



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/11770/2015

**THE IMMIGRATION ACTS**

Heard at Field House  
On 27 July 2018

Decision & Reasons Promulgated  
On 29 August 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

Z A H  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Eaton, instructed by Thompson & Co solicitors

For the Respondent: Mr Tarlow, Home Office Presenting Officer

**DECISION AND REASONS**

1. This appeal arises from the decision of the respondent on 14 August 2015 to refuse the appellant's protection and human rights claim. The appellant's subsequent appeals to the First-tier Tribunal (decision of First-tier Tribunal Judge Callow promulgated on 9 February 2016) and Upper Tribunal (decision of Deputy Upper Tribunal Chana promulgated on 28 February 2016) were dismissed.
2. The appellant appealed to the Court of Appeal following a grant of permission to appeal by Lord Justice David Richards on 24 November 2017. The parties agreed

that the appeal should be remitted to the Upper Tribunal for a rehearing in respect of the issue of internal relocation within Pakistan. This is recorded in a consent order dated 5 March 2018.

3. The representatives appearing before me were Mr Eaton on behalf of the appellant and Mr Tarlow on behalf of the respondent. The representatives were in agreement that the only issue to be resolved was whether the appellant can safely relocate to another part of Pakistan and that if she could not she would be entitled to a grant of asylum.
4. The factual background is not in dispute and Mr Tarlow confirmed that the respondent did not take issue with any aspect of the appellant's account, including that set out in her supplementary witness statement dated 20 July 2018.
5. The accepted factual matrix is that the appellant is a Sunni Muslim from Pakistan, born in 1987, who entered the UK in May 2010 on a student visa. She travelled to Pakistan in May 2011 in order to enter into an arranged engagement with her cousin. She returned to the UK and her cousin/fiancée applied for leave to join her but his application was refused. The appellant then commenced a relationship with a Shia Muslim who she met in the UK and they married in February 2013.
6. The appellant has received threats from her uncle and cousin, including a threat to kill her and her husband if they return to Pakistan. The appellant's brother-in-law's home has been attacked. The appellant's uncle is involved with or a member of Sipah-e-Sahaba Pakistan (SSP) and the appellant believes that the SSP were behind the attack on her brother-in-law's home. She has received threatening phone calls. She believes that these are from her cousin as well as members of the SSP. In the appellant's supplemental witness statement dated 20 July 2018 she states that she receives threatening phone calls approximately two to three times a month from her cousin and other unknown persons.
7. It was accepted by the First-tier Tribunal that the appellant would be at risk in her home area of Chakwal because of the ongoing threat from her uncle and the lack of sufficient state protection. However, the Tribunal found that she could safely relocate to another part of Pakistan as there would only be a remote possibility of her being traced.
8. The appellant argues that she would be at risk anywhere in Pakistan from both her uncle/cousin and the SSP. To support this argument she relies on an expert report of Mrs Uzma Moeen who is an expert on Pakistani law and the situation in Pakistan. The appellant submitted a report by Mrs Moeen dated 16 April 2018, as well as an addendum report dated 20 July 2018.
9. In the report Mrs Moeen highlights that generally women in Pakistan are seen as "the repository of family honour" and that "any perceived slight to that honour whether true or not must be punished in the most brutal way". She gives a number of examples of the lengths to which families will go in order to locate female family members who are considered to have caused the family dishonour. She also

comments in the report on the extent to which a love marriage to a Shia will be considered an insult to the honour of a Sunni family, in particular a family that is associated with anti-Shia extremists such as the SSP. Her report discusses that the SSP operate freely within Pakistan and have considerable reach and influence.

10. The report also considers the extent to which family members or organisations such as the SSP are able to locate individuals throughout Pakistan. She describes at paragraphs 109 and 110 of her report a compulsory registration system known as the National Database and Registration Authority (NADRA). She states that it is mandatory for every citizen over 18 years of age to register with the NADRA and acquire a computerised national identity card (CNIC) and that a CNIC is needed to seek employment, obtain accommodation, open a bank account or obtain a passport. She describes in her report that it is relatively easy for citizens of Pakistan to verify registration on the NADRA and that there is a system by which the public can obtain CNIC information through their mobile phones.
11. At paragraph 111 of the report she states that:
 

“[I]t is highly likely that [the appellant’s] estranged cousin and/or her uncle and their associates (irrespective of their social, political or militant background) who would hold her personal details could easily get information about her whereabouts by winning favour with the police by a simple bribe which is a common practice in Pakistan”.
12. At paragraph 124 she states that in her view the appellant’s
 

“[E]stranged ex-fiancé and/or his associates or her estranged male relatives would highly likely be motivated to track her down in Pakistan. They also have the option of flagging up her details with the NADRA database and it would then be very easy for them to track her down should she return to Pakistan. I confirm that if someone’s details are flagged up by their relatives on any pretext e.g. being a missing person or by the authorities then NADRA informs those who flag up their details and filed their concerns with the NADRA of the data held such as the person’s residential address. Changes in addresses are even shared with banks. In my opinion it is highly likely that [the appellant’s] estranged ex-fiancé, her uncle or their associates or her estranged male relatives would track her and her husband down through the CINC’s data issued by the NADRA through their own resources in Pakistan”.
13. In the supplemental report Mrs Moeen gives further detail on the SSP and describes them as having considerable reach and support within Pakistan with a substantial number of registered workers and a large following. She also referred to Home Office Country Information Guidance which discusses Shia deaths in Pakistan which are linked to prominent anti-Shia groups, such as the SSP.
14. The argument of Mr Eaton, in summary, is that the appellant’s family in Pakistan are highly motivated to kill or injure her because of the dishonour she has caused by failing to marry her cousin and instead marrying a Shia and that they have the means to locate her anywhere in Pakistan because of the registration system and their

involvement with the SSP who would have the means, even if they personally did not, to access the registration system and thereby locate the appellant.

15. Mr Tarlow, in his submissions, highlighted the size of Pakistan which has a population of over 200 million and that approximately a quarter of the population is Shia. He relied on the refusal letter where it is said that internal relocation would be safe because the appellant's cousin and uncle would not know the appellant had returned and would not know her whereabouts within the country. In sum, Mr Tarlow's argument was that the SSP would not have the motivation to locate the appellant and the appellant's uncle/cousin would not have the means to locate her.

### Analysis

16. It is common ground that the only issue to be resolved is whether the appellant can safely relocate to another part of Pakistan.
17. The expert evidence before me in the form of a detailed report by Mrs Moeen is comprehensive and thorough. No arguments were advanced at the hearing which undermined the report or took issue with its analysis.
18. I find that the appellant's uncle and cousin are strongly motivated to locate the appellant. I reach this conclusion because the appellant has been subjected to continuous harassment from them or at their behest for several years and the appellant's brother-in-law has been attacked. Moreover, the expert's report states that it is consistent with cultural norms within Pakistan for a Sunni family to consider themselves dishonoured when a woman in the appellant's circumstances fails to marry a cousin to whom she has been promised and instead marries a Shia.
19. I do not accept, however, that the SSP (independent of the interests of the appellant's uncle and cousin) is motivated to locate the appellant and her husband. The evidence of Mrs Moeen indicates that the SSP would be opposed to the appellant's marriage but not that a person in her circumstances would be of sufficient interest to expend resources locating her.
20. Having found that the appellant's uncle and cousin are motivated to locate the appellant, the remaining issue is whether they would have the means to do so.
21. The evidence of Mrs Moeen, which has not been disputed and I accept (as quoted above at paragraphs 12 and 13 of this decision), is that the appellant and her husband would need to register with a national database upon return to Pakistan in order to function within society and that once registered on this database it would be relatively straightforward for a motivated person to obtain information on their whereabouts, even without connections to an organisation such as the SSP.
22. An argument raised by the respondent is that the appellant's uncle/cousin would not be aware of her return to Pakistan. Given that the appellant's mother shares a family home with the appellant's uncle, I consider there to be a substantial risk that the uncle will find out that the appellant has returned to Pakistan.

23. It therefore follows that, if the appellant is returned to Pakistan, there is a reasonable degree of likelihood that appellant's uncle and cousin will become aware of this and that they will be able to locate her irrespective of the area of the country in which she resides. I find, therefore, that internal relocation is not a viable option for the appellant. Accordingly, her appeal is allowed.

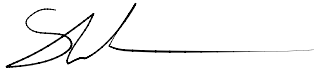
Decision

24. I allow the appellant's appeal against the decision of the Secretary of State to refuse her asylum claim.

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed



Deputy Upper Tribunal Judge Sheridan

Dated: 16 August 2018