



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

Appeal Number: AA/05266/2014

THE IMMIGRATION ACTS

**Heard at Manchester
On 17 February 2015**

**Determination
Promulgated
On 26 February 2015**

**Before
UPPER TRIBUNAL JUDGE CLIVE LANE**

Between

**USMAN AHSAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Skyner, instructed by Lei Dat & Baig, Solicitors
For the Respondent: Ms Johnstone, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Usman Ahsan, is a citizen of Pakistan and was born on 24 July 1979. The appellant appealed against a decision of the respondent dated 16 July 2014 to remove him by way of directions under Section 10 of the Immigration and Asylum Act 1999 to the First-tier Tribunal (Judge Fox) which, in a determination promulgated on 7 November 2014, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. There are several grounds of appeal. The appellant claimed a fear of persecution in Pakistan because he asserts that he has been the victim of

a “false blasphemy charge”. He had entered into a “intellectual religious debate” with a mullah in 2006 and this, in turn, has exposed him to the possibility of risk at the hands of the Lashkar-e-Jangvi (abbreviated to LeJ). The grounds of appeal appear *prima facie* to be no more than a series of disagreements with the findings of the First-tier Tribunal Judge. The grounds assert that it is arguable that the judge “failed to take material facts, explanations and other evidence into account before making his adverse credibility findings” but I am satisfied, having read Judge Fox’s determination that he has (as he directed himself to do) considered all the evidence before reaching his findings of fact. It is also clear from the determination (especially [17] *et seq*) that Judge Fox was similarly unimpressed by the appellant’s poor immigration history. The judge noted that the appellant had only claimed asylum after he had been discovered working in a shop in the United Kingdom and that he had “attempted to use fusion (*sic*) misrepresentation” and other forms of deceit including a false identity. The judge found at [21] that:

“... the appellant’s late claim for asylum nearly one week after being arrested in the United Kingdom as an overstayer without a satisfactory explanation undermines the credibility of the appellant’s claim to have come to the United Kingdom to escape persecution.”

3. It has been long established in immigration tribunals that a poor immigration history may, in appropriate circumstances, be sufficient to undermine entirely the reliability of an appellant’s evidence. Occasionally, the immigration history may be so poor that there is “no point whatsoever in the Adjudicator [First-tier Tribunal Judge] ... having to look in substance at the appellant’s claim regarding what was supposed to have happened in [his country of origin]” as the IAT found in *TP (Credibility) Zimbabwe* [2004] UKIAT 00159 at [11]. Although the judge has not referred to that case, it is quite clear from his determination that he has followed the principle articulated in it although the judge did not limit his assessment of the appellant’s credibility to his immigration history; he also found that damage was caused to the appellant’s credibility by his failure, in his screening asylum interview, to make no reference at all to LeJ (referring only to having been attacked by “robbers”). I am satisfied that the judge has considered all relevant material evidence which he should have considered and that he has not taken into account any irrelevant matters (*R (Iran)* [2005] EWCA Civ 982). He has reached an outcome which was plainly available to him on the evidence. In the circumstances, this appeal is dismissed.

NOTICE OF DECISION

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 26 February 2015

Upper Tribunal Judge Clive Lane