



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

Appeal Number: PA/11076/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 5 August 2019**

**Decision & Reasons Promulgated
On 20 August 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE SUTHERLAND WILLIAMS

Between

**MMK
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms K Pall, Home Office Presenting Officer

For the Respondent: The appellant in person

DECISION AND REASONS

1. This is an appeal against the decision of First-tier Tribunal Judge Chana ('the judge'), dismissing the appellant's appeal against the respondent's decision to refuse his asylum, humanitarian protection and human rights applications.
2. The appellant is a citizen of Pakistan. On 29 October 2017, he appealed against the decision of the respondent to refuse him asylum on the grounds that the authorities in Pakistan had made a baseless, but serious, accusation of murder against him. The appellant maintained that his life had been threatened and that his family had

cut ties with him for their own safety. The appellant further submitted that the respondent had misunderstood his case and had not correctly considered it.

3. The judge refused the appeal on all grounds following a hearing on 29 November 2017. The judge's decision and reasons were promulgated on 10 January 2018.
4. In granting permission to appeal from that decision, Upper Tribunal Judge Rintoul extended time for submitting the appeal and indicated that it was arguable that there was an appearance of bias on the part of the First-tier Tribunal, giving rise to a procedural error capable of amounting to an error of law.
5. It is against this background that the appeal is listed before me.
6. The appellant represented himself. He was courteous and helpful throughout. He confirmed that he spoke good English and was content to proceed without a solicitor/representation. Having reviewed the papers in advance, I was content to proceed on that basis. The appellant appeared to have a good grasp of the factual elements of his case and had good recall for the history of the proceedings, having reduced much of his appeal into writing himself.
7. The central matter that I need to address is the allegation of bias. It is on that basis that permission to appeal was granted. The suggestion made by the appellant is that *'the judge was not in a good mood'* at the time of the hearing:

'She was not listening to me very well; I told her something and she put something else in her decision. Sorry to say but she was ignoring me and at my hearing I felt like she wanted to kick [me] out from this country. She said to me 8 or 9 times you can go back to your country, nothing gonna happen to you'.
8. An allegation of bias is a serious matter. It suggests that the judge, who is independent, had an inclination or prejudice for or against one party in the proceedings, in a way that would be considered unfair.
9. While I have considered with care the appellant's submissions in this regard, I am simply not persuaded that the high threshold that would be required for such an assertion to be made out is met in this matter. Having heard from the appellant, it is plain to me that his disagreement in part lies with the way in which the Home Office have handled his case and in part with the judge's decision, with which he obviously disagrees.
10. In my view, the appellant's real complaint comes down to a disagreement with the judge's findings. Indeed, during the course of

the hearing the appellant focussed largely on his side of the story, rather than any allegation of bias against the judge.

11. The appellant's case was that he was wanted in Pakistan for the killing of a woman he had once been promised in marriage to. He had not wanted to go through with the marriage. He maintained that the woman in question had committed suicide at a time he was in the UK, but her father, who had been a major in the army, had reported it to the authorities as a murder by the appellant. He stated he was now wanted by the police and could not safely return to Pakistan as a result.
12. His complaint was that a Home Office verification report, which suggested that the arrest warrant he had produced was false, had only been provided to him 'very late in the day'. He therefore had had no time before the first hearing to address the report or prove the warrant was real. The appellant maintained that a telephone number provided with the verification report was incorrect, it was not for the police station in question, but a mobile; and that those providing the report were not even based in the area where the warrant had been issued.
13. The problem with his account, in my view, was that his argument was also that he would not have been able to address the allegation of falsification in any event: *'the crime happened in Lahore - how can I get evidence? I don't have contact there'*. Even if the appellant had applied for an adjournment on the day of the first hearing, it would not have assisted, as he appeared to be maintaining he could not improve on the evidence. Indeed, although he has now had many months to get further information, he has not done so: *'I have done nothing in terms of contacting them (the police). I was scared'*.
14. As a result, in the 18 months that have passed since the first hearing, the appellant had made no contact with the police in the UK or in Pakistan, notwithstanding him maintaining that he is wanted for a very serious charge of murder about which he protests his innocence.
15. Further, the appellant has, on his account, had no contact with his family or with the family of the lady who died. He has not sought to explain that he was in the UK at the time to them. He was unaware if there was an international arrest warrant for him. He was unaware what status the investigation was at. He produced some newspaper reports to show that the lady's father had taken out a personal advert to say the appellant was wanted, but that had been some time ago.
16. A friend who had been his source of information was now in Dubai. When asked about any other friends in Pakistan who could have helped ascertain the position, he had either not contacted them or was not in contact with them.

17. Essentially, he repeated the same account he had given to the judge. The judge deals with all of this in her determination. Notwithstanding the appellant's assertion that the judge was not listening, it is plain to me that she had in mind the appellant's account in reaching her determination. She considered the merits of his case, the documents provided and the evidence in the round. I can find nothing perverse about her findings. The judge found the account did not hold together. That was a decision she was entitled to reach for the reasons she gives.
18. It is not evidence of bias for an appellant to merely assert that the judge was in a bad mood. It is difficult to objectively measure the mood of another person, and statements can often be misinterpreted. Nor is it evidence of bias or an error of law for a judge to fail to deal with every single factual issue. Disagreement with the judge's factual conclusions, her appraisal of the evidence or assessment of credibility, does not give rise to bias unless a bias can clearly be shown. A conclusion is not biased just because some alternative explanation has been rejected or can be said to be possible.
19. The assertion of bias is in my view thin and to a degree self-serving. The appellant is an intelligent man who studied accounting in the UK. He asserts he is wanted for murder. It appears to me that in the modern age of the internet and email communication he could have done more to ascertain what the position was in Pakistan. He has chosen not to. He has made no attempt to contact, for example, the magistrates' court that issued the disputed warrant. He has made no attempt to contact a lawyer in Pakistan (if scared of the police) or the bar association that issued the report on the allegedly false documents. As a result, his claims still remain largely unsubstantiated.
20. In the circumstances I cannot find any evidence of bias and nothing to suggest that, in any event, there was a material error of law or that the outcome would be in any way different if this matter was to be remitted to the First-tier Tribunal to be reheard.
21. The allegation of bias is not made out and I find accordingly.
22. The appellant was not granted permission on any other point, but I observe the following: it appears to me that the judge's determination was not proof-read when it was issued by HM Courts and Tribunals Service. The appellant spotted 30-40 mistakes and there is no doubt that the decision is littered with typographical and grammatical errors. While unfortunate (to say the least) that does not amount to an error of law, and certainly not a material error of law. Further, and almost certainly because a draft decision appears to have been issued, the judge appears to have confused the burden and standard of proof in paragraphs 10 to 13. While this may have amounted to an

error of law, it is not a material error of law as the judge has correctly weighed the evidence within her determination for the reasons she gives.

Notice of Decision

The appellant's appeal is refused.

The decision of the First-tier Tribunal sitting in Hatton Cross on 29 November 2017 under reference PA/11076/2017 is confirmed.

Anonymity direction made. The appellant is unrepresented.

Signed 

Date 18 August 2019

Deputy Upper Tribunal Judge Sutherland Williams