



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: HU/09831/2018**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 17 December 2020**

**Decision & Reasons  
Promulgated  
On 27 January 2021**

**Before**

**UPPER TRIBUNAL JUDGE STEPHEN SMITH**

**Between**

**MRS ABIDA RAFIQ  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms S. Iqbal, Counsel, instructed by House of Immigration  
For the Respondent: Ms J. Isherwood, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is an appeal against a decision of the respondent dated 16 February 2018 to refuse the appellant's human rights claim made on 23 January 2017. The respondent's decision, and the reasons for it, are set out in a reasons for refusal letter of the same date ("the RFRL").

*Procedural history*

2. This matter has a lengthy procedural history. The appellant entered the United Kingdom in February 2012 with entry clearance as a student. Her leave expired on 5 December 2013, and a subsequent in-time application for further leave was refused on 3 June 2014 in circumstances which did

not attract a right of appeal. On 2 July 2014, the appellant claimed asylum. Her claim was refused on 10 September 2015, and an appeal against that refusal was dismissed by First-tier Tribunal Judge S Pacey in a decision promulgated on 24 May 2016. The appellant appealed against that decision. On 14 December 2016, Upper Tribunal Judge Hanson dismissed the appeal. The appellant exhausted all avenues of appeal against that decision on 4 January 2017.

3. The appellant's human rights application made on 23 January 2017 relied on much of the factual matrix, set out below, considered as part of her asylum claim. The appellant originally appealed against the refusal of this human rights claim to the First-tier Tribunal in October 2018. Her appeal was dismissed but, on 12 December 2018, Deputy Upper Tribunal Judge Campbell allowed an appeal against that decision, remitting the matter to the First-tier Tribunal to be considered afresh. On 3 July 2019, First-tier Tribunal Judge Taylor dismissed the remitted appeal. There followed an appeal to the Upper Tribunal against that decision. On 13 December 2019, Deputy Upper Tribunal Judge King allowed the appeal and set aside the decision of the First-tier Tribunal, but directed that the matter should be retained in the Upper Tribunal to be remade with certain findings of fact preserved. It was in those circumstances that the matter was due to be heard by me.
4. The case was listed to be reheard in April 2020. That hearing was postponed due to the coronavirus pandemic. It resumed before me on 2 November 2020, by Skype. The quality of the internet connection with the interpreter was so poor that it was not possible to proceed with the hearing on that occasion. I adjourned the proceedings, directing they be resumed on a face-to-face basis in Field House.
5. It was in those circumstances that I heard the matter on 17 December 2020.
6. I explained to the parties on 17 December that the hearing had originally been listed as a panel with a newly appointed deputy judge for training purposes. The deputy judge was, in the event, unable to sit with me for reasons unconnected with the case, and I heard the proceedings alone. No objections were raised.

### *Factual background*

7. The Appellant is a citizen of Pakistan born in 1987. The human rights claim she made in January 2017 was advanced on two bases. First, she claimed to be in a genuine and subsisting relationship with her British husband, Saif Shakir, ("the sponsor"), and that they would face "insurmountable obstacles" to continuing their relationship in Pakistan, for the purposes of paragraph EX.1(b) of Appendix FM to the Immigration Rules. The appellant claims to have married the sponsor without the approval of her father in Pakistan, who has now not only ostracised her, but had made threats against her: the second limb of her human rights

claim. The sponsor is younger than the appellant by several years, and has brought dishonour on the family by marrying her, she claims. As such, her life would be in danger if she were required to return to Pakistan. The appellant and sponsor would not be able to support themselves financially there, there would be no remitted support available from their family in this country, and due to the dispute between the appellant and her father, and the risk he poses to her, she could not look to her father or his family in Pakistan for assistance. Her mother has died. Were she to return on her own, as a single woman with no family support, the appellant would face “very significant obstacles” to her integration in Pakistan, within the meaning of paragraph 276ADE(1)(vi) of the Immigration Rules.

8. The respondent does not accept the appellant's claims to be credible. She relies on the findings of fact reached by Judge Pacey in his decision promulgated in May 2016, which found that the appellant's asylum claim, which had been advanced on largely identical grounds to those based on the threat the appellant's father is said to pose to her, was not credible. The RFRL noted how the sponsor was of Pakistani origin, having been born there, and having lived there until he was around 13 years of age. The couple would be able to relocate to Pakistan, and integrate without significant difficulty. They are familiar with the language, culture and customs.
9. The Secretary of State also raised suitability concerns. The appellant had failed to declare a caution she received on 18 September 2012 for three counts of theft (shoplifting). She had not declared that caution in an earlier application, either. In relation to her earlier application for leave to remain as a student, the respondent contended that the appellant had relied on a fraudulently obtained English-language certificate.
10. In the course of Deputy Upper Tribunal Judge King's decision, he preserved earlier findings of fact reached by First-tier Tribunal Judge Taylor that the appellant had not used deception when obtaining an English-language certificate. In relation to the caution issue, the appellant had claimed that there had been a misunderstanding at the time, and that she had not understood what the implications of accepting the caution were, nor that she was required to disclose it to the Secretary of State in her application. First-tier Tribunal Judge Taylor had rejected that explanation, and Deputy Judge King considered there to be no reason to interfere with that finding.

### *Legal framework*

11. This is an appeal brought under Article 8 of the European Convention on Human Rights. The essential issue for my consideration is whether it is proportionate under the terms of Article 8(2) of the Convention for the appellant to be removed to Pakistan, in light of the family life she enjoys with the sponsor. This issue is to be addressed primarily through the lens of the Immigration Rules and also by reference to the requirements of Article 8 of the Convention directly (see Razgar [2004] UKHL 27 at 17).

The Rules relevant to this case are contained in Appendix FM of the Immigration Rules specifically at paragraph E-ECP.2.6. and 2.10.

12. In addition, there are a number of statutory public interest considerations that are set out in Part 5A of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") to which I must have regard.
13. It is for the appellant to establish on the balance of probabilities that the refusal to grant her entry clearance breaches the United Kingdom's obligations under the European Convention on Human Rights.

#### *Documentary evidence*

14. Over the course of the history of these proceedings, a large amount of documentary evidence has been amassed. The appellant relied on a 264 page bundle prepared for the proceedings before Judge Taylor in May 2019, a 41 page supplementary bundle, and an additional witness statement provided by the appellant, along with a letter from her doctor.
15. The respondent relied on the original refusal letter, plus the decisions of Judge Pacey and Judge Hanson.

#### *The hearing*

16. At the hearing, the appellant and sponsor gave evidence and participated in the hearing in Urdu through an interpreter. I established that the interpreter and witnesses were able to understand each other and communicate through each other. The witnesses Basharat Hussain and Mohammed Sadeeq gave evidence in English.
17. Mr Sadeeq gave evidence over a Skype link, as he was said to be self-isolating following a return visit from Pakistan. No concerns were raised with the fairness of the proceedings at any stage, and, in contrast to the hearing on 2 November 2020, there were no difficulties with the internet connection.
18. I will summarise the salient aspects of the evidence to the extent necessary to reach my findings and give reasons for my decision. I considered the entirety of the evidence, in the round, before reaching my decision, to the balance of probabilities standard.

#### *Discussion*

19. I find that the appellant's removal would be an interference by a public authority with her right to private and family life. Her removal would have consequences of such gravity so as potentially to engage the operation of Article 8 of the ECHR. Her removal would be in accordance with the law, in the sense that it would be conducted pursuant to an established legal framework, coupled with a right of appeal to this tribunal. Her removal would, in principle, be necessary in a democratic society on grounds of the permitted derogations in Article 8(2). The remaining question is whether

her removal would be proportionate. To address that issue, I will analyse the following findings of fact through the lens of the Immigration Rules, and then outside the rules.

20. The essential issues for me to determine are as follows. In light of the findings I set out below, I will consider:
  - a. Whether there are insurmountable obstacles to the appellant and sponsor continuing their relationship in Pakistan, for the purposes of Appendix FM paragraph EX.1(b);
  - b. Whether the appellant would face very significant obstacles to her integration in Pakistan, for the purposes of paragraph 276ADE(1)(vi);
  - c. Whether, in light of those findings, and outside the Immigration Rules, it would be disproportionate under Article 8 for the appellant to be removed to Pakistan.
21. This human rights appeal has been heard twice by the First-tier Tribunal. In relation to each First-tier decision, the Upper Tribunal found that the First-tier judges failed to have regard to the entirety of the evidence they heard, effectively treating the decision of Judge Pacey as their “finishing point”, rather than as the *starting point* for their analysis, pursuant to Devaseelan (Second Appeals - ECHR - Extra-Territorial Effect) Sri Lanka \* [2002] UKIAT 00702.
22. The decision of Judge Pacey records credibility concerns arising from inconsistencies in the reasons given by the appellant for the reasons she claimed asylum, on the one hand, and her reasons for coming to this country, on the other: see [15] and [17]. The judge rejected the appellant’s explanation for the delay in claiming asylum, finding she was an intelligent woman, who had received education both in this country and in Pakistan, and could have found out how to make a claim at an earlier stage. The judge drew an adverse inference against her accordingly: see [16]. There are aspects of the appellant’s account relating to her marriage to her husband which the judge found to be inherently implausible, for example the fact they lived in the same house as their extended family members, but ostensibly managed to keep their relationship secret: [19]. Some of the answers given by the appellant in her asylum interview conflicted with the evidence she had given before the judge: [21]. In finding that the decision of Judge Pacey did not involve the making of an error of law, Upper Tribunal Judge Hanson highlighted the analysis of the decision under challenge in those proceedings. See [8], where Judge Hanson outlined the contents of the refusal letter, which highlighted inconsistencies between the appellant’s asylum answers, and her asylum claim.

23. While the approach I am to take to the decision of Judge Pacey is to treat it as my starting point, I will first analyse the evidence adduced before me, before addressing the impact, if any, of the earlier findings of fact.
24. The appellant claims that when she arrived in this country, she had fled Pakistan without the knowledge of her father, as he wanted to arrange a marriage for her, and restrict her right to continuing education in Pakistan. She had studied political science at university in Pakistan and engaged in some further studies in this country. Upon arrival here, she moved to a house occupied by her sister and her sister's husband, Basharat Hussain. Also living in the house was the son of her sister's husband, the sponsor Saif Shakir, whom she would later marry, in circumstances, she claims, that were kept secret from her controlling father in Pakistan. Her secret marriage led to the rift and threats her father is said to have made. The appellant and sponsor now live with her sister and Basharat Hussain. Mr Hussain described himself as the brother in law and father in law of the appellant. He claims to have been a close family friend of the appellant's father in Pakistan, but that relations soured as soon as the father found out about the marriage. Part of the appellant's case is that Mr Hussain has stayed in touch, to an extent, with her father, and that through him, Mr Hussain, her father has conveyed threats to kill her.
25. Although Judge Pacey suggested that the relationship between the appellant and the sponsor was not genuine (see [18] and [19]), in the decision under challenge in these proceedings, the respondent has not contested the validity of the relationship, and I have no basis upon which to do so of my own motion. I accept the sponsor and appellant to be in a genuine and subsisting relationship.
26. The appellant's evidence demonstrated a subjective fear of threats from her father. I accept that she believes that he has threatened her, and will do so, or harm her, if she returns to Pakistan. However, for the reasons set out below, there is no objective support for the appellant's subjective fear. I also find that all four witnesses have collectively exaggerated the lack of contact with friendly family members of the appellant in Pakistan, so as to present a bleaker picture of her family links than is justified by the evidence.
27. The evidence of the sponsor, Mr Hussain and Mr Sadeeq was that the appellant's father has threatened her, and she would be at risk of reprisals, possibly death, in the event she was to return.
28. Under cross-examination, the appellant said she has no family members in Pakistan, other than her father's side of the family. Those she lives within this country, she said, are the extent of her family relationships. The difficulty with that aspect of her evidence, is that she explained that, in 2015, Mr Hussain, her father and brother-in-law, returned to Pakistan for a family wedding. She was vague about whose wedding it was. That Mr Hussain returned to Pakistan for a family wedding in 2015 was supported by the evidence of his son, the sponsor. Under cross-examination, the

sponsor said that he had returned to Pakistan for the wedding of a cousin in 2015, with his father, travelling together. This suggests a degree of family contact in Pakistan.

29. Pausing here, the sponsor's statement is silent as to the fact he accompanied his father on this return visit in 2015. I consider that to be a significant omission, most likely for the purposes of glossing over the true extent of family links in Pakistan, given it is the appellant's case, and was the sponsor's evidence, that when Mr Hussain returned to Pakistan in 2015, the appellant's father renewed his threat of hostilities, conveying those threats to his daughter through Mr Hussain. Given the centrality of the threats said to be posed by the father in Pakistan, the absence of any reference in the sponsor's statement to the fact he accompanied Mr Hussain on the return visit which was said to have featured the threats now forming the basis of this human rights claim is significant. The explanation given by the sponsor for this omission in his written evidence was unconvincing. He said he had forgotten and had been unable to recall all relevant details in writing his witness statement. I find his return visit to be of such significance to the case advanced by his wife, and in his evidence on her behalf, that the omission of such a significant factor cannot readily be explained by mere forgetfulness.
30. There were further inconsistencies in the evidence. Under cross-examination, Mr Hussain said that he did not return for a wedding, purporting not to be able to recall the purpose of his return visit. He insisted that he travelled alone, whereas both the sponsor and the appellant said in their evidence that Mr Hussain had been accompanied by the sponsor on the visit, which had been to attend a wedding. Mr Hussain claims to have no family in Pakistan.
31. I find the evidence of Mr Hussain did not give the full picture of his return visit to Pakistan in 2015; rather than revealing the true state of the contact with his family in Pakistan, which involved a return visit for a wedding with his son, he purported to have travelled alone, not to have attended a wedding, and to have presented the purpose of the return visit as having been to make an approach to the appellant's father to reconcile the relationship between father and daughter. The true purpose of the visit, I find, was to attend a wedding with his son. He did not want to reveal this in his evidence as it would undermine the narrative he has sought to advance in order to support the appellant's case that there are no family members in Pakistan with whom the appellant, or his side of the family, are on good terms.
32. There were further unattractive elements to the evidence of the sponsor and Mr Hussain.
33. In her supplementary statement, the appellant writes at [7] that "both families have member [sic] in Pakistan and are closely linked", referring to her sister's marriage to the father of her husband. I accept her evidence that "both families" have members in Pakistan, and prefer her evidence to

that of Mr Hussain and the sponsor in which they both claim, incredibly in light of my analysis, not to have family there.

34. Although the sponsor was born in Pakistan and lived there until he was around 13 years old, he purported not to have Pakistani nationality. Mr Hussain emphasised that the only nationality held by his son was British. That contrasted with the evidence given by the appellant, a political science graduate and recipient of further education in this country, that her husband has dual British and Pakistani nationality. Ms Iqbal confirmed in closing submissions that she did not advance a case that the sponsor would be unable to acquire, or otherwise confirm that he is entitled to, Pakistani citizenship. It may be that the sponsor and Mr Hussain were confused as to the distinction between nationality, on the one hand, and possession of a passport, on the other; the technical details do not matter. I accept that the sponsor may not have a Pakistani passport at the moment, but I find that in light of his Pakistani heritage, and early residence there, he will be able to obtain a Pakistani passport, given the appellant's confirmation that he is a dual British/Pakistan citizen. For present purposes, however, the significance of the sponsor and Mr Hussain's emphasis on the sponsor not holding Pakistani nationality is that it represents a further attempt to present the prospect of a return to Pakistan for the appellant and sponsor as being subject to an insurmountable obstacle. The sponsor has Pakistani nationality and would not face immigration or nationality-based obstacles to his return.
35. The sponsor said that during the return visit with his father in 2015, they stayed in a hotel. By contrast, Mr Hussain said that they stayed in the family property. That is a clear inconsistency in the evidence. Mr Hussain also said under cross-examination that the family property in Pakistan has fallen into disrepair and is derelict. That is inconsistent with his own evidence that he stayed in a family property, and a further basis upon which I find Mr Hussain sought to give the impression that there would be no support for the appellant and the sponsor, or the appellant on her own, were she to return.
36. Through Ms Iqbal, the appellant sought to proffer an explanation for the poor quality of Mr Hussain's evidence, stating that he was diabetic, and that he experiences difficulties remembering things. However, there was no medical evidence to that effect, and Mr Hussain himself did not mention memory problems in his evidence.
37. I turn to the evidence of Mr Sadeeq. In his statement, he writes that he has known the appellant's father for over 20 years. At [9], he writes that the appellant's father first made threats to kill the appellant upon finding out she had fled to this country to continue her studies. The threats were renewed after the appellant married the sponsor, which defied her father's wishes for her: see [15]. In oral evidence, Mr Sadeeq said he had just returned from a visit to Pakistan, where he had again spoken to the appellant's father. He said her father was still very angry with her and spoke of her as though she was "dead".

38. It is clear that Mr Sadeeq has had a central role in the appellant's life in this country. He collected her from the airport when she arrived initially. He arranged the marriage at the mosque. He has been in recent, face to face, contact with her father. While his evidence did not feature the inconsistencies which characterised the evidence of the sponsor and Mr Hussain, his evidence was high level and lacked detail.
39. Drawing the above analysis together, considered in light of the established background materials concerning the position of women in Pakistan, it is clear that there has been a family dispute of some sort. That a father would become enraged when his daughter marries and circumstances other than with his full consent is consistent with the well-established position of women in Pakistan. Mr Hussain's evidence featured weaknesses, but I do accept what he said about the need for honour to be protected. That is an established phenomenon in Pakistan. Ms Isherwood did not attempt to suggest otherwise. The question arises, however, as to the extent of the dispute. As Judge Hanson noted at [8] of his decision, the asylum refusal letter highlighted the fact that the appellant claimed her sister's marriage to Mr Hussain had been an arranged marriage and also purportedly a marriage that had taken place in defiance of their father's wishes. The refusal letter noted that those two propositions were inconsistent, and therefore attracted less weight. Those are considerations which remain valid as part of my analysis. Although the appellant's sister provided a witness statement which is at pages 23 to 26 of the bundle, she did not give evidence before me.
40. For the reasons set out above, the evidence of the sponsor and Mr Hussain featured significant weaknesses, and struck me as testimony which sought to overstate the position in order to pave the way for the appellant's appeal to succeed. Both had a clear incentive to understate the extent of their links and family connections in Pakistan, and to overstate the rift between the appellant and her father. Both attributed the dispute to the marriage, whereas the appellant's first witness statement said that difficulties began when she left Pakistan to study here without her father's blessing.
41. I accept the submissions of Ms Isherwood that there has been no detail as to the threats. The attempts by the sponsor to speak to the appellant's father have been minimal. The sponsor said he has attempted to engage with the appellant's father through messages, to no avail, yet there was no documentary evidence of the sort one would readily expect in the face of a long-standing rift between family members in relation to which, as the sponsor said, there had been attempts at reconciliation. While in asylum claims there is no requirement for corroboration, this appeal has been pursued under Article 8 of the ECHR, in relation to which the balance of probabilities standard applies. Ms Iqbal did not advance a case on the basis of Article 3 of the ECHR.
42. Taken at its highest, the appellant has a subjective fear at the hands of her father. She experiences anxiety and depression, and while there is no

medical report other than a short GP letter dated 12 October 2020, the uncertainty caused by her immigration status (which entailed a clearly distressing arrest and period in detention, which I accept will have been traumatic), combined with a dispute with her father, has led her to believe that the family dispute is far more serious than it is in reality. The claimed threats to the appellant have mainly been conveyed through people other than her father; specifically, they have been communicated to her by the sponsor, by Mr Hussain, and by Mr Sadeeq. The evidence of Mr Sadeeq was high level, and lacked detail of the sort one would readily expect in the event of a recent visit to Pakistan during which he met the appellant's father. The evidence of the sponsor and Mr Hussain was inconsistent, and plainly sought to gloss over matters which, properly understood, would place the appellant's case in a less favourable light. The three witnesses have catalysed the appellant's subjective fear.

43. I find that in the event the appellant returns to Pakistan, she would not return to no family reception. She has extended family there. Mr Hussain has a family property there. There has been a family wedding there, albeit of a cousin of the sponsor who lives in England. While her father may have been unhappy at her marriage to a younger man, he has not made threats to her as claimed. All witnesses have claimed to have fewer family links in Pakistan than they do in reality.
44. In any event, the appellant's father is not in a position of authority, as the appellant confirmed in her evidence. There is no basis to conclude that, even if he had threatened her in her home area, she would be at risk from him elsewhere in Pakistan, a country of 200 million people.
45. The findings I have reached independently of Judge Pacey's findings are entirely consistent with those which I must take as my starting point. Accordingly, the analysis I have set out above is consistent with that already conducted by Judge Pacey. It appears that I heard additional oral evidence to that Judge Pacey heard in 2016, in particular Mr Hussain and Mr Sadeeq, but having done so, for the reasons set out above I do not consider the appellant's case to be credible.
46. The sponsor claimed that he could not return to Pakistan with the appellant as his life is established here. He works as a taxi driver, although does not have any work at the moment, as a result of the pandemic. All his close family connections live in this country, and he has been here since the age of approximately 13. I accept that moving to Pakistan would be a major upheaval. However, in the absence of threats against the appellant from her father, and given the ability of the couple to draw on the family links that I have found to exist across the country, and in light of the Pakistani heritage of both the sponsor and the appellant, I find there would be no insurmountable obstacles to their relationship continuing in Pakistan. I accept that there would be difficulties, at least initially, especially as he left the country before he was of working age. However, the appellant is highly educated, and the sponsor is a taxi driver. They will

be able to find work, in time. They speak Urdu in the family home, and are more comfortable conversing in that language than in English. Although Mr Hussain contended that he would not be able to remit any financial support to the couple in Pakistan, he said he would if he could. I find that he would be able to provide some support, and that he would be able to find work before a significant period, even allowing for the impact of the pandemic.

47. In light of the preserved findings of fact, the appellant's failure to disclose her caution for shoplifting prevents this appeal from succeeding under the Immigration Rules: see S-LTR 2.2(b) of the Immigration Rules, which concerns a failure to disclose material facts. However, it is still necessary to address the substantive eligibility criteria under the rules, as that informs my Article 8 outside the rules assessment.
48. For the reasons that follow, I find that the couple would not face "insurmountable obstacles" to continuing their relationship in Pakistan for the purposes of EX.1(b).
49. In relation to the appellant personally, she would not face "very significant obstacles" to her own integration in Pakistan. She has spent most of her life there, and speaks the language. She is highly educated. She would be able to draw on support remitted from her husband, at least initially. She would, within a reasonable time, be able to establish her own private life, drawing on her knowledge of Urdu, and Pakistani life and culture. She lives within a predominantly Pakistani community in this country, and is well-placed to resume life in Pakistan. Her husband could return with her, at least initially if he chose not to relocate with her, to assist her with becoming established. She would not face very significant obstacles to her integration for the purposes of paragraph 276ADE(1)(vi).

*Article 8 outside the rules*

50. I will conduct a "balance sheet" assessment to determine the overall proportionality of the appellant's prospective removal. References in brackets to legislation are to the public interest considerations contained in Part 5A of the 2002 Act.
51. Factors militating in favour of the appellant's removal include:
  - a. The public interest in the maintenance of effective immigration controls (section 117B(1)). This is a consideration of some weight.
  - b. The appellant does not meet any of the requirements of the Immigration Rules. She fails on suitability grounds, and also on eligibility grounds, as set out above.
  - c. The appellant does not speak English (section 117B(2)).
  - d. The appellant would not be at risk upon her return to Pakistan, and in any event has the option of locating around the world.

- e. The private life established by the appellant has been during the currency of an initially precarious, and latterly unlawful, stay in the country.

52. Factors militating against removal include:

- a. The appellant's private and family life is established here.
- b. Removal would present a significant disruption, not only for her, but for the sponsor as well. Their joint return would be difficult and place them under pressure. Alternatively, the appellant's return alone would present difficulties, at least initially, in light of the fact she has lived here since 2012.
- c. The appellant experiences anxiety and depression, and takes Citalopram. Her removal will inevitably cause her symptoms to worsen, at least initially. The appellant's state of mind is likely to present some obstacles to her integration, albeit not very significant obstacles.
- d. The appellant has a subjective fear of her father.

53. I find the factors in favour of the removal of the appellant outweigh those mitigating against it. The public interest in the maintenance of effective immigration control is a weighty consideration. The appellant does not meet the requirements of the immigration rules, and nor would there be "very significant obstacles" to her integration or "insurmountable obstacles" to her continuing her relationship with the sponsor in Pakistan, the country where they were both born, and they each enjoy either Pakistani nationality, or, in the case of the sponsor, a claim to it. These are factors of far more significance than the appellant's non-disclosure of her caution in an earlier immigration application. The appellant has only ever held leave as a student, which can carry with it no expectation of settlement, or a right to remain. Appropriate medical treatment will be available for the appellant's anxiety and depression in Pakistan. There is no medical evidence appropriate treatment is not available, or that the experience of the return itself will exacerbate the appellant's medical conditions to the extent that her removal would no longer be proportionate. She will be able to return with her husband, should he choose to accompany her, and there are some family connections in Pakistan. I find there are no exceptional circumstances such that it would be unjustifiably harsh for the appellant to be removed.

54. The appeal is dismissed.

### **Notice of Decision**

The appeal is dismissed on human rights grounds.

No anonymity direction is made.

Signed *Stephen H Smith*

Date 13 January 2021

Upper Tribunal Judge Stephen Smith

**TO THE RESPONDENT**

**FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed *Stephen H Smith*

Date 13 January 2021

Upper Tribunal Judge Stephen Smith