



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2023-005214

First-tier Tribunal No: PA/50182/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

**On 1<sup>st</sup> of October 2024**

**Before**

**UPPER TRIBUNAL JUDGE JACKSON**

**Between**

**MM**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr P Nath of Counsel, instructed by Archbold Solicitors Ltd  
For the Respondent: Ms S Cunha, Senior Home Office Presenting Officer

**Heard at Field House on 29 August 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the Appellant, likely to lead members of the public to identify the Appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. In a decision promulgated on 15 April 2024, an error of law was found in the decision of First-tier Tribunal Judge Munonyedi in which the Appellant's appeal against the Respondent's decision dated 22 December 2024 to refuse his protection and human rights claim was dismissed. A copy of that decision is

annexed to this one which sets out the background to the appeal which is not repeated here. This is the de novo hearing of the Appellant's appeal.

2. The Appellant is a national of Pakistan, who entered the United Kingdom on a visit visa on 25 June 2005, following which he has remained in the United Kingdom unlawfully. The Appellant was encountered by the UK police as a person without leave to remain in 2013, during which he gave a false name. The Appellant made a protection and human rights claim on 7 June 2017 on the basis that he would be at risk on return to Pakistan from (i) Zahir Mehmoob (also referred to as Zahid Mahmood, in relation to a land dispute); (ii) the police (in relation to a false FIR filed by Zahir Mehmoob); and (iii) Lasheri Taiba (also referred to as Lushkere Taiba and Lashkar-e Taiba in different places in the bundle, hereinafter the "terrorist organisation"). There was also a claim that the Appellant was at risk from relatives in Pakistan.

### *The Respondent's decision*

3. The Respondent accepted the Appellant's identity and nationality, but refused the application on the basis that his claim was not considered to be credible. In particular, the Respondent identified internal inconsistencies in the Appellant's account between his screening interview and later substantive interview; as to who put a fence around the disputed land; who the Appellant feared; how Zahir Mehmoob regained the land; as to evidence about police activity in Pakistan and that documents were available about a police raid in 2017; and a lack of evidence to show any interest in the Appellant by the terrorist organisation. The documents submitted by the Appellant were given little weight, in part because they were translated outside of the United Kingdom with the translations containing grammatical errors and in part because there was no way of verifying court documents, particularly in a country where fraudulent documents were widely available. The Respondent also noted that the Appellant had had effective court protection in legal proceedings about his land. As to credibility, the Respondent also applied section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 due to the delay in claiming asylum between 2005 and 2017 and despite being arrested in 2013.
4. Overall, the Respondent was not satisfied that the Appellant faced a well-founded fear of persecution on return to Pakistan from any of the individuals or groups claimed; that the authorities did not pose a risk and there would be a sufficiency of protection available. It was specifically stated that internal relocation was not applicable, although there is reference in the decision to visiting other places. It was considered that the Appellant would have family support on return to Pakistan. Overall, the claim was refused on protection grounds.
5. The Appellant did not meet any of the requirements of the Immigration Rules for a grant of leave to remain on family or private life grounds. He did not claim to have any family in the United Kingdom and did not meet the requirements of paragraph 276ADE of the Immigration Rules as there would be no very significant obstacles to his reintegration in Pakistan. He was educated and worked there, he speaks Urdu and has family support. Further there were no exceptional or compassionate circumstances to warrant a grant of leave to remain outside of the Immigration Rules and the Appellant's medical conditions (depression, effects from polio and asthma) did not meet the very high threshold for Article 3 of the European Convention on Human Rights, with treatment available on return.

### *The Appellant's evidence*

6. In his written statement, the Appellant briefly set out his background in Pakistan. He states that he has mobility difficulties and pain from polio; as well as depression and suicidal thoughts. The Appellant claims to suffer from forgetfulness and states that he can not remember exactly the events that have happened in the way he used to because of his deteriorating mental and physical health following trauma.
7. The Appellant states that he came to the UK in 2005 and stayed in self-refuge without making a protection claim as he feared being 'un-believed' without evidence available at that time. As a victim, the Appellant came to know that facts are established with evidence and claimed by the time he had something to say with conviction to escape the doubts of an interviewer.
8. The Appellant purchased land from Zahid Mahmood, who regretted the sale after a road was built alongside the land which increased its value. Mr Mahmood insisted that the land be returned and he threatened to kill the Appellant if he did not. The Appellant was beaten by Mr Mahmood's thug group and the police were unwilling to help.
9. Mr Mahmood instituted an FIR against the Appellant on 16 June 2005 claiming that he was in an alliance with Lashkar-e Taiba, a militant group and further to which he is not safe from the police or the group. The Appellant received a threatening letter from the terrorist organisation on 25 June 2005 stating that he had to present himself to answer for wrongfully using the name of the group. The Appellant fled Pakistan as he could not hide in another city and fortunately had a visit visa he could use.
10. In 2014 the Appellant filed a legal claim to protect his land, with a decision in his favour dated 21 April 2017; however, it has not been implemented and Mr Mahmood has kept illegal possession of the land, having not appeared in Court. The Appellant fears Mr Mahmood will kill him on return to Pakistan because he has already had him beaten up, has illegally possessed his land and lodged a false FIR against him. From the FIR, the Appellant believes he will be arrested on return and put in jail or persecuted to death; he does not know what other documents have been issued against him.
11. In oral evidence, the Appellant confirmed his details and adopted his written statement. The Appellant stated that he is prescribed sertraline and still has suicidal thoughts, but no action has been taken on them. He has not seen a doctor recently, but can obtain further medication as needed. Given the indication of mental health problems (on which there is some evidence from GP records, the latest reference to which was from April 2020) and a late request to treat the Appellant as a vulnerable witness, the questions put to him were kept as straightforward as possible and a break was given during the Appellant's evidence.
12. In cross-examination, the Appellant was asked about the land dispute. He confirmed that he does not have evidence of the purchase of the land, he was unable to get it from Pakistan and his family there are unable to get documents for him. The Appellant has siblings near to and away from Jhelum, in Sara-e Alamgir and Rawalpindi; both of whom are employed and in a reasonable position.

13. As to the court documents, the Appellant stated that the Court found in his favour in 2017 as to ownership of the land, which has been in dispute since 2004. The Appellant was unable to identify the original document in the bundle, but he referred to the translation of it and also said whilst the documents were in Urdu, the decision was given in English. The seller first approached the Appellant in the first half of 2004 to try and get the land back. The Appellant tried to stop him from occupying the land, but he was then tortured and a bullet was fired at him that almost hit his leg. The Appellant was living in Jhelum at that time in 2004. The Appellant was the one who made the application to the court in 2014 because his land was being occupied; the decision in his favour granted an injunction to prevent the seller from occupying the land. He stated that this would be enforceable if the owner lodges a complaint or request to the police.
14. Lashkar-e Taiba was previously an active organisation, but was categorised as a terrorist organisation sometime in the period 1999-2007 and was so when the Appellant was last in Pakistan. He stated that if someone was suspected of being involved with them, they would be arrested, put in prison and sometimes taken by an agency; as well as land being taken away as a suspect, although it is more the person the authorities would be after.
15. The Appellant was no longer in Jhelum when the FIR was lodged, he was staying with a friend on Rawalpindi. The summons from the police was received by the Appellant's family who told him about it shortly after he had arrived in the United Kingdom on 25 June 2005. The FIR and summons were not the reasons the Appellant left Pakistan. When the Appellant left Pakistan, the police were still investigating the FIR complaint and as he was not in Jhelum at the time, he was not able to respond to the allegation or apply for bail. When asked if there was any extradition arrest warrant, the Appellant stated that the authorities did not know he was in the United Kingdom to do so and although the police and agency people kept going to his family home in Pakistan, his family did not tell them of the Appellant's whereabouts.
16. The Appellant stated that he was able to leave Pakistan using his own passport as there were no computerised records at that time. He was also able to pursue his civil claim through the courts despite the outstanding criminal investigation as these were of a different nature.
17. On the arrest warrant, the Appellant confirmed that only part of his name was used and he was not separately identified by reference to his father's details.
18. The Appellant was asked why he did not claim asylum until 2017, to which he said that at the time he came his circumstances were delicate and his family had told him to remain in the United Kingdom as he was not safe in Pakistan because of the terrorism claim. He did not claim sooner as he was not confident that he had enough evidence to prove his claim and his family would not help him get the documents.
19. When arrested in 2013, the Appellant gave a false name which he stated was a mistake as he felt under pressure. Even though he was given an opportunity to claim then, he did not as a lot of time had passed and he thought if his circumstances were going well, he would return to Pakistan. Starting in 2013/14 with the court case, the Appellant thought things were going in his favour. He was able to instruct a lawyer for this case from the United Kingdom, but was not able to find a lawyer to challenge the arrest warrant as no one was willing to because it involved the terrorist organisation who were dangerous. As far as the

Appellant knows, he is still under investigation even after 19 years and believes that on return he could be abducted by an agency and/or tortured during any investigation, from wherever he goes in Pakistan.

20. As to health matters, the Appellant's doctor is far from where he lives and he has been unable to visit there or change doctors because he has no paperwork to do so. He is prescribed sertraline, an asthma inhaler and other medication, perhaps co-codamol, but he can not remember the name. He is able to get to the pharmacy for his prescription or sometimes a friend helps him get it. The Appellant was able to get treatment and medication in Pakistan for his asthma.
21. I asked some supplementary questions to clarify the Appellant's claim and as to the documents relied upon. The Appellant stated that he got all of the documents in the bundle in 2022 from a friend who came to the United Kingdom from Pakistan; it took him some time to get all of them and then they were all attested at the same time. The friend did not want to be named and the Appellant did not know how he was able to obtain the documents or where he got them from. He had previously asked his family to do this for him, but they did not want to get involved. The document from Lashker-e Taiba was delivered to the Appellant's family home, received by his mother but he had no further details from her about it.
22. Since 2005 the Appellant stated that 'they' constantly come and check on him. Specifically, members of the terrorist organisation go to his family home and neighbours in Pakistan, pretending to be a friend of the Appellant's and ask for his whereabouts.
23. The Appellant instructed a lawyer in Pakistan to file the civil claim for him in 2014, for which he got some of the land paperwork from his family that was lying around at his home in Pakistan. The Appellant did not receive any documents relating to this claim from his lawyer, they were all obtained in 2022 from his friend, he had to get them from the authorities' record room.
24. In re-examination, the Appellant stated that his family did help him to some extent with the land documents, but after 2017 they did not want to get involved because of the allegations against him and the police raided the house. The Appellant stated that they continuously come, the most recent being 6-7 months ago.
25. As far as the Appellant knows, there is no conviction against him in Pakistan. On return he fears persecution or being killed because of the police investigation that he would be arrested and in the process killed by Zahid Mahmood or the terrorist organisation. He referred to Imran Khan not being safe and being arrested, so what chance would the Appellant have. The Appellant tried to find a solicitor to help with the criminal case around 6-12 months ago, but they don't want to get involved because of the terrorist organisation.

#### *The documentary evidence*

26. The documentary evidence focuses on a number of police and court documents, some of which were submitted to the Respondent with the initial claim and some of which were submitted in the course of this appeal. Within the documents, there are some copies of what are said to be original documents from Pakistan and two different sets of translations, some from the same document (although the source document was not clearly identified or available in respect of all

translations) and some from different documents. So far as possible, the copy of the original and translations are set out below.

27. There are three documents said to be a First Information Report (“FIR”) dated 16 June 2005, made by Zahid Mehboob to Sadar Police Station; a copy of original, a translation from 2022 and a translation from 2023. In the later translation, the FIR claimed that the Appellant (partially named alongside his father’s name and residence identified) was at a meeting of Laskar-e-Tayyaba when he and others from the group attacked Mr Mehboob and Qamar Wasim, with injuries suffered. It is said the motive was the ongoing land dispute. The earlier translation was similar, but not identical.
28. There are three documents said to be a ‘Bailable Arrest Warrant’ issued 23/26 June 2005 – a copy of original and translations in 2022 and in 2023. The earlier translation is dated 26 June 2005, refers to the case number in the FIR above and that the police station in Sadar should arrest the Appellant and present him on 15 July 2005, *“and if he can give reasonable assurance release him.”* The later translation states that the Appellant should be arrested and presented to court on 15 July 2005 at 9am in respect of the case number in the FIR above. The notice contains instructions to *“Acquit him if he gives reasonable guarantee.”*
29. Three documents said to be ‘Advertisement according to the order to present the accused’ under Code of criminal procedure 87 dated 18 May 2017 – copy of original, attested document in 2022 and translation in 2023. The attested document refers to the Appellant by name, his father’s name and residence and the case number in the FIR dated 16 June 2005, under offence PPC 324, 148,149, with reference to the punishment *“is committed by him (or he is doubt of this conviction) it means the Arrest warrant which is issued is known that [the Appellant] is not available and according to our belief it is proved that Mr. descriptive escaped or is avoiding to obey this Warrant and hide himself”* and it is ordered that he appear within 30 days on 20 June 2017.
30. The translation in 2023 refers to the case number in the FIR dated 16 June 2005 and the Appellant’s full name, father’s name and residence having committed or suspected to commit crime 324/506, 148/149, with reference to punishment and stated, *“that is to say, the nature of fulfilment of arrest warrant that was issued for the said request has come to be known.”* The Appellant is stated to have fled or disappeared to avoid the execution of the warrant and he was ordered to appear in court to respond to the lawsuit within 30 days on 20 June 2017.
31. A letter headed and dated 25 June 2005 on the original (but neither the header or date appear in the translation in 2023) from Waslam, Anveer Lashkar Tayyaba, Jhelum Circle stating:  
  
*“[Appellant’s name] resident of Mona Pind complaint against you and after its confirmation of this news that you are using Laskher Tayyaba name without our permission. Therefore problems for our workers are increasing. Your are ordered to stop your activities immediately and present your clarification. The time and place will be told you verbally by the person who will hand over you this letter. If you will not come on the descriptive Place and time, complaint against you will be considered correct. In this case you can be given death punishment. Therefore attend the meeting and present your clarification.”*
32. A translation in 2023 of what appear to be court documents beginning on 18 August 2014 consisting of six pages and a note stating that pages 8-10 of the

original are not legible. It is unclear whether a copy of the original is in the bundle or not, the documents which follow the translation contains only 9 pages and are not self evidently what the translation is referring to. The translation refers to council 'Choudhry Muhammad Fid ul hassan Sahi, Advocate High Court and an application for an injunction under the civil code against 1. Zahid Mahboob; 2. Area Patwari; and 3. Tehsildar. The initial claim is set out, with some answer from Zahid Mehboob Kiani that the claim was made in bad faith, is frivolous and vexatious and the factual premise is challenged. A response is given, with the Advocate named as Furqan Nayyer Shaikh.

33. There seems to be an alternative translation of some of the same court documents, attested in 2022 and submitted to the Respondent (contained only in the Respondent's bundle) with additional pages or documents to those in the Appellant's bundle, which include a form of diary of proceedings on different dates and what appears to be a final decision dated 21 April 2017, finding that the Appellant is the owner of the land. These documents are not accompanied by any statement of translation nor do they appear next to any copy of the original documents from which they were translated (although documents similar to those in the Appellant's bundle appear at a later point, separate from the translations, some of which are partially or fully in English but it is not clear if these are translations or copies of original documents).
34. Finally, there is a single copy of the Appellant's GP medical records printed on 26 September 2022, with the last reference to mental health being 'depressive disorder' on 27 April 2020 and previous history of low mood; last prescription related to mental health for Sertaline 100mg tables on 11 August 2022.

#### *Closing submissions*

35. On behalf of the Respondent, Ms Cunha relied on the reasons for refusal letter and submitted that the Appellant had not established, even to the lower standard, that he was at risk on return from anyone. There had been a land dispute which was resolved in the Appellant's favour and he can apply to the police to enforce the decision. The Appellant was able to engage a lawyer and to access the justice system in Pakistan. Despite not being an issue raised in the reasons for refusal letter, Ms Cunha also relied on the Appellant having the option of internal relocation within Pakistan and said that this had been sufficiently raised by asking the Appellant in cross-examination why he could not live with his brother in Rawalpindi. There is nothing to suggest that non-state actors would be able to find the Appellant anywhere in Pakistan.
36. As to the documentary evidence, Ms Cunha invited the Upper Tribunal to place little weight on them for a number of reasons. These included the poor quality of the translations; the fact that the arrest warrant did not contain the Appellant's full name nor his father's name; that there was no reasoned basis why the FIR from 2005 would still be outstanding with the police; nor that this was not raised in the course of civil proceedings; not all documents and translations were dated; it is not clear which document the translations pertained to or why there were two sets of translations. Further, there was nothing to suggest that even if the Appellant was subject to criminal proceedings, that he would not be able to defend himself against them given that he has an alibi that he was not even in Jhelum at the time. It was noted that the Appellant has not taken any steps at all to defend himself or challenge the allegations despite the seriousness of the risk of harm to him he claims. Finally, the Appellant had not given a plausible explanation of how any of the documents had been obtained by a friend in 2022,

nor why the Appellant's own lawyer had not provided those that he was involved with.

37. Ms Cunha submitted that the Appellant is not at risk of harm from the terrorist organisation, the evidence in relation to this is entirely implausible. In particular, there is nothing to suggest any influence or involvement at all with the land dispute or parties to it and it makes no sense at all for the terrorist organisation to go after the Appellant and not the complainant. Further, if the Appellant really were suspected of being involved with a terrorist organisation, it would be reasonable to expect there to be an outstanding arrest, conviction or extradition request in relation to it; but no evidence of any charges being brought.
38. The delay in the asylum claim was submitted to have damaged the Appellant's credibility, including because of the claim that problems arose for him some time ago and once he was in the United Kingdom. The explanation for the delay in that there was previously no supporting evidence available is not credible given the Appellant had engaged a lawyer in Pakistan who had various documents between 2014 and 2017. The Appellant did not claim asylum even after being arrested in 2014.
39. Overall, it was submitted that the Appellant had not established why anyone in Pakistan would still have any adverse interest in him at all after nearly twenty years. At its highest, he may face prosecution, but not persecution, and there is no reason he could not defend against any charges.
40. In relation to Article 8 and the Appellant's mental and physical health, it was submitted that the Appellant had previously obtained appropriate medication in Pakistan and that there is a functioning health system there, including with public and private mental health care, that the Appellant could access on return. There is no evidence currently of any suicidal ideation or likelihood of acting on any suicidal thoughts; such that overall, the high threshold in Article 3 cases has not been met. The Appellant has family in Pakistan who can support him on return and he does not meet any of the requirements of the Immigration Rules for a grant of leave to remain on private or family life grounds. Any private life established in the United Kingdom would not be weighty enough to lead to a disproportionate interference with the same against the public interest in removal.
41. On behalf of the Appellant, Mr Nath submitted that the Appellant had given clear, credible and consistent evidence in support of his claim and answered all of the questions put to him, even though this was difficult given his poor memory and poor mental health. At the outset, as a matter of procedure, Mr Nath submitted that the Respondent could not at this stage rely on the option of internal relocation without the Appellant being recalled and given the opportunity to specifically respond to it.
42. In relation to the documentary evidence, it was accepted that some of the translations were not as clear as others; with examples in the bundle of where translations and original documents appeared, albeit with some errors in dates and some translations where no original document was available. The Upper Tribunal was invited to consider all of the documents in the round, in particular the FIR and arrest warrant.
43. It was submitted that the Appellant was at risk of persecution because of the FIR and documents were obtained from a friend, with some assistance from his



family, but not for all as they did not want to get involved. It is entirely plausible that the Appellant was able to instruct a lawyer to institute and proceed with civil proceedings in his favour, but not be able to obtain representation or redress in relation to the criminal matters. The Appellant is also at risk of persecution from Mr Mahmood because of the land dispute, that person being influential and it being unclear whether the police would support the Appellant on return; particularly given the background country evidence of corruption within the police and authorities. The Appellant is still unaware of any convictions or further documents against him in Pakistan.

44. It was submitted that the Appellant was at risk on return from the terrorist organisation because of the threatening letter sent in 2005 who are still pursuing the Appellant by visiting his family home now. Because of the association with this organisation, the Appellant is also at risk from the authorities, including because of corruption.
45. In relation to the human rights claims, Mr Nath submitted that the Appellant has described a number of medical conditions and has developed private life in the seventeen years he has been in the United Kingdom. He accepted on behalf of the Appellant that the high threshold in Article 3 of the European Convention on Human Rights was not met and that it was likely that the Article 8 claim stood or fell with the protection claim.

### **Findings and reasons**

46. At the hearing, the Appellant was treated as a vulnerable witness in accordance with Joint Presidential Guidance Note No. 2 of 2010 given the claim that he suffers from poor mental health and associated difficulties with memory. As such, questions were put to the Appellant in a straightforward manner and a break was given during his evidence. Neither the Appellant nor his Counsel raised any separate concerns during the hearing and the Appellant appeared able to respond to the questions asked, without any specific reference to not being able to remember any particular points on substantive issues (beyond, for example, a question about the distance between two places in Pakistan).
47. However, I do have concerns about the lack of any up to date medical evidence as to the Appellant's mental health. The GP records relied upon last refer to a prescription for an anti-depressant over two years before the hearing and the last entry on mental health was as long ago as April 2020. Whilst the Appellant states that he has not had recent contact with his GP as he no longer lives locally, it seems clear that other than a repeat prescription, he has not sought any advice or further support in well over four years. Aside from the GP records, there is no medical report or even letter from the Appellant's GP as to his mental health and the effect, if any, this would have on matters such as his memory and ability to give evidence. Whilst I have continued to apply the Joint Presidential Guidance Note No. 2 of 2010 in considering the evidence in the round in this appeal; I am unable to give any substantial weight to the Appellant's claimed poor mental health and am unable to find, in the absence of any up to date medical evidence or medical report that this has in any way impacted on his claim or evidence in this appeal.
48. Before turning to deal with the specific elements of the Appellant's claim, I make some initial general observations on credibility and the documentary evidence. I deal first with the documentary evidence, to which I give very little weight for the following reasons. First, there is no credible explanation of how

any of the documents were obtained from Pakistan. At its highest, an unnamed friend obtained these in Pakistan for the Appellant and brought them to the United Kingdom with him; with a vague reference to some being obtained from a record room. The documents are from a range of sources, including the police, different courts and one letter from a terrorist organisation, said to have been delivered to the Appellant's family in 2005. The Appellant claimed that he had not received any assistance from his family in gathering any relevant documents, but also claimed that they had given some to his lawyer in relation not the land dispute and his family must have given the letter from the terrorist organisation to his friend some 17 years after the event. The Appellant also claimed that despite instructing a lawyer directly from the United Kingdom to deal with the land dispute proceedings that he initiated, he was not given a single document in relation to that case from his own lawyer. There is no plausible or credible explanation as to how this variety of documents were obtained from either the original sources or via others with involvement (be it family or lawyers involved in proceedings).

49. Secondly, there is no credible or plausible explanation for the delay in obtaining all of these documents. A number of documents date from 2005 and were ones which the Appellant has stated he knew about from his family very shortly after his arrival in the United Kingdom in June 2005 (the FIR and letter from the terrorist organisation). It is wholly unexplained why his family would tell him about them but refuse to provide a copy of any of them at the time or in the many years that followed; but in the intervening period assist a lawyer to obtain relevant property documents in around 2013 and 2014 for civil proceedings and also to keep a letter from 2005 for some 17 years before handing it over to an unnamed friend of the Appellant. There has, even on the Appellant's own evidence, been some assistance from his family at various points in time and no reason given for the change in approach or delay.
50. Thirdly, not even copies of all of the original documents relied upon have been provided, some are translations only and some of the court documents are unclear as to whether they are originals or translations as they appear in part in English and in part what is presumably Urdu. Further, even where copies of original documents have been provided, the translations do not directly identify which particular document has been translated beyond a composite list. Although I accept some documents can be identified on their face, for example by date or style, it is very poor practice for a translation not to specifically identify the relevant source document and gives little confidence in the standard of translation.
51. Fourthly, there are a number of documents which have two different translations. It appears that an initial translation of certain documents which were submitted to the Respondent in 2022 were not given weight because of the poor quality of translation and as such, there was a further attempt to translate some (but from the bundle, seemingly not exactly the same list of documents) within the United Kingdom in 2023. Whilst similar, the translations are not identical and as set out above, there are differences and it is unclear as to which, if any, translation is accurate.
52. Fifthly, the quality of translation is poor, in both 2022 and in 2023. This is not limited to the lack of proper identification of the relevant source document, but also by reference to what is self evidently missing information from the translation (such as the header and date on the letter from the terrorist

organisation), poor grammar and parts which do not make sense. There are a number of missing pages from one document which are not translated and a lack of clarity about what the document which contains two different languages is – either original or translation.

53. Finally, a number of the documents raise further unanswered questions. For example, the letter from the terrorist organisation refers to the person delivery the letter giving a time and place for the Appellant to attend; but it was not delivered to him and no further information has been given as to what was said on delivery. A further example is the lack of any explanation or expert evidence as to the nature of the criminal offences referred to in the FIR or procedure for this or the arrest warrant.
54. In terms of the credibility of the Appellant, I find that this has been damaged for a number of reasons. First, there was a very significant delay in his claim for asylum some 12 years after his arrival in the United Kingdom despite him identifying the now claimed risk on return to him a matter of days after his arrival in 2005 and despite being encountered as an illegal entrant in 2013, at which point he would have been given an opportunity to give his details and explain his circumstances (which he failed to do and gave a false name) and make a claim. I reject the Appellant's explanation for the delay on the basis that he was not confident he would be believed and awaited documentation in support of his claim before making it; and that he was waiting to see if conditions improved in Pakistan such that he could safely return. In terms of documentation, it is noted that the majority of what is now relied upon was only available in 2022 and 2023 and not in 2017 when the claim was made (albeit some was referred to in the asylum interview); as well as the points already made above about the significant delay in obtaining documentation before that date. In terms of the situation in Pakistan, it is unclear what the Appellant was waiting for to change and his own claim was, at least in relation not the land dispute, that matters had improved in 2017 when he claimed as he had won his civil claim on this. There was no specific worsening of the situation or trigger otherwise identified for why the claim was finally made in 2017. There is no good or credible reason for such a lengthy delay in making a protection claim in all the circumstances of this Appellant.
55. Secondly, whilst the Appellant has given a broadly consistent account over time of a land dispute in Pakistan and the reasons for it (to some extent supported by the court documentation, albeit with concerns above as to the weight that can be attached to it); there are significant parts of the claim which are vague and lacking in detail or explanation; some inconsistencies and new matters raised for the first time in oral evidence which have not previously been claimed. For example, there is a lack of basic information about the land which was in dispute and as to the detail of how the seller threatened the Appellant, the claimed attack on him (as to where and when this happened and who was involved). There is an inconsistency as to who built a wall around the land, whether it was the Appellant or the seller and a lack of information as to how possession of the land was taken. An example of a new matter raised in oral evidence for the first time was the claim that people, clarified as people from the terrorist organisation posing as friends, had continued to visit the Appellant's family in Pakistan asking for his whereabouts on a regular basis since 2005 with the last visit being six to seven months before the hearing. There was no previous claim of any ongoing adverse interest in the Appellant since he left Pakistan (beyond the arrest warrant in 2017 and a brief reference in the asylum interview to police raiding

the family home in 2017, but with no details of what prompted that action, what happened or how the Appellant became aware of it) and no evidence from his family members about any of this. I do not find it credible that the Appellant, who claims to be in regular contact with family members, had not previously raised this in support of his claim to continue to be at risk in Pakistan from the terrorist organisation in particular, even after some 19 years in the United Kingdom.

56. Having considered these general points as to the Appellant's credibility and documents in support of his claim, I consider the nature of each aspect of his claim and whether he is at risk as claimed in relation to each of the individuals or groups named; which are (i) the police/state authorities; (ii) Zahid Mahmood; and (iii) the terrorist organisation. At the outset however I also note that the Appellant has not identified any Refugee Convention reason for his fear on return from Zahid Mahmood or in relation to the land dispute. At its highest, this part of his claim stems from a land dispute with an individual non-state actor and is not based on any protected characteristic such as race, political opinion, religion etc. There is also no suggestion that as a party to a land dispute he would form part of a particular social group. The Respondent has accepted that there is a convention reason for the part of the claim related to the terrorist organisation, namely imputed political opinion by both the police and the terrorist organisation (on the basis that they perceive he wants to start a militant organisation using their name). Whilst I am doubtful as to this, particularly on the latter part because the Appellant did not in the course of his appeal appear to rely on this being the reason he feared the terrorist organisation; I proceed on the basis that at least part of the claim falls within the Refugee Convention, as accepted by the Respondent. Even if not, the claims are considered individually in any event for the remaining purposes of a humanitarian protection or human rights claim.
57. The Appellant's claim to be at risk from the police and/or wider state authorities on return to Pakistan is based on the FIR in 2005 (which the Appellant claims is based on false information as he was not in Jhelum at the time) and arrest warrant in 2017. On the Appellant's own case, he had left the country before he was aware of the initial FIR and has not yet taken any steps to respond to it, either personally or through a lawyer in Pakistan. I found the Appellant's evidence only on the day of the hearing that he had attempted to find a lawyer to do this some six months or so before the hearing to be vague and lacking in credibility, in particular as he said none would assist him because of the connection with the terrorist organisation but with no supporting detail or evidence as to who he tried to contact or what he was told. Further, I take into account on the Appellant's evidence, he has an alibi to the allegations in the FIR that he was not at that time living in Jhelum and not present there; such that he has a specific response to the allegations which he could utilise to clear his name.
58. The Appellant has not explained clearly what the charges are that he faces even if matters raised in the FIR are made out and there is no evidence as to what the references to the crime clause(s) are referring to. It is, for example, unknown whether these relate to the allegation of assault and/or involvement with a terrorist organisation; and it is unknown what the potential punishment would be if convicted. There is further no explanation as to why a further arrest warrant was issued in 2017, what prompted this or how/when the Appellant became aware of it. As it stands, the Appellant does not know if there has been any further activity in relation to the original FIR since 2017 and his fear on return is that he will be arrested, detained, mistreated and possibly killed by the

authorities in relation to it. However, there is no plausible or rational explanation for why that may be the case in relation to a matter which, so far as the Appellant has said, remains under investigation, for which he has an alibi and reasonable excuse for non-attendance as he was in the United Kingdom; and for which on the Appellant's own documents (subject to findings on the weight to be attached to these as above) there is only a 'bailable arrest warrant', for which both translations suggest the Appellant would be released or acquitted with a reasonable response or guarantee.

59. At the oral hearing, Counsel for the Appellant was unable to clearly explain the nature of the fear of the authorities claimed and unable to explain why this was a fear of persecution and not just prosecution; although the former was submitted on the basis of events in 2005. The only point relied upon was a reference to police corruption in paragraph 4.3 of the Respondent's CPIN 'Actors of Protection' version 4 in relation to Pakistan; albeit it was accepted that it was speculative to consider this would be a real risk without any information as to the profile of Zahid Mahmood or whether he was influential or had state connections that would influence the actions of the police. The only evidence available on this points to the contrary given that the Appellant was successful in his civil claim against Zahid Mahmood and his own evidence was that he could apply to the police to enforce the injunction obtained against him, without any concerns raised that they would not act now because of any influence by Zahid Mahmood.
60. I find that taking all of the evidence in the round, the Appellant has not established, even to the lower standard of proof, that he is at real risk of persecution from the police or state authorities either because of the land dispute or the allegation in the FIR of his involvement with a terrorist organisation; with or without any element of police corruption. At its highest, this is a case of possible prosecution, not persecution for which there is no credible basis to suggest that the Appellant would not be able to engage in any investigation which remains ongoing (although that itself is doubtful given the only activity was in 2005 and 2017, with nothing more recent claimed) or defend himself against what he says are false allegations. It is notable that although in the context of a civil claim, he has been able to engage a lawyer and successfully access justice in relation to similar underlying facts.
61. The Appellant's claim to be at risk from Zahid Mahmood is based on the land dispute with him; what is said to be threats and violence following it and the false FIR made by him against the Appellant and that is not on any view a convention risk. Whilst I accept to the lower standard applicable in protection claims that there was a land dispute in around 2005 in Pakistan, I do not find that the Appellant has established that he was threatened or assaulted in relation to this by Zahid Mahmood or his associates. This part of the claim is lacking in detail and if genuinely concerned for his safety in relation to this, the Appellant has not explained why he instituted and proceeded for a period of around three years with legal proceedings against Zahid Mahmood between 2014 and 2017. In any event, those proceedings were successfully resolved in the Appellant's favour and a permanent injunction granted to the Appellant, which he says could be enforced by the police on an application to do so. These actions do not lend credibility to the claim of ongoing risk.
62. In any event, even if the Appellant's claim is entirely credible in relation to Zahid Mahmood (which I do not find), there is simply nothing at all to suggest that the Appellant is at any risk from him if he returned to Pakistan now, some 19

years after the initial dispute and more than seven years since the outcome of court proceedings. There has not been any claim of any ongoing threat or any contact at all, with the Appellant directly or to his family from Zahid Mahmood and nothing at all to indicate that this person would have the means, connections or desire to find and harm the Appellant on return to Pakistan now. The Appellant's continuing fear of this person has no objective foundation whatsoever.

63. The final claim is that the Appellant is at risk from the terrorist organisation. His initial claim on this was that he as he had been falsely linked to the organisation in the FIR, he was perceived to be trying to start a rival organisation. The Appellant stated in his asylum interview that Zahid Mahmood leaked the FIR report to the terrorist organisation, whom he has links to, as he wanted the Appellant killed by them. Although this aspect of the claim was not specifically relied upon before me, I find it to be entirely implausible. The Appellant's account of this claimed risk initially makes no sense. If correct that Zahid Mahmood had links to the terrorist organisation and wanted the Appellant killed by them, there would have been no need at all for the FIR or any threats at all. If to the contrary, there were no links, then it does not make any sense for the terrorist organisation to threaten the Appellant for falsely using their name rather than taking action against Zahid Mahmood as the person who did make that false connection. There is also no rational explanation as to why being falsely named in an FIR would lead anyone to a conclusion that the Appellant, a person with no adverse history or particular political affiliations, without more would be trying to set up a rival militant group.
64. The letter now relied upon from 2005 by the Appellant does not make the same claim as the Appellant initially made, but instead suggests that the Appellant is using the terrorist organisation's name without their permission and that this has increased problems for their workers. The latter does not follow from the former and no explanation is given as to why this may be the case, which on any view it would not on the claim that the FIR was entirely false. The Appellant is also ordered to stop his activities, which, even if the initial false claim was believed (which would be difficult to find as the terrorist organisation would, on the Appellant's claim, know he was not actually involved with them or doing anything) would have happened in June 2005 when he left Pakistan. As above, there is no explanation at all as to how the letter was obtained by the Appellant's friend some seventeen years after the event or any details as to its contents or message it implies was given at the time.
65. Up until the oral hearing, there was no claim by the Appellant of any ongoing interest from the terrorist organisation in him since 2005. For the first time in oral evidence he claimed that they group have continuously since that year attended his family home in Pakistan, posing as friends and asking for his whereabouts. The last such visit being approximately six months ago. There was no credible explanation as to why this had not been claimed before and in any event, there was very little detail in the claim, including as to when he was informed about this and how his family knew the visits were from members of a terrorist organisation. I do not accept the very late claim in these circumstances to be credible.
66. Overall, I do not find, even to the lower standard applicable, that the Appellant has established that he has ever been at risk from the terrorist organisation in

Pakistan, nor that in any event, there is any reason why he would now be at risk from then on return to Pakistan.

67. For these reasons, the Appellant has not established that he has a well founded fear of persecution from any of the individuals or groups identified in his claim (the police/state authorities; Zahid Mahmood or the terrorist organisation). As such, he would not be at risk on return to Pakistan and no issues therefore arise as to internal relocation or sufficiency of protection as the Appellant could return to his home area (where he has family whom he remains in contact with and would be able to help his reintegration if needed). It would obviously be open to the Appellant to return other than to his home area if he so chose. For the same reasons, the Appellant has not established that he is entitled to humanitarian protection, nor would his return to Pakistan be in breach of Articles 2 or 3 of the European Convention on Human Rights.
68. At the oral hearing, Counsel on behalf of the Appellant accepted that his claim in relation to medical conditions did not meet the high threshold applicable to Article 3 claims on such grounds. It was however submitted that these matters, combined with the Appellant's long residence in the United Kingdom and development of private life in the United Kingdom were sufficient to show that his removal would be a breach of Article 8 of the European Convention on Human Rights; albeit also accepted that the human rights claim mostly stands or falls with the protection claim.
69. There was no suggestion that the Appellant met the requirements of paragraph 276ADE (or now Appendix Private Life) of the Immigration Rules for a grant of leave to remain in the United Kingdom. The Appellant has not been here for any of the requisite periods of time and has not expressly claimed that there would be very significant obstacles to his reintegration in Pakistan (beyond the implied reliance on matters raised in his protection claim). I do not find that there are any. The Appellant has spent his formative years in Pakistan where he had some education, employment, had married and where he still has family members with whom he is in contact. The Appellant speaks Urdu, a national language spoken in Pakistan. Whilst he has been in the United Kingdom for some nineteen years; that of itself does not establish that he would face very significant obstacles to reintegration. To the contrary, his continuing linguistic and family ties, together with his history and length of residence previously in Pakistan show that he has sufficient ability to re-establish himself in Pakistan and be enough of an insider to re-build and enjoy his private life there.
70. The last assessment is therefore under Article 8 of the European Convention on Human Rights, for which I follow the five stage approach in Razgar v Secretary of State for the Home Department [2004] UKHL 27.
71. Whilst it can be assumed that during his time in the United Kingdom, the Appellant has built up some degree of private life here; there is no positive case put forward as to what that is or how significant it is. There is, for example, nothing to suggest that he has engaged in work or education here or has any significant social or personal ties. There is, for example, no supporting evidence from friends or any organisations he has been involved in. In any event, little weight is to be given to private life established here without leave to remain and the Appellant has remained illegally in the United Kingdom since arriving as a visitor in 2005. Prior to his asylum claim in 2017, he made no attempt to regularise his status, even after his arrest in 2013.

72. The Appellant's removal to Pakistan would amount to an interference with the limited private life he has established here, although it is difficult to say in the absence of any evidence about the strength of the same that it would be of such gravity to engage the operation of Article 8. In any event, the Appellant's removal would be in accordance with the law as he does not satisfy any of the requirements for a grant of leave to remain and in the public interest through the maintenance of effective immigration control. Overall, his removal would not be a disproportionate interference with his limited private life. In so finding, I have taken into account the factors set out in section 117B of the Nationality, Immigration and Asylum Act 2002 as to the public interest, including that the Appellant has not established that he is able to speak English nor that he is financially independent and that little weight should be given to his private life. Overall, the Appellant has not established any significant private life in the United Kingdom; he has remained unlawfully for many years and would be able to integrate and re-establish himself on return to Pakistan through family, cultural and linguistic ties.

### **Notice of Decision**

For the reasons set out in the annexed decision, the making of the decision of the First-tier Tribunal did involve the making of a material error of law. As such was necessary to set aside the decision.

The appeal is remade as follows:

The appeal is dismissed on protection grounds.

The appeal is dismissed on human rights grounds.

G Jackson

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**26<sup>th</sup> September 2024**