



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/00402/2016

**THE IMMIGRATION ACTS**

Heard at Glasgow  
On 28 June 2018

Decision & Reasons  
Promulgated  
On 3 July 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

TAHIR [Z]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr D McGlashan, of McGlashan MacKay, Solicitors  
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The respondent refused the appellant's protection claim by a decision dated 23 February 2016.
2. FtT Judge David C Clapham SSC dismissed the appellant's appeal by a decision promulgated on 22 November 2016.

3. The appellant's grounds of appeal to the UT are stated in the application for permission to appeal dated 20 December 2017. Time to appeal was extended and permission was granted.
4. Ground 1 is that the judge gave no reasons for not accepting that the appellant was accused of blasphemy or wanted for burning the Koran.
5. Mr McGlashan said there had been abundant evidence of the high incidence of such charges in Pakistan, of how they are acted upon by the police and the courts, and the absence of protection of Christians.
6. Mr Govan submitted that the allegation of no reasoning read the decision "back to front". The judge gave several good reasons from paragraph 66 to 77 for reaching the conclusion he did.
7. Ground 1 is not made out. It appears to look for some unassailable reason why an allegation of a blasphemy charge, in isolation, might not be true. It is obvious that such charges are brought in Pakistan. Whether that was reasonably likely to be true in this case was answerable only by considering the evidence as a whole, which is what the judge did.
8. Ground 2 is that the judge did not take into account evidence he should have taken into account, and made no reference at all to documents relating to the charge of blasphemy.
9. Mr McGlashan said that there had been many relevant documents copied in the appellant's bundle, and that he had tendered originals to the tribunal at the hearing, as required, but the judge failed to engage with that evidence.
10. Mr Govan said that the refusal letter had approached the documentation in the round, in accordance with *Tanveer Ahmed*, and given reasons for finding it unreliable, including an attempt at verification by the British High Commission and certain inconsistencies, an analysis noted by the judge at paragraph 77. He accepted that the judge did not specify whether he agreed with the respondent's analysis. He said that many of the documents went to the appellant's educational history in the UK, which was irrelevant, and that the judge did make adverse findings on documents from the appellant's church in Pakistan: paragraphs 74 - 75.
11. When replying to those submissions Mr McGlashan said that the respondent produced no report about the questioned documents, only comment in the refusal letter, whereas the appellant had evidence from various sources about the charges. He also said that the educational history was relevant, to show how long the appellant had spent legitimately in the UK, and that it was in his favour that he made it when he was only 6 months short of being entitled to leave to remain on the basis of 10 years lawful residence.
12. It would have been preferable if the judge had said what he made of the respondent's criticism of the documents, based upon enquiries. However, the

appellant has not shown that further consideration was likely to help him. Nor has he shown that absence of a report, separate from the refusal letter, was a point in his favour. The argument that the late timing of his claim was for rather than against him appears to be an afterthought. His educational history was not in dispute, so the judge did not have to say what he made of that series of documentation. The judge made it plain that he did not accept the evidence of blasphemy proceedings. This ground is only another selective disagreement with the overall factual conclusion reached.

13. Ground 3 is that the judge's adverse conclusion based on delay was unreasonable.
14. This ground is obviously no more than disagreement. The judge was not bound to accept the appellant's explanation, and was entitled to take the lengthy delay as adverse. His finding is not based on delay alone, but on the unsatisfactory and self-contradictory explanations offered for it.
15. Ground 4 asserts that the assessment of documents at paragraphs 73 – 75 is irrational, but falls well short of that high target. It only re-asserts the argument for the appellant, without showing that the judge was not entitled to decide otherwise, or any deficiency in his reasons.
16. Ground 5, error in failing to take account of the best interests of the appellant's children, was not mentioned in submissions. No such case appears to have been advanced to the FtT.
17. The grounds as a whole do not amount to more than insistence and disagreement on the facts. They disclose no error on any point of law whereby the decision should be set aside.
18. The decision of the First-tier Tribunal shall stand.
19. No anonymity direction has been requested or made.



29 June 2018  
Upper Tribunal Judge Macleman