



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/11996/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 12<sup>th</sup> December 2017**

**Decision & Reasons Promulgated  
On 22<sup>nd</sup> December 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCCLURE**

**Between**

**MU**  
(ANONYMITY DIRECTION MADE)

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Sharaz Ahmed Counsel instructed by JS Solicitors  
For the Respondent: Ms Z Ahmad Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Pakistan.

These proceedings concern the personal life of the appellant. In the circumstances I consider it appropriate to make an anonymity direction.

2. This is an appeal by the appellant against the decision of First-tier Tribunal Judge Conrath. The appellant had made an application for asylum, humanitarian protection and relief otherwise on Article 2 and 3 grounds.
3. The appellant claims to be a homosexual. The judge did not accept the appellant's claim and gave reasons for rejecting the appellant's account of why he left Pakistan. It is not challenged that if the appellant is indeed a homosexual, he would be at risk in Pakistan. The issue raised in the grant of leave is that the appellant had produced supporting evidence in the form of

letters and documents. It is claimed that the judge has failed to take such evidence into account.

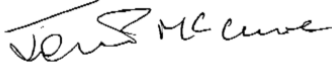
4. The grounds of appeal indicate that the judge has failed to make findings in respect of letters of support, the photographic evidence and the letters and statements in support. The documentation appears in the appellant's bundle between pages 15 to 72.
5. At page 15 there is a religious declaration from the Al Farooq Institute. There is no indication as to what authority or status the Institute has. The document is dated November 2011. The appellant had been in the United Kingdom since 2009. No explanation was given why a religious institution in Pakistan should be making a religious declaration in respect of an individual that is not within Pakistan and has not been for a number of years. The conduct complained of relates to his actions in the UK and not to his previous actions in Pakistan.
6. There is a divorce document. The appellant was married in the past and has divorced. There is a letter of support with identifying documents from GG and emails between the appellant and GG. The judge in detail has dealt with his evidence, as is evident from paragraph 29.
7. There are a number of emails between the 2 individuals. There are cards for a number of clubs there are letters from friends and volunteers. There are photographs including photographs of the appellant ostensibly in an embrace with another man.
8. In the main the judge at paragraph 22 notes the evidence that has been put before him. The judge in the decision having noted the evidence deals specifically with the evidence at the hearing giving detailed reasons for not accepting elements of it.
9. I note specifically paragraph 38 that the judge refers to the fact that he has considered all the documents in the case and all the oral evidence. Consistent with the cases of MR (Somalia) 2010 UKSC 49 where a judge has specifically stated that he has considered all the evidence presented, guidance is given that an appeal tribunal should be slow to overturn a decision of the judge merely by reason of the fact that he has failed to refer to specific pieces of evidence.
10. The judge has indicated that he has taken all the evidence into account. He examines the major elements of the appellant's account and the oral evidence that was before him giving valid reasons for finding that that evidence was not such as to prove that the appellant was genuinely gay. Whilst it has to be accepted that the judgement does not necessarily refer to all of the documents the judge has given valid reasons for the findings of fact and the conclusions reached. In the circumstances the judge has given sufficient reasons for making the findings that he did. The judge does not have to refer to each and every piece of evidence.

I therefore find that there is no material error of law within the decision. The appeal is dismissed.

**Notice of Decision**

11. I dismiss the appeal

Signed



Deputy Upper Tribunal Judge McClure  
2017

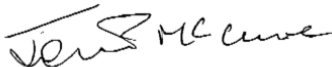
Date 21<sup>st</sup> December

**Direction regarding anonymity**

**Under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or Court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify the appellant or any member of their family. This direction applies both to the Secretary of State for the Home Department and to the Appellant. Failure to comply with this direction could lead to contempt of court proceedings.

Signed



Deputy Upper Tribunal Judge McClure  
2017

Date 21<sup>st</sup> December