



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

Appeal Number: PA/03367/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 2nd April 2019**

**Decision & Reasons
Promulgated
On 25th April 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

**R M U A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs Khan

For the Respondent: Mrs Willocks-Briscoe

DECISION AND REASONS

Introduction

1. The Appellant born on 31st March 1986 is a citizen of Pakistan. The Appellant was represented by Mrs Khan. The Respondent was represented by Mrs Willocks-Briscoe a Presenting Officer.

Substantive Issues Under Appeal

2. The Appellant had made application for asylum and that application had been refused by the Respondent on 22nd February 2018. The Appellant had appealed that decision and his appeal was heard by First-tier Tribunal Judge Atreya sitting at Taylor House on 3rd December 2018. The judge had dismissed the Appellant's appeal on all grounds. Application for permission to appeal to the Upper Tribunal was made and refused by the First-tier Tribunal on 21st January 2019. The application for permission was renewed to the Upper Tribunal and on 4th March 2019 Deputy Upper Tribunal Judge Roberts had granted permission. Directions had been issued to the Upper Tribunal firstly to consider whether a material error of law had been made in this case and the matter comes before me in accordance with those directions.

Submissions on Behalf of the Appellant

3. I was referred to the Grounds of Appeal. It was submitted that it was important to look at the circumstances relating to the two separate periods of detention alleged by the Appellant in 2005 and 2010 and also the Appellant's reference to the police still having an interest in him and his family having been approached in that respect. It was submitted the judge had not dealt properly with those aspects of the case.

Submissions on behalf of the Respondent

4. It was submitted that the judge had provided a clear decision and had adequately dealt with the facts in this case and had provided reasons in support of those facts.
5. At the conclusion I reserved my decision to consider the submissions and the evidence I now provide that decision.

Decision and Reasons

6. The judge had set out the evidence in this case including the medical evidence available and had then provided reasons for the various findings that he made both on fact and on credibility.
7. He accepted that the Appellant had been arrested twice by the police in 2005 and 2010. As he noted at paragraph 44 "I am prepared to accept the Appellant's oral evidence in relation to his arrest and detention on two occasions and find this is plausible in the context of the supportive medical evidence that he has suffered trauma from torture".
8. The Appellant's oral evidence was that the first arrest in 2005 followed a clash between members of opposition parties (paragraph 21). There is nothing to suggest the Appellant was specifically targeted or there was any proceedings or consequences other than the Appellant had a nose bleed as a result of being beaten by sticks. The Appellant himself had said he had been released without condition (question 81 interview record). The Appellant's second arrest in 2010 took place in a different area of Pakistan (Azad Kashmir) when the Appellant was arrested and detained allegedly for collecting money for the MQM. In support of that second

incident the Appellant had produced an FIR. The judge had noted that the FIR had been found not to be genuine as a result of a document verification report.

9. Whilst the judge was prepared to accept the Appellant may well have been arrested in 2005 and on a second occasion in 2010 he made a number of other findings for which he provided an adequacy of reasons within his decision.
10. He found the Appellant had only ever been an ordinary member of the MQM and that during his time in the UK (since September 2010) he had had no involvement with the MQM (Appellant's own admission). He found that the FIR presented as part of the Appellant's case and providing alleged background to the arrest in 2010 together with other documentary evidence was not reliable. He did not find that any legal case or action had been commenced or continued against the Appellant. He found the Appellant not to have been charged with any offence nor was he of adverse interest to the authorities and was able to leave Pakistan freely.
11. He further found a lengthy delay in claiming asylum and then only a claim following arrest in the UK damaged his credibility.
12. The judge was perfectly entitled when considering the totality of admissions, factual findings made and credibility matters that the Appellant was not at risk from the MQM (the party in which had formally been an ordinary worker). Furthermore and in the alternative he found that there was a sufficiency of protection in Pakistan and followed **AW [2011] UKUT 31** in that respect (paragraph 53). He found no risk to the Appellant from the state authorities and finally it would not be unreasonable he found for the Appellant to relocate if theoretically he felt unsafe in a specific location.
13. There was an adequacy of reasons provided by the judge dealing with the Appellant's claimed fears of the MQM and alternatively or secondly the state authorities and his conclusion is in line with the findings he made and discloses no irrationality nor are those findings unsustainable.

Decision

14. There was no material error of law made by the judge in this case and I uphold the decision of the First-tier Tribunal.

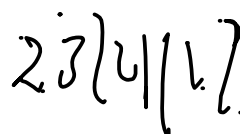
Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed



Date



Deputy Upper Tribunal Judge Lever

TO THE RESPONDENT
FEE AWARD

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

Signed 

Date 27/11/19

Deputy Upper Tribunal Judge Lever