



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

Appeal Number: PA/11742/2017

THE IMMIGRATION ACTS

**Heard at Glasgow
on 25th October 2018**

**Decision issued
on 8th November 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE DEANS

Between

**ANJUM [S]
(No anonymity direction made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Katani & Co,
Solicitors

For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against a decision by Judge of the First-tier Tribunal A M S Green dismissing an appeal on protection grounds.
2. The appellant is a national of Pakistan. He was born into and brought up by a Christian family. He claimed to be facing blasphemy proceedings in Pakistan.

3. The judge was not satisfied that the appellant is a practising Christian. The judge found there was no evidence the blasphemy suit was being actively pursued. The judge had concerns about the reliability of the document, termed a Private Complaint, initiating the blasphemy proceedings and gave it little weight. The judge was not satisfied that the appellant would not have sufficient protection from the authorities in Pakistan and, if necessary, would not be able to relocate internally.
4. Permission to appeal was granted on the basis that it was arguable that the judge did not give adequate reasons for his decision, having regard, in particular, to the country information together with the respondent's acceptance that the appellant is a Christian and that the Private Complaint initiating the blasphemy proceedings is genuine.
5. At the hearing before me the parties accepted that the Judge of the First-tier Tribunal had erred in law. According to Mr Govan the judge had not made clear findings at paragraph 19 of the decision in relation to the blasphemy charge. The Private Complaint initiating blasphemy proceedings was accepted by the respondent as genuine. The judge did not properly consider the potential consequences stemming from this document.
6. Mr Winter also referred to paragraph 19 of the decision. He drew attention to documentary evidence of a number of interlocutors made by the court in Pakistan in the blasphemy case, together with translations. The judge erred in saying at paragraph 19 there was no evidence the case was being actively pursued. It was accepted that this was a genuine blasphemy case and that the appellant is a Christian. In terms of the guidance in AK and SK (Christians: risk) Pakistan CG [2014] UKUT 00569 the appeal should be allowed. There was no viable internal relocation alternative.
7. It was further observed that the appellant had given his religion as Christian in his passport. The judge did not appear to have taken any account of this.
8. For the respondent Mr Govan sought remittal of the appeal to the First-tier Tribunal for further findings on whether the events narrated by the appellant had taken place. For my part I was not satisfied that remittal was necessary or appropriate, given the available evidence and the extent to which this was accepted by the parties. I informed Mr Govan that I would adjourn the hearing till later in the day so he would have the opportunity of preparing a submission on the merits of the appeal.
9. The hearing reconvened later the same day for the purpose of re-making the decision. Mr Govan observed that the appellant is a

Christian and the blasphemy Complaint was accepted as genuine. The interlocutors from the blasphemy proceedings had not been challenged. In term of the country guideline case of AK and SK the appellant was facing a risk of persecution. Mr Winter made no further submission.

10. The position is that the Judge of the First-tier Tribunal erred in law by not giving adequate reasons for finding the appellant was not at risk of persecution and, in particular, that the blasphemy proceedings were not being actively pursued. The judge does not appear to have properly engaged with the evidence in relation to the interlocutors in the blasphemy proceedings and as to the appellant's religion as recorded in his passport.
11. Even though the judge was not impressed by the appellant's lack of knowledge of Christianity and was not satisfied he practised his faith, the appellant is a Christian by family origin and describes himself as such in his passport. The appellant is perceived as a Christian in Pakistan, where he is subject to an active prosecution for blasphemy. On this basis his appeal should succeed on protection grounds, in terms of AK and SK.

Conclusions

12. The making of the decision of the First-tier Tribunal involve the making of an error of law.
13. The decision is set aside.
14. The decision is re-made by allowing the appeal.

Anonymity

The First-tier Tribunal did not make a direction for anonymity and I see no reason of substance for making such a direction.

Fee award (N.B. This is not part of the decision)
As no fee has been paid or is payable no fee award is made.

M E Deans
31st October 2018
Deputy Upper Tribunal Judge