



IAC-AH-SAR-VI

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

Appeal Number: PA/05232/2019

THE IMMIGRATION ACTS

**Heard at Birmingham Civil Justice Centre
On 6 January 2020**

**Decision & Reasons Promulgated
On 16 January 2020**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**MUHAMMED [S]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Holt, Counsel, instructed by Paragon Law
For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. In a decision sent on 29 August 2019 Judge Broe of the First-tier Tribunal (FtT) dismissed the appeal of the appellant, a national of Pakistan, against the decision made by the respondent on 17 May 2019 refusing his protection claim.

2. The basis of the appellant's claim was that as a result of his convictions in the UK for offences against children, he had been assaulted by relatives of these children in the UK and as a consequence his family in Pakistan had been subject to various hostile acts from the family of the same relatives. The respondent accepted that the appellant had given a credible account about having been a target for threats and acts of harm and at paragraph 57 of the refusal decision the respondent also accepted that if he returned to his home village or local area he would face "risk of some harm as a minimum from relatives of those affected in the UK". However, the respondent considered he would be able to relocate to, for example, a large city or a location remote from his home area (paragraph 60).
3. The judge accepted that the appellant would face risk in his home area (Kotla village) and that it would be for a Refugee Convention reason (paragraphs 29-33). However, (like the respondent) the judge considered that the appellant would have a viable option of internal relocation to another part of Pakistan (paragraphs 34-38).
4. The appellant's grounds contend that the judge's assessment of the issue of internal relocation was flawed because he failed to engage with what he himself had recorded on this issue as being the evidence of Dr Giustozzi. At paragraph 22 the judge had stated:

"He said that the cost of living in Islamabad was significantly higher than in other cities with accommodation for a single person being around £400 per month. In Lahore this would be £320 and in Karachi less than £300 whereas in the Appellant's village it would be about £120. In order to relocate the Appellant would have to visit his home area to obtain documentation which would place him at risk. He would struggle to obtain job particularly because of the social stigma attached to rapists. There is treatment for heart disease. Medication is available but at a cost. In conclusion his opinion was that the Appellant would be at risk from his distant relatives seeking revenge for the offences he committed in this country. The police would not be able to protect him although if he lived in Islamabad *'the police would be more likely to represent a deterrent force against the family of the girls he sexually assaulted. Much would depend on the actual influence and means of Hafiz'*".

5. Both representatives expressed their view that the judge's failure to address the evidence of Dr Giustozzi regarding the issue of documentation in order to relocate was a material error of law. I have reached the same conclusion. Given the judge's own understanding of the position of the expert, Dr Giustozzi, as set out at paragraph 22, it was incumbent on him to at least explain why he did not consider this would pose an insurmountable hurdle to relocation.
6. Mr Holt was quick to point out that in fact Dr Giustozzi's opinion on this matter was in more qualified terms than the judge portrayed. At paragraph 17 Dr Giustozzi stated that:

“In order to relocate and register, which would be necessary to obtaining employment with the government, Mr [S] would need to visit his home area and obtain residence documentation there. This would expose him to a risk of detection by his relatives at least for some time”.

7. Mr Holt submitted that the judge’s error was nonetheless material because he failed to consider, as part of the requisite reasonableness assessment, whether the appellant’s inability to return to his home area would prevent or significantly reduce his employment prospects and ability to live without destitution. I am prepared to accept that the judge’s failure to address the expert evidence on this issue was a material error, necessitating that I set his decision aside.
8. Given that there will be a need for an assessment of reasonableness to be undertaken in light of the appellant’s particular circumstances, I shall remit the case to the First-tier Tribunal. The findings of the judge regarding risk in the home area for a Convention reason are preserved.
9. No anonymity direction is made at this stage.

Signed

Date: 15 January 2020



Dr H H Storey
Judge of the Upper Tribunal