



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/00167/2017**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Bradford

On 26 March 2018

**Decision & Reasons
Promulgated
On 27 April 2018**

Before

UPPER TRIBUNAL JUDGE LANE

Between

KHURRAM SHAZAD
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Levine, instructed by ILC Solicitors

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Khurram Shazad, was born on 10 April 1982 and is a male citizen of Pakistan. He had applied for entry clearance to the United Kingdom under Appendix FM and paragraph 276ADE of HC 395 (as amended). His application was refused by a decision of the Secretary of State dated 16 December 2016. He appealed to the First-tier Tribunal (Judge Mensah) which, in a decision promulgated on 20 March 2017, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The appellant argues that the judge did not have all the information necessary before her. In particular, the judge did not have the “Home Office bundle”. Secondly, the judge had not “fully considered” the appellant’s circumstances in Pakistan. Thirdly, the appellant failed to apply Articles 3 and 8 of the ECHR. The judge was wrong in expecting to be provided with evidence of unreasonable obstacles preventing the appellant’s return to Pakistan. The appellant submits that there were “no greater evidence of insurmountable obstacles and the fact the appellant has no home in Pakistan, his wife is a British born and he cannot reasonably be expected to adjust to life in Pakistan”.
3. The appeal is wholly without merit. The judge does state at [7] that she did not have a Home Office bundle but it is quite clear from the file that she did have the refusal letter and the notice of appeal; I find that she had the documents which she required fairly to determine the appeal. In addition, there were written submissions from the appellant’s solicitors sent in before the judge had determined the appeal on the papers together with some wage slips. Even if the judge had not considered these latter documents, the appeal was hopeless. Neither party suggests that the appellant was able to meet the requirements of Appendix FM. The fact remains that the burden of proof was on the appellant to show that he could not reasonably return to Pakistan and there was simply no evidence at all before the judge to suggest that he could not. It is not for the judge to read into scanty items of evidence factors which might support the appellant’s case; it is for the appellant to establish his case on the evidence. He did not do so.
4. In the circumstances, the appeal is dismissed.

Notice of Decision

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 20 APRIL 2018

Upper Tribunal Judge Lane

TO THE RESPONDENT FEE AWARD

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

Signed

Date 20 APRIL 2018

Upper Tribunal Judge Lane