



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: PA/01170/2017
PA/01150/2017

THE IMMIGRATION ACTS

Heard at Glasgow
On 17 August 2018

Decision & Reasons Promulgated
On 6 December 2018

Before

MR C M G OCKELTON, VICE PRESIDENT
and
UPPER TRIBUNAL JUDGE CONWAY

Between

TOFIQUE ABBAS ATTRAY
UN NISA MEHR
(No anonymity orders made)

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Martin, Jain, Neil and Ruddy, Solicitors
For the Respondent: Ms O'Brien, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants are citizens of Pakistan both born in 1987. They appeal against decisions of First tier Tribunal Judge Clough who following a hearing at Glasgow on 24 April 2017 dismissed their claims for asylum.
2. The basis of the first appellant's claim is that he is a Shia Muslim. In 2002 and 2003 his family held a religious procession that was disapproved of by the Sunnis in his area. Trouble broke out; an FIR was filed against his father and brother for attempted murder; they were detained for several days and beaten; the family received threatening phone calls. They moved to relatives in Lahore and Karachi and then to Sahiwal but the situation was unchanged. His father decided the appellant should leave Pakistan. He arrived on a visit visa in 2004 and overstayed. He married the second appellant in the UK in 2014. He claimed asylum in 2016.
3. If returned he says he will be at risk from an organisation such as Sipah-e- Sahaba because he is a Shia Muslim.
4. The respondent, in a decision made on 24 January 2017, did not find the claim credible noting various inconsistencies. In any event having been out of Pakistan since 2004 it was not credible he would still be sought by Sunnis from Sipah-e-Sahaba. Further, there would be a sufficiency of protection. Also, he could internally relocate.
5. The basis of the second appellant's claim is that she was forcibly engaged to be married by her family, particularly her brother, in 2011. She was threatened by her fiancé. She left Pakistan because of the threats, arriving in May 2014 as a student. She married the first appellant within a week of her arrival. Her leave was curtailed in June 2014 as she failed to study. She claimed asylum in August 2016. She fears her brother if returned.
6. Her application was refused also on 24 January 2017. No evidence of her being forcibly engaged was produced despite her claiming to have been engaged in 2011. She did not apply to study in the UK for three years despite being under pressure to marry and being threatened. Further, it was unclear why she would marry a man previously unknown to her a week after her arrival. Indeed, there was a lack of detail about the ceremony and a lack of satisfactory documentary evidence that there was a marriage.
7. Even if the account was true there would be a sufficiency of protection and as an educated woman she could relocate and find work to support herself.
8. They appealed.

First tier hearing

9. Following the First tier Tribunal hearing, as indicated, Judge Clough dismissed the appeals. She did so in separate decisions.

10. In respect of the first appellant the judge chose largely not to make findings on the historic claim instead stating simply (at [17]): *"I am satisfied given the background evidence, even assuming the appellant's claim is credible, the appellant is able to obtain state protection in Pakistan and relocate to a part of the country where there is a large Shia community."*
11. The judge's analysis of the second appellant's claim is scarcely less brief. She did not find credible that she, a Wahabi Muslim, would consider a form of marriage to a man without status in the UK who was an adherent of a sect inimical to her brother [23]. She did not place reliance on a document purporting to show that she had married under Islamic rites particularly as it showed them to be living at the same Glasgow address when she *"by all accounts, had not moved from London"* [24].
12. The judge's final paragraph [26] reads:

"However, if I am wrong in this finding, I find the respondent's reasons for finding that internal relocation is available to the appellant and her husband for the reasons set out in the respondent's letter refusing the claims are correct. I endorse them."
13. The appellants sought permission to appeal which was granted on 18 December 2017.

Error of law hearing

14. The crux of Mr Martin's submission was that the decisions were inadequately reasoned, indeed almost no analysis of the historical claims had been made. It was incumbent on the judge to assess all evidence in the round. Failure to do so showed a lack of anxious scrutiny. The first appellant would be at risk as a member of a religious minority group. Such would be exacerbated as theirs is an interfaith marriage, he is Shia Muslim, she a Wahabi Muslim. The judge failed to consider the implications of such in her conclusion that internal relocation was reasonable.
15. Ms O'Brien's position was that the decisions, while brief, were sustainable. Taken at their highest the appellants could not succeed because they could internally relocate for the reasons stated by the judge.
16. We reserved our decision.

Consideration

17. In considering this matter we do not find merit in Mr Martin's submissions. We consider that whilst generally it is good practice to take a systematic approach to the examination of an asylum claim by making findings on the historical account and then going on to look at the consequences in terms of risk on return, sufficiency of protection, and internal relocation, the judge did not err in her approach of stating that even if the accounts were taken at their highest the appeals could not succeed.

18. The first appellant's initial claim is that he would be at risk as a Shia. The *Country Information and Guidance Pakistan: Background information, including actors of persecution, and internal relocation* (which was before the judge) states that 95 percent of the population are Muslim, the majority being Sunni with a Shia minority of about 25 percent (para 2.3.3). The judge's findings that even if he had problems in his local area from Sipah-e-Sahaba they would no longer have an adverse interest in him 13 years later, and even if they did he would not be at risk and could easily take up his life by relocating elsewhere in Pakistan are unassailable.
19. The further strand of his claim and in tandem with the second appellant's is that they are in a mixed marriage. The judge dealt with that briefly in the second appellant's decision, not accepting that there was evidence of the marriage but even if they are married they could relocate.
20. The *Country Information* (at para 2.4.2) states:

"Because of Pakistan's size and diversity, internal relocation offers a degree of anonymity and the opportunity for victims to seek refuge from discrimination or violence. In most cases, there are options available for members of most ethnic and religious minorities to be able to relocate to areas of relative safety elsewhere in Pakistan. In particular, many large urban centres are home to mixed ethnic and religious communities and offer greater opportunities for employment, access to services and a greater degree of state protection than other areas."
21. We find that the judge's conclusion that even if there is a mixed-religion marriage they can relocate is also unassailable.
22. The remaining strand is the second appellant's claim that she would be at risk because she had gone against her family's wishes in marriage. Her brother had raised an FIR against her husband in, she thought, mid 2014 claiming he had kidnapped her. The judge once more did not make findings on these issues but again found that even if true, relocation is available.
23. Mr Martin accepted that as the second appellant would be regarded as married under Pakistani law her spurned fiancé would no longer be interested in her. There was only one person in Pakistan, a country with a population of around 196 million (*Country Information*, para 2.3.2) who would be interested, namely, her brother.
24. Mr Martin had not been able satisfactorily to address us on how her brother would know she and her husband had returned to Pakistan. He accepted that the only evidence before the judge of the existence of an FIR was her assertion. Even if there was an FIR there was no indication it had been registered or lodged, nor did he dispute that an FIR does not have effect everywhere in the country. Indeed, it does not have any effect at all. It is simply a record of complaint.

25. We did not find persuasive his submission that the brother could suborn the authorities into tracing her. Further, no evidence was produced to support his submission that the appellants would have to register with the authorities for accommodation and thereby be potentially traceable.
26. More fundamentally, there was no evidence before the judge about any threats against the second appellant since she left in May 2014, nor of any contact by the brother with the authorities since the claimed raising of the FIR, nor of any action by the authorities to assist the brother in doing harm to the appellants. There was simply no evidence that anything whatsoever had happened which might indicate continued interest in, and risk to, the second appellant on the basis of her spurning of the man chosen for her and marriage to a man of whom the brother disapproved.
27. We conclude that the judge's conclusion that even if the appellants' accounts were wholly true they would not be at risk away from their home area of Lahore and that internal relocation was available to them was one which on the evidence before her she was entitled to reach. He would be able to get work, and as the judge noted the second appellant is an intelligent, educated woman with work experience. She was educated to Masters degree level and had been employed as a school teacher and thus would also be able to get work if necessary.

Notice of Decision

The decisions of the First-tier Tribunal show no material errors of law and these decisions dismissing the appeals shall stand.

No anonymity orders made.

Signed

Date

Upper Tribunal Judge Conway