IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-000907

First-tier Tribunal Nos: PA/54965/2022
LP/01684/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 19th June 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

SZTN
(ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms E Rutherford, Counsel, Law & Justice Solicitors
For the Respondent: Ms S Simbi, Home Office Presenting Officer

Heard at Field House on 7 June 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant and/or any member of his immediate family 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 (*and/or other person*). Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

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1. The Appellant is a citizen of Pakistan whose date of birth is recorded as 23rd November 1973. On 20th July 2018, he arrived in the United Kingdom with his wife and two children and claimed international protection that day.

2. On 2nd January 2020 a decision was made to refuse the application. The Appellant appealed to the First-tier Tribunal on the basis which follows, which I have taken from the decisions of Judges Fox and Mills who heard the Appellant's first appeal and remitted appeal in the First-tier Tribunal respectively.

3. The Appellant's case was that he feared a Mr K and his associates. The Appellant claimed to be a journalist who had published an article dated 21st January2013 critical of the municipal committee due to their corruption in land sales. Mr K was in the government at the time and arranged for the Appellant to be attacked, which attack occurred, on the day following the publication of the article, by three men on motorbikes, who held the Appellant at gunpoint before taking his car. The Appellant was unable to secure the cooperation of law enforcement agencies to bring Mr K to account. However, in need of income, in 2015, the Appellant returned to journalism. In 2016 he was shot whilst filling his car with petrol at a filling station losing part of his finger. The Appellant relocated on several occasions to avoid the threats to his safety before he applied for visas to enter the United Kingdom for his son to obtain medical treatment.

4. On 17th April 2020 the appeal was dismissed. However the Upper Tribunal found there to be an error of law resulting in the matter being remitted to the First-tier Tribunal for further consideration. On 26th July 2021 the First-tier Tribunal again dismissed the appeal. Permission to appeal was refused by both the First and Upper Tribunals.

5. On 6th June 2022, the Appellant made a further application on the basis of additional evidence. On 20th October 2022 a decision was made to refuse the application. The Appellant appealed. His appeal was heard on 19th September 2023 by First-tier Tribunal Judge Young-Harry sitting in Birmingham. In a decision dated 21st November 2023 Judge Young-Harry dismissed the appeal.

6. Not content with that decision by application dated about 6th March 2024, the Appellant sought permission to appeal to this, the Upper Tribunal. Permission was refused by the First-tier Tribunal but in a renewed application made directly to the Upper Tribunal, Upper Tribunal Judge Reeds granted permission.

7. Although the renewed Grounds of Appeal run to eight paragraphs in summary, there are three substantive complaints made which were agreed by Ms Rutherford to fairly represent the complaints made:

   (1) that the judge imposed upon herself a duty of corroboration before finding, as the Appellant contended, that he was a politica*l journalist*;

   (2) failed to make a finding that the Appellant had been shot and in the circumstances claimed by the Appellant when the same was against the weight of the evidence;

   (3) gave little or no weight to newspaper articles produced in support of the Appellant's case when there was no sufficient basis for so doing.

8. Ms Rutherford, in dealing with each of those grounds in turn, had pointed out that it was accepted that the Appellant was a journalist and that as part of the evidence he had produced was a letter from the Press Club. That letter is dealt with at paragraph 14 of the Decision and Reasons. Of note at paragraph 14, Judge Young-Harry noted that the previous Tribunal had accepted that the Appellant was a journalist but also noted that it had not been accepted that his specialism was political reporting. In looking at that letter Judge Young-Harry noted that in confirming the Appellant's job as a journalist the letter specifically stated the Appellant's role would include reporting on the latest news in politics and crime. Notwithstanding that at paragraph 15, Judge Young-Harry stated, "*Although the letter confirms the appellant's role involved political reporting, I do not find it supports the appellant's claim that he wrote a critical article about the Minister of Defence."* She also noted that *political* reporting did not necessarily equate to writing critical articles about state officials who might be reporting on political news and updates. The judge then went on to say that she would have expected the articles to have been produced before her.

9. It was submitted that it appeared that Judge Young-Harry was looking for corroboration. It is very clear however that Judge Young-Harry was alert to the fact that corroboration was not required in international protection cases. She says so expressly at paragraph 16. She states, *"Although supporting corroborative evidence is not a requirement, evidence of the appellant's articles could have been made available but have not been."*

10. It is a matter for a judge what weight he or she attaches to any evidence and more particularly, it is a matter for the judge to determine whether or not, having regard to the totality of the evidence, the burden, which is upon the Appellant, albeit a low standard, has been discharged. There is all the difference in the world between a judge saying that corroboration is required, as is the case in certain statutory provisions (e.g s.13 of the Perjury Act 1991) and saying that notwithstanding the evidence that has been heard, it does not satisfy without more, the burden that the Appellant has to discharge, as the case may be. I do not accept that the judge in this case, when reading the decision as a whole, was saying that corroboration was required, nor that she was saying it was a requirement other than saying that without that evidence, she did not feel, having regard to everything else, that the Appellant had proved the point that he sought to prove. I do not find that Ground 1 is made out.

11. On Ground 2, Ms Rutherford contends that the Secretary of State, having accepted that the injury to the Appellant was consistent with having been shot, meant that the judge erred in then going on to find that the evidence did not support the Appellant's case that he had in fact been shot or that the injury was attributable to a revenge attack by Mr H. But this is dealt with at paragraph 20 of the decision and reasons.

12. Even if the judge had taken at face value not only that the injury was consistent with the Appellant having been shot but gone further and said that it was a concession made by the Secretary of State that he actually had been shot, it was still open to the judge to find that the circumstances were not as contended for by the Appellant because again, as I have stated, the weight to be attached to the evidence is a matter for the judge. However, the Secretary of State did not concede, as Mr Rutherford contends, that the Appellant had actually been shot, only that the injury was consistent. In other words, it was open to the judge to find that there were other possible causes for the injury. Put another way, the

evidence was found to be lacking. That was a matter for the Judge. The Upper Tribunal will be slow to interfere in findings of fact. The second ground is not made out.

13. In relation to the third ground, Ms Simbi fairly conceded that in response to Ms Rutherford's submission, that it was unfair for the judge to concentrate on what was not contained in the newspaper articles rather than what was contained in them. However, but Ms Simbi whilst not taking issue with that point invites me to find that it is not material. Ms Rutherford accepted that in reality the point tied in with Ground 1 because it was about corroboration, sufficiency of evidence.

14. Notwithstanding the submissions on the point above, including Ms Simbi's concession, it seems to me unobjectionable for the judge to look at the totality of the evidence and explain why, as she does, it was inadequate and unreliable, which she does by reference to some of what *was contained* in the articles when pointing to an inconsistency in the Appellant's account at paragraph 24 and then to rely on **Tanveer Ahmed**.

15. It was said in the case of **VW (Sri Lanka) [2013] EWCA Civ 522** by Lord Justice McCombe:

> *"Regrettably, there is an increasing tendency in immigration cases, when a First-tier Tribunal Judge has given a judgment explaining why [she] has reached a particular decision, of seeking to burrow out industriously areas of evidence that have been less fully dealt with than others and then to use this as a basis for saying the judge's decision is legally flawed because it did not deal with a particular matter more fully. In my judgment, with respect, that is no basis on which to sustain a proper challenge to a judge's finding of fact."*

Notice of Decision

16. Having read the decision as a whole the proper question is, "Were the findings that the judge made open to her?" In my judgment they were. Reading the decision as a whole objectively does one understand why the Appellant in this case was unsuccessful? The answer to that is "Yes". In those circumstances, I do not find any material error of law and the appeal is dismissed. The Decision of the First-tier Tribunal shall stand.

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

10 June 2024