



IAC-AH-PC-V2

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

Appeal Number: AA/11196/2014

THE IMMIGRATION ACTS

Heard at Columbus House, Newport
On 28 October 2015

Decision & Reasons Promulgated
On 3 November 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

**M S
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Webb, NLS Solicitors

For the Respondent: Mr Irwin Richards, Home Office Presenting Officer

**DECISION AND REASONS
EX TEMPORE JUDGMENT**

1. It has previously been found appropriate, given this appeal involves asylum issues, that the Appellant be granted anonymity unless and until the Tribunal directs otherwise. As such, no report of these proceedings shall directly, or indirectly, identify the Appellant or any members her family. Failure to comply with this direction could lead to a contempt of court.

2. The Appellant appeals with permission a decision of the First-tier Tribunal, Judge Fowell, promulgated on 13th April 2015. The judge dismissed the Appellant's appeal against the Respondent's refusal of her claim for international protection finding:
 - (i) not at any risk in her home area from her own family
 - (ii) she was at risk from the family of her spurned fiancé in her home area but that the risk from the fiancé's family did not extend to the country as a whole so that internal relocation was available to the Appellant
 - (iii) that it was not unduly harsh for her to so relocate to where she would not be at risk in the context of her own personal circumstances including:
 - (a) her education and work opportunities
 - (b) the support of her family and others, both here and in Pakistan.
3. The Grounds of Appeal before me take issue with the decision on the basis that the judge failed to reason adequately the finding that her own family would not subject her to persecutory or ill-treatment deserving of protection. I find no merit in that ground because as the judge identifies the Appellant's own characterisation of her claim, right from the start in the screening interview, is that her fear is of her fiancé's family. In that context I reject Mr Webb's submission that the omission of the fear of her own family in Pakistan does not undermine her subsequent claim to her fear of her family. However the judge did not predicate his conclusion simply on the basis of the response in the screening interview. The judge found very significant that the Appellant's own evidence as to the position of her family in Pakistan was indicative of an open channel of communication with them at paragraph 55 of the judge's decision. Further at 58 the judge explains that the Appellant has produced documentation which could only have been obtained from her family in Pakistan, namely personal medical records in respect of her father. The judge finds the Appellant and Mr C expedient in denying the provenance of the same. The judge finds that as this open channel of communication with her own family in Pakistan having provided her with actual support indicates that on return some level of support would be available for her. In addition at paragraph 60 the judge notes that the Appellant has family members in Manchester who have helped her following her detention, and makes specific reference to her reliance on her cousin Mr A. In addition Mr C who has supported her here is known to her family in Pakistan. In the context of those interrelations there have been no threats or difficulties occasioned by her family in Pakistan towards the Appellant, Mr A or Mr C, during the Appellant's stay in the United Kingdom.
4. The grounds additionally assert that even accepting that the Appellant's family are providing support to her whilst she is in the United Kingdom the fact of her return to Pakistan would give rise to a different set of circumstances where that support would not be available because, it is said, it is one thing to support the Appellant in the United Kingdom and quite another to support her on return to Pakistan. That was not an argument which was significantly advanced by Mr Webb before me today but in any event it is an argument which I find most unattractive, based as it is upon assumption and speculation as opposed to the findings of the judge, properly

rooted in the evidence that the family has provided her with support in the United Kingdom. That of course takes into account the provision of documentary evidence, assistance of the family friend Mr C, as well as the help of the family here with the Appellant's bogus EEA application. I also reiterate that the judge found that the evidence he was provided by the Appellant and also Mr C was expediently designed to provide a picture of difficulty in Pakistan which he found not established, even to the lower standard of proof.

5. A further ground of challenge is to the decision in respect of relocation in terms of avoiding the risk from the fiancé's family in Pakistan. The challenge is that it runs counter to the evidence.
6. The judge found that the Appellant would be safe elsewhere because there was no evidence that the fiancé's family would know of her return or location. The judge found that the Appellant does not have any profile, so that there was no risk her return coming to their knowledge, and even if her parents felt she would not be safe with them they would help her, and she had other family living elsewhere, all of which would help her in her relocation. There is no evidence of the fiancé's family having the sort of power or reach that would lead to them being able to find out about her return or whereabouts. The practical evidence in additional help in terms of relocation was of availability of assistance by NGOs, in Pakistan and here, both by way of services provided through financial packages and of practical support in Pakistan. The judge brought forward the findings in respect of the Appellant having friends and relatives in the United Kingdom who had supported her, and found that there was no basis upon which to assume that that support would not similarly be available, to some extent at least, in Pakistan. Further the judge found that the involvement of the family in Pakistan in terms of the Appellant's position here was further evidence that they would be unlikely to leave her entirely to her own devices. In that context the difficulties of the reliability of the Appellant's contrary evidence remained apparent. The judge took account of the Appellant's education and her work experience in the United Kingdom, and found that this was not a case of an Appellant who would not be able to make her way in Pakistan.
7. Looking at the decision in the round I find that the judge made sustainable findings rooted in the evidence, and has adequately reasoned all the issues that had to be determined in the context of the framing of the case as it was on the day. I find that the decision of the First-tier Tribunal reveals no material error requiring it to be set aside, and accordingly the decision dismissing the Appeal stands.

Signed

Date

Deputy Upper Tribunal Judge Davidge