



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: HU/16424/2016

**THE IMMIGRATION ACTS**

Heard at Field House  
On 9 July 2018

Decision & Reasons Promulgated  
On 16 July 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

SADIA [A]  
(NO ANONYMITY ORDER MADE)

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Miss Bexson of Counsel

For the Respondent: Mr Tarlow a Home Office Presenting Officer

**DECISION AND REASONS**

**Background**

1. The Respondent refused the Appellant's applications for leave to remain on 21 June 2016. Her appeal against this was dismissed by First-tier Tribunal Judge Carroll ("the Judge") following a hearing on 5 December 2017.
2. The history summarised by the Judge [2-4] was that the Appellant came here lawfully from April 2000 to March 2004 as the dependent child of an employee of

the Pakistan High Commission, returned in May 2004, stayed unlawfully after her visa expired in April 2005, and had applications for leave to remain made in 2008, 2013, and 2014 refused. Her claim is [7]

“that she has been in the United Kingdom since she was 16. She has established a private life and has no remaining ties in Pakistan. In 2010 she developed a relationship with a Mr Aziz, a Shai Muslim. The appellant’s parents were opposed to the relationship on the grounds of Mr Aziz’s religion and on the basis that the appellant was living with him without being married. The appellant claims that in June 2013 her family disowned her from the property and inheritance. She has no remaining ties with Pakistan and no one to turn to there for financial or emotional support and she is unable to return to Pakistan.”

### The grant of permission

3. Judge Lambert granted permission to appeal (2 May 2018) on the ground that it is arguable that the Judge may have materially erred attaching “no weight” to letters of support submitted on the Appellant’s behalf as they had not attended to give evidence [11], whereas it must be considered on its merits whether or not the author is there to support it. She said the remaining grounds have less merit.
4. The second ground of application was that it was perverse to find that [12] “the Appellant must ... have some form of contact with family or friends in order to receive the documents” whereas the evidence was that she had obtained it from a friend of her father.
5. The third ground of application was that she was denied a fair hearing for being criticized without being given the chance to explain a matter of concern to the Judge at [14],

“If, as the appellant said in her oral evidence, she had no contact with her family since 2006, she has failed to explain how they know about her claimed relationship with Mr Aziz or how she knows that they believe she has brought shame upon the family.”

### Respondent’s position

6. No Rule 24 notice was filed. Mr Tarlow submitted that the Judge considered all the evidence, was alert to the relevant issues, and gave appropriate reasons for her findings. The decision was sustainable.

### Appellant’s position

7. The Appellant’s position was that the 3 letters to which reference has been made in the application were not considered by the Judge and should have been. The other grounds are not the main points. The document before the court relating to her father disowning her was something the Judge could have considered, and the finding the Judge made was perverse as she has jumped to the conclusion that she had ties with family and friends. In relation to the third ground, this matter was not put to the Appellant at the hearing and was simply an assumption.

## Discussion

8. There is no merit in Ground 1. The letters to which reference was made are all extremely short.
9. Mr Aslam said he had known the Appellant since 2000 as a family friend, she was quite helpful, she was only a child when she entered the United Kingdom, she has spent half her life here, she was a very happy and easy-going girl, due to her legal situation she is not as chatty as she used to be, she is well-integrated here, and she has no difficulty in speaking or writing English.
10. Mrs Razio Bano said she has known the Appellant since 2004, has built a close relationship with her, is like a sister to her, she is very friendly and polite, due to her current situation she is mentally disturbed, and she is now suffering from depression and has gone really quiet. The Judge identified the medical evidence and the diagnosis of depression [17]. Nothing was added by Mrs Bano saying that. There is no evidence that Mrs Bano has any form of medical expertise. The Judge was fully aware of the medical issue and, in my judgement, not referring to Mrs Bano's letter took the matter no further.
11. Mrs Koasar Mazhar said she has known the Appellant since 2003, they had become close friends and she comes often to her house for birthday parties, dinner and close weddings, she has made a close bonding with her and her 3 children, it is very hard nowadays to trust someone and make them a part of the family, she is very friendly and polite, and she is very fluent in English and has no difficulty communicating with me or her children.
12. Given the limited weight that should be attached to a private life established when she was here unlawfully or precariously, these letters, even if taken cumulatively, are virtually irrelevant and the failure by the Judge to refer to it was not a material error of law. Referring to them would have made no difference at all to the case.
13. In relation to the other two grounds, there is no material error of law as they are simply disagreements with findings the Judge was entitled to make on the evidence for the reasons given in the decision.

## Decision:

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

I do not set aside the decision.

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

Signed:  
Deputy Upper Tribunal Judge Saffer  
13 July 2018

