



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

Case Nos: UI-2022-002434  
UI-2022-002435  
UI-2022-002436  
UI-2022-002437

First-tier Tribunal Nos: PA/00518/2021  
PA/00519/2021  
HU/16473/2018  
HU/17237/2019

**THE IMMIGRATION ACTS**

**Decision & Reasons Promulgated**  
**On 12 March 2023**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**  
**DEPUTY UPPER TRIBUNAL JUDGE LEWIS**

**Between**

**M M**  
**L A**  
**M M 2**  
**(ANONYMITY ORDER MADE)**

Appellants

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellants: Miss A Pease, Counsel instructed by Richmond Chambers LLP  
For the Respondent: Miss A Ahmed, Senior Home Office Presenting Officer

**Heard at Field House on 20 January 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellants or any of them. Failure to comply with this order could amount to a contempt of court. We make this order because the appellants seek international protection and are entitled to privacy.**

### **DECISION AND REASONS**

(extempore)

1. We have before us four appeals concerning three appellants. The first appellant is the male partner of the second appellant and they are the parents of the third appellant. The first appellant, M M, appeals a decision on 8 October 2019 refusing a claim for leave on human rights grounds. The second appellant, L A, appeals two decisions, one on 21 July 2018 refusing her claim on human rights grounds and the second on 21 January 2021 refusing her claim on refugee grounds. The third appellant also appeals a decision on 21 January 2021 refusing her protection on human rights grounds. The third appellant is a minor child. We note that these decisions before the First-tier Tribunal are rather dated but this was because of linking the cases and Covid delays and must not be attributed to apathy or neglect by the appellants.
2. The challenge is to a decision of the First-tier Tribunal dismissing all of their appeals and we have come to the conclusion that the challenge is essentially sound. There is one substantial problem in the First-tier Tribunal's decision that, notwithstanding Ms Ahmed's very determined efforts, will not go away. The First-tier Tribunal Judge put considerable weight, almost exclusive weight, on the first appellant's failure to state in her screening interview for her asylum claim that she feared the MQM, a major political party in Pakistan. It is always difficult or dangerous to rely too much on things said in screening interviews, which are intended to outline a case so it can be properly categorised rather than to be platforms for investigating a case. The First-tier Tribunal Judge was perfectly entitled to say that an intelligent person, as this appellant seems to be, could be expected to set out the kernel of her case and she did not mention persecution by the MQM. The however the major problem with this reasoning is that fear of the MQM is not said to be kernel her case. Her case is her fear is from her family members who she says ostracise her and may even subject her to "honour killing" is we may be permitted a convenient but in some ways a wholly inappropriate phrase, because of past marital failures that have shamed the family. The MQM is the link which she says makes it possible for her family to ill-treat her in Pakistan because her family are party members and that is how they would know where she was and what she was doing. The judge has taken a bad point against the appellant and that does undermine the decisions as a whole and it impacts on all of the decisions because the human rights claims are all connected.
3. There is another aspect of these appeals which has troubled us and about which we have not reached any clear conclusion on it except to say that we are concerned. The First-tier Tribunal Judge made clear findings about the legal status of the appellant and her partner and their child concluding that they would be regarded in law as married and the child as legitimate and Ms Ahmed conceded that that is not necessarily established on the evidence. It is plainly

arguable that the appellants would be treated as a family both in law and by society but not that that is the true legal position.

4. We do not wish to imply that the judge's conclusion about how the appellants would be treated is necessarily wrong but we are concerned that the judge has not shown more analysis of a very full and detailed expert report which points to a conclusion rather different from that supported by the CPIN and it is desirable that if that conclusion is sustained it is reached after a proper clear analysis of the evidence that can be tested and not rather picked from the air as seems to have been the case here.
5. It follows therefore that we find the First-tier Tribunal erred in law and we set aside its decision.
6. This is an appeal that has to be heard again and we remit it to the First-tier Tribunal to be heard. We have indicated where we find the errors lie but we deliberately give no directions for the further progress of the case which will be subject to the jurisdiction of the First-tier Tribunal and we would not presume to indicate how it should do its work.

**Jonathan Perkins**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**24 February 2023**