merely two paragraphs” [38] – [39]. I find that there was no merit in the grounds. The judge has prepared a lengthy and thorough decision from which it is apparent that he has considered all relevant evidence in his analysis. I am entirely satisfied that the judge’s analysis has been holistic, whilst, for the reasons I have given above, the fact that the appellant had been shown to rely upon false documentary evidence was a significant factor in the credibility analysis.
11. For the reasons I have given, I find that Judge Callow has reached a decision in this appeal which was available to him on the evidence. He has supported that decision with cogent and clear reasons with which the Upper Tribunal has no valid reason to interfere. Accordingly, the appeal is dismissed.

Notice of Decision

This appeal is dismissed.

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 22 November 2017

Upper Tribunal Judge Lane

TO THE RESPONDENT FEE AWARD

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

Signed

Date 22 November 2017

Upper Tribunal Judge Lane

