



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

Appeal Number: AA/10792/2013

THE IMMIGRATION ACTS

**Heard at Bradford
On 6th May 2014**

Determination Sent

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

MAQSOODAN MAQSOODAN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs Rawlinson of Counsel instructed by Sriharans Solicitors
For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the Appellant's appeal against the decision of Judge Reed made following a hearing at Bradford on 11th February 2014.

Background

2. The Appellant is a citizen of Pakistan born on 27th May 1979. She arrived in the UK as a visitor on 12th December 2012 and claimed asylum on 20th December 2012 on the basis that she had suffered difficulties as a consequence of her Christian faith in Pakistan. She said that her husband and his family are also Christian, but neither family approved of the marriage and she does not have contact with her own family although her parents are in contact with her in-laws who live in Lahore.
3. The Appellant claimed that members of her husband's family were attacked in an incident at a local church in October 2011 and her husband's uncle's son was killed. The judge was satisfied that someone of the same name was killed on that date. However he did not accept that the Appellant had any connection with the person who was killed for a number of reasons, which are as follows.
4. The Appellant relied upon a report from SPRO News which contained a footnote from a local Catholic priest in which he referred to land grabbing in the district. It was the Appellant's case that the incident centred around a local church where Muslims wanted to build a mosque and the judge found it was not credible, if so, that the priest would not have mentioned it.
5. The judge said that the report indicated that twenty other Christians were injured in the attack which was committed by a local influential Muslim landlord named Mohammad Ali Durrani. Bearing in mind that Mr Durrani was named in the report and the Appellant had close relatives who were said to have been involved, it was not credible that, when the Appellant was asked at interview for the names of the persons who had carried out the attack, she said that she did not know them. Even if she was illiterate, as a relative of the deceased, the Appellant would have become aware of the involvement of the influential local landlord.
6. The judge commented that the Appellant's sister-in-law, who had acted as her Sponsor in the visit appeal, lived in Slough but had neither appeared to give evidence on her behalf nor had written any statement setting out what she knew about what had happened to the family in Pakistan.
7. He also noted that the sister-in-law had told the Tribunal that the Appellant lived in a place called Puja but the judge had not been able to locate any reference to Puja.
8. The Appellant claimed that she had been attacked because of her Christian faith and there had been a subsequent threat to burn her out of her home. The judge accepted that it was plausible that there may have been an incident in which the Appellant had been attacked and subsequently threatened, but he noted that no arson attack ever took place.
9. The Appellant claimed that there had been a rift between her and her parents because of the marriage but the judge did not accept that this was

the case because it was not credible that the Appellant's father would visit his in-law's house every two or three months to see them if he was estranged from his daughter and her husband.

10. He took account of the evidence which had been given in the appeal in respect of the visit visa and noted that there was an inconsistency between what the Appellant said then, which was that her husband had a lucrative job in Rawalpindi as a painter and builder, and was away from home for periods for work, which was at variance with what the Appellant said now, that her husband was unwilling to come home because of threats made by her family.
11. At the hearing the Appellant claimed that her husband had been kidnapped by the Taliban which the judge did not find credible because there was no reference to kidnapping anywhere in the interview apart from an answer at the end to a general question asking if she had anything to add. She said that she was worried about her husband and children and her husband was in hiding or kidnapped. The judge said that the Appellant said that she already knew that her husband had been kidnapped by the Taliban before she came to the UK and if so, it was not credible that she would have answered the question in the way that she did.
12. The judge took into account all of the background evidence relating to the position of Christians in Pakistan and accepted that there had been a number of attacks on Christians and Churches there, but they had to be seen in the context of the number of Christians living in the country as a whole. He concluded that the Appellant had not shown that she would not be able to practise her faith as she would wish to do and that she had family members including her husband and her own family and her in-laws to whom she could turn to for support.

The Grounds of Application

13. The Appellant sought permission to appeal on the grounds that the judge had erred in his interpretation of the evidence from the priest, that she only found out the information that Mr Durrani was involved in the attack after the event, that the absence of a witness statement from her sister-in-law should not have adversely affected her credibility, that the Appellant did not know what checks the judge had made in respect of the name of Puja, that the judge had failed to particularise what he meant when he said that the Appellant had not been straightforward in relation to other aspects of her claim and that he had materially erred in law in his interpretation of question 161 of the interview when the Appellant mentioned the kidnap of her husband.
14. Permission to appeal was granted for the reasons stated in the grounds by Designated Judge MacDonald on 7th March 2014.

Submissions

15. Mrs Rawlinson relied on her grounds and in particular stated that the judge had been in error when he said that the priest would have mentioned that the dispute was about the building of a mosque. She took me to the interview record and submitted that the Appellant had been asked whether she had knowledge at the time of the names of the people involved, whereas in fact she only found out afterwards that it was Mr Durrani.
16. Mr Diwnycz submitted that the judge's findings were open to him. The Appellant had not even known the name of the church where she said that she worshipped for many years and it was open to the judge to conclude that her activity and involvement with her faith in Pakistan was limited.

Findings and Conclusions

17. There is no error in this carefully considered and well-reasoned determination.
18. With respect to the challenge to the judge's interpretation of the report of the incident in October 2011, it is headed

"Pakistan: Muslims attack over land dispute; Christian child killed."

19. The footnote reads

"A local Catholic priest, Father John from Khanewal said that it was not the first incident of land grabbing in Khanewal district; and influential Muslim feudal landlords target the weak and vulnerable people on a routine basis."

20. The judge was fully entitled to hold it against the Appellant that there is no mention in the report or the footnote of Muslims wanting to build a mosque on the site of the church and nothing irrational in his rejection of the Appellant's account on that basis.
21. With respect to Mr Durrani and the lack of reference to his name in the interview, again there is nothing perverse in the judge's interpretation of the interview record. Question 46 reads

"How did you know it was them?"

The answer was

"Because they already had some problem with the boys who live in Chuk."

22. The next question, 47 reads

"Do you know the names of the Jamaat Islam who attacked."

The answer was

“I don’t know.”

23. Whilst it is possible to interpret that answer as Mrs Rawlinson seeks to do, namely that the Appellant did not know at the time the names of the attackers, the more straightforward explanation is the one favoured by the judge i.e she would have become aware of the involvement of Mr Durrani, since he was an influential local figure, through word of mouth in the subsequent twelve months. He was also entitled to observe that the report continues by stating that 100 families live in the village where Christians were said to be a minority. This was at variance with what the Appellant said i.e there was only one Muslim family in the village, the rest being Christian. No comment is made on that finding in the grounds.
24. The next two points, namely the absence of a witness statement from the sister-in-law and the difficulty which the judge had in locating the Appellant’s claimed place of birth, have more merit. Corroboration is not required and it is unclear what research the judge did. However it is immaterial in the context of the judge’s findings as a whole.
25. Mrs Chamberlain sensibly did not pursue the allegation that the judge had failed to particularise when he said that the Appellant had not been straightforward in relation to other aspects of her claim. He clearly did.
26. Finally the judge was plainly entitled to conclude that, if the Appellant was truthful in her claim that her husband had been kidnapped and she knew that the Taliban had taken him before she came to the UK, she would have mentioned it in the substantive part of her interview and would not have answered the final question in the way that she did.
27. The judge’s conclusion, that there had not been a rift between the Appellant and her parents, is well-reasoned and not challenged in the grounds. Neither is his finding that her involvement with her faith in Pakistan was limited since she did not know the name of the church which she said that she had attended.
28. There is no error in this determination which shall stand.

Decision

29. The Appellant’s appeal is dismissed.

Signed

Date

Upper Tribunal Judge Taylor