Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/03945/2018

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
On 1 October 2018	**On 25 October 2018**

Before

DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL

Between

[A A]
~~(ANONYMITY DIRECTION NOT MADE)~~

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Ahmed, Counsel instructed by Deo Volente Solicitors LLP
For the Respondent: Mr R Bramble, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Pakistan and a Shia Muslim. On 21 March 2016 the respondent refused his application for international protection

based on his claim to be at real risk of harm from his own family who opposed his marriage to a Sunni Muslim of Philippines nationality and also from her family who opposed her marriage to a Shia Muslim. In a decision sent on 22 June 2018, Judge Thomas of the First-tier Tribunal (FtT) dismissed his appeal. Whilst accepting that the appellant's father had beaten him in Saudi Arabia and that in consequence the appellant would be at risk in his home area, the judge did not accept that in Pakistan the father had any influence or links beyond his home area and hence concluded in paragraphs 28 and 29 that the appellant and his family could safely relocate within Pakistan. With reference to the same paragraphs, the judge concluded that the appellant would not face very significant obstacles to integration in Pakistan. At paragraphs 28-29 the judge stated:

> "28. Given there is general sufficiency of protection generally in Pakistan, it is necessary to consider if internal relocation is an option for this Appellant. I accept that the Appellant left Pakistan as a child and would not be familiar with the country. He does however speak Urdu and English, both official languages of Pakistan. He is well educated with work experience. He has no health issues. He is a Shia Muslim, who could easily engage in society and religious practice. He will be familiar with Pakistan culture having been raised in a Pakistan family. He has the necessary cultural, linguistic, practical and social skills to establish a life anywhere in Pakistan. The Appellant's children would be entitled to Pakistan citizenship through birth or descent. The Appellant's wife is a Philippine national who has no immigration status in the United Kingdom. Pakistan law provides for citizenship through marriage between a Pakistan and foreign national. The Appellant's marriage would be recognised in Pakistan and there is no evidence to show that his wife could not gain entry to Pakistan to live with the Appellant and their children. His wife is a nurse and speaks English, which is a language used in Pakistan. She is a Sunni Muslim, so would be familiar with those aspects of the religious culture in Pakistan. She was able to relocate from the Philippines to Saudi Arabia and to the UK, so has the social skills and ability to adapt. It would be open to her to accompany the Appellant voluntarily to Pakistan to live with him and their children there. There are established medical and educational services throughout Pakistan. The Appellant and his wife could secure employment in Pakistan to sustain their family unit. In addition to my findings in paragraph 28 above, the Appellant has not proved that his father has the ability or the incentive to locate him throughout Pakistan. Given these circumstances, it is reasonable and not unduly harsh for this Appellant and his family to relocate elsewhere in Pakistan.
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> 29. On the totality of the evidence, I find that the Appellant has not proved that he has a well-founded fear of persecution or serious

harm in Pakistan, so he is not a refugee and not entitled to humanitarian protection."

2. The appellant's grounds of appeal are two-fold. It is submitted that the judge materially erred in law in:

   (1) failing to conduct a proper assessment of the issue of internal relocation, bearing in mind he had found at paragraph 27 that "local police are less likely to be involved in honour matters which are considered as a family issue"; and that the judge failed to consider that in order to internally relocate the appellant and his family members would need to obtain a Computerised National Identity Card (CNIC) as proof of their identification, essential for them to obtain government service and other facilities; and

   (2) failing to consider that the appellant, having left Pakistan as a child, would have no real ties there and thus that there would be very significant obstacles to his integration there.

3. As a further aspect of (2), the grounds contend that the judge wrongly failed to identify the basis for his finding that Pakistan law provides for citizenship through marriage between a Pakistan national and a foreign national and wrongly concluded that the couple and their children could reasonably resume their family life in Pakistan.

4. I reject Ground (1). It is clear from paragraph 27 that the judge was first of all satisfied that the appellant and his family could safely relocate within Pakistan, even assuming his father was as claimed now a Shia leader in the appellant's home area. The grounds fail to impugn that finding. To the extent that they seek to rely on the judge's acceptance that "local police are less likely to be involved in honour matters …", that comment was clearly made in the context of there being a general sufficiency of protection in Pakistan. The appellant seeks to support Ground 1 by reference to Section 3 of the Country Policy and Information Note of June 2017, but the latter makes clear that the risks arising from honour crimes are limited to certain areas of Pakistan only. The appellant produced no evidence to show, for example, that there would be a real risk from family-based honour crimes, against which the police would not protect, in Pakistan's major cities. To the extent that the grounds contend (by reference to the same document) that the judge failed to carry out an individualised assessment, that is clearly incorrect as regards risk of persecution outside the appellant's home area (paragraph 27 rejected the appellant's claim that his father's family could pursue him outside of his home area); and it is also incorrect as regards the issue of reasonableness of return, which was dealt with, with particular attention to the appellant's individual circumstances, at paragraph 28.

5. As regards the point raised in the grounds concerning the CNIC, this was not a point raised by the appellant in his grounds of appeal to the FtT nor

was it raised by his representatives at the hearing. In any event, in the CPIN in Pakistan Background Information, including effectiveness of protection and internal relocation, June 2017, what is said at paragraph 14.2.3 is that "[a]t least 87 million people in Pakistan have CNICs ..." and that they are "the most common and widely used form of identification"; it does not state that they are essential in order to access services. Further I take judicial notice of the fact that the current population of Pakistan is most commonly estimated as around 201 million, which means they are used by significantly less than half of the population. This aspect to Ground (1) wholly fails to establish that lack of a CNIC would significantly affect the appellant and his family's ability to relocate within Pakistan.

6. Turning to Ground (2), whilst still on the subject of background information set out in CPIN, the appellant is simply wrong. to assert that the judge's finding that the appellant's wife would be able to gain lawful admission in Pakistan was unsupported by any evidence, since the judge's statement at paragraph 28 is almost word for word what is stated at 14.1.2 of the same background country document. The appellant produced no evidence to the contrary. The failure of this aspect of Ground (2) also fatally undermines the appellant's argument that the family would be split to the detriment of the best interests of the children. On the evidence before the judge it would not be split.

7. I see no force in the appellant's contention that the judge failed to take into account or to take sufficient account of the fact that the appellant had lived almost all his life outside Pakistan (in the Philippines and in Saudi). The judge was clearly cognisant of this history, as the second and third lines of paragraph 28 make clear. It was entirely open to the judge to find later on in the same paragraph that the appellant would nevertheless be "familiar with Pakistan culture" and that he spoke Urdu.

8. For the above reasons I find that the grounds fail to identify a material error of law and that accordingly the decision of the FtT judge to dismiss the appellant's appeal must stand.

9. No anonymity direction is made.

Signed Date: 20 October 2018

Dr H H Storey
Judge of the Upper Tribunal