



**Upper Tribunal
(Immigration and Asylum Chamber)**
AA/00832/2014

Appeal Number:

AA/00839/2014

THE IMMIGRATION ACTS

Heard at North Shields On 1 July 2014	Determination Sent On 7 July 2014
Prepared on 1 July 2014	

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**N.K.
A.H.
(ANONYMITY DIRECTION)**

Appellants

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Brakaj, Solicitor, Iris Law Firm

For the Respondent: Mr Dewison, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellants are citizens of Pakistan who entered the United Kingdom on 24 September 2013 by air, and claimed asylum on 2 October 2013 the basis of their assertion that they were at risk of harm across the entirety of Pakistan from non state agents against whose actions the authorities could offer no adequate protection.
2. On 23 January 2014 the Respondent refused the asylum claim and by reference to s10 of the 1999 Act made a decision to remove the Appellants to Pakistan as illegal entrants.
3. The Appellants lodged an appeal with the First Tier Tribunal against the removal decision, which was heard and dismissed by Judge Cope in a Determination promulgated on 24 March 2014. He rejected as untrue the Appellants' account of their experiences in Pakistan and concluded the Appellants faced no risk of harm in the event of return.
4. The Appellant applied to the First Tier Tribunal for permission to appeal. Permission was granted by Judge PJG White on 17 April 2014.
5. The Respondent filed no Rule 24 Notice.
6. The Appellant has made no Rule 15(2A) application, although a bundle of documents was filed on 27 June 2014 that contains evidence that was not before the First Tier Tribunal.
7. Thus the matter comes before me.

The grounds

8. I accept as Ouseley J did in CJ (on the application of R) v Cardiff County Council [2011] EWHC 23, the importance of the approach in Tanveer Ahmed v SSHD [2002] Imm AR 318. Documentary evidence along with its provenance needs to be weighed in the light of all the evidence in the case. Documentary evidence does not carry with it a presumption of authenticity, which specific evidence must disprove, failing which its content must be accepted. What is required is its appraisal in the light of the evidence about its nature, provenance, timing and background evidence and in the light of all the other evidence in the case, especially that given by the claimant. The same can properly be said for a claimant's oral evidence.
9. The error(s) of law relied upon by the Appellants are not easy to identify from the application for permission. Before me it was argued first that the Judge had failed to give proper weight to the expert report of Ms Moeen, and second that the Judge had failed to give adequate reasons for his rejection of the evidence of the

Appellants. I am satisfied that there is no merit in either proposition.

10. The evidence of Ms Uzma Moeen of the Asian Legal Advice Service was set out in a report dated 7 March 2014. She did not attend the hearing to supplement it with oral evidence. The Judge accepted that Ms Moeen had the background and the expertise she had claimed to hold, and he expressly took the content of that report into account when assessing the credibility of the Appellants [34-36].
11. Whilst on the one hand Ms Brakaj accepts that the question of the weight to be attached to any item of the evidence before him was a matter for the Judge, she appeared on a number of occasions during the course of her argument to suggest that the Judge had no proper basis to go behind the expert's opinions. I disagree.
12. In my judgement, for the reasons that he gave, it was open to the Judge to analyse the evidence in the way that he did. He did so at some length, and Ms Brakaj was unable to identify any material evidence that was left out of account, or any irrelevant matters that were taken into account, in the course of doing so. In consequence the Judge was right to identify that although Ms Moeen's considered elements of the Appellants' account were plausible, the credibility of those elements was a matter for himself. There was in my judgement no error in the Judge's reasoning in relation to the credibility of the claim that individuals responsible for a burglary and a firearms incident in 2004 should some eight years or more later want revenge for the contemporary report of their actions to the police, when they had failed to take the opportunity to take that revenge in the intervening period [40-51] and had failed to make any attempt to take that revenge on the individual who had actually made the report to the police [95-96].
13. Nor was there any error in the Judge's analysis of the weight that could be given to the evidence of the Appellants concerning the claim that the Second Appellant was the subject of an attempted kidnap in August 2013 by the same individuals responsible for the burglary and firearms incidents in 2004 [60-68].
14. There was also no error in the Judge's analysis of the weight that could be given to the documents relied upon as genuine FIR reports, and a genuine newspaper report [52-59]. Ms Moeen had addressed the issue of whether or not these were genuine documents, but she had not addressed the issue of whether they were "genuine documents" albeit issued as a result of corruption or in

response to false reports, and the Judge was perfectly entitled to consider the possibility that they were.

15. Nor was there any error in the Judge's approach to the evidence of the Appellants in relation to the change in attitude of Mr H towards them [69-90 and 95-96]. The Judge gave entirely adequate reasons for his rejection of Ms Moeen's opinions in relation to the credibility/plausibility of the account of Mr H's behaviour relied upon by the Appellants.

Conclusions

16. In my judgement, and notwithstanding the terms in which permission to appeal was granted, there is no merit in the grounds advanced before me. It was open to the Judge to make the adverse findings of fact that he did, for the reasons that he gave, and to conclude that the Appellants were not entitled to international protection. The grounds are no more than a general disagreement with the Judge's conclusions, and an improper attempt to reargue the appeal, and they identify no error of law in the Judge's approach to the evidence before him that requires his decision to be set aside and remade.

DECISION

The Determination of the First Tier Tribunal which was promulgated on 24 March 2014 contained no error of law in the dismissal of the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 1 July 2014

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellants are granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify them. This direction applies both to the Appellants and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 1 July 2014