



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

Appeal Number: PA/08664/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 28th February 2018**

**Decision & Reasons
Promulgated
On 22nd March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE ROBERTS

Between

**MISS T.M.
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss Basharat of Counsel

For the Respondent: Ms Fujiwala, Senior Home Office Presenting Officer

Anonymity

Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008

An anonymity direction is made. As a protection claim, it is appropriate to do so.

DECISION AND REASONS

1. The Appellant a citizen of Pakistan (born 28th July 1999) appeals with permission to the Upper Tribunal against the decision of a First-tier

Tribunal (Judge N M K Lawrence) dismissing her appeal against the Respondent's refusal to grant her international protection.

Background

2. The Appellant arrived in the UK on 4th July 2011 on a visit visa, as a minor. She was 11-years-old and was accompanied by two elder siblings, her brother who has since been deported/removed from the UK and her sister S. Her sister remains here with unknown status and is said to be living in the Stoke-on-Trent area. The Appellant claims that she and her sister are estranged.
3. On 28th February 2017 the Appellant claimed asylum. The basis of her claim is that, if returned to Pakistan, she would be forced into marriage with a 65-year-old man K.S., chosen for her by her parents. Her father is indebted to this man.
4. She said that she learned of the proposed marriage in a phone call from her father in October 2015. Her father informed her that he was marrying her to K.S. because of a monetary debt. Her sister, with whom she was living at that time, told her that she could no longer remain with her. This was because her sister was worried that the debt would fall upon her shoulders.
5. The Appellant therefore left her sister's house, arrived in London and stayed at the home of a woman named Atiqa for a few months. She then left Atiqa's house and went to live at the home of a woman called Naseem. She remained there for a time, in exchange for doing household chores. During that time she enrolled in college. When at college other students informed her that she should start applying for asylum.
6. When she told Naseem that she was applying for asylum, Naseem said she could no longer accommodate her. The Appellant left that house and now lives in a hostel in London.
7. The Appellant's claim for asylum was considered by the Respondent and refused. In the refusal decision the Respondent rejected the Appellant's claim that she was being forced into marriage by her parents. It followed from that refusal that there were no exceptional circumstances warranting grant of leave on account of her Art.8 ECHR human rights.
8. The Appellant appealed the Respondent's refusal and the appeal came before the FtT. After hearing oral evidence and noting the documentary evidence which included communications from the Appellant's parents and K.S., the judge decided that he did not accept the veracity of the Appellant's core claim and dismissed her appeal.
9. The Appellant sought permission to appeal to the Upper Tribunal.

The Grounds

10. Two Grounds of Appeal were put forward. It was said that FtTJ erred:
 - (i) in making a misdirection of law on material matters; and
 - (ii) in that there was a lack of adequate reasoning when considering material relevant to the outcome.
11. For the purposes of this decision it is right to say that the grant of permission is restricted to ground (ii) above and permission is only granted on the basis that it is arguable that the FtTJ failed to make proper findings in relation to the Article 8 ECHR claim which had been made by the Appellant.
12. Thus the matter comes before me to decide whether the decision of the FtTJ contains material error requiring it to be set aside and remade.

Error of Law Hearing

13. Before me Miss Basharat appeared for the Appellant and Ms Fujiwala for the Respondent. I heard submissions from both parties. Miss Basharat referred to the grounds seeking permission and acknowledged that the grant of permission was restricted to one ground only, namely that it was arguable that the judge's reasoning was inadequate in respect of the Appellant's family/private life. She said that the judge had failed to adequately take into account that the Appellant had been in the UK from the age of 11 years, and that he failed to recognise the obstacles which the Appellant would face on return to Pakistan. The judge therefore had failed to recognise the extent of the Art.8 private life which the Appellant had built up in the UK. The decision could not stand and should be set aside to be remade in the FtT.
14. Ms Fujiwala on behalf of the Respondent defended the decision. She said that the grounds simply amounted to no more than a disagreement with the proper findings made by the FtTJ. She referred to [20] and [21] and said it was clear that the judge had concluded that the core element of the Appellant's claim, not merely lacked credibility, but was fictitious. The judge had given proper reasons for coming to that conclusion.
15. She referred me to the Appellant's bundle and in particular to the two witness statements made by the Appellant dated 20th March 2017 and 22nd September 2017 respectively. She submitted that the Appellant had entered the UK as a visitor and therefore any leave which she had was always precarious. With reference to the two witness statements made by the Appellant, she said both those statements focus heavily on the Appellant's core claim that she could not return to Pakistan because of the

prospect of the forced marriage. The judge comprehensively disbelieved the core claim. The only reference in the Appellant's witness statement to her private life is contained in a short declaration at [17] in the 22nd September 2017 statement. In that she simply says that she has been in the UK for the past seven years and spent her teenage years here. There is no other evidence of integration put forward.

16. She further stated that the judge had looked at all the evidence in making his findings and in particular turned his mind to the background evidence concerning forced marriages but nevertheless found the claim not made out. In addition whilst he has not made specific reference to it, he has followed the principles set out under Article 8 ECHR. Any perceived error in this regard is immaterial because inevitably the judge would have reached a decision that the Article 8 claim was not made out.
17. Miss Basharat following instructions from the Appellant's support worker who attended the hearing, made a response. She raised a question concerning the application for adjournment which had been made before the FtJ (see [4] of the decision). She said the application to adjourn was made so that a social work report could be obtained which would outline elements of the Appellant's integration. I informed Miss Basharat that I would note what was said in response but indicated that the judge recorded clearly in his decision his reasons for refusing the adjournment and without giving notice it was late to raise this issue now.
18. At the end of submissions I reserved my decision which I now give with my reasons.

Discussion

19. The evidence which was before the judge amounted to a claim that the Appellant could not return to Pakistan on account of a fear that now having reached the age of 18 years, she would be forced into a marriage with an older man to whom her father was indebted. The man had threatened not only the Appellant's family but the Appellant herself.
20. In support of that claim she went into various details outlining threatening messages she had received, the fact that she and her older sister are estranged because of these events, and the fact that the man himself had threatened her parents should she not return.
21. The judge in a well set out decision comprehensively disbelieved the Appellant's core claim. He spent several lengthy paragraphs [10-19] setting out his reasons for this disbelief. He took into account when doing so, the documents which had been exhibited in support of the claim and properly directed himself on the case of **Tanveer Ahmed [2002] Imm AR 318.**

22. He also took into account at [15] the Appellant's age, the fact that she had been brought to the UK aged 11 years, but nevertheless concluded that the claim lacked credibility. Indeed he went so far as to say the claim was a manufactured one. Therefore her claim was not made out.
23. That being so it is clear from a reading of the decision, that the judge also held in mind the principles set out in Article 8 jurisprudence. Again he found that there was no evidence before him to show that there would be insurmountable obstacles to the Appellant returning to Pakistan. He spent several paragraphs discussing this issue [22-25] and concluded at [26] that there was not sufficient evidence before him to take this case outside the rules into Article 8.
24. I am satisfied that the decision shows that the judge kept in mind that the Appellant had been here since the age of 11 years because he mentions it in [1] of his decision and also in [15]. It is clear that he has an awareness of the Appellant's age.
25. What is submitted before me now is that the judge has not given sufficient recognition to the Appellant's private life bearing in mind that she has been in the UK for the past seven years and has spent her teenage years here. However I find force in Ms Fujiwala's submission that, in this case, there is no real evidence of integration sufficient to show that there would be any unjustified interference with the Appellant's family/private life.
26. The judge has taken into account all the evidence which was placed before him and properly evaluated that evidence. It follows therefore that the decision of the First-tier Tribunal Judge discloses no material error of law sufficient to vitiate the decision. This appeal is therefore dismissed.

Notice of Decision

27. Appeal 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 her or any member of her 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
2018

C E Roberts

Date

20

March

Deputy Upper Tribunal Judge Roberts