



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

Appeal Number: AA/03062/2015

THE IMMIGRATION ACTS

**Heard at Stoke
on 11 November 2015**

**Decision & Reasons Promulgated
On 28 January 2016**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**MA (Pakistan)
(Anonymity direction made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Karnik instructed by Ahmad & Williams Solicitors
For the Respondent: Mr McVeety Senior Home Office Presenting Officer

DECISION AND REASONS

1. On 3 September 2015 the Upper Tribunal found legal error in the determination of First-tier Tribunal Judge PJM Hollingworth promulgated on the 24 June 2015 such that the decision was set aside.
2. The appellant is a national of Pakistan born in 1959. He entered the United Kingdom lawfully as a student with a visa valid to 31 January 2008. His leave was extended to 28 September 2011 in the same category. The appellant's wife and son joined him on 17 December 2009

as dependants on his student visa. An application by the appellant for further leave to remain was refused and the appeal against that refusal dismissed on 15 February 2013. The appellant was served with an IS151A on 21 November 2013. He claimed asylum on the 13 August 2014 which was refused. His appeal against that decision came before Judge Hollingworth and was allowed.

3. The relevant parts of the error of law finding are in the following terms:

ERROR OF LAW FINDING AND DIRECTIONS

4. This is an appeal against a determination of First-tier Tribunal PJM Hollingworth promulgated on the 24 June 2015 in which the Judge allowed MA's appeal against the direction for his removal to Pakistan that accompanied the refusal of his claim for asylum.
5. The basis of the claim recorded in the refusal letter is that the Appellant believes he faces a real risk as a result of his religion as a Shia Muslim and an imputed political opinion. It is claimed that on 22 September 2006 an unknown person fired a gun at his car although he was able to escape by driving away. The matter was reported to the police and a copy FIR provided in the appeal bundle. It is also said the Appellant experienced problems when conducting a research project for the Pakistan Forestry Institute when he spoke out about illegal deforestation by the Taliban. He claims to have received threats from Lashkar-e-Jhangvi by telephone that he states were traced to Kabul in Afghanistan although there have been no such threats since 2006. It is claimed, however, that the Appellant's wife received threats from the same group in 2009 that their son would be kidnapped and killed. The Appellant claimed he will be at risk wherever he returns to in Pakistan due to his problems in the past speaking out against Lashkar-e-Jhangvi and the Taliban.
6. The Judge accepted the Appellant's religious identity and the core of the account. It was noted the Appellant will speak his mind and speak out but the Judge fails to consider whether this is a case in which it is reasonable to expect the Appellant to act discretely, if this is the case, or whether his desire to do so arises from a fundamental part of his personal identity such that he cannot be expected to deny or suppress the same. This is referred to as the HJ (Iran) point as the issue is not whether the Appellant will seek out but why.
7. The Judge found there was no sufficiency of protection available in Pakistan in a case in which the Appellant had been shot at once and had provided a FIR in which it is noted the police accepted the complaint but had not been able to investigate further as a result of the identity of the assailant not being known.
8. The Judge refers to AW (sufficiency of protection) Pakistan [2011] UKUT 31 (IAC) a decision of Lord Bannatyne and then Senior Immigration

Judge Storey in which it was found there is a sufficiency of protection available in Pakistan. At the hearing Mr McVeety submitted insufficient reasons had been given for departing from this country guidance case although a check on the current country guidance list does not show this case was reported for this purpose. It is a reported determination of the tribunal but one that analyses the situation and provides guidance. The Judge refers to evidence provided which he found supported the conclusion there was no protection available for the Appellant as a Shia Muslim but this is inadequately reasoned. There are 20-25 million Shia Muslims in Pakistan and the content of the determination and findings do not adequately support a claim that they are denied protection based upon their religious identity by the Police or other State organisations.

9. It was accepted the Judge failed to mention or consider the internal flight option in the event the Appellant was at risk in his home area. If the finding in relation to there being no sufficient of protection had stood this would have not been a material error, but in light of the arguable concerns in relation to this issue such error is material at this stage.
10. I find the Respondent has shown material legal error in the determination of Judge Hollingworth which shall be set aside.
11. Directions were given setting out the preserved findings and scope of the hearing in the following terms:
 - a. The finding the Appellant is a Shia Muslim who was attacked as claimed on one occasion in 2006 shall be a preserved findings.
 - b. The appeal shall be listed for a resumed hearing before Upper Tribunal Judge Hanson sitting at Stoke on the 11 November 2015 at 10.00AM. Time estimate 3 hours.
 - c. The Tribunal shall consider in particular the issues of:
 - i. The reason why the Appellant feels he needs/wants to speak out even if this creates a risk for him and his family and the reasonableness/lawfulness of expecting him to act discretely - HJ (Iran) [2010] UKSC 31 refers.
 - ii. The question of the existence of a real risk on return including the nature of that risk, reason for the same, perpetrator of any threat/actions, location of such risk.
 - iii. The availability of a sufficiency of protection from the authorities in Pakistan.
 - iv. Whether the guidance provided in AW remains valid in light of the current country information.
12. Judge Hollingworth accepted as credible in the appellants account the following:

- i. The appellant was employed in forestry research in a professional capacity
 - ii. The appellant identified extensive deforestation caused by the Taliban
 - iii. The appellant is a Shia Muslim active in his community in Pakistan
 - iv. The appellant has already spoken out
 - v. The appellants was fired upon by unknown assailants
 - vi. The appellant was targeted by those who subscribe to violent sectarian ideologies
 - vii. The appellant received a threatening phone call and letter
 - viii. The appellant lodged a First Information Report (FIR)
 - ix. Subsequent threats have been made to the appellants brother including a threatening letter with a bullet attached
 - x. The appellant is a supporter of Pervez Musharraf and an opponent of the Taliban.
13. In Pakistan the appellant was employed by the Pakistan Forest Institute as a Research Officer in the field of Geographic Information System (GIS) and remote sensing from 1984 -2006. As part of his duties he undertook a case study for land cover classification and forest change analysis using satellite imagery for the period 2000-2005 for the Northern Area of Pakistan and listed the changes that had occurred in the forest area. The appellant states that he had mentioned that the Taliban were involved in illegal cutting of forests in Northern Pakistan as these areas are their safe havens. The appellant states that he believed the Taliban have destroyed 80% of the forests.
14. The issue of deforestation is current in Pakistan. Although it is accepted that deforestation is an issue in Pakistan it has not been shown this is the preserve of the Taliban. There are many causes of deforestation which are applicable to Pakistan as elsewhere. Some of the main causes of the large scale deforestation in Pakistan are likely to be equally attributable to land clearance due to the construction of dams and barrages to supply water, urbanization, the building of roads, industrialisation causing deforestation as most of the industries require wood as their fuel, including industries such as hard wood and safety match box, plywood which require timber.
15. The appellant claims that as a result of his report, when returning from a wedding in 2005 an unidentified gunman fired at him. One bullet hit his car but no one was injured. It was dark and the identity of the attacker could not be ascertained. The appellant claims that he realised his life was in danger so he came to the UK in 2006 and has remained here since. The appellant fears that if returned to Pakistan his life will be in danger.

The appellants country evidence

16. Mr Karnik summarises the appellant's country evidence in his skeleton argument as follows:
- i. On February 2014, in Peshawar, KPK province a Shia mosque was attacked where 26 were killed and injured. In all these incidents the sectarian groups linked to the Taliban claimed responsibility but no one has been arrested and perpetrators are enjoying the immunity and the police and army failed to stop such incidents.
 - ii. The deteriorating state of rule of law and criminal justice system had brought to light the failure of the state to protect its citizens specially the marginalised.
 - iii. The new militant groups such as Tereek-e-Taliban Pakistan, have emerged from the Taliban insurgents in Afghanistan. Typically, they are marked by fundamentalist Sunni ideology of the Deobandi, Salafi/Wahhabi and related traditions. Not only do they attack government institutions, they are also at the forefront of sectarian violence, targeting Shia communities for instance. Thousands of Shia have been killed in the last decade alone, leading to claims of "Shia genocide".
 - iv. Sectarianism is deeply embedded in Pakistan's legal and social-political order today. Among other things, this is evident in the Supreme Court's complete silence concerning religious freedom
 - v. Persecuted groups do not regard the judiciary as an institute that protects them. Making matters worse, the Supreme Court has contributed to sectarian violence by acquitting hundreds of alleged terrorists for lack of evidence. Post-acquittal, many are reported to be involved again in anti-state activities.
 - vi. Apart from common crime, militant groups, including those buying into violent sectarian ideologies, targeted professional, including doctors, teachers and lawyers, belonging to the Shia sect.
 - vii. The Pakistan government's response to extremist violence against the country's religious minorities reflects incompetence, indifference, or possible complicity by the state security forces and other agencies. The authorities have repeatedly failed to apprehend or prosecute members of militant groups that have claimed responsibility for such attacks. While the authorities claim to have arrested dozens of suspects linked to attacks against Shia since 2008, only a handful have actually been charged with any crimes. A series of attacks on Shia houses of worship has resulted in the deaths of more than 80 people since January 2015.
 - viii. Exploiting old fault-lines of Shia-Sunni and the anti-Shia sentiments in Pakistan that has been legitimised by state backed orthodox Sunni ulama and their religious organisations virtually since the creation of Pakistan, the IS has found sympathisers, supports, and fighters in its 'global war' against Shias.

- ix. The systematic targeting and killing of large numbers of Shia, including their sects and sub-sects, is part of the unfettered extremism that dominates Pakistan.
17. The appellant also seeks to rely upon a country report prepared by Dr Giustozzi who notes:
- i. Violence against the Pakistan Shia community has been intensifying in recent years
 - ii. The attacks are taking place throughout the territory of Pakistan
 - iii. Terrorist attacks occur even in the capital
 - iv. Sunni militant groups, including those with known links to the Pakistan military, its intelligence agencies, and affiliated paramilitaries....operate with widespread impunity across Pakistan, as law enforcement officials effectively turn a blind eye to attacks
 - v. A new development is the emergence of a new strong anti-Shia organisation, from within the ranks of the TTP....Several commanders of TTP have joined the Islamic State of Al Baghdadi, whose headquarters is in Syria. They receive funds from Al Baghdadi.
 - vi. There are occasional reports of police attacks on Shia's. There are no police chief in Pakistan who are Shia, a fact that limits the inclination of the police to offer protection.
 - vii. Attacks on Shia are rarely if ever investigated
 - viii. The attacks include targeted killings of notable members of the Shia community
 - ix. TTP appears to target individuals and section of the Shia population, which they believe are opposed to the TTP and to its aims

The respondents country evidence

18. Mr McVeety relies upon the Home Office Country Information and Guidance, Pakistan: Shia Muslims dated February 2015. Section 4 of this report specifically considers the issue of violence and discrimination against Shia Muslims in Pakistan.
19. In section 4.1.2 of the report it is noted that in 2013, the South Asia Terrorism Portal (SATP) recorded more Shia deaths in Pakistan than since their records began in 2001. The SATP listed 81 incidents in which 504 people died, and 965 were injured. Types of violence included sectarian clashes, militant attacks and targeted assassinations.
20. The report does not support the claim that Shia are a group totally marginalise in Pakistan. In section 3.2.2 it is noted that 'Shias in Pakistan are often employed in Government and hold high offices. Notable examples include former Presidents and Prime Ministers. Shias

are well represented in Parliament, the police, judiciary and other institutions. Shias are represented on Pakistan's Council of Islamic Ideology, the Constitutional body that provides advice to the Government of Pakistan on issues of Islamic jurisprudence and practice. Shias also have representation in the Shariat Courts.'

21. The issue of sufficiency of protection and State assistance is noted at 4.1.6 and 4.1.7 in the following terms:

'4.1.6 Attacks against Shias escalate during the Muslim holy month of Moharram, particularly on Shia processions marking Ashura, the 10th day of Moharram. In 2012 the TTP claimed responsibility for a number of attacks during Moharram that killed more than 30 Shias and wounded around 200. At least eight people were killed and 30 injured when a Shia procession was attacked in Rawalpindi on 15 November 2013. Aside from the incident in Rawalpindi, Ashura passed peacefully in most of the country on account of the security measures put in place by Pakistan's law enforcement authorities. Several suspected militants were arrested in Karachi, and security cameras helped prevent terrorist activity in Lahore.

4.1.7 According to sources, attacks against Shia Muslims occur in all regions across Pakistan but are particularly prominent in Quetta, Balochistan. Other areas with notable levels of violence include Karachi, Gilgit Baltistan, and some cities in Pakistan's North West tribal areas. Shia pilgrimage routes between Pakistan and Iran, travelling through Balochistan, were subject to attack. In January 2014, Dawn reported that, following a suicide bomb attack against Hazara Shia pilgrims travelling to Iran, security forces escorted the pilgrims' coaches on their return journey. When the road between Quetta and the Iranian border was closed due to the attack, the Pakistan Air Force airlifted 215 pilgrims back to Quetta.'

Discussion

22. The first issue this tribunal is required to consider is the reason the appellant feels he needs/wants to speak out even if this creates a risk for him and his family and the reasonableness/lawfulness of requiring him to act discretely. This is relevant as it is accepted that if he will not act in a way which invites persecution, preferring to avoid persecution by concealing fundamental parts of his identity and personality, then he is entitled to asylum. HJ (Iran) & HT (Cameroon) [2010] UKSC 31 considered.
23. The appellant has not held a prominent position in Pakistan that reflects a political opinion, actual or imputed, that placed him at risk or will do so on return. The risk is said to arise from his comments in a report that the Taliban are involved in illegal deforestation of parts of the northern areas of Pakistan which he claims give rise to a well-founded fear of torture, kidnapping and killing at the hands of the named group, Lashkar-i-Jhangwi if he returned to Pakistan.

24. I find the appellant has not established that his comments represent a fundamental part of his personal identity. They were made as part of his employment. It has not been established that they represent an opinion the appellant will continue to voice on return, or that it is unlawful to expect him to avoid any such inflammatory statements if returned. Although the appellant in his oral evidence spoke of his strong views against the Taliban and how he would speak to others about the same I find this in part is an attempt to embellish his claim. It was not made out that those he will speak to are those that will place him at risk. It was not established that if returned to Pakistan his employment opportunities are limited to any task that will require him to repeat his claims or make any criticism of any group such as to place him at risk on return.
25. It is accepted that if the appellant was to return to his home area where he will be known and where there is evidence he has been shot at on one occasion, if his presence becomes known to the Taliban that to the lower standard applicable to appeals of this nature there is a real risk of further harm. Paragraph 339K of the Immigration Rules considered. This answers the second issue the Tribunal are to consider, the risk being that of revenge/punishment for the report claiming the Taliban are raising funds by illegal means and exploitation of the countries natural resources, even though this is a matter that must be common knowledge as is the use of exploitation, kidnap, ransom, and other illegal activities.
26. In assessing risk on return it is necessary to consider, if the appellant is unable to return to his home area, whether there is another part of Pakistan to which the family can go. This is relevant for Paragraph 339O of the Immigration Rules, which is intended to incorporate the Directive, states that the Secretary of State will not make a grant of asylum or humanitarian protection if in part of the country of origin a person would not have a well-founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country.
27. The evidence suggests the immediate risk to the appellant is in his home area. He claims that further threats have been received by his brother but it is noted they were not sent to the appellant directly indicating the local connection and inability of those issuing the threats to trace his movements. Pakistan is a large country of approximately 310,410 square miles (the UK is 94,060 square miles) with a population of 185 million (UK population 64.5 million) of which Pakistan's Shia population is estimated as 40 million in 2015 making Pakistan is the second-largest Shia country in the world after Iran.
28. I find insufficient evidence has been made available to support a finding that, notwithstanding the incidents of violence referred to in the evidence, there is State sponsored persecution of the Shia per se on account of their faith in Pakistan. Each case of a member of this sect

claiming entitlement to international protection shall have to be assessed on a fact specific basis.

29. I similarly find there is insufficient evidence to support a finding that Shia in Pakistan are prohibited from following their faith. There is no evidence of the State preventing the building of mosques or worship within the same for the Shia minority.
30. There are two elements to consider if the issue of internal relocation arises. First, it is necessary to decide whether the appellant will be safe in another part of their home country and secondly whether the person could reasonably be expected to live there. As stated, it has not been shown that Shia are at risk in all of Pakistan and whilst here are some areas where the risk is greater, such as the tribal areas where the Sunni dominated Taliban are strongest or areas in which IS may be seeking to establish themselves, it has not been shown such a degree of risk is present in all of Pakistan. Shia communities exist in places such as Quetta, Karachi, Parachinar, Islamabad, Peshawar and Rawalpindi. It has not been shown there is no area of Pakistan in which the appellant and his family can relocate.
31. In AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 00445 (IAC) the Tribunal held that there is no legal burden on the Secretary of State to prove that there is a part of the country of nationality etc of an appellant, who has established a well-founded fear in their home area, to which the appellant could reasonably be expected to go and live. The appellant bears the legal burden of proving entitlement to international protection; but what that entails will very much depend upon the circumstances of the particular case. In practice, the issue of internal relocation needs to be raised by the Secretary of State in the letter of refusal or (subject to procedural fairness) during the appellate proceedings. It will then be for the appellant to make good an assertion that, notwithstanding the general conditions in the proposed place of relocation, it would not be reasonable to relocate there. In this case that burden has not been discharged.
32. It has not been made out that relocating to another part of Pakistan will result in deprivation of a human right. The appellant is an educated person and it has not been shown he will be unable to secure work from which he is able to support his family. It has not been shown the best interests of any children are other than to remain with their parents and return with them. It has not been shown education is not available in Pakistan or that the consequences of having to resettle elsewhere are such as to make the proposal unreasonable. The appellants wife has medical needs but it has not been shown this is a case in which treatment is not available or which makes the expectation that treatment will be sourced in Pakistan unreasonable - GS (India); EO (Ghana); GM (India); PL (Jamaica); BA (Ghana) and KK (DRC) v SSHD [2015] EWCA Civ 40 considered.

33. In light of the country information it cannot be ruled out that the appellant as a Shia may experience difficulties, as with other member of this religion. If so the issue is that of sufficiency of protection.
34. In AH (Sufficiency of Protection – Sunni Extremists) Pakistan CG [2002] UKIAT 05862 , the Appellant claimed to be at risk as a follower of the religious group, the Imamia Organisation, which was opposed by extremist Islamic Sunni movements, such the Sepai Saba. There was no suggestion that he had any fear of the authorities as such. The Tribunal accepted that the Sepai Saba had carried out a series of assassinations of those to whom they were opposed, including both Shia Muslims, Ahmadi's and Christians. The Tribunal bore in mind that there is a population of some 150 million in Pakistan of whom 20 to 25 million are Shia Muslims and the recorded attacks of groups such as Sepai Saba must be looked at in terms of the very small percentage of the Shia Muslim population affected by them. The background evidence indicated that the State was acutely aware of the difficulties posed by extremists of both the Sunni and Shia Muslims and that they had taken steps to pre-empt violence at particular times of the year or when there were threatened demonstrations which they feared would breach public order. The State was, therefore, not solely concerned with dealing with such matters under the criminal process but in fact took pre-emptive action to prevent trouble arising. The Tribunal concluded that there was a sufficiency of protection for the appellant.
35. In Naseem Gill [2002] UKIAT 05235 (not a CG case) the Tribunal said "It would be totally unreasonable to expect the Pakistan police and armed forces to anticipate every action against these highly organised and well financed Islamic fundamentalist groups. To that extent, therefore, protection cannot be 100% nor can it ever be in any country. The objective evidence quite clearly indicates to us that there is an adequacy of protection against non-state agents in Pakistan."
36. The schedule of issues refers to the decision in AW (sufficiency of protection) Pakistan [2011] UKUT 31(IAC). This not a country guidance case but one in which a Tribunal composed of Lord Bannatyne and Senior Immigration Judge Storey (as he then was) recorded in the head note:
1. At paragraph 55 of Auld LJ's summary in Bagdanavicius [2005] EWCA Civ.1605 it is made clear that the test set out in Horvath [2001] 1 AC 489 was intended to deal with the ability of a state to afford protection to the generality of its citizens.
 2. Notwithstanding systemic sufficiency of state protection, a claimant may still have a well-founded fear of persecution if authorities know or ought to know of circumstances particular to his/her case giving rise to the fear, but are unlikely to provide the additional protection the particular circumstances reasonably require (per Auld LJ at paragraph 55(vi)).
 3. In considering whether an appellant's particular circumstances give rise to a need for additional protection, particular account must be taken

of past persecution (if any) so as to ensure the question posed is whether there are good reasons to consider that such persecution (and past lack of sufficient protection) will not be repeated.”

37. In paragraph 34 of the determination it was found:

“34. The starting point in assessing whether the appellant would be given sufficient protection if returned to Pakistan is to consider whether there is systemic insufficiency of state protection. In relation to Pakistan, having regard to the case of AH and also to the case of KA and Others (Domestic Violence – Risk on Return) Pakistan CG [2010] UKUT 216 (IAC), it cannot be said that such a general insufficiency of state protection has been established. Neither party submitted that there was, nor do we find, that the background evidence before us demonstrates such as insufficiency.”

38. AW is not a country guidance case but a reported determination. I find the evidence presented does not establish a lack of sufficiency of protection in Pakistan for members of the Shia sect. The evidence shows the police are willing and able to take action. The appellant has provided in his bundle two letters, one said to be from the Police Department of the Government of Khyber Pakhtunkhwa, the appellants home area, and the second from the Frontier Police Department based in Peshawar. This city is near the border with Afghanistan. The first letter, dated 3 March 2015, is said to have been written to verify that an attempted murder case was registered against the appellant on 22 September 2006. A FIR was registered and the crime scene visited, empty cartridge cases recovered and people interviewed. The appellant and his family were also interviewed and told the police they have no personal enmity with anyone. The letter continues:

“Following the initial investigation, this crime had been reviewed to see whether there are viable opportunities for further investigation. As a result, it has been concluded that at this time unfortunately there is insufficient information to proceed and also soon after this incident. [MA] and his family moved abroad so this case will be kept pending, this is not the end of the police response to this case we have passed this case to the local police intelligence unit ...”

39. The letter refers to the appellant as being a religious/social activist who has been threatened by unknown people in the past. The second letter dated 4 October 2006 from the Frontier Police Department claims they have received information a person is to be assassinate ‘the important person’ on 13-20 October 2006 and that if any threatening calls are received the police are to be informed as soon as possible. The letter continues “In the interest of public safety we are working hard with the partner intelligence agencies, utilising all available intelligence to reduce further opportunities for crime and disorder to be committed”

40. If the police are unaware of the identity of an assailant they cannot be expected to do more than undertake initial investigations. Even in the UK the police need evidence to connect a person with a crime. The police received the FIR, investigated, but were unable to proceed

further. It also appears that having received evidence of a possible threat, they wrote to the appellant warning him of such risk and telling him to contact them if required. This evidence is supported by the other material showing a police force willing to take action if required.

41. Although it is accepted there are incidence of the police not acting as members of the Shia community might wish it has not been made out that the state is unwilling or unable to provide protection where required. The appellant's evidence of individuals being released by the Supreme Court for lack of evidence is in accordance with international judicial standards as a person cannot be prosecuted or convicted without evidence, even if they are suspected of serious crimes. Similarly the fact no chief of police is a Shia has not been shown to be determinative as the police are clearly willing and able to act and have done so. It has not been shown that a person who experiences a lack of willingness at a local level, due to corruption or for any other reasons, is unable to take the complaint higher and get redress if required.
42. Mr McVeety referred in his submissions to the fact Dr Giustozzi has relied on evidence which pre-dates AW which adds little to what is already known of the situation in Pakistan.
43. Having considered the evidence with the required degree of anxious scrutiny I find that whilst accepting the evidence of sectarian attacks and acts of violence within Pakistan, which is well documented as that country has to deal with the Taliban and other religious extremists, I do not find the appellant has proved his case to the required lower standard. Even if the Taliban could, if it wished, track down the appellant (which has not been shown to be the case if he relocated) and had the means to cause him harm, the real question was whether they would actually do so.
44. The applicant is able to establish himself in a different part of Pakistan where nothing would be known of his past employment and where there was therefore no real risk of persecution facing him in Pakistan and therefore no need for international protection. The Pakistani authorities were ready and willing to respond to requests for protection and there is insufficient evidence to show that the applicant would not receive adequate protection if he were to return to Pakistan and sought the same. The appellant is an Urdu speaker which the official language in Pakistan which means he will be able to establish himself to another community away from his home area without drawing attention to himself in relation to language issues. It has not been shown he will be unable to follow his faith and attend the mosque and be involved in activities related to his faith if he chooses.
45. The appeal is dismissed on all grounds. The appellant has not discharged the burden of proof upon him to show he is entitled to a grant of international protection arising from his previous employment

report, his religions following or activities, his political view, or on human rights grounds for himself or any member of his family.

Decision

46. The First-tier Tribunal Judge materially erred in law. I set aside the decision of the original Judge. I remake the decision as follows. This appeal is dismissed.

Anonymity.

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

I make an anonymity order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated the 26 January 2016