



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

AA/01004/2014

Appeal Number

THE IMMIGRATION ACTS

Heard at Sheldon  
On 20<sup>th</sup> November 2014  
Prepared 2<sup>nd</sup> November 2014

Determination Promulgated  
On 9<sup>th</sup> December 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

S H S  
(ANONYMITY DIRECTION MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr Mozam (Solicitor, Immigration Advice Service)  
For the Respondent: Mr D Mills (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The Appellant is a national of Pakistan. His immigration history is summarised in the determination of First-tier Tribunal Judge P Clarke. In the determination the Judge found that the Appellant was at risk in Karachi and that the risk was such that he could not relocate within Pakistan. These are set out at paragraphs 91 to 97.
2. The Secretary of State sought permission to appeal to the Upper Tribunal in grounds of the 13<sup>th</sup> of June 2014. The grounds assert that the findings on internal relocation are not adequately reasoned and that they relate to the Appellant's home area and inadequate for internal relocation within the whole of Pakistan and that the findings on sufficiency of protection relate only to the Appellant's home area. The Appellant's rule 24 response argue that the findings were sufficient and the grounds amount to a rearguing of the case.
3. The submissions are set out in the Record of Proceedings. At the conclusion of those made in respect of an error of law I indicated that I found that there was an error in relation to internal relocation and that I intended to remake the decision, I then invited submissions on how the decision should be remade. Mr Mohzan objected to this course of action as he said he did not

know the basis of the decision, I pointed out that the notices sent out clearly indicated that parties should be ready to present the case before the Upper Tribunal to conclusion at one hearing and that the issue was confined to internal relocation and how that decision should be made. Under protest the hearing continued with the final decision reserved.

4. The Judge noted the Appellant's ability to relocate his business within Karachi and that, so far as that was concerned, was without further incident. There was one attack on the Appellant's house in which his brother-in-law and others broke in and stayed for half an hour but did not wait for the Appellant, there is no suggestion that this was repeated. Aspects of his evidence, such as the production of a revolver at his first business, were rejected in paragraph 87 as not credible.
5. In paragraph 95 the Judge observed that the Appellant had managed to move his business within Karachi although there was the single attack on his house as he described. The Appellant is blind but would have the assistance of his wife which the Judge noted had not apparently caused him difficulties in the UK. The Judge found that the Appellant could move within Pakistan and that as an ordinary Shia he would be at small risk of persecution.
6. The factors identified that assisted him were that he had been threatened, was educated and had operated a business and that he had married a Sunni whose family had threatened him. From that it was found that the Appellant could not relocate within Pakistan. The final finding is not supported by reasoning, it does not follow automatically that the risk to the Appellant would follow him to another part of the country.
7. The Judge does not explain why the attacks on business in Karachi which stopped when he moved his business within Karachi would be a source of danger elsewhere. The same is true of the other findings, his wife's family had threatened him but the attacks were not directed to his business after the move, his house was only invaded once and that was not persisted in either. It is not explained why those factors would place him at risk in other parts of Pakistan.
8. The factors identified do not raise his profile as a Shia and as had been found the Appellant could relocate within Pakistan. None of the factors identified relate to the situation outside Karachi and do not suggest that those who cause him problems in Karachi would seek him out elsewhere. There was no evidence identified by the Judge that would show that the factors identified would be a source of a real risk for the Appellant and no reasons given for the conclusion.
9. Accordingly the facts of the Appellant's case, when put in the context of the evidence relating to the situation in Pakistan, do not show that he could not relocate internally or that it would be unreasonable to expect him to do so. On that basis the Appellant's appeal is dismissed.

## CONCLUSIONS

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I re-make the decision in the appeal dismissing the appeal of S H S.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.)

Fee Award

In the light of the decision to re-make the decision in the appeal by dismissing it I make a no fee award.

Signed:

Deputy Judge of the Upper Tribunal (IAC)

Dated: 8<sup>th</sup> December 2014