



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/14000/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at: Manchester  
On 20 December 2017**

**Decision & Reasons  
Promulgated  
On 20 February 2018**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**MUKAMAL KHAN  
(NO ANONYMITY DIRECTION MADE)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M. Burns, Parkview Solicitors  
For the Respondent: Mr G. Harrison, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The Appellant is a national of Pakistan born in 1995. He appeals with permission<sup>1</sup> the decision of the First-tier Tribunal (Judge Siddiqi), who on the 15<sup>th</sup> February 2017 dismissed his protection claim.
2. The basis of the Appellant's claim is that he faces a real risk of serious harm in Pakistan. When he claimed asylum in June 2016 (after being apprehended during an enforcement visit) he told officers that he was

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<sup>1</sup> Permission was refused by Designated Judge of the First-tier Tribunal Woodcraft on the 12<sup>th</sup> June 2017 but granted upon renewed permission by Upper Tribunal Judge Plimmer on the 14<sup>th</sup> September 2017

afraid to return to his home town of Shangla because he had been threatened by the Taliban. They had attempted to extort money from him. He believes that they were demanding money from him because they knew that he had been in the UK.

3. In her letter dated the 7<sup>th</sup> December 2016 the Respondent rejected the claim:
  - a) For a lack of credibility;
  - b) Because the facts as disclosed by the Appellant, even taken at its highest, did not show a real risk of harm for one of the reasons adumbrated in the Refugee Convention;
  - c) Because the Appellant could reasonably be expected to seek the protection of the Pakistani government; and
  - d) Because the Appellant could reasonably be expected to relocate within Pakistan in order to avoid problems with the Taliban.
4. The Appellant appealed and the matter came before the First-tier Tribunal.
5. Judge Siddiqi heard oral evidence from the Appellant. In her determination she gave several reasons why she disbelieved his account. Concluding that there was no currently well-founded risk of harm, she dismissed the appeal.
6. The Appellant now appeals on the grounds that in reaching its findings the First-tier Tribunal drew adverse conclusions from 'discrepancies' in the evidence that in truth were not discrepancies at all. For instance, paragraph 23 of the determination highlights alleged discrepancies about how many times the Appellant gave the Taliban money. The grounds submit that the evidence summarised does not in fact contain any contradictions. It is further submitted that the Tribunal acted unfairly in finding there to be a material discrepancy in the evidence when the Appellant said on one hand that he had first been threatened in 2000 and on the other that it was in 2012. It is pointed out that the Appellant is illiterate and entirely uneducated and that he does not even know his own birthday. The fact that he has got dates mixed up should not be held against him. Similar submissions are made in response to the Tribunal's conclusion that the Appellant was "vague" in his evidence.
7. I need not deal with the substance of the grounds in this appeal at all because I am quite satisfied that even if the Appellant could make out the factual core his claim to the appropriate standard this is still a claim that must fall to be dismissed. That is because in the unlikely event that the Taliban who tried to extort money out of him five years ago are still interested in him, the Appellant can seek the protection

of the Pakistani army and police, who have a significant presence in the area. If he is reluctant to do that, he can move elsewhere in order to avoid any contact with the Taliban, as his wife and children have done, near Abbottabad.

8. Mr Burn's answer to both of those points is to rely on the decision in KU (Pakistan) [2012] EWCA Civ 107. That was a decision where the Court of Appeal restored the decision of the First-tier Tribunal to allow an appeal of an asylum-seeker from Waziristan *inter alia* on the basis that he would be unable to seek protection or reasonably relocate because of his ethnic identity. Expert evidence had been given, and accepted, to the effect that such a man, from the Federally Administered Tribal Areas that lie on the border between Pakistan and Afghanistan, would encounter prejudice and harassment if trying to establish himself in Pakistan 'proper'. On the facts the First-tier Tribunal had been satisfied that the Taliban would be able and willing to track him down wherever he went to live in Pakistan. Mr Burns relied on the findings in KU to submit a) that the Appellant was from an area of high Taliban presence, b) that as a result he would be viewed with suspicion and mistrust by the police in other parts of Pakistan.
9. Unlike the Appellant in KU this Appellant is not from FATA. He is from Shangla district, in the Khyber Pukhtunkhwa (KP) (formerly the North West Frontier Province). This is an integral part of Pakistan and is quite distinct from Waziristan. It was an area with a high Taliban presence in 2007, but since the various offensives by the Pakistani security forces the militants have been all but wiped out in that part of the KP. There was no objective evidence before the Tribunal which could have justified a finding that he would be denied protection because he was from Shangla. Nor was there any objective material capable of supporting Mr Burns' assertion that he would find it difficult to internally relocate for the same reasons. In particular there was absolutely no evidence to indicate that the Appellant might have any problems if he went to live with his wife and children near Abbottabad.
10. For those reasons any misunderstandings, omissions or errors on the part of the Judge are immaterial. The Appellant may well have been asked for money by the Taliban in 2012 but on the evidence at its highest, that does not make out a case for international protection today.

## **Decisions**

11. The decision of the First-tier Tribunal is upheld.

Upper Tribunal Judge Bruce

21<sup>st</sup> December 2017