



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: PA/11954/2019

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 24 December 2024**

**Before**

**UPPER TRIBUNAL JUDGE RIMINGTON**  
**And**  
**UPPER TRIBUNAL JUDGE BULPITT**

**Between**

**WAS (PAKISTAN)**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr E Fripp - Counsel instructed by Morden Solicitors  
For the Respondent: Ms S Cunha - Senior Home Officer Presenting Officer

**Heard at Field House on 14 August 2024 and 28 October 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant 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 the remaking of a decision in connection with the appellant's fresh claim for asylum which he made on 16 September 2019 and which the respondent refused on 18 November 2019. There is a considerable history to this appeal and the appellant's stay in the United Kingdom which we set out in the following paragraphs. When making this decision we have considered a "Core Bundle"

(CB) consisting of 237 indexed pages, a "Supplementary Bundle" (SB) consisting of a further 529 indexed pages and a second Supplementary Bundle (SB2) consisting of 109 pages. We have also had regard to the written submissions of Mr Fripp dated 26 April 2024, the undated written submission of Ms Cunha and the oral submissions of both Mr Fripp and Ms Cunha.

## **Procedural Background and Immigration History**

2. The appellant arrived in the United Kingdom on 19 June 2012 having been granted a student visa. His visa was initially extended but then curtailed so that it was due to expire in December 2015. Before it did expire the appellant made an application to extend his leave to remain in the United Kingdom on the basis that he was the spouse of a British citizen, but the respondent refused that application on 16 February 2016 and the relationship with the British citizen has subsequently ended. The appellant has since then remained in the United Kingdom without leave.
3. On 19 October 2017 the appellant claimed asylum. The basis of his claim was, and has remained, that he has a well founded fear of persecution by the Pakistani authorities because of his political opinion namely, his support for the Muttahida Qaumi Movement London ("MQM-L"), an opposition movement in Pakistan, and that he would not be able to rely on state protection from that persecution in Pakistan or avoid persecution by internally relocating within Pakistan. The appellant's claim therefore is that he meets the definition of a Refugee provided at Article 1(A) of the 1951 Geneva Convention Relating to the Status of Refugees (the Refugee Convention) and that his removal to Pakistan would contravene the United Kingdom's obligations under Article 33 of the Refugee Convention which prohibits a contracting state from expelling or returning a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
4. The respondent refused the appellant's asylum claim on 18 April 2018. The appellant appealed against that decision but following a hearing that took place on 30 May 2018, his appeal was dismissed by First tier Tribunal Judge Skehan in a decision promulgated on 27 June 2018 (Decision 1). An appeal against Judge Skehan's decision was considered by Upper Tribunal Judge Blum on 29 April 2019, who dismissed the appeal in a decision promulgated on 14 May 2019.
5. On 16 September 2019, the appellant submitted to the respondent further representations as to why he said he should be granted asylum which, in accordance with paragraph 353 of the Immigration Rules, the respondent treated as a fresh claim for asylum. The fresh claim was again refused by the respondent in a decision made on 18 November 2019. The appellant appealed against that decision but, following a hearing that took place on 17 January 2020 his appeal was dismissed by First-tier Tribunal Judge Henderson in a decision promulgated on 5 February 2020 (Decision 2). An appeal against Judge Henderson's decision was considered by Upper Tribunal Judge Blum on the papers and in a decision dated 18 September 2020 (Decision 3) Judge Blum found that Judge Henderson had made an error of law, and so set aside Decision 2 and retained the appeal in the Upper Tribunal for a new hearing.

6. Upper Tribunal Judges McWilliam and Blum reheard the appeal on 12 July 2021 and again dismissed it in their decision dated 30 March 2022 (Decision 4). Permission to appeal against Decision 4 was granted by Asplin LJ and that appeal was heard by Lord Justice Baker, Lord Justice Phillips and Lady Justice Elisabeth Laing on 13 July 2023. In a judgment dated 26 July 2023 (the Court of Appeal Decision) Decision 4 was found to contain an error of law and was set aside. By order sealed on 13 September 2023 the appellant's appeal was remitted to the Upper Tribunal for re-hearing.

## **The Issues**

7. At [3] the Order of the Court of Appeal requires the Upper Tribunal to:  
  
"consider in the light of this court's judgment and of all its findings in the Determination whether:  
(i) the Appellant is a genuine supporter of MQM-L, or, if not.  
(ii) whether there is a real risk that his (sic) some of or any of his sur place activities have been detected by the Pakistani authorities, and, if so, whether there is a risk that he would be perceived by them as a supporter of MQM-L"

## **Previous findings and preserved findings of fact**

8. We spent some time at the outset of the hearing examining the extent to which findings made in Decisions 1-4 have been preserved and requested the parties come to some agreement on this issue. It transpired however that only limited agreement could be reached. In the following paragraphs therefore we set out the extent to which we determine previous factual findings about the appellant's claim have been preserved.

### The Preserved assessment of risk to genuine and perceived members of MQM-L

9. Decision 4 included at section A, a brief overview of the MQM, including the fact that in 2016 it split into two factions: MQM-L and MQM-P. At section D of Decision 4 there was a detailed assessment of the risk in Pakistan to genuine members of MQM-L and to those who the Pakistani authorities might perceive to be members of MQM-L. Neither the overview in section A, nor the assessment at section D of Decision 4 were challenged in the appeal to the Court of Appeal and it was common ground before us that the Court of Appeal Order requires us to make our decision "in the light of" them. We set out relevant extracts from the overview of MQM in section A and the detailed assessment of the risk to genuine members of MQM-L from section D below (the paragraph numbers are from Decision 4):

#### *Brief Overview*

- 6) As part of the introduction we will give a brief overview of the MQM from the Country Policy Information Note Pakistan: Political parties and affiliation, version 1.0, December 2020 (CPIN December 2020) and the background evidence before us generally. MQM was founded in 1984 as the party of Urdu speaking Muslims who migrated from India at the time of the 1947 partition, known as Muhajirs. It is a Karachi based secular

political party which advocates the rights of Muhajirs. It also has power bases in Hyderabad and Nawabshah districts in Sindh province. Before the 2018 general election MQM exercised political influence in Sindh holding 50 seats in the 167-seat provincial assembly. In 2019 it held 21 seats in the provincial assembly. It is a political force; however, it has been affected by leadership and faction conflicts. In 2016 MQM split into two factions; MQM-L led by Altaf Hussain (AH) living in self-imposed exile (he fled to London in 1992 where he has remained since) in the UK, and MQM-P initially led by Farooq Sattar who was succeeded by Khalid Maqbool Siddiqui in February 2018. The split followed a 2016 speech by AH containing anti-Pakistan rhetoric and causing political violence in Karachi.

- 7) AH faces a number of charges in Pakistan although 31 of them were the subject of an amnesty in 2009. On 18 June 2020 an anti-terrorism court in Pakistan ruled that AH ordered the killing of fellow MQM leader, Dr Imran Farooq, in London in September 2010. Three members of MQM were sentenced to life imprisonment for Farooq's murder. On 11 November 2020 it was reported that the Federal Investigation Agency (FIH) included AH on its, "most wanted terrorists" list. Although the Pakistani authorities consider AH a terrorist, MQM-L is not a proscribed organisation in the United Kingdom or Pakistan.
- 8) MQM-L boycotted the 2018 general election citing repression of Muhajirs. MQM-P won 7 National Assembly seats and became a member of Pakistan's governing coalition. MQM-P is the main opposition to the People's Party of Pakistan (PPP) - led Sindh provincial government.
- 9) AH was arrested in London in June 2019 on charges of encouraging terrorism in Pakistan (from London) through hate speech. We take judicial notice of newspaper reports stating that he has recently been acquitted of all charges. There were two previous criminal investigations in the United Kingdom against AH. Neither resulted in criminal charges being brought against him.

### *Assessment*

- 77) .... We accept that after AH's speech the background evidence supports a general and effective in discriminatory clampdown on MQM activity. It was reported that "the violence brought the full force of the Pakistani state crashing on the MQM's head" and that "in Karachi the Rangers, Army and Pakistani intelligence agencies began another "anti crime" operation to end its political dominance over the city."
- 79) The party effectively split into those who supported AH and those who did not. Dawn newspaper reported on 19 July 2019 that MQM-P emerged, "when the sun set on [AH]'s political fortunes following his anti Pakistan speeches from the then parties headquarters in London," and that the senior party leader Farooq

Sattar announced that MQM no longer had anything to do with AH.....

- 80) There is no evidence of a policy split. Neither the Appellant nor Doctor Bennett Jones was able to identify different policies between the MQM- L and MQM- P.
- 81) What emerges from the background evidence is that there were a number of arrests and killings by the authorities of MQM- L members described as “hitmen” or “target killers” and those holding positions of significance within the organisation in 2019, 2020 and 2021....
- 83) The overall picture from the newspaper reports suggests that those perceived as criminals and described as within MQM L are being targeted by the authorities and prosecuted. We did not hear evidence on the frequent use of the word “worker” in the background material. While implies a significant role within the organisation, we are satisfied that the word “worker” in the background evidence is synonymous with the word member...
- 91) The background evidence is not that the authorities want to eliminate MQM: the clear intention is to eliminate AH and his power base as a spent force and to maintain MQM-P. It was reported in February 2021 that the MQM-L election office in Karachi was shut down by the security forces after it played MQM-L anthem which was reportedly played during a soundcheck. According to the authorities AH is a terrorist. The military have a mandate to eliminate his power base. The background evidence supports that in tracking down and eliminating support for AH the military has used the same methods they use to track down and eliminate jihadists and insurgents....
- 92) The background evidence describes the arrest/detention of MQM-L members and supporters We find that they may be perceived as such because they maintain support for AH who is, according to the Pakistani authorities, a terrorist. They may have been genuinely suspected of having committed serious crimes....
- 95) We accept that many supporters of MQM have aligned themselves with MQM- P (or other factions disassociated with AH). Despite the inference from the evidence of the Appellant that MQM-P is a puppet of the state (he said that there is one MQM which is MQM-L), MQM-P is a legitimate political party with the same policies as MQM-L and since its emergence supporters of MQM have been able to support these policies without fear of violence and be part of the democratic process. Since the split, the evidence supports that the authorities are intentionally not hostile to MQM-P. Its members have been acquitted of offences and have themselves been targets of MQM-L. Dr Bennett-Jones stated that no one in their right mind would now openly support MQM-L in Pakistan. His unchallenged evidence is that MQM supporters in Pakistan recognise MQM-P as the MQM or are prepared to say they do to protect themselves. His evidence is

that they are effectively given a way out of trouble if they renounce AH and switch allegiance to MQM-P. There are, from what we can see, legitimate reasons for wanting to distance from AH. However, we accept that in some circumstances the sole motivation is self-preservation. The evidence generally supports that the Pakistani armed forces have been involved in serious human rights violations as part of their counter-terrorism operations to clamp down on supporters of AH. However, we find that it is reasonably likely that the threat has led to a decrease in those who are willing to admit allegiance to MQM-L and as a consequence a decrease in those identified by the authorities as a threat. We find that this would account for a decrease in reported violence, a matter which was relied on by the SSHD, to support that there is no risk to MQM-L supporters in Pakistan.

102) We accept that individuals who are identified by the Pakistani authorities as being involved with MQM-L (described in the background evidence as members, supporters and workers ) are targeted by the authorities.

115) We summarise our conclusions as follows:-

- a. A person returning from London to Pakistan who has or who is perceived to have been engaged in activity supportive of MQM-L/AH and has come to the attention of the authorities is reasonably likely to be at risk on return.
- b. A person may come to the adverse attention of the authorities through attendance at MQM- L meetings/events that have been monitored by the security services/High Commission. The Pakistani authorities are reasonably likely to monitor meetings/events if aware that they are taking place and monitoring is practicable. It is reasonably likely that public demonstrations are monitored.
- c. The security services monitor social media. A person may come to the adverse attention of the authorities if they can be identified as responsible for pro-AH/MQM-L social media posts. Not every post is reasonably likely to be detected. The Tribunal will consider the frequency, content and nature of the posts, the duration of activity and whether that person can be identified as responsible for the post. A post is more likely to be detected if the person responsible for it is posting in their professional capacity as a journalist and/or on behalf of the MQM-L.
- d. A genuine supporter/member of MQM-L may be at risk on return even if their activity is not likely to have come to the attention of the Pakistani authorities. HJ (Iran) applies.
- e. There is no safe relocation option available to those at risk on return.

Previous and preserved findings of fact concerning the appellant

10. Decision 1 of Judge Skehan has not been successfully challenged and the findings of fact made by Judge Skehan represent the starting point for our consideration (see Devaseelan (Second Appeals - ECHR - Extra-Territorial Effect) Sri Lanka \* [2002] UKIAT 00702)
11. Judge Skehan found (at [11] and [16] of her decision) that the appellant's father was a supporter of MQM in Pakistan, and that the appellant was an active member of MQM while he was living in Pakistan for approximately three years between 2009 and his departure in 2012. Judge Skehan went on to find that by December 2015 (when his leave to remain was extended because of his family life) the appellant had been an active member of MQM for six years overall, three and a half of which occurred while he was in London. At the time of the hearing before her in May 2018, Judge Skehan found that the appellant's political affiliations had not changed. Judge Skehan found that the appellant was a member of the MQM and that he was likely to continue to be a supporter of MQM should he return to Pakistan. Judge Skehan found that the appellant had a social media account since 2014 using the pseudonym Vick Shapman which highlighted MQM events, but she found that there was no evidence that someone else would be able to link the appellant to that account.
12. Some of the findings of fact made by Judge Henderson in Decision 2 have also been preserved (see [21] of Decision 3). Judge Henderson found in January 2020 that the appellant was a member of MQM-L and a committee member of their North London unit. He was active after January 2018 within MQM-L in the sense of administration and organisational activities and he had attended demonstrations and meetings, including demonstrations at 10 Downing Street and a meeting attended by AH. He had not however made political speeches or public statements on behalf of MQM-L and thus Judge Henderson found the appellant was not "active politically." Judge Henderson found that the appellant maintained a social media account in the name of Vick Shapman which contained photographs of the appellant and a birthday message to AH in 2019, but which did not contain political content. (see [33] - [37] and [51]- [52]). Judge Henderson also made findings rejecting the appellant's account that his family in Pakistan were harassed and attacked because of the appellant's activities in the United Kingdom and his claim that he had lost contact with his family in Pakistan as not credible ([29]-[32] and [53]).

### **The evidence before us**

13. The appellant adopted three witness statements. In those statements he said that he is a follower of AH who is the founder and leader of the only true MQM. He states that he joined MQM in 2009 before it split and while he was living in Pakistan. He states that he continued to support MQM having moved to the United Kingdom but that he became more heavily involved in 2016 after the split, when AH was black listed and his party began being called MQM-L. The appellant said that because AH has always fought for the rights of Muhajirs, he is committed to AH despite the portrayal of him as a terrorist which he says is unfounded. The appellant says he is on the North London Committee of the MQM for whom he is the social media co-ordinator. This role involves him publicising events and demonstrations and posting political messages at the direction of the MQM-L Headquarters, using a Twitter account in the name W.... S..... and the Vick Shapman Facebook account. In his oral evidence the appellant explained that he posts on these accounts every day. He described a

number of the posts which are produced in the evidence, including one (CB p118) which showed him meeting AH on 24 March 2024. The appellant said that North London is an especially important Committee because it is where AH lives and also where he international secretariat for MQM-L is situated.

14. In cross examination the appellant said he has 163 followers of his Twitter account and that he primarily uses the Twitter account rather than the Facebook account as everyone in politics is using Twitter. He stated that he changes the profile picture for the Twitter account, sometimes using his own image, sometimes using AH's image. The appellant explained that his support for MQM stems from his family history and the support of his father and grandfather. The appellant said that MQM-P was part of the establishment in Pakistan and did not protect the rights of his community as AH does. The appellant answered questions about the policies of MQM-L and described promoting a "hunger strike" at which more than 20 demonstrators went to 10 Downing Street, delivered a petition and refused to eat between 1pm - 5:30pm.
15. After Aziz adopted his witness statement and gave oral evidence. He explained that he has been in charge of the North London Unit of the MQM since April 2022. He explained that he refers to AH's party as MQM rather than MQM-L because he does not recognise MQM-P. Mr Aziz said that the appellant has been involved with the MQM-L for the last seven years, participating in demonstrations, collecting donations and promoting the party on social media. In his oral evidence Mr Aziz described the North London Committee of MQM-L as having seven working members. He described the Hunger Strike at Downing Street as a symbolic event involving fasting for a couple of hours. In cross examination Mr Aziz said that the MQM-L is the real MQM and that anyone in Karachi would know that the MQM-P is part of the ruling party. He stated that a supporter of MQM-P would be required to make a statement against AH and that there is no protection for people who continue to support AH. Mr Aziz accepted that he has returned to Pakistan in 2019 but said he could not do so now because his involvement with MQM-L has been publicised on social media.
16. The bundles of evidence contain statements from other members of the North London Committee of the MQM-L as well as letters from MQM International Secretariat confirming that the appellant is an active member of the organisation. A number of screenshots of the Twitter account in the name W... S... are included in the bundles some of which show the appellant's photograph as the profile picture for the account.
17. The Supplementary Bundle contains a report from Dr Bennett-Jones, the country expert who previously gave oral evidence before the Tribunal, confirming that in his opinion MQM-P is generally perceived as being pro-establishment and pro-army while MQM-L continues to be suppressed by the state. Dr Bennett-Jones concludes that the political situation of MQM-L has not changed since Decision 4, that the Pakistani state wants to suppress MQM-L and promote MQM-P instead and that someone who openly supported MQM-L would very likely be arrested and by some means convicted as part of the state's efforts to suppress the organisation.

## **The parties' submissions**



18. Ms Cunha acknowledged the previous findings about the appellant's involvement with the MQM in London. Ms Cunha argued however that the appellant is a supporter of Muhajir rights and independence, and that support of AH is not fundamental to his political opinion. As such Ms Cunha argued that the appellant could safely return to Pakistan and exercise his political opinion by supporting MQM-P. Ms Cunha argued therefore that though he supports Muhajir rights, the appellant is not a genuine supporter of MQM-L. Ms Cunha further argued that there is no risk of the appellant's sur place activities being detected by the Pakistani authorities who would not be interested in or capable of identifying him as the source of the Twitter and Facebook accounts and that he would not be perceived to be a supporter of MQM-L by the Pakistani authorities.
19. Mr Fripp argues that the appellant is a genuine supporter of MQM-L and as such he does face a real risk if he were to openly return to Pakistan. Mr Fripp submits this is apparent from the length of time over the appellant has maintained his support for MQM-L, the fact his involvement predates him coming to the United Kingdom and his making an asylum claim and the applicant's social media activity. As a genuine supporter of MQM-L the appellant submits he faces a real risk of persecution given the preserved findings of decision 4 about the state authorities treatment of those who openly support AH and MQM-L.

### **Analysis of the evidence**

20. Our starting point when assessing whether the appellant is a genuine supporter of MQM-L is Judge Skehan's finding that the appellant's family background includes his father's support for the MQM. Judge Skehan found that the appellant was himself an active supporter of the MQM from when he was a 16 year old in 2009 until he left Pakistan three years later. That active participation with the MQM was prior to any suggestion of an asylum claim and pre-dates the party's split into MQM-L and MQM-P. It came at a time when AH was central to the party despite his exile in London. It points towards the appellant being a genuine supporter of MQM-L. In addition, Judge Skehan further found that the appellant's political affiliations had not changed when he appeared before her, nine years after his first involvement with the MQM, by which time the MQM had split into MQM-P and MQM-L.
21. Likewise, Judge Henderson found that following the MQM's split into MQM-P and MQM-L, the appellant was an active member and participant in MQM-L activities - albeit his involvement was with organisational and administrative tasks rather than making political statements and speeches. Judge Henderson makes specific reference to photographs of the appellant with AH in 2019 indicating that the appellant's commitment to AH individually is of significant depth. Both Judge Skehan and Judge Henderson found that the appellant was responsible for the Vick Shapman Facebook account which included the messages of support for AH that were published on that account.
22. There are therefore findings made by two Judges about the appellant's active participation with MQM and later MQM-L, participation that had lasted for more than a decade and had been maintained in both Pakistan and in the United Kingdom. While both Judges expressed doubts concerning the effectiveness, visibility and extent of the appellant's political support for MQM, and since 2016

MQM-L, and about whether that activity would have brought him adverse attention, neither Judge appears to have doubted the genuineness of the appellant's political support for MQM, AH and latterly MQM-L.

23. Against this background we found the appellant's evidence to us about his genuine support for MQM-L and personal commitment AH in particular, to be persuasive and likely to be true. His evidence was entirely in keeping with his history as found by the two previous Judges. He demonstrated a knowledge of the MQM party that was consistent with fifteen years of political activity on behalf of the party. The appellant displayed in his oral evidence a ready and in depth knowledge of MQM, its origins and relevant celebratory days and occasions. He persuasively described the opposition to the discrimination of Muhajirs living in the Sindh region, its opposition to jobs quotas and the ultimate attempt to unite all those experiencing oppression and a systematic lack of or deterioration of infrastructure in Pakistan.
24. Notwithstanding his political activity on behalf of MQM while in Pakistan, it is the appellant's evidence that although he continued to be involved with the MQM following his arrival in 2012 he only "became more heavily involved" with the party after AH was blacklisted in 2016. We accept the appellant's explanation for this and find it plausible that having left Pakistan and arrived in the United Kingdom to study, the appellant's focus would not necessarily have been on politics. The events in 2016 when AH was "blacklisted" and the party split into MQM-P and MQM-L were significant and provide a credible explanation for the appellant's increased involvement. In all the circumstances we do not consider the period of reduced involvement between 2012 and 2016 to significantly undermine the appellant's account about a genuine interest in the MQM or latterly the MQM-L.
25. The appellant spoke convincingly of his loyalty and commitment to AH personally. His evidence about AH was consistent with the fact that like AH, the appellant was in London at the time of the split of the MQM in 2016. It was also supported by messages of support for AH that he has posted on social media and which date back to 2013, photographs over the years of the appellant with AH and with the appellant's use of AH's image on his Facebook and Twitter posts. The appellant's acknowledged political activity in the United Kingdom has in reality been entirely focused on AH.
26. We note the Court of Appeal's description of credibility not being a "seamless robe" and the fact that the appellant has been found to have lied about other aspects of his claim. Although we consider the appellant to have shown a tendency for hyperbole and using exaggerated language when describing his political activity - the description of a demonstration that included a four hour abstinence from eating as a "hunger strike" being a prime example - we do not consider this tendency indicates that the appellant's stated political opinions evidenced over fifteen years are anything less than genuinely held.
27. We consider the length of time the appellant has persisted with his support for the cause and his active participation to be a far better indication of the genuineness of the appellant's political views than his hyperbolic statements or the inference to be drawn from them. Overall, taking a step back and viewing the evidence in the round, We find the appellant's longstanding, sustained and open support for MQM-L and for AH individually to be consistent with him being a genuine supporter of MQM-L.

28. We were not persuaded by Ms Cunha's submission that the appellant's genuine interest is in Muhajir rights rather than a specific support for AH and the MQM-L. Those submissions are contrary to the evidence of the acrimonious and murderous fracturing of MQM that occurred in 2016. We found the evidence of the appellant and Mr Aziz about their perception of MQM-P as a pro-army part of the establishment in Pakistan, who are not part of the "real MQM" to be convincing. Their evidence was consistent with the reports of Dr Bennett-Jones and the boycotting of elections by MQM-L even though MQM-P have had some success in elections.
29. To answer the first question posed by the Court of Appeal therefore we find that the appellant is a genuine member of MQM-L.
30. The preserved findings from Decision 4 include the fact that a genuine support of MQM-L may be at risk in Pakistan even if their activity is not likely to have come to the attention of the Pakistani authorities. On this basis the appellant's asylum claim succeeds because applying HJ(Iran) he cannot be expected to hide his genuine political view to avoid persecution. The appellant has a well founded fear of persecution by the Pakistani state authorities because of his political opinion. He is therefore a refugee. Equally his appeal succeeds on human rights grounds because the appellant faces a real risk of ill-treatment contrary to his Article 3 Convention rights if he were returned to Pakistan.
31. Although that conclusion is sufficient to dispose of this appeal we do note the opinion of Dr Bennett-Jones in his updated report dated 2 January 2020 which is relevant to the second question posed by the Court of Appeal namely whether, if the appellant is not a genuine supporter of MQM-L, there is a real risk of the appellant's sur place activities being detected by the Pakistani authorities. We are particularly mindful of the individual circumstances of this appellant, Dr Bennett-Jones says at [17]: *I would be amazed if the Pakistani state did not know that [WS] has an online identity in the same of Vick Shapman. They would know because the army monitors all social media content about Pakistan very closely and people in MQM-London, seeking to ingratiate themselves with state officials, would have told them Vick Shapman's identity.* This opinion is only more persuasive now that a further four years have passed with the appellant posting further posts in support of MQM-L and AH in that time mixed with photographs of both AH and the appellant and in view of the fact that this case has been widely reported albeit in an anonymised form.

### **Notice of Decision**

The appellant's protection appeal is ALLOWED on refugee and human rights grounds.

**Luke Bulpitt**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**11 December 2024**