IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Appeal Number:
UI-2022-000619; HU/20108/2019
UI-2022-000620; HU/07598/2020
UI-2022-000621; HU/07599/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 12 April 2023

Before

UPPER TRIBUNAL JUDGE STEPHEN SMITH

Between

(1) Prabjot Kaur
(2) Hardeep Singh
(3) HS
(NO ANONYMITY DIRECTION MADE)

Appellants

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellants: Mr N. O'Brien, Counsel, instructed by Fitz Solicitors
For the Respondent: Ms A. Nolan, Senior Home Office Presenting Officer

Heard at Field House on 30 January 2023

DECISION AND REASONS

1. This is an appeal against a decision of First-tier Tribunal Judge O'Garro ("the judge") promulgated on 10 September 2021 dismissing an appeal brought by the appellants against linked decisions of the Secretary of State dated 20 November 2019 to refuse their human rights claims to remain in the United Kingdom.

2. The judge heard the appeals under section 82(1) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") on 19 August 2021, sitting at Hatton Cross.

Factual background

3. The first and second appellants are citizens of India. They got married on 4 December 2013 in the UK. The third appellant, HS, is their son. He has not yet been registered or recognised as a citizen of any State.

4. The first appellant is Prabjot Kaur. She was born on 3 March 1987. Mrs Kaur entered the UK in 2010 with entry clearance as a student dated 3 June 2010.

© CROWN COPYRIGHT 2023

She held leave in that capacity until it was curtailed on 6 September 2014. On 22 June 2015, she made a human rights claim to remain in the UK, listing the second appellant as her dependent. The application was rejected, and she attempted to challenge the rejection decision through an application for judicial review but was refused permission to do so on 8 December 2015.

5. The second appellant, Hardeep Singh, was born on 11 August 1983. He was also issued with entry clearance as a student on 3 June 2010. His leave was extended until 30 September 2013, but it was curtailed to end on 16 October 2012. On 8 October 2012, he made a human rights claim to the Secretary of State. It was refused. He appealed. The appeal was dismissed by First-tier Tribunal Judge A. W. Khan ("Judge Khan") on 19 June 2014. As set out above, Mr Singh was later included as a dependent on Mrs Kaur's (rejected) human rights claim, made on 22 June 2015.

6. On 27 September 2017 HS was born.

7. The first and second appellants were "encountered" by immigration officials on 13 February 2019. On 20 August 2019, in response to a notice served by the Secretary of State under section 120 of the 2002 Act, the appellants made a joint human rights claim (the "section 120 statement"). The first appellant was the lead applicant, with the second and third as her dependents. Their claims were refused; the decisions refusing those claims were the decisions under appeal before the judge below.

8. In their section 120 statement, the appellants claimed that their families in India were "very angry and upset with them", as they had married without their approval, and the second appellant would be perceived as having squandered family money in pursuit of studies in the UK that he never completed. They would be ostracised by their families upon their return. Their son, HS, had not been recognised as an Indian citizen by the Indian authorities. Further, HS suffers from a number of health conditions, and was receiving treatment at a specialist children's hospital. The treatment and support he requires would not be available in India. They had been misadvised by their previous immigration solicitors, Malik and Malik, who had made the judicial review application without their permission and had failed to inform them that their June 2015 application had been refused. It would be disproportionate to remove them, for the purposes of Article 8 of the European Convention on Human Rights ("the ECHR").

9. In her refusal decisions, the Secretary of State considered each application under the "private life" route of the Immigration Rules, since neither the first nor second appellant were eligible to apply as a partner, parent or child under Appendix FM. The Secretary of State concluded that the first appellant failed the suitability requirements of the rules, since she had relied on a proxy test taker in a Test of English for International Communication ("TOEIC") she attended at Thames Education Centre on 29 February 2012, administered by the organisation ETS, and later relied on the fraudulently obtained TOEIC certificate in an application to renew her leave submitted on 16 March 2012.

10. The Secretary of State concluded that, as citizens of India, the first and second appellants would be able to reintegrate into the country upon their return. They would not face very significant obstacles to their integration. The Secretary of State rejected their claims to have lost all contact with their family in the country, by reference to the inconsistent evidence they had given to Judge Khan on that issue. Their concerns about HS were largely speculative, and in any event, there

was sufficient healthcare provision in India. The claimed evidence that HS would not be registered as an Indian citizen was not dispositive of that issue, and his relocation to India would be consistent with his best interests. Even taking the appellants' claims about their former solicitors at their highest, they had remained in the UK as overstayers for a considerable length of time. There were no exceptional circumstances such that it would be unjustifiably harsh to refuse their applications.

Decision of the First-tier Tribunal

11. The judge's operative analysis commenced with the TOEIC issue. Having surveyed the relevant authorities and the Secretary of State's evidence at some length (paras 34 to 39), the judge found the evidence that the first appellant used an impersonator in the oral English language test to be "compelling" (para. 40). She noted some weaknesses in the evidence concerning the practice of ETS – there were no case-specific reasons why ETS had concluded that the appellant's TOEIC certificate was "invalid", and there was no recording of the appellant's alleged use of a proxy – but nevertheless, the Secretary of State's evidence, in particular the evidence of Rebecca Millington, was that ETS was "certain" that there had been proxy test-taking (para. 41).

12. The evidence of the Secretary of State was such that it required a response from the first appellant (para. 43) who was, found the judge, "vague and unconvincing" in her account of having participated in the oral test herself (para. 44). The evidence did not "give rise to a real possibility" that the first appellant attended the test centre on the day in question, but, even if it did, her evidence was at its highest consistent were mere presence, not active participation. The appellant had to resort to giving evidence before the judge through an interpreter, despite nine years having elapsed since she apparently demonstrated a good level of proficiency in the English language, and in that time, the appellant's ability should only have improved. That being so, the Secretary of State had proved on the balance of probabilities that the appellant had used an impersonator at the test centre, and her appeal could not succeed under the Immigration Rules (paras 47 to 48).

13. In relation to the remaining issues in the appeal, the judge rejected the first and second appellants' evidence that they would not be able to find employment in India. They had distant cousins in India who would be able to help them secure rental property, and the first and second appellants were both intelligent, and able to research what would be needed prior to returning to India. They were financially supported by relatives in the US while living in the UK, and there would be no reason why that support would come to an end upon their return to India (para. 54).

14. As to the claimed statelessness of HS, the only evidence relied upon by the appellants was a letter from the Indian High Commission stating that he had not been registered as a citizen of the country. There was no evidence that the Indian authorities had refused to register him as an Indian citizen (para. 57).

15. In relation to HS's special needs, the judge noted that he had been diagnosed with autism spectrum disorder, having a "mild intellectual disability". HS had been accepted into a special school for children with severe learning disabilities and physical and complex needs.

16. At para 59, the judge noted that the evidence before the tribunal, in the form of the respondent's *Country Policy and Information Note – India: medical and*

healthcare provision, that India has a functioning healthcare system. Although the provision may not be of the same standard in quality is that HS would enjoy in the United Kingdom, there is no evidence that he would not have his medical needs met in India (para. 60). The judge returned to this issue later in the decision, at para. 79, where she considered the health needs of HS under Article 3 of the ECHR, pursuant to *AM (Zimbabwe)* [2020] UKSC 17. The financial support the family currently enjoy from relatives in the US, the judge found, would provide for the medical needs of HS upon his return to India. The best needs of HS were to be with his parents, so long as his educational and medical needs would be met in the country, which they would be (para. 83).

17. The judge dismissed the appeal.

Grounds of appeal

18. There are four grounds of appeal:

a. Ground 1 is that the judge's analysis of the Secretary of State's allegations of deception was wholly flawed, on account of its failure to consider the weaknesses in the Secretary of State's evidence relied upon by the appellant.

b. Ground 2 contends that the judge failed to weigh the first appellant's evidence against that relied upon by the respondent. It was unfair for the first appellant to be about matters pertaining to what took place at the test centre for the first time at the hearing. The judge treated the first appellant as though she were responsible for disproving deception, rather than the other way round. Further, it was an error for the judge to ascribe significance to the fact the second appellant required the assistance of an interpreter to give evidence before.

c. Ground 3 contends that the judge erred in relation to the health provision that would be available to HS upon his return to India.

d. Ground 4 contends that the judge failed to address the impact of the Covid-19 pandemic on the appellants' prospective integration in India.

19. Permission to appeal was granted by Upper Tribunal Judge Sheridan, primarily on the basis of grounds 1 and 2.

Submissions

20. Mr O'Brien acknowledged that *DK & RK (ETS: SSHD evidence; proof) India (No. 2)* [2022] UKUT 112 IAC ("*DK and RK (No. 2)*"), concerning the sufficiency of the Secretary of State's evidence in TOEIC cases, post-dated the grounds of appeal. However, he submitted that nothing in *DK and RK No. 2* abrogated the judge from the responsibility of considering all grounds of appeal. He drew attention to his skeleton argument before the First-tier Tribunal which, at paragraphs 17 and 18, analysed in some detail the so-called generic evidence relied upon by the Secretary of State in TOEIC cases demonstrating why, in his submission, that evidence was flawed. The judge did not address those arguments, he submitted, such that her analysis failed properly to consider all relevant factors. The appellant was not interviewed at the time the allegations first came to light, and it was unfair to expect her to have been able to recall details of what took place at the test some nine years later. Accordingly, the judge should not have ascribed

weight to the appellant's difficulty in recalling those details, and it was unfair for the judge to do so in her reserved decision.

21. Further, it was not open to the judge, submitted Mr O'Brien, to place any significance on the appellant's need to give evidence with the assistance of an interpreter. Her ordinary spoken English before the judge in 2021 was no guide to her ability in an English test in 2012. The judge was not an expert in the analysis of spoken English, and it was perverse and irrational for her to approach matters on that basis.

22. In relation to the third and fourth grounds of appeal, Mr O'Brien highlighted what he described as the extensive problems encountered by the third appellant. In her analysis of the appellants' ability to integrate upon their return to India, the judge failed, submitted Mr O'Brien, to address the impact of third appellant's health conditions on that issue. The family as a whole were going to struggle in any event, and their difficulties would be augmented by the health conditions, and the consequential care needs, of the third appellant. The judge considered each factor relating to the claimed difficulties the appellants said they would encounter on an individual basis, in isolation, and had not addressed the cumulative force of those factors, in the round. Further, she had failed to address the impact of the Covid-19 pandemic in any way.

23. Ms Nolan relied on the rule 24 response submitted by the Secretary of State dated 8 September 2022. The grounds, properly understood, were a perversity challenge. In *DK and RK (No. 2)*, this tribunal had held that the evidence relied upon by the Secretary of State was "amply sufficient" to demonstrate that the evidential burden placed on the respondent was met, such that the tribunal was entitled to look to the appellant for her explanation. It was incorrect to characterise the judge's analysis as having reversed the burden on the appellant; having found that the Secretary of State had discharged the initial evidential burden of demonstrating that there was a case against the appellant, it was entirely appropriate for the appellant to be expected to provide her account.

24. The rule 24 response appears to accept that ascribing significance to the appellant's English language ability "in a hearing many years after the event is not a reliable indicator of historic English language ability", it nevertheless contended that such an ability was nevertheless "something that can be taken into account in the round in some circumstances." Further, the judge's analysis introduced the appellant's need for an interpreter as an additional reason for rejecting her account, not the sole operative reason: see para. 46.

25. The remaining grounds were disagreements of weight which, in relation to the health needs of HS, omitted to engage with the judge's findings at paras 60 and 61 that there was no evidence that his health needs could not be met in India. While the background materials suggested that India's health services were overstretched, that is true of many healthcare systems around the world. It was very difficult to see how the impact of the Covid-19 pandemic, which was transitory nature, could possibly have led for the appellants' re-integration in India.

The law

26. This is an appeal that challenges findings of fact reached by the judge. Appeals lie to this tribunal on the basis of errors of law, not disagreements of fact. Of course, some findings of fact may feature errors which fall to be categorised as errors of law: see *R (Iran) v Secretary of State for the Home Department* [2005]

EWCA Civ 982 at [9]. Appellate courts and tribunals are to exercise restraint when reviewing the findings of first instance judges, for it is trial judges who have had regard to "the whole sea of evidence", whereas an appellate judge will merely be "island hopping" (see *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5 at [114]). As Lady Hale PSC said in *Perry v Raleys Solicitors* [2019] UKSC 5 at [52], the constraints to which appellate judges are subject in relation to reviewing first instance judges' findings of fact may be summarised as:

> "…requiring a conclusion either that there was no evidence to support a challenged finding of fact, or that the trial judge's finding was one that no reasonable judge could have reached."

DISCUSSION

Grounds 1 and 2

27. I consider that the conclusions of the presidential panel in *DK and RK No. 2* are determinative of ground 1 against the appellant. The judge was entitled to conclude that the Secretary of State had adduced evidence of the first appellant's alleged deception which demanded a response from her. Having considered the first appellant's response to the allegations, the judge reached findings of fact that she was entitled to reach that the Secretary of State had established to the balance of probabilities standard that the appellant used a proxy test taker.

28. Nothing in the criticisms of the Secretary of State's evidence concerning the alleged deception advanced by Mr O'Brien's skeleton argument could have justified a different approach, still less can it now be said that the judge reached findings of fact that no reasonable judge could have reached. Nor have the appellants demonstrated that the judge failed to consider relevant considerations or gave insufficient or perverse reasons for her findings.

29. Para. 17 of Mr O'Brien's skeleton argument before the First-tier Tribunal contends that the so-called 'Lookup Tool' relied upon by the Secretary of State, which was developed using data provided by ETS, does not provide details of the basis upon which the first appellant's TOEIC certificate was invalidated. Contrary to what is asserted in the grounds of appeal, the judge addressed this point expressly, at para. 41 ("I note that ETS has not advanced evidence as to the reason why it invalidated the first appellant's certificate…"). The judge's response to that criticism was that the evidence from the Secretary of State, from Ms Millington, summarised the view of ETS that it was "certain" that a lot of cheating took place. Mr O'Brien's primary criticisms of the judge's TOEIC findings, namely that the judge failed expressly to address submissions that had been advanced to her, are without merit. The judge considered precisely the submissions that Mr O'Brien submitted she failed properly to consider.

30. In any event, the judge's findings were entirely consistent with the findings that this tribunal would go on to reach in *DK and RK (No. 2)* that the general background evidence amply demonstrates that there was "frequent and widespread" dishonesty, on the part of thousands of candidates (paras 67 and 68). At paras 76 to 86, the panel in *DK and RK (No. 2)* addressed criticisms that the processes adopted by ETS to link individual voice recordings to specific candidates was, or could have been, flawed. The panel found that the overall process was reliable, and, even with the benefit of live expert evidence, concluded that the attempts in those proceedings to undermine the process and the evidence it produced had been futile: see paras 85 and 86. There is therefore no merit to this submission.

31. Para. 18 of Mr O'Brien's First-tier Tribunal skeleton argument relies on multi-faceted criticisms of the ETS process as summarised by a National Audit Office report on TOEIC, and the All Party Parliamentary Group's report on TOEIC ("the APPG Report"). Those criticisms include the incidence of "invalid" or "questionable" TOEIC results in the UK during the relevant period, namely 97%, which he described as "surprising". The ETS evidence was, he wrote, flawed and unreliable, without sufficient audit trials or administrative arrangements. The Secretary of State appears to have accepted that her evidence was flawed, and yet she unquestionably acted on data provided by ETS at face value, with no attempts to verify its contents. One of the experts relied upon by the Secretary of State, Professor French, had opined on the basis of an inaccurate factual premise, and had himself cautioned against ascribing the significance to the report placed upon it by the Secretary of State.

32. Most of the above criticisms were based on the premise that the contents of the APPG Report and the NAO report were justiciable whereas, properly understood, they were not: see *DK and RK (Parliamentary privilege; evidence) (No. 1)* [2021] UKUT 61 (IAC). I find that nothing turned on the judge's decision not expressly to address each submission advanced.

33. In any event, the concerns that underpinned the APPG report were considered – and dismissed – in *DK and RK (No. 2)*, by reference to transcripts of the evidence which was considered by the APPG. See the following extract:

> "127. Where the evidence derived from ETS points to a particular test result having been obtained by the input of a person who had undertaken other tests, and if that evidence is uncontradicted by credible evidence, unexplained, and not the subject of any material undermining its effect in the individual case, **it is in our judgment amply sufficient to prove that fact on the balance of probabilities.**" (Emphasis added)

34. Nothing in the grounds of appeal demonstrates that the findings of the panel in *DK & RK (No. 2)* are of no application to these proceedings.

35. Against that background, the judge was entitled to conclude that the evidence relied upon by the Secretary of State was sufficient to prompt a response from the appellant. She did not err by expecting the appellant to provide an explanation in response to the allegations. Ground 2 criticises the judge's analysis of the appellant's claimed "innocent explanation", and it is to her analysis of that issue that I now turn.

36. Some aspects of Ground 2 overlap with ground 1, and do not require separate consideration. At paragraph 12(ii) of the grounds of appeal, the first appellant criticises the judge's conduct of the hearing, on account of her being required "for the first time" to give an account of having attended the test centre. Mr O'Brien relied on *R v Secretary of State for the Home Department ex parte Doody* [1994] 1 AC 531 as authority for the proposition that it was unfair to take an adverse decision against the first appellant without giving her the opportunity to comment on the allegations in advance.

37. In response to a query from the bench, Mr O'Brien clarified that he did not contend that the judge's conduct of the hearing itself was unfair. Mr O'Brien was, I note, counsel before the First-tier Tribunal, and did not draw any alleged procedural unfairness to the attention of the judge during the hearing when the appellant was cross-examined on precisely this issue. Rather, Mr O'Brien

contended that the judge's reasons for dismissing the appeal, to the extent they relied upon the first appellant's inability to recall details of attending the test centre, were unfair. She ascribed too much weight to the appellant's inability to give a clear account of attending the test, and, in doing so, approached her reasoning unfairly.

38. This criticism is without merit. The first appellant was plainly live to the need to give an account of her alleged use of a proxy well before the hearing. Not only did the Secretary of State's refusal decision expressly rely on this allegation against her, but it did so with sufficient clarity for the first appellant – and her legal team – to attend the First-tier Tribunal prepared to attempt to proffer an "innocent explanation" in response to the allegations. Paragraphs 1 to 6 of the first appellant's supplementary witness statement, dated 31 January 2021, expressly deal with this issue. In no sense was it unfair for the appellant to be asked about her claimed attendance at the test centre at the hearing: it was an issue fairly before the judge, about which the appellant attended prepared to give evidence on the issue. Nor was the Secretary of State required to interview the appellant at an earlier stage, as submitted by Mr O'Brien. The appeal proceedings gave the appellant the full opportunity to challenge the Secretary of State's allegations, and present her case in rebuttal, which is precisely what she did.

39. Properly understood, Mr O'Brien's complaint is a disagreement of weight with legitimate findings of fact reached by the judge. In my judgment, it was open to the judge, having had the benefit of hearing live evidence, to conclude that the appellant's explanation for having attended the test centre herself, was vague and unconvincing. As Mr O'Brien recognised, the judge took account of the fact nine years had elapsed since the first appellant attended the test. Her approach to the evidence was a matter for her judicial discretion; as the judge noted, the appellant had been aware of the allegations against her since 2019 and could have been expected to have made some effort in the time that had elapsed since then to recall such matters.

40. The issue then arises as to whether it was an error of law for the judge to ascribe significance to the first appellant's use of an interpreter to give evidence. There was a degree of agreement between the parties on this issue; in the view of the Secretary of State, it was inappropriate for the judge to address this issue in her reasoning, but any error was, on the Secretary of State's submission, immaterial. That was because, she submits, by the time the judge introduced her reasoning concerning the appellant's apparent inability to speak English, she had already concluded that the appellant's explanation for purportedly attending the test lacked weight.

41. In my view (as I indicated to the parties at the hearing), the judge was entitled, as part of her overall analysis of the evidence, to ascribe some significance to the fact that the appellant had to rely on an interpreter to give evidence. This is a question of weight, first in relation to the strength of the Secretary of State's evidence, and secondly in relation to the analysis of the first appellant's claimed innocent explanation. The strength of the Secretary of State's evidence, as held by *DK and RK (No. 2)*, is such that mere assertions of ignorance or honesty are likely to be insufficient to prevent the Secretary of State from proving her case:

> "129. In these circumstances the real position is that mere assertions of ignorance or honesty by those whose results are identified as obtained by a proxy are very unlikely to prevent the

> Secretary of State from showing that, on the balance of probabilities, the story shown by the documents is the true one. **It will be and remain not merely the probable fact, but the highly probable fact.** Any determination of an appeal of this sort must take that into account in assessing whether the respondent has proved the dishonesty on the balance of probabilities." (Emphasis added)

42. The impact of the appellant's inability fully to participate in the hearing before the judge in English, this, too, is a question of weight, as I made clear was my preliminary view to the parties at the hearing . In her 31 January 2021 witness statement, the first appellant said that her English was at "a very decent level". Her test score in speaking was 190/200, which was a very high level of proficiency. At para. 108 of *DK & RK (No. 2)*, this tribunal held:

> "a further possible source of corroboration may be incompetence in English (i.e. English at a lower level than that required for the test)."

It was, in principle, open to the judge to conclude that the appellant's claimed ability in English had not translated to actual spoken ability at the hearing.

43. I accept that the judge did not address the level of competence required to obtain a score of 190 by reference to the relevant standard of English required in order to reach that level; it is not clear whether at the test in 2012 the appellant had been assessed at, for example, B1 or B2 (or higher or lower). However, the appellant's inability to speak English was a factor which potentially went to her motivation to use a proxy test taker, as well as the credibility of her claim to have scored so well. It was open to the judge to point to the evident difficulties experienced by the appellant when seeking to give evidence in English. Mr O'Brien's submissions in this respect have an air of unreality about them. In any event, in light of the strength of the Secretary of State's evidence, as held in *DK and RK (No. 2)*, even had the appellant been able to address the judge in very good English, that would not have been sufficient to displace the case against her.

Ground 3

44. In my judgment, the judge was entitled, on the basis of the materials before her, to conclude at para. 60 that HS's health needs would be met in India. At the hearing before me, Mr O'Brien appeared to contend that the materials before the judge led to the inescapable conclusion that HS would experience "very significant obstacles" to his integration in India. The difficulty with that submission lies primarily in the fact that the "very significant obstacles" test in what was paragraph 276ADE(1)(vi) of the Immigration Rules applies only to those aged over 18. It is difficult to apply the concept of "integration" to a three year old boy, as HS was at the hearing before the judge, who will be wholly reliant on his parents for all his needs, and not seeking to "integrate" in his own capacity for some time. I will nevertheless address the question of whether HS would be able to have his medical needs "met" in India, as the judge found; it is that issue that Mr O'Brien takes issue with, even if it may have been helpful for Mr O'Brien to formulate his submissions by reference to conventional Article 3 ECHR health grounds, or the limited circumstances in which a person's health is relevant an Article 8 assessment.

45. The judge realistically found at para. 60 that the medical provision in India would not match that enjoyed by HS in the UK. But she had also found, at para. 54, that the family's cousins in India would be able to assist their overall

integration as a family, and that the financial support remitted by relatives in the US would continue to be available to them upon their return. Those findings have not been challenged. Accordingly, while Mr O'Brien is right to submit that the healthcare provision in India features significant weaknesses, there was no evidence before the judge which bound her to find that, even with the support she outlined para. 54, there would be no adequate medical provision for HS. While I do not wish to downgrade the health needs experienced by HS, his diagnosis of ASD and the assessment that he has a "mild intellectual disability" (see para. 58 of the judge's decision) are not such as to place his treatment beyond the realms of realistic possibility. The judge was entitled to reach the findings she did at para. 60, for the reasons she gave. In any event, there can be no suggestion that HS's health needs meet the *AM (Zimbabwe)* threshold.

Ground 4

46. Mr O'Brien did not pursue this ground with any vigour. I have not been taken to any evidence before the judge that demonstrated that any Covid-19 restrictions then in force in India were such that it would render the appellants' return to the country disproportionate, or otherwise undermine the judge's remaining findings concerning their ability to integrate. In any event, in the absence of any evidence concerning the continued and lingering impact of Covid-19 and its restrictions, it is difficult to see that this would have been be a material error in any event, even taking Mr O'Brien's submissions at their highest. I adopt the reasoning of the rule 24 response, at para. 19:

> "It is difficult to see how a contraction to the Indian economy relating to the pandemic (which is transitionary in nature) can sensibly be said to render very significant obstacles to the Appellants' re-integration into India…"

47. This ground is without merit.

Conclusion

48. The appeal is dismissed.

Notice of Decision

The appeal is dismissed.

The decision of Judge O'Garro did not involve the making of an error of law such that it must be set aside.

Stephen H Smith

Judge of the Upper Tribunal
Immigration and Asylum Chamber

24 February 2023