



IAC-FH-NL-V1

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

Appeal Number: PA/01947/2017

**THE IMMIGRATION ACTS**

**Heard at Columbus House, Newport**

**Decision & Reasons  
Promulgated**

**On 25 January 2018**

**On 13 February 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN**

**Between**

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

Appellant

**and**

**HH**

**(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Mr. I. Richards, Home Office Presenting Officer

For the Respondent: Mr. A. Joseph, Counsel instructed by NLS Solicitors

**DECISION AND REASONS**

1. Following the decision promulgated on 6 October 2017 in which I set aside the decision of the First-tier Tribunal, the appeal came before me to be remade.
2. I will continue to refer to HH as the Appellant, and to the Secretary of State as the Respondent, reflecting their positions as they were before the First-tier Tribunal.

3. The anonymity direction is continued.

### **The hearing**

4. I heard oral evidence from the Appellant. She was assisted by the interpreter, Ms Farzina Hussain, who confirmed before proceeding that they both fully understood each other. The language spoken was Urdu. Both representatives made oral submissions.
5. I have taken into account the documents in the Respondent's bundle and the Appellant's bundle (115 pages). The Appellant adopted a further witness statement at the hearing dated 23 January 2018.
6. It was agreed at the hearing by Mr. Joseph and Mr. Richards that the issue before me was the Appellant's return to Pakistan as a single woman with four daughters. The Appellant is no longer in a relationship with her husband.

### **Findings and Decision**

7. As stated above, it was accepted by Mr. Richards that the Appellant would be a lone female, and she was not cross-examined on the position in relation to her husband. He accepted that it was more difficult for a single woman with children to relocate in Pakistan but, notwithstanding the difficulties she would face returning to her home area, she would be able to safely relocate elsewhere in Pakistan. He submitted that she had experience of teaching and had been educated to a high level in Pakistan. She would be far better placed than the majority of women in Pakistan to find employment to enable her to find accommodation for herself and her children, and to financially support them. It would not be unduly harsh or unreasonable to expect her to relocate.
8. I have carefully considered the evidence in relation to the Appellant's education, and her teaching experience in Pakistan. I accept the evidence of the Appellant, and find that she did not complete her BA course in Pakistan. I find that she only did the first two years of her course and that she does not have a degree. I find that she did not complete her studies in the United Kingdom either as she became pregnant. I find that the Appellant worked in two schools in Pakistan, but I find that she did not work as a teacher, but as a volunteer. I find that the first school belonged to a paternal cousin. I find that she was not a qualified teacher, and does not have the qualifications which would enable her to find work as a teacher. I find that, while she has some education, she does not have a sufficient level of education or work experience to enable her to find a job which would support her and her four daughters.
9. I find that the Appellant has four daughters who live with her. The eldest is 10 years old, and the youngest are twins aged 5. I find that the twins were born in the United Kingdom. I find that the older daughters have

been in the United Kingdom for almost seven years. I find that the Appellant would be returning to Pakistan with four daughters, two of whom have never been to Pakistan, and two of whom have spent the vast majority of their lives in the United Kingdom.

10. It was accepted by Mr. Richards that the Appellant could not return to her home area. I find that the Appellant would not have any support from any family members in Pakistan. I find that she has been ostracised by her family as she has left her husband. I accept the Appellant's evidence as set out in her witness statement that there is no hope of reconciliation with her family [8].
11. I find that the Appellant does not have any male member of the family who will act as protector for her and her daughters. I find that she has no social network in Pakistan, having left there almost seven years ago, and having been ostracised by her family.
12. I have considered the country guidance case of SM (lone women - ostracism) Pakistan CG [2016] UKUT 00067 (IAC). Paragraphs (2) to (6) of the headnote state:
  - (2) *Where a risk of persecution or serious harm exists 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.*
  - (3) *It will not normally be unduly harsh to expect a single woman or female head of household to relocate internally within Pakistan if she can access support from family members or a male guardian in the place of relocation.*
  - (4) *It will not normally be unduly harsh for educated, better off, or older women to seek internal relocation to a city. It helps if a woman has qualifications enabling her to get well-paid employment and pay for accommodation and childcare if required.*
  - (5) *Where a single woman, with or without children, is ostracised by family members and other sources of possible social support because she is in an irregular situation, internal relocation will be more difficult and whether it is unduly harsh will be a question of fact in each case.*
  - (6) *A single woman or female head of household who has no male protector or social network may be able to use the state domestic violence shelters for a short time, but the focus of such shelters is on reconciling people with their family networks, and places are in short supply and time limited. Privately run shelters may be more flexible, providing longer term support while the woman regularises her social situation, but again, places are limited.*
13. As accepted, the Appellant cannot return to her home area. She does not have any support from family members, and she does not have a male

guardian. She is not well off. She has some education, but it is not sufficient for her to obtain well-paid employment such that she will be able to pay for accommodation and childcare for four daughters.

14. In relation to the use of shelters by the Appellant and her daughters, this is not a long-term option as made clear by (6) above. I have nevertheless considered the Respondent's Country Information and Guidance – Pakistan: Women fearing gender-based harm/ violence (February 2016) (the "CIG") in relation to the use of shelters. At 11.2 the report states:

"The Aurat Foundation in its annual report for 2013 noted that 'There are very few shelter homes against the number of women seeking refuge. Going to a shelter home is still considered taboo and perceived as the last resort of women who have been turned away by respectable society'."

15. The report goes on to detail that the shelters offer only short-term accommodation, and that the government-run shelters were "too few", and "overcrowded with poor facilities and inadequately trained staff" [11.2.5]. It also states that "Some shelters, both state and NGO-run, tried to reconcile women with their families, due to the difficulties of single women living alone in Pakistan society", which would not be appropriate or possible for the Appellant and her family.

16. I find that a shelter is not a viable long term option for the Appellant and her four daughters, and indeed it was not suggested as such by Mr. Richards.

17. In relation to the general position of women, bearing in mind both the Appellant and her four daughters, at 2.3 of the CIG it states:

"Pakistan is ranked as the third most dangerous place in the world for women, and one of the most unequal. Violence against women is widespread, be it domestic violence, sexual abuse and harassment, acid attacks, forced marriages, forced conversion and honour killings."

18. I find that the Appellant and her daughters would be vulnerable to abuse and attack.

19. At 7.5.1 it states:

"According to a representative from the Human Rights Commission of Pakistan (HRCP) it was "next to impossible" for a single woman to live alone in Pakistan due to prejudices against women and economic dependence. According to a Metropolitan State College of Denver Assistant Professor, most women in rural areas lived with their families and it was generally not socially acceptable for women to live alone. In some big cities such as Karachi, Lahore or Islamabad, (but not for example Peshawar or Quetta), if a woman is educated, higher class and working it was reported to be easier to live alone, although

this was still quite a rare occurrence. Sources consulted by the Research Directorate of the Canadian Immigration and Refugee Board (IRB) described difficulties for single women renting property in urban areas, citing security concerns and social constraints. Divorcees faced stigmatization and social rejection.”

20. At 7.5.2 it states:

“A study carried out by the International Labour Organization (ILO) concluded ‘In a patriarchal society like Pakistan, stereotypical societal norms are, in general, not favorable towards women who work and live alone in another city. House owners in general, are hesitant to rent out their property to women tenants who work and live independently and parents/families are reluctant to send their daughters to another city especially when decent and secure residential facilities are hard to find.’ The ILO also noted ‘The Government has set up a few working women's hostels but the demand for these far exceeds their supply. Anecdotal evidence indicates that workingwomen prefer the secure residential facility of the government and avoid approaching the private renters who charge exorbitant rents and are often unwilling to offer their facilities to women especially those who are single.’”

21. I find that the Appellant does not have any funds to buy accommodation, and the evidence from the Respondent indicates that, even if she were able to afford it, it would be difficult for her to rent accommodation as a single female. The Appellant’s evidence in her witness statement is consistent with this [11].
22. I find that the Appellant would not be able to provide for her daughters. I find that they would be destitute, as I find that she would not be able to find employment which would enable her to accommodate and care for her daughters. I find that without a male guardian there is a real risk that the Appellant and her daughters would be vulnerable to attacks and abuse.
23. I have also considered the best interests of the Appellant’s daughters. I find that it is in their best interests to stay with their mother. I find it is not in their best interests to go to Pakistan where their mother would not be able to support them, where they would likely be homeless, and where they would have no male guardian to protect them. I find it is in their best interests to remain in the United Kingdom where they have spent the majority or, in the case of the twins, the whole of their lives thus far. It is not in their best interests to return to a country where they have not spent any amount of time, in circumstances where they would only have the support of their mother who, as a lone female, would struggle to care for them.
24. Taking into account all of the above, and in accordance with of the case of SM, in particular paragraph (5) of the headnote, I find that it would be

unduly harsh to expect the Appellant to relocate. I find that the Appellant has demonstrated that there is a real risk that she will suffer persecution on return to Pakistan, and so her claim succeeds on asylum grounds. As I have allowed her claim on asylum grounds, I do not need to consider her claim to humanitarian protection. Following my finding in relation to her asylum claim, I find that she would also be at risk of treatment contrary to Articles 2 and 3 of the ECHR such as to put the United Kingdom in breach of its obligations. The appeal is therefore also allowed on human rights grounds.

### **Notice of Decision**

25. The appeal is allowed on asylum grounds.

26. The appeal is allowed on human rights grounds, Articles 2 and 3.

### **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

Date 8 February 2018

**Deputy Upper Tribunal Judge Chamberlain**