



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/06143/2014

THE IMMIGRATION ACTS

Heard at Bennett House, Stoke
On 28th September 2015

Decision & Reasons Promulgated
On 1st October 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE GARRATT

Between

RAHEEL IQBAL BUTT
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Ali of Counsel instructed by Freemans Solicitors
For the Respondent: Ms C Johnstone, Senior Home Office Presenting Officer

DECISION AND REASONS

1. On 30th April 2015, in a renewed application to the Upper Tribunal, Deputy Upper Tribunal Judge Chapman gave permission to the appellant to appeal against the decision of a panel of the First-tier Tribunal consisting of Judge Boylan-Kemp and Judge Pooler who dismissed the appeal on all grounds against the decision of the respondent to refuse asylum, humanitarian and human rights protection to the appellant a male citizen of Pakistan.

2. The grounds of application take issue with the panel's conclusion (paragraph 37) that:

"There is nothing of substance to indicate that there is a real risk to the appellant's life due to this sexual relationship outside of marriage if he were to return to Pakistan ...".

It is contended that the panel overlooked objective material about honour killings and, in particular, evidence showing that the appellant's partner's father and brother were employed by a national newspaper which was well-known.

3. In granting permission Judge Chapman believed it arguable that the panel had not taken account of the evidence of employment for the brother and father and objective evidence in the COI Report as to risk on return. Judge Chapman noted, however, that the panel had accepted the material facts of the case including the genuineness of the relationship between the appellant and his partner and their child's paternity and that the parties had received threats and that honour killings were carried out in Pakistan.

Error on a Point of Law

4. At the hearing before me in the Upper Tribunal I heard submissions from both representatives which I summarise, below.
5. Mr Ali confirmed that the appellant relied on the grounds of application. He confirmed that the main contention was with the panel's assessment of risk on return for the appellant and his partner bearing mind the omission to consider the evidence of the employment of the partner's brother and father.
6. Ms Johnstone reminded me of the Secretary of State's response which argued that the panel's conclusion that the appellant and partner could internally relocate was supported by adequate reasoning. She also submitted that the evidence of employment (which is to be found on pages 17 and 18 of the appellant's main bundle) presented at the First-tier hearing was not significant and any omission by the panel to consider it should not affect the other reasoned conclusions. She contended that the panel did not have to refer to all of the evidence. The conclusions in paragraphs 37 and 38 of the decision were, she thought, cogently reasoned leaving it open to the panel to conclude that there would be no risk on return. The panel's conclusion about internal relocation was also adequately reasoned.
7. Mr Ali concluded by indicating that the panel should have made reference to the relevant evidence including the oral evidence supporting the appellant's claims although he could not specify what such oral evidence was or what parts of it had been overlooked by the panel.

Conclusions

8. The determination by the panel is comprehensive and more than adequately reasoned. The panel were satisfied with the evidence of the parties to the extent that it was accepted that the appellant and his partner were in a genuine relationship and there was a child of whom they were the parents. The panel carefully examined and accepted, as credible, e-mails which contained threats to the family.

9. It cannot be contended that the panel did not carefully consider objective material relating to risk on return in the situation in which the panel had found the parties to be. In reaching its conclusions the panel examined not only country guidance but also the COI Report (which is quoted verbatim), and the oral evidence to which reference is made.
10. As to the specific issue taken with the panel's apparent omission to consider the position of the partner's family who were said to be a position of power, the panel was not wrong to conclude that they did not have any evidence to support that claim. Although the panel does not refer specifically to the copy cards, shown on pages 17 and 19 of the appellant's main bundle, it is not possible to say that, if the cards were specifically referred to, the panel would have reached a different conclusion. The cards themselves cannot be taken as an indication of a position of influence and power for the bearer. One card gives no indication of the position within the company for which the cardholder works and the other states the named person is "Manager MPS and Disposal". That information, of itself, takes the influence argument no further. The panel were entitled to conclude that, although threats had been made, the claimed risk of serious harm was no more than speculation.
11. It is important to note that the panel gave careful consideration to internal relocation which they found, for cogent reasons, would be an option for the appellant and his family although it is clear that the panel were of the view that such relocation might be unnecessary and state protection would not need to be called upon.
12. The decision does not show a material error on a point of law.

Notice of Decision

The decision of the First-tier Tribunal does not show an error on a point of law and shall stand.

The First-tier Tribunal did not make an anonymity direction nor was one requested before me.

Signed

Date

Deputy Upper Tribunal Judge Garratt