



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/09899/2014

THE IMMIGRATION ACTS

Heard at Bradford
On 10th February 2016

Decision & Reasons Promulgated
On 22nd February 2016

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

S N
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Lawrence of Counsel, instructed by Sriharans Solicitors
For the Respondent: Mrs R Pettersen, HOPO

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Rimington made following a hearing at Taylor House on 12th February 2015.

Background

2. The appellant is a citizen of Pakistan born on 5th March 1980. Her immigration history is as follows. She came to the UK on 27th June 2006 as a student and her visa

was extended, ultimately until 31st December 2010. Her subsequent application was rejected and she became appeal rights exhausted on 25th June 2012. A further application for leave to remain on Article 8 grounds was refused on 27th July 2012. On 10th July 2014 she claimed asylum which was refused on 31st October 2014 and it is this decision which was the subject of the appeal before the Immigration Judge.

3. The basis of the appellant's claim was twofold. First, that she was a Christian and feared a return to Pakistan on the basis of her religion and second, that, as she had had a child out of wedlock, her brother would kill her and society would reject her. The judge applied the current case law of AK and SK (Christians: risk) Pakistan CG [2014] UKUT 00569 and concluded that she would not be at risk on grounds of her religion. There is no challenge to that aspect of her decision in the grounds.
4. The judge rejected the appellant's evidence in relation to her family, and in particular she was not satisfied that the family had rejected her or that she was at risk of an honour killing on return. She concluded that she would be able to find support from her family and would not be returning to Pakistan as a lone single woman. She considered that the best interests of the child would be to remain with his mother. He is a Pakistani citizen and would be returning to his country of nationality where he would be able to access medical care and educational facilities. On that basis she dismissed the appeal.

The Grounds of Application

5. The appellant sought permission to appeal on the grounds that the judge had failed to make a finding on whether the appellant was at risk of persecution as a single mother in Pakistan. The judge had correctly summarised the grounds of appeal at paragraph 32 of the determination but had failed to deal with one of them.
6. Second, she had not conducted a proper analysis of the best interests of the child, failing to take into account the impact on him of social stigma associated with single mothers in Pakistan.
7. Permission to appeal was granted by Judge Brunnen on 9th April 2015.

Submissions

8. Mr Lawrence relied on his grounds and initially sought to amplify them by challenging the judge's credibility findings.
9. Mrs Pettersen defended the determination which she said was wholly sustainable.

Findings and Conclusions

10. This is a careful well-drafted determination. The judge properly outlined the evidence both that which was in favour of the appellant and that against her and came to clear sustainable conclusions.
11. In relation to ground 1, the judge rejected the appellant's account of being ostracised or worse by her family because she was a single mother. There is no challenge to her

reasoning in the grounds. She was plainly aware that it is the appellant's case that she would be at risk on return as a consequence of having had a child outside marriage. The reference at paragraph 57 to "lone single woman" as opposed to "lone single mother" is wholly immaterial.

12. In any event, this is not a challenge which could ever have succeeded. In SM/ (lone women – ostracism) Pakistan [2016] UKUT 00067 the Upper Tribunal held that, where there is a risk of persecution or serious harm in her home area for a single woman or a female head of household, there may be an internal relocation option to one of Pakistan's larger cities, depending on the family, social and educational situation of the woman in question. SM considered the issue of single mothers as well as single women and held that where ostracisation has occurred, the question of internal relocation and whether it is unduly harsh will be a question of fact in each case.
13. In this case the judge came to the decision, plainly open to her on the evidence, that there was no such risk of harm in her home area. However even if there was, the judge was clearly entitled to find that the appellant is a mature woman of 35 years of age, well educated and with work experience in the UK, and accordingly in a position to live elsewhere in Pakistan.
14. The judge's consideration of the best interests of the child was clear, detailed and legally unassailable.

Decision

15. The original judge did not err in law. The decision stands. The appellant's appeal is dismissed.

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 him or any member of their 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

Date

Upper Tribunal Judge Taylor