



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

Appeal Number: PA/00875/2019

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice
Centre
On 7th August 2019**

**Decision & Reasons Promulgated
On 22nd August 2019**

Before

Upper Tribunal Judge Chalkley

Between

**IMRAN ALI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr C Holmes, Counsel instructed by Parkview Solicitors

For the Respondent: Mrs G Pettersen, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Pakistan born on 16th June 1987. He made application to the respondent for recognition as a refugee, but his claim was refused by the respondent on 17th January 2019 and the appellant appealed to the First-tier Tribunal. The basis of the appellant's claim was that he was attacked and shot in Pakistan in 2008 and fears that on return to Pakistan he will be at risk of further harm from a Mr [H] because of his imputed political opinion.

2. The appellant arrived in the United Kingdom as a visitor in 2012, he actually entered on 18th August 2012, but on 24th January 2016, he was encountered at his home address and served with form RED001.
3. On 26th March 2016, he applied for an EEA residence card which was refused and applied again on 17th June 2017, for the same card which again was refused. On 23rd January 2018, he was detained and on 25th January he was sent a letter detailing his planned departure from the United Kingdom by the respondent. On 29th January 2018 the appellant claimed asylum whilst in detention. He was released from detention on 9th February 2018, following submission of a Rule 35(3) torture allegation.
4. The basis of the appellant's claim is imputed political opinion. His uncle's political rivals are members of the Muslim League N Group. They wanted to kill the appellant because he witnessed a crime that they committed and because he supported his uncle's political endeavours as a member of the Muslim League Q Group.
5. Following information provided by the appellant, it was accepted that he was accompanying his uncle whilst he attended a court hearing over election disputes and Mr [H] and others opened fire at three cars they were travelling in. Others were killed and the appellant was badly injured. Mr [H] was subsequently arrested and released and Mr [H] has apparently since been sought by the police in respect of an incident which occurred in 2013. The respondent accepted that the appellant had been witness to a shooting in 2008. The judge said at paragraph 91 of the determination:-

"Taking account of the CPIN I am satisfied that with regards to the specifics in this case even if there was an ongoing threat (which I find there is not) the police have acted and would act to protect him and provide sufficiency of protection in all the circumstances that are noted in his case."

The judge went on to find that the appellant could relocate and dismissed the appeal.

6. There were four challenges to the determination which Mr Holmes very helpfully summarised for me. The first is the failure of the judge to deal with the risk to the appellant in his home area from Mr [H]. Mr [H], the perpetrator of a shooting incident, has not been prosecuted and is still at large. He was shown by the appellant to have an ongoing interest in firearms according to posts on a media website showing Mr [H] in possession of guns.
7. The second challenge is that the judge failed to understand properly the appellant's account. The appellant's claim was that [H] was sent by others who were waiting by a canal for the appellant to pass between 2008 until 2012. The judge has taken words used by the appellant literally. It was not the appellant's intention to imply that the perpetrator [H] had waited in the same place by to meet him by the canal every day for the whole of that period.

8. The third error is the question of the continuing risk to the appellant. The judge simply has failed to deal with it and in relation to the ongoing risk, he also failed to properly assess the question of the location and whether it would be unduly harsh for the appellant were he to return to Pakistan and seek to live somewhere other than his home area.
9. Counsel accepted that if the appellant could, without difficulty, relocate to another part of Pakistan other than his home area without difficulty, then any other errors of law that there might be in the determination would not in fact be material.
10. Counsel confirmed that there was no specific evidence put before the First-tier Tribunal Judge to suggest that it would be unduly harsh to expect the appellant to return to Pakistan and relocate to a different area. Mr Holmes accepted that the appellant's wife and children still live in Pakistan and there has been no suggestion at all that [H] has visited to the appellant's wife making enquiries as to the appellant's whereabouts. If he was truly interested in locating the appellant, he would have done so. There is no evidence to suggest that [H] is part of an organisation which has links throughout Pakistan and so is in a position to easily locate the appellant.
11. The appellant is 32 years old and as far as I am aware is a fit and healthy man. I do not believe that were he to be returned to Pakistan now, requiring him to relocate to an area other than his home area would involve him in any unreasonable harshness or difficulty whatsoever. There is no reason at all why his wife and children could not go and live with him were he to relocate. He appears to have very quickly adapted to live in the United Kingdom and there is no evidence to suggest that requiring him to return to Pakistan and live in an area where he would be free of any risk that Mr, [H] would find him would cause him any difficulties at all. I am satisfied therefore that he could relocate without it being unreasonable in that he would be able to work, he would have the ability to go where he wishes and pursue his life and occupations as he wishes and would not be prevented from having his family members live with him if he and they chose to.
12. Relocation would not cause the appellant undue harshness and given that any other errors of law that there are in the determination could not possibly be material, I **uphold the judge's determination and dismiss the appeal.**

No anonymity direction is made.

Richard Chalkley

Upper Tribunal Judge Chalkley

Date: 16 August 2019

TO THE RESPONDENT
FEE AWARD

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

Richard Chalkley

Upper Tribunal Judge Chalkley

Date: 16 August 2019