

**Upper Tribunal**

**(Immigration and Asylum Chamber) Appeal Number: PA/04083/2017**

**THE IMMIGRATION ACTS**

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| **Heard at Manchester** | **Decision given orally at hearing and Sent out** | |
| **On 24 April 2018** | **On 11 June 2018** | |
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**Before**

**MR C M G OCKELTON, VICE PRESIDENT**

**Between**

**Ms Maryum Rafique**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Khan, instructed by Raimslaw Solicitors

For the Respondent: Mrs Aboni, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, said to be a national of Pakistan, appealed to the First-tier Tribunal against the decision of the respondent on 23 April 2017 refusing her refugee status or humanitarian protection. Judge Hindson dismissed the appeal in the First-tier Tribunal. He concluded that the appellant’s case based on fear of retribution from her family as a result of her marrying a person who was not the man they had chosen for her at birth was fictitious.
2. The crucial paragraphs of the judge’s decision are the following:

“21. This is a case in which I have found it necessary to consider whether or not I am able to accept the appellant as a credible witness. In undertaking this assessment I have taken full account of all of the oral evidence I have heard and on the written testimony and other documentation that has been placed before me. I have taken account of what was said in submissions regarding credibility. I have considered all of the evidence together. I have reminded myself of the burden and standard of proof as set out above. I have attempted to place the appellant’s account into context by examining it alongside the available objective material. I only make a finding on credibility after taking great care. I remind myself that asylum seekers may exaggerate and embellish their cases and yet give an account that is, at its core, the truth. Having done all of that, I am afraid to say that I have found myself unable to accept that the appellant is a credible witness. I set out below my reasons for coming to this conclusion.”

1. Reasons are then set out and at paragraph 30 is this:

“30. I therefore do not accept, even to the lower standard, that she would be at risk of harm at the hands of her family on return to Pakistan. If I am wrong about that, then I am satisfied that she could live in another part of this large and populous country and remain safe. The appellant has no children. She has previously worked in Pakistan and is well-educated. She speaks Urdu. She would be supported by her husband. Her husband speaks English, a language widely spoken in Pakistan.”

1. The grounds of appeal on the basis of which permission was granted and as expanded by Mr Rafique in his written and oral skeleton argument is that in reaching the conclusions in the second half of paragraph 30 the judge failed to take into account material which was before him showing that the marriage had in fact broken up and therefore that she would not have access to protection from her husband. But, as Mr Rafique has accepted orally before me, there is no challenge in the grounds to the first part of paragraph 30, or to all the other reasoning going to the conclusion, entirely justified in the determination, that the appellant’s case simply was not the truth, and that, as a result, she had not established that she had a well-founded fear from anybody.
2. In those circumstances the second half of paragraph 30 was as the judge recognised, in the way he put it, “if I am wrong about that”, unnecessary his overall conclusions. That is a matter elegantly and concisely pointed out in the Rule 24 response, signed by Mr Richards, Senior Home Office Presenting Officer, as follows:

“The finding [30] that the appellant would be supported by her husband on return to Pakistan was made in relation to internal relocation, an issue considered (unnecessarily) in the alternative, the judge having found that the appellant was not at risk from her family. Any error in respect of potential support from the husband is, in those circumstances, immaterial.”

1. That submission appears to me exactly to meet the grounds. There is no basis upon which this appeal to the Upper Tribunal could succeed and I therefore dismiss it. The judgment of the First-tier Tribunal accordingly stands.

C. M. G. OCKELTON

VICE PRESIDENT OF THE UPPER TRIBUNAL

IMMIGRATION AND ASYLUM CHAMBER

Date: 24 May 2018