



**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: PA/12219/2018

**THE IMMIGRATION ACT**

**Heard at Civil Justice Centre  
Manchester  
On 13<sup>th</sup> May 2019**

**Decision & Reasons  
Promulgated  
On 31<sup>st</sup> May 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCCLURE**

**Between**

**Mr Shahid Mehmood**

**(NO ANONYMITY DIRECTION MADE)**

Appellant

**And**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Karnik instructed by Sabz Solicitors LLP

For the Respondent: Mr Bates, Senior Home Officer Presenting Officer

**DECISION AND REASONS**

1. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge A J Parker promulgated on the 18<sup>th</sup> December 2018 whereby the judge dismissed the appellant's appeal against the decision of the respondent to refuse the appellant's claims based on asylum, humanitarian protection and relief otherwise under Articles 2 and 3 and Article 8 of the ECHR.

2. I have considered whether or not it is appropriate to make an anonymity direction. Having considered all the circumstances I do not consider it necessary to do so.
3. Leave to appeal to the Upper Tribunal was granted by Deputy Upper Tribunal Judge Doyle on 27<sup>th</sup> February 2019. Thus, the case appeared before me to determine whether or not there was a material error of law in the decision.

#### Factual Background

4. The appellant was born in Pakistan on 1 January 1973. In 2006 he bought a business with a friend, Mr Baber who was allegedly a clerk in the Lahore Development Authority, and as part of that business purchased a plot of land from the friend for Rs.250,000. However it transpired that the land was not owned by his friend and the paperwork for the land was fake.
5. The appellant sought to recover his money from his friend. The appellant seems to have taken legal proceedings [see paragraph 23, 3<sup>rd</sup> indent paragraph] and to have been unsuccessful. Despite that Mr Baber promised to pay him some money.
6. However his friend then informed on the appellant to the ISA (ISI), an arm of the security services in Pakistan. The ISA seized the appellant, detained him for 2 weeks and beat him up, including a claim by the appellant that he was raped.
7. 2 or 3 weeks after his release from detention the appellant went to hospital. There is a hospital note, dated admission 27<sup>th</sup> April 2007, which indicates that the appellant had been involved in a road traffic accident. The appellant claims that he had to make that assertion as it was the only way in which he could get medical treatment for his injuries.
8. The appellant claims that he sought to complain to the police but they said that they could not take any action against the agency. The appellant claims that Mr Baber is part of a Mafia and is a DOM (Don) a leader of the group. Mr Baber is always surrounded by bodyguards with guns.
9. The appellant then claims that he left Pakistan on the 6<sup>th</sup> or 7<sup>th</sup> August 2008. After the detention and mistreatment, the appellant remained in Pakistan for over 1 year and 5 months and does not describe anything else happening in that time.
10. The appellant claimed to have arrived in the UK on the 1<sup>st</sup> January 2009 by plane. The appellant only claimed asylum on the 18<sup>th</sup> April 2018. By notice dated the 5<sup>th</sup> October 2018 the appellant's claim to asylum was refused.


11. The appellant appealed and the appeal was listed to be heard on the 19<sup>th</sup> November 2018. The notice of hearing was sent out on the 22<sup>nd</sup> October 2018.
12. A Pre-hearing review was conducted on the papers and at that stage the appellant's representatives were claiming that they were waiting for medical reports. No application for an adjournment was made. At the hearing a note from the appellant's GP stated that certain scars on the appellant were cigarette burns but such reports did not comply with the Istanbul Protocol.
13. At the hearing Mr Karnik applied for an adjournment on the basis that they wished to instruct a medical expert to consider the burn scars on the appellant. The judge considered the application and refused it.
14. The grounds of appeal seek to suggest that the judge in accordance with the case of **Naigwe** 2014 UKUT 00418 should have granted an adjournment and the failure to grant an adjournment is an error of law in that the judge could not deal with the appeal fairly and justly with the case without the medical report. It is claimed that the judge's approach to the availability of the medical evidence has infected the judge's findings on credibility generally.
15. Firstly, I would note that as a part of the decision the judge had noted that the appellant had not raised any risk in any other part of Pakistan and that the appellant had at the time of his leaving Pakistan an internal relocation option. It had not been shown that it would have been unduly harsh for the appellant to have internally relocated. Further the judge was satisfied that the appellant could still internally relocate within Pakistan without it being unduly harsh to expect him to do so. [see paragraphs 40 & 41] . Thus, whether the appellant had been subjected to mistreatment the judge found that the appellant was not at risk in other parts of Pakistan.
16. The appellant had remained in Pakistan for 1 year and 5 months and had not had any further problems. Whilst he claimed to have tried to lodge a complaint against the ISA or ISI, he states that he was told he could not lodge a complaint against them. However, nothing had happened to the appellant for a significant period of time.
17. The finding on internal relocation alone would be sufficient to dispose of the appeal on the basis of protection.
18. Further I would not that the issues raised do not raise any convention reason as required in asylum.
19. With regard to the application for an adjournment, the appellant had been in the UK for over 11 years before making his claim to asylum/international protection. The appellant had had every opportunity to seek legal advice and obtain medical evidence to

confirm that his scars were cigarette burns prior to claiming asylum but no medical evidence had been adduced save a report from the GP produced shortly before the hearing. The appellant had made a conscious decision to claim asylum but allegedly was still reluctant to give a full and frank account. The appellant had only raised the scarring at the last minute.

20. An adjournment was being sought for an assessment to be made of scars that were according to the appellant over 12 years old. Given that the representatives had been aware of the issue of the scars and injuries at least at the time of the PHR and given that there was no timetable for such a report the judge was entitled to consider that the appellant had had ample time to put his claim in order. The judge was entitled to proceed with the appeal and determine the appeal on the evidence before him.
21. The judge had noted significant credibility issues with the appellant's account. The judge noted that appellant had taken legal action not against Mr Baber but against the plot. The appellant was a business man and if an individual had defrauded him he would know that the action was against the fraudster not against anyone else. [see question 102 in the interview]. The judge also noted that the appellant would have noted buildings on the plot of land and as a business man would have made enquiry about the property. The refusal letter had noted the inconsistencies in the dates in the appellant's account.
22. The judge took specific note of the medical admission note from Pakistan which stated that the appellant had been in a car accident. The appellant had claimed that it was only by making that claim that he could get treatment. Again, the judge doubted the credibility of the appellant's account.
23. It is also to be noted that the appellant had made an application to come to the UK in 2008 on a visit visa and that application was refused.
24. The judge has carefully considered the appellant's account and given valid reasons for finding that the appellant would in any event have been able to internally relocate. The judge has gone on to consider the appellant's claim in detail and given valid reasons for finding that the appellant had not told the truth. The judge has taken account of the GP's assessment of the scars but otherwise has given valid reasons for rejecting the appellant's account.
25. For the reasons set out there is no material error of law in the decision. The judge has fully justified the conclusions reached and was entitled given the length of time that the appellant had been in the UK to proceed with the hearing and make the findings that he has.

**Notice of Decision**

26. I dismiss the appeal on all grounds.

Signed 

Deputy Upper Tribunal Judge McClure  
May 2019

Date 28<sup>th</sup>