



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-002388
First-tier Tribunal Nos:
PA/50651/2022
IA/01854/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 04 December 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

M E
(ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr M Iqbal (Counsel)

For the Respondent: Mr T Melvin (Senior Home Office Presenting Officer)

Heard at Field House on 18 August 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant should not be identified and is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. This is an appeal against the determination of First-tier Tribunal Judge Morgan, promulgated on 22nd May 2023, following a hearing at Taylor House on 18th May 2023. In the determination, the judge dismissed the appeal of the Appellant, whereupon the Appellant subsequently applied for, and was granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

The Appellant

2. The Appellant is a male, a citizen of Pakistan, who was born on 11th June 2000. He appeals against the Respondent's decision dated 10th February 2022 refusing the Appellant's protection claim and his application for leave to remain in the UK.

The Appellant's Claim

3. The Appellant's claim is that he has been the victim of a land dispute with his grandfather's brother's family (described in the judge's decision as "the other family"). As a result of this dispute in 2014 the Appellant's uncle was killed. In 2017 the Appellant was threatened. His father too was at risk. Fearing for their safety, the Appellant and his father fled to Iran in July 2016 and then the father arranged for the Appellant to be brought to the United Kingdom to join his maternal grandmother and uncles. The Appellant now fears that if he is returned to Pakistan he would be killed as this would enable the disputed land to be passed on to the other family.

The Judge's Findings

4. The judge began by stating that he had considered all the evidence before him but that, "I do not share many of the credibility concerns raised in the refusal about the implausibility of the evidence" (paragraph 16). The judge then went on to look at the answers given by the Appellant both in his asylum interview and during cross-examination (at paragraph 17). He then concluded, agreeing with the Respondent's Counsel, that "the account is so vague and lacking in detail that it is difficult to find that the core of the Appellant's claim is made out even to the lower standard" (paragraph 18). The appeal was dismissed.

Grounds of Application

5. The grounds of application state that, having asserted that the judge did not share many of the credibility concerns of the Respondent, he ought to have gone on to make specific findings as to which part of the Appellant's account was accepted and which was rejected. This was important because the fact that the Appellant did not know much of the background to his fear of return was entirely reasonable given that he was a minor at all relevant times. In any event, his account was not unclear. This was for the following reasons. First, the fact that he did not know where his father was is irrelevant to the core of the Appellant's account. Second, the Appellant's evidence that his family "roamed around" cities in Pakistan is direct evidence of the risk to the Appellant in his local area.
6. Third, the Appellant's evidence was not that if no-one was in Pakistan then the other family could take the land. Rather, it was that if no-one in his own line of the family were alive then the land in dispute would go to his uncle. As to the Appellant's ability to internally relocate this overlooked the fact that the Appellant's uncle had the ability to locate the Appellant within the country because of his connections to the Appellant's mother and sister whom the Appellant's uncle could, at any time threaten. Finally, the judge had failed to allow the appeal on Article 8 grounds bearing in mind the relationship that the Appellant had with his grandparents in the UK with whom he was living.
7. Permission to appeal was granted by the First-tier Tribunal on 3rd July 2023.

Submissions

8. At the hearing before me on 18th August 2023, Mr Iqbal submitted that plainly if the judge took the view that, “I do not share many of the credibility concerns raised in the refusal about the implausibility of the evidence” (at paragraph 16), this meant that there were aspects of the Appellant’s claim that were plausible, in which case the judge should have explained what these were, with a view to determining whether there was a well-founded fear of persecution. Further, the Respondent in the refusal letter had given five reasons for why the account given by the Appellant was not plausible. First, he was not able to provide any details of the individuals or family that killed the Appellant’s uncle and threatened his father. Second, he was not aware of the individuals who stopped him or whether they were the same people who killed his uncle. Third, he did not report the matter to the police in any event. Fourth, the Appellant stated that his father was constantly having to shift location for fear of being targeted by the other family, and yet he later stated that he had only lived in Farooqabad in Pakistan. Finally, he claimed that both he and his father were at imminent threat of being killed by the other family and yet they did not leave Pakistan until some seven to eight months after the incident complained about. (See paragraphs 46 – 50 of the refusal letter). The judge himself, submitted Mr Iqbal, was critical of the Appellant for not knowing who killed his uncle (at paragraph 17), but the Appellant at the time was a minor and his age was not given due consideration.
9. For his part, Mr Melvin submitted that this was nothing more than a disagreement with the judge’s decision. Even if the judge had not found all the evidence to be vague, the fact was that there was no actual evidence on which the judge could make a finding, and this is what the judge had made clear. But in any event, even allowing for the Appellant’s lack of knowledge, and even allowing for the fact that he was a minor, the judge was clear (at paragraph 19) that “there was very little if any country evidence before me justifying a finding that there was not an internal relocation alternative or that it would be unduly harsh to expect the appellant to relocate”.
10. In reply, Mr Iqbal submitted that, “whilst in Pakistan the family was relocating but there was no peace for them” and that “they were sure that the police would not help them” and that is why both father and son fled to Iran.

No Error of Law

11. I am satisfied that the making of the decision by the judge did not involve the making of an error on a point of law such that I should set it aside. My reasons are as follows. First, I am satisfied that the opening statement under the Section “Evidence and Findings” by the judge that, “I do not share many of the credibility concerns ...” is a misprint. What the judge plainly intended to say was that he did share many of these credibility concerns. This is clear in two ways. First, he immediately follows his statement up with a reference to the Respondent’s Counsel who, “also submitted that the appellant’s evidence was so vague as to make it difficult for him to make out his claim even to lower standard” (paragraph 16). The judge then went on to elaborate how, “both in his asylum interview and during his cross-examination at the hearing there was much the Appellant did not know that one would have expected he might”, before proceeding on to give examples (at paragraph 16). The judge then concluded by stating that, “I am persuaded by [the Respondent’s Counsel’s] submission that the account is so vague and lacking in detail that it is difficult to find the core of the appellant’s claim is made out” (paragraph 18). Indeed, the judge gives specific examples (at paragraph 17) how the Appellant failed to provide details of the events

complained of, drawing specific reference to question 21, question 23, and question 39. The judge does not overlook the fact that the Appellant was a minor (at paragraph 17).

12. Second, and much more importantly, as Mr Melvin has indeed pointed out in this Tribunal the Appellant could not in any event have succeeded because of the availability of internal relocation to him. As the judge explained, “the real difficulty, even accepting the appellant’s case at its highest, is that there was very little if any country evidence before me justifying a finding that there was not an internal relocation alternative ...” (paragraph 19). The judge further elaborated by explaining that,

“Even if the appellant was at risk from the other family in his home area and the police unable to offer adequate protection, there was little to no evidence that the appellant would be at risk throughout Pakistan or that internally relocating would be unduly harsh” (paragraph 19).

Mr Iqbal’s submission before me was that even when the family was relocating to various places “there was no peace for them”, but the issue is not one of peace but one of the availability of protection, and as the judge pointed out there was no evidence before him that protection was not available, or that the Appellant and his family could relocate to a place “throughout Pakistan” (at paragraph 19). The decision of the judge, accordingly, is clear, succinct and comprehensive.

13. Finally, as far as humanitarian protection is concerned this falls with the claim for asylum. As for the Appellant’s Article 8 claim, he had to demonstrate that there would be “very significant obstacles to his reintegration into Pakistan” (at paragraph 22). The judge took full account of the fact that the Appellant was supported by his grandmother in the United Kingdom and that he has lived for the entirety of his adulthood in this country. However, he had been unable to demonstrate that there were very significant obstacles to his reintegration if returned to Pakistan (paragraph 23).

Notice of Decision

14. There is no material error of law in the judge’s decision. The determination shall stand.

Satvinder S. Juss

Judge of the Upper Tribunal
Immigration and Asylum Chamber

29 November 2023