



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

Appeal Number: AA/00743/2013

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 1<sup>st</sup> November 2013**

**Date Sent  
On 15<sup>th</sup> January 2014**  
.....

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**FOZIA KHALID**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Miss Anderson , Manuel Bravo Project  
For the Respondent: Mr S Spence, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This is the Appellant's appeal against the decision of Judge Cope made following a hearing at North Shields on 3<sup>rd</sup> July 2013.

## **Background**

2. The Appellant is a citizen of Pakistan born on 23<sup>rd</sup> October 1974. She arrived in the UK on 28<sup>th</sup> May 2011 as a visitor and applied for further leave to remain as an unmarried partner on 31<sup>st</sup> October 2011. The application was refused on 20<sup>th</sup> December 2011 and she eventually claimed asylum on 9<sup>th</sup> May 2012.
3. The basis of the Appellant's claim is that she fears persecution in Pakistan from her estranged husband's family. He is a British citizen and remains in the UK.
4. The Judge accepted that it was reasonably likely that threats would have been made by her husband's family to the Appellant or members of her family because she would be viewed as having dishonoured or shamed them. He found her broadly credible. He accepted that the Appellant had established that she herself had a specific fear of serious harm at the hands of her husband and she herself feared that she would not receive sufficient protection from the Pakistan police authorities were she to be returned.
5. However he did not believe that the family members of her husband would actually carry out the threats, nor that they had links with the police or criminal underworld and therefore she had not shown that she faced a risk of persecutory ill-treatment from them. She had not shown that she would not be able to receive sufficient protection from the police. He did not accept that her husband's family in Pakistan had strong links with the police or other government authorities and in any event was not satisfied that the Appellant's own family would not provide support to her against her husband and his family. She had not been rejected by them and there was demonstrable evidence to show that they have supported her in the dispute. Finally, it would be reasonable for her to relocate.

## **The Grounds of Application**

6. The Appellant sought permission to appeal on the grounds that the Judge had contradicted himself in the determination. In finding that the family would not provide any risk to her, he had not properly considered the background evidence which was entirely consistent with the Appellant's account. He had not borne in mind that the Appellant's own family lived in the same city of Jhelum as that of her husband and had failed to consider the reasonableness of relocation. He had not considered how as a single woman the Appellant could survive in Pakistan, given the background evidence in the Respondent's bundle of documents.
7. Permission to appeal was granted for the reasons stated in the grounds by Judge Wellesley-Cole on 13<sup>th</sup> August 2013.

## **Submissions**

8. Miss Anderson submitted that the Judge had erred in three areas. First, although he had accepted that the Appellant had given credible evidence he had not considered that the background evidence showed that ill-treatment of women in the Appellant's situation was a widespread and serious problem in Pakistan. If threats had been made by her husband's family, it was likely that they would be carried out. The Appellant had sought a non-molestation order which had been granted in the UK and brought shame on the family. Finally, he had not properly analysed how she could reasonably relocate.
9. Mr Spence submitted that there was no error in this determination. The Judge had heard the oral evidence from the Appellant and it was open to him to decide that the family would not follow through on their threats. The Appellant's own family were supportive and if she had any difficulties she could turn to them. He had looked at her personal circumstances and her work history and it was open to him to find that it was not unduly harsh for her to relocate should she choose to do so.

### **Findings and Conclusions**

10. There is no error in this determination which is a lengthy and considered document in which all aspects of the Appellant's case have been properly analysed.
11. The Judge was prepared to accept that the Appellant had a subjective fear of her husband's family and indeed that threats had taken place. However he was plainly entitled to find that:

"I think the very considerable difficulty for the Appellant is that she is not able to show that she is at anything but the barest minimal risk in her home area of Jhelum and that she is not able to show that it is even reasonably likely that she will be subject to physical or other abuse or death at the hands of her husband or his family or their associates."
12. The fact that the background evidence shows that women in Pakistan may be subject to domestic violence does not mean that this Judge was not entitled to find that this particular Appellant would not be at such risk. It is clear that, on his findings, she has significant familial support. There is a letter from her brother in the papers showing that he has been to the police on her behalf.
13. As the Judge stated, the Appellant is well educated, speaking both Urdu and English, a graduate with previous work experience in Pakistan. She has no children and a supportive family. The decision that it would not be unduly harsh for her to relocate is unassailable.

### **Decision**

14. The original Judge did not err in law. His decision stands. The Appellant's appeal is dismissed.

Signed

Date

Upper Tribunal Judge Taylor