



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

Appeal Number: AA/11181/2014

**THE IMMIGRATION ACTS**

**Heard at North Shields  
On 13 May 2015  
Prepared on 18 May 2015**

**Determination Promulgated  
On 1 June 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES**

**Between**

**S. R.  
(ANONYMITY DIRECTION MADE)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms Brakaj, Iris Law Firm

For the Respondent: Ms Rackstraw, Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant, a citizen of Pakistan, born on 2 October 1977, entered the United Kingdom by air with his family and claimed asylum at port on 26 November 2013. The Respondent refused that claim on 4 December 2014 and in consequence she made a decision of the same date to remove him and his family to Pakistan.
2. An appeal against that removal decision was heard and dismissed by First Tier Tribunal Judge Duff in a Decision promulgated on 4 February 2014. The parties are agreed that the Judge is to be taken to

have accepted that the Appellant had generally given a truthful account of his experiences in Karachi as a Shia Muslim businessman, because the Respondent had not challenged the core of that account as untrue. Some details, as offered under cross-examination were however rejected by the Judge as an exaggeration of the original account, and untrue [22]. No issue arises in relation to that finding, which was plainly one that was open to him to make.

3. Thus the Judge accepted, as had the Respondent, that the Appellant had been a volunteer for both the MQM political party, and for the MWM religious group, and a member of a workers union. The Judge also accepted that the Appellant and his partner in business (who was also his cousin) had received on 4 October 2013 a blackmail demand for 500,000Rs, threatening his own life, and that of his family in the event of non-payment. The demand had been backed up by phonecalls informing him that the family were being watched, and giving details of their movements to back up that claim. The Appellant had complained to the police, believing this to be an attempt at extortion by either the Taliban and/or the Lashkar-e-Jhangvi. He had been promised that the matter would be investigated and was told that a number of other people had received similar threats. The Appellant believed that a number of other members of the same workers union as himself had also received similar threats.
4. The Judge also accepted that the Appellant, frustrated at the inability of the police to simply resolve the problem, and believing that a number of its members had been similarly targeted, spoke at a press conference called by the workers union to talk about the threats, and the extortion demands. He gave his name to the press in the course of that conference. Shortly thereafter, without awaiting the outcome of the police enquiry into his complaint, and using family visit visas that had been obtained in July 2013, the Appellant and his family travelled to the UK on 26 November 2013. They did so shortly after the press conference, and he did not claim that the press conference itself had led to any threat against him, or attempt to harm him.
5. In February 2014, and whilst the family were in the UK, the Judge accepted that the Appellant's cousin and business partner was murdered.
6. The murder of another cousin, an Inspector of police (and thus an officer of some rank), on 15 April 2013 had preceded the Appellant's own difficulties. This murder was said by the Appellant to have resulted from his cousin's refusal to accede to demands that he release some prisoners. Save that his cousin was necessarily a member of the Appellant's family, and also a Shia Muslim, it was not suggested by the Appellant that the circumstances of this cousin's murder had any relevance to the Appellant's own position other than

to demonstrate that Shia Muslims do hold positions of rank within the police force in Pakistan.

7. Permission to appeal was granted by First Tier Tribunal Judge Kelly on 25 February 2015 on the basis that it was arguable the Judge had confused the issues of the sufficiency of state protection and internal relocation.
8. The Respondent filed a Rule 24 Notice on 17 March 2015. She argued therein that the Judge had directed himself appropriately, and had found that state protection was afforded at an adequate level to Shia Muslims against the actions of non state agents, as he was entitled to do given the evidence that was before him. Moreover, there was in reality no error in his approach to the issue of internal relocation. The Judge had done no more than point out that if the threat faced by the Appellant and his family was a local one, as he believed it to be, then it could be entirely avoided by the expedient of relocation away from Karachi to a predominantly Shia area within Pakistan.
9. Thus the matter comes before me.

#### Grounds

10. Ms Brakaj, who did not represent the Appellant in the First Tier Tribunal, argued that the threat of blackmail/extortion that was faced by the Appellant was not a threat that was confined to his home area, but was demonstrably a national threat because of the organisations that were responsible for it. The Respondent had accepted (and had never withdrawn her concession to this effect) that the threats made against the Appellant were made by either the Taliban or Lashkar-e-Jhangvi [RFR 44], on the basis of his self declared belief that this was the case. Ms Brakaj argued that both were national organisations enjoying a national reach within Pakistan.
11. Ms Brakaj accepted that the threat was one that would be likely to have arisen because of a combination of the perception of the Appellant's religion and his wealth, because it was not an attempt to simply murder the Appellant on account of his religion, but an attempt to extort a significant sum of money from him. She accepted that the individuals who had issued threats against the Appellant must be based locally to himself in Karachi, but argued that those individuals were part of a national organisation albeit both they and their organisation were non state agents. Thus she argued, the threat the Appellant faced extended across the whole of Pakistan, and it was not one that was limited to his home area within Karachi.
12. Ms Brakaj also argued that the evidence showed that there was no sufficiency of state protection for Shia Muslims within Pakistan in general terms, and that this was consistent with the Appellant's own

experience. He had seen no action from the police other than the promise to investigate his complaint, and this had plainly not been successful since his cousin/business partner (who had received the same threats) had been murdered in February 2014.

13. Separately, since it was not disputed that the Appellant had pursued both his religious and political convictions when living within Karachi through his membership and actions on behalf of the MQM, and the WMW, and the workers union, it was argued that he could reasonably be assumed to genuinely wish to pursue those convictions wherever he lived in a similar way. The pursuit of those convictions would however inevitably bring adverse attention to him wherever he lived within Pakistan. Thus, even if there did exist areas within Pakistan where Shia Muslims were in the majority, or areas where there were no sectarian tensions, it would not be reasonable to expect him to relocate to them. Although it was the Appellant who had placed evidence before the Judge about the ability of Shia Muslims in general to relocate within Pakistan to areas where there were no sectarian tensions [ApB p131] Ms Brakaj argued that the particular circumstances of the Appellant meant that he would not be able to do so in safety.
14. These arguments do not in my judgement engage with the relevant country guidance decisions of the Upper Tribunal in relation to Pakistan, and the Judge's decision upon the sufficiency of state protection. Although the Judge did not have the benefit of it, his decision was consistent with the guidance to be found in AK & SK (Christians: risk) Pakistan CG [2014] UKUT 569.
15. The Judge was plainly not satisfied that there was any lack of sufficiency of state protection for the general population of Pakistan against criminal acts, including blackmail and extortion threats made by non state agents [27]. That was a decision that he was perfectly entitled to reach upon the evidence, and in the light of the current country guidance, and it is not in fact challenged by the Appellant. His case is that the evidence shows that the state systematically fails to offer adequate state protection to those who are Shia Muslims, but there is no merit in that argument either, which the Judge also rejected [27]. Although brief, the Judge gave entirely adequate reasons for his rejection of the claim that there was no adequate state protection. On analysis the Appellant's criticisms of that rejection are no more than a disagreement with it.
16. It is not enough for the Appellant to argue that since his cousin/business partner was murdered it necessarily follows that there was any lack of sufficiency of state protection - the state has not failed to discharge its obligations to its citizens merely because it has been unable to prevent a criminal act. This is however the real core of the Appellant's challenge to the Judge's decision. As such it is misconceived.

17. If there was adequate state protection available to the Appellant in Karachi, then as identified in the grant of permission to appeal, there was no need for the Judge to go on to consider the issue of internal relocation at all. Any error made in the consideration of that issue would not be material to the outcome of the appeal. Since there was no error of law in the Judge's approach to the evidence upon the issue of the adequacy of state protection, it follows that I dismiss the appeal.

## DECISION

The Determination of the First Tier Tribunal which was promulgated on 4 February 2015 therefore contained no error of law in the dismissal of the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

## **Signed**

Deputy Upper Tribunal Judge JM Holmes  
Dated 18 May 2015

## Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

## **Signed**

Deputy Upper Tribunal Judge JM Holmes  
Dated 18 May 2015