



Upper Tribunal (Immigration and Asylum Chamber)

Appeal Number: PA/13149/2016

THE IMMIGRATION ACTS

**Heard at Field House
on 17 July 2017**

**Decision and
promulgated
on 30 August 2017**

Reasons

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**CHAUDHRY PERVEZ AKHTAR
(anonymity direction not made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs C Nicholas instructed by Nationwide Law Associates
For the Respondent: Ms J Isherwood Senior Home Office Presenting Officer.

ERROR OF LAW FINDING AND REASONS

1. This is an appeal against a decision of First-tier Tribunal Judge Meah promulgated on 26 January 2017 in which the Judge dismissed the appellant's appeal on all grounds.

Background

2. The appellant, a citizen of Pakistan, was born on 8 May 1959, claimed he will face a real risk on return to Pakistan as a result of his support for the APML. The Judge noted this but found out [12] *“The appellant gave a significant number of answers regarding his support for the APML at his main asylum interview with the respondent, which were inconsistent with the background country information. These are highlighted in greater detail in the RFRL.”*
3. The Judge noted that the inconsistencies included the appellant getting the date wrong when President Musharraf was in power, the date the organisation he claims to support was founded, and a claim that President Musharraf had named the party whereas background information shows that name was derived from a different source. The Judge sets out the concerns at [13 - 27] of the decision under challenge.
4. The Judge noted the appellant also claimed to remember of a different party, the Pak Sar Zameen Party, but was unable when asked by the interviewer at his main asylum interview to properly state the aims or to give details about the appearance of the party’s official logo. The Judge noted the appellant was able to give detailed evidence regarding these issues at the hearing, as he did for other aspects of the evidence, but attached little weight to the responses as proof of a genuine adverse political profile in light of the fact that the appellant has clearly enhanced his “vague clarification” by the time of the hearing [28]. In relation to this party, the Judge also finds that no real risk on return would flow from membership if his point relating to membership in the UK had been made out [29].
5. Permission to appeal was granted by another judge of the First-tier Tribunal on the basis that although the application for permission largely amounted to disagreement with the conclusions reached on the evidence, the last paragraph was said to give rise to an arguable legal error. This paragraph stated “Learned Judge failed to evaluate the evidence of the death certificates, FIR’s and newspaper reports. Therefore, the Learned Judge clearly made an error of law in reaching his decision”.

Error of law

6. Mrs Nicholas, on behalf of the appellant, had a bundle of legible documents in her possession which she confirmed were the same as those that had been produced to the First-tier Tribunal. These included a police report referring to the appellant’s son’s shooting in January 2010 with translation, three newspaper reports regarding a death in 2016, a police report regarding the killing of an opposition party member in 2014, a newspaper translation regarding the death of the appellant’s cousin, two identical death certificates, a post-mortem report of the appellant’s cousin in 2016, a post-mortem of a party member killed in 2014, a medical report relating to the appellant’s

cousin dated 2016, a medical report regarding the killing of the appellant's cousin and an opposition party member. In addition, it was said there are 18 pages of clear photographs in which the appellant could be seen on some talking to President Musharraf on a visit.

7. It is not disputed that permission has only been granted in relation to the one issue, the failure to consider the documentary evidence, but it is submitted that on the basis of the evidence provided it was clear the appellant is a close supporter of General Musharraf and that the evidence of the deaths referred to in the other documentary evidence gives rise to a real risk to the appellant on return to Pakistan.
8. I do not accept the appellant has made out that there is any merit in the submission the Judge failed to consider the documentary evidence provided. At [5] the Judge states:
 5. I have taken into account the following documents placed before me:
 - i. The respondent's bundle comprising the reasons for refusal letter (RFRL), Screening Interview Record, Main Asylum Interview Record (AIR) alongside some other documents pertinent to his application.
 - ii. Appellant's bundle comprising a witness statement for his appeal and some other documents purporting to support the appeal.
9. The Judge makes further reference to the documents at [6 -8] where there is a specific reference to the entirety of the documentary and oral evidence having been considered. At [11] the Judge refers to having considered all the evidence.
10. It is not an error of law for a judge not to set out reference to each and every aspect of a claim, as otherwise decisions would be far longer than some already are, but it is necessary for a judge to take into account all the evidence provided and to incorporate the same within the decision-making process.
11. A reading of the material in the First-tier Tribunal file together with the determination does not make out that the Judge has either been selective in relation to the evidence considered, has failed to consider the same, or has misunderstood the evidence the appellant sought to rely upon. It is of relevance with regard to documentary and photographic evidence that consideration is given to [30 - 31] of the decision under challenge where the Judge writes:
 30. In relation to the documentary and photographic evidence submitted to support the application for asylum, this was dealt with by the respondent at paragraphs 40 and 41 of the RFRL. The same evidence was provided to support the appellant's appeal alongside a CD-ROM and a USB stick purporting to contain evidence of the appellant's involvement in Pakistani politics in the UK.
 31. Mr Mahmood made no reference to any of these during his very brief submissions, however, I find that I must nevertheless view all the evidence in the light of the appellant's incredible testimony and consequently, I am not prepared to attach any weight to any of this as I do not believe that the appellant will be in danger if returns to Pakistan now **Tanveer Ahmed [2002] Imm AR 318***

12. As the Judge clearly considers the evidence with the required degree of anxious scrutiny and has given adequate reasons for the adverse credibility findings made and reasons for the appeal failing, the weight to be given to the evidence was a matter for the Judge.
13. It was also submitted by Miss Isherwood that the 2014 documents referred to a dispute concerning an illegal relationship with a woman which does not form part of the appellant's claim for international protection.
14. I find the appellant has failed to discharge the burden of proof upon him to the required standard to show that any arguable error of law material to the decision to dismiss the appeal has been made out and, accordingly, the determination must stand.

Decision

15. There is no material error of law in the First-tier Tribunal Judge's decision. The determination shall stand.

Anonymity.

16. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated the 29 August 2017