



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/06758/2017

THE IMMIGRATION ACTS

Heard at Field House
On 20 April 2018

Decision & Reasons Promulgated
On 15 May 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE ESHUN

Between

[A A]
[U A]
[D U]
[A U]

(ANONYMITY DIRECTION MADE)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr S Ahmed, Counsel

For the Respondent: Mr N Bramble, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, [AA] and her husband and two children have been granted permission to appeal against a decision of First-tier Tribunal Judge Miles dismissing her appeal against the decision of the respondent to refuse to grant her asylum in the United Kingdom.

2. The appellant is a citizen of Pakistan born on [] 1983. The other appellants who are her dependants in this appeal are her husband and two minor daughters. They too are citizens of Pakistan. Since the instigation of these proceedings the appellant has given birth to a third child, also a daughter, [JU] born on [] 2017.
3. The appellant entered the United Kingdom in June 2010 with valid entry clearance as a student. She then made an application on 7 September 2011 for further leave to remain on human rights grounds and Article 8 ECHR, but that application was refused on 31 October 2011 with a limited right of appeal. Further applications which included the appellant were made by her husband in February 2013, May 2013, July 2013, 14 February 2014 and December 2015. All those applications were rejected. The appellant officially lodged an application for asylum on 1 June 2016. She was interviewed in relation to her claim on 26 November 2016 following an initial screening interview on 1 June 2016.
4. The basis of her claim related to her fear of family members because she had dishonoured them by not marrying a cousin to whom she was engaged, and by marrying another person in the United Kingdom. The appellant had resided with her family in Pakistan and while living there had become engaged to her cousin [SA]. With his consent she had been granted permission to study in the United Kingdom. Soon after her arrival she met [UA]. While they were sharing rooms in the same accommodation they developed a relationship and were married in the United Kingdom in March 2011 without her family's consent. Soon afterwards she became pregnant with her first child. The appellant's family disapproved of the marriage because of their tribal values which forbade marriage outside the caste. The family members made a series of threats against her and she had been officially denounced in a newspaper. Furthermore, upon learning of her marriage and pregnancy her father had become very ill and suffered a heart attack for which she was being held responsible by the other family members. After her second daughter was born the appellant attempted to contact her family to try and resolve matters but she was ostracised further and was subjected to more threats. If she went back to Pakistan she was in fear that her family, and in particular her brothers would force her into an arranged marriage, and/or would kill her, her husband and children as she had married outside the caste.
5. In the refusal letter the respondent accepted the appellant's identity and nationality, and also that on its face the claim engaged the Refugee Convention. It was also accepted that the appellant had been threatened by her family members in Pakistan and she had therefore established that she had a genuine and subjective fear on return to her home area of Rawalpindi. However, the respondent was not satisfied that her subjective fear was objectively well-founded because there was sufficient protection available to her from the authorities in Pakistan. Further, and in the alternative, the respondent was satisfied that the appellant and her family could relocate to another area in Pakistan where she would be safe from her family, and that such would not be unreasonable. Accordingly, the application was refused.

6. At the hearing before the judge the appellant and her husband gave oral evidence and adopted their witness statements prepared for the appeal. The appellant recited the factual basis of her claim as contained in her statement. She also repeated that her family has threatened to kill the children and that if they entered Pakistan they would all be killed.
7. The appellant confirmed that [HA] whom she had mentioned in her interview, was a member of the National Assembly in Pakistan for the Rawalpindi area. She had also mentioned [SA] who she said was at the time also a member of the National Assembly but had recently been made Prime Minister of Pakistan following the disqualification of the former Prime Minister, Nawaz Sharif. She produced photographs in the appeal bundle confirming that connection.
8. The appellant said in cross-examination that it would be very difficult for her husband to obtain work in Pakistan because they did not have ID cards and he had to have all his details registered to obtain an ID card. When she was asked if she was saying that this would be impossible, she stated that she had no idea but her husband had not worked in Pakistan. He had worked in the United Kingdom before their marriage but she had never worked. The last contact she had with her family was in March 2016 but they would know if they went back because they had political contacts. The Prime Minister was her father's cousin and her situation was a big embarrassment for the [A] family who had all suffered a stigma. Wherever she went she would be traced easily. Anything that happened to them could be shown as an accident. Further, because she had conceived their first child before they were married, she would be regarded as immoral and subject to stoning to death.
9. The appellant said that she would have to obtain a Nikha Nama in Pakistan and a Form B for each of the children and was not sure if she could do so. Her second daughter suffered from severe asthma for which she had been given two inhalers and tablets. She had no idea if medication was available in Pakistan but even if it was, she was not sure she could afford to purchase it. Her daughter was allergic to dust and milk.
10. When the appellant's husband was cross-examined he stated that he had worked as a recruitment assistant at Heathrow Airport for a year. Even if he went back to Pakistan there was a great deal of unemployment and he had no registration so employment would not be possible. He confirmed that he had been awarded an MBA in Finance but stated that he had not researched employment prospects in Pakistan because he had never thought of it but did not want to think of it. Within Pakistan it would not be easy to live anywhere without being traced because his wife's family had members in the Pakistan Government, and because they had dishonoured the family they would be targeted.
11. He confirmed that his wife's family had never accepted the relationship and they had made threats against them. His own family had not made any threats.

12. The appellant relied on a report by Mr Sohail Warraich. He stated that he has prepared more than a dozen expert reports for British Immigration Tribunals as well as making contributions to several publications. He described himself as a researcher in the field of law and that his areas of research and expertise range from gender dimensions of law especially in the areas of law, personal status, criminal justice system and citizens' rights, violence against women and international conventions. He confirmed that he was given a copy of the refusal decision, the appellant's interview record, and a scanned copy of a newspaper announcement by the appellant's father, and that he was asked to address the issue of whether there was a safe option for relocation in Pakistan for the appellant in the light of her particular circumstances, and whether the appellant and her family could be identified in the light of the political profile of her family in Pakistan.
13. The judge cited extracts from Mr Warraich's report at paragraph 10.10 to 10.15 of his decision. At 10.16 the judge recorded the conclusion of Mr Warraich's report. Mr. Warraich said that he "had discussed in detail the reasons for which relocation to another part of Pakistan may not be feasible for the appellant. He has elaborated on the challenges and obstructions she will face. It is on account of her personal situation, lack of required resources, lack of any support from any quarter and lack of some essential legal documents, apprehensions of being traced by the parent family is an added factor. She cannot live in a refuge beyond a very limited number of months. He had also elaborated difficulties and challenges to live in a refuge especially for a woman in her situation having three minor daughters. That will also disrupt family life as will have to live separate from her husband. The possibility of her being traced out by her parents' family because of official documentation for different purposes and rampant corrupt practices in the country. Her security will remain a critical issue in any situation of apprehension of any harm from her parents' family."
14. The judge had regard to the decision of the Upper Tribunal in **SM (lone women - ostracism) CG [2016] UKUT 67**.
15. The judge held at paragraph 10.18 that given the respondent's acceptance of the appellant's claim that she had been threatened by her family and the description of the area of influence of the family in Mr Warraich's report and the attitude of the police generally to threats of violence against a female within a particular family or tribe, he was satisfied that she would be at real risk of persecution or treatment in breach of Article 3 ECHR if she were to return to her home area, which he would categorise as the area of Rawalpindi, Islamabad and Abbotobad. The judge said his assessment that she would not be provided with sufficiency of protection was based not only on the objective evidence generally, but also the fact that she is self-evidently a member of the [A] tribe which does have political influence within the area.
16. The judge went on to make the following findings:
 - "10.19 *In terms of other possible places for the appellant and her family to reside in Pakistan, Mr Warraich excludes the area where her husband resides, Lalamusa, on the basis that his parents also do not approve of this marriage. However, the evidence of the appellant's husband is clear in that his family have never*

threatened him or the appellant despite their disapproval and on that basis therefore I do not accept Mr Warraich's assessment that relocation to that area could not take place. Mr Warraich also excludes other large cities in the Punjab, which I have noted above, but states later in his report that theoretically it may be possible to live in bigger cities like Lahore, Faisalabad or Multan in the province of Punjab, but lack of contacts and resources challenges like none possession of some essential documents and certificates required for normal life may make it extremely difficult. He therefore draws, in my judgment, a clear distinction between cities which he asserts would not be safe for general security reasons, with other cities like the three mentioned, where the appellant's difficulties would be in terms of obtaining documentation. In this case however, both the appellant and her husband entered the United Kingdom on the basis of valid Pakistan passports, their marriage was conducted by an Imam of the Hounslow Islamic centre on 27 March 2011, and bears the signatures of the appellant, her husband, two witnesses and the Imam himself, as well as the stamp of the Islamic Centre. In evidence the appellant was unable to explain why those documents would not be sufficient for her and her husband to obtain the necessary registration documentation in Pakistan, and in my judgment the report does not deal with that issue satisfactorily.

10.20 *More fundamentally, the report makes no reference whatsoever to the decision in SM, which, whilst focusing on the position of a single female returnee with or without children, must, in my judgement, be applicable to the situation of this appellant and her family members. It seems to be clear that Mr Warraich was not asked to comment on the decision in SM, which was a decision made by the Upper Tribunal after reviewing all the relevant country guidance cases and considering an expert report from Dr Roger Baallard, an acknowledged expert, as well as oral evidence. Even without being referred to it specifically he was clearly referred to SM in the refusal letter and yet there is no comment on it in his report. The decision in SM is significant in making no mention of the difficulties of registration in a different area which Mr Warraich highlights in his report. That is despite the fact that SM is a recent decision made when the legislation which gives rise to the concerns of Mr Warraich had already been enacted and was in force. In my judgment Mr Warraich's report is, in essence, inviting the Tribunal not to follow the decision in SM without identifying the reasons for so doing. Amongst other things, the decision in SM does not, in my reading of it, limit the area within which a person may be expected to relocate within Pakistan whereas Mr Warraich clearly gives no consideration to relocation for this appellant outside the province of Punjab. Even then, as I have noted, he has in my judgement identified three cities for possible relocation within the Punjab in any event.*

10.21 *In my judgment the decision in SM is relevant in this appeal and there is no basis on which the Tribunal should not follow it. Accordingly, I find that the appellant and her family have internal flight options in the cities of Lahore, Faisalabad or Multan in the Punjab, or indeed other cities outside the province. I am also satisfied that those cities are clearly outside the influence of the Abassi tribe and that it is simply speculative to suggest, let alone conclude, even on the low standard applicable, that her family members in her home area would come to know of the appellant's return and decide to target her as a result. While I am aware that the current president of the country is a member of the Abassi tribe it seems to me, given the passage of time since the appellant came to the United Kingdom and the enormous challenges faced by that officeholder, together with*

the fact that there is nothing to suggest that the president himself is an individual who has any reason to target the appellant, that his holding of that office would result in any significant heightened risk to her. For the reasons given I am not satisfied that she and her husband could not achieve the appropriate registration for themselves and the children given the documentation they currently possess and which is in all respects genuine. The appellant, husband and their daughters will be returned as members of a family unit, and she has work experience in a clearly productive area and her husband is well educated with a Masters degree. In those circumstances, and taking account of the guidance in SM, I find that relocation would not be unduly harsh. Finally, and in terms of their children, they would be returned with each other and their parents to the country of their nationality and would therefore maintain the most important relationships within their respective lives which would manifestly be in the best interests. Although the appellant made reference in her evidence to the fact that her second daughter suffers from severe asthma, there is no medical report regarding the matter and the appellant herself stated that it is being treated with inhalers and tablet medication. She has provided no objective evidence to state that such medication is not available within Pakistan. In those circumstances I find that her daughter's state of health raises no obstacles to her return with the other members of her family.

10.22 *In the light of all these findings it follows that I am not satisfied that this appellant or any member of the family would be at real risk of persecution on return to Pakistan, if return was to an area outside the influence of the Abassi tribe which I have identified above. Accordingly therefore the appeal fails both on refugee grounds and under articles 2, 3 and 8 EXHR. On the basis of the same reasoning I am also not satisfied that this appellant or the family members would be at real risk of serious harm under rule 339C HC395 so as to justify the grant of humanitarian protection. Accordingly therefore the appeal fails on all grounds."*

17. The appellant was granted permission to appeal the judge's decision by DUTJ Chapman. The grounds in support of the application argued that the judge erred materially in law in that his findings on internal relocation were not sustainable in the light of the expert report of Mr Sohail Warraich and the difficulties he stated the appellant would encounter in attempting to acquire official documentation without being relocated by her family. Permission was granted on the following terms:

"Whilst the Judge at [10.19]-[10.21] gave reasons for finding that the Appellant and her family could internally relocate, the grounds of appeal raise arguable errors of law, in particular that in light of the expert report and the fact that the marriage between the Appellant and her husband is not registered in Pakistan would lead to difficulties in complying with legal requirements on attempting to relocate to a different city, this is a material consideration in respect of internal relocation. It is further arguable that the Judge's reliance on the decision in SM (lone women – ostracism) CG [2016] UKUT 67 was misplaced, given that the Appellant is neither a single woman nor a female head of household."

18. At the hearing before me Mr Ahmed said the sole question in this appeal is whether the appellant and her family could relocate safely elsewhere within Pakistan.

19. Mr Ahmed submitted that the judge failed to take into account the totality of the report by Mr Warraich. He said the judge was selective of the report and even on the selected parts the judge's findings on internal relocation were not open to him.
20. Mr Ahmed said that Mr Warraich was asked to confirm whether there exists a safe option of relocation in Pakistan for the appellant in the light of her particular circumstances, noting the influential members of her family. Mr Ahmed said that Mr Warraich addressed this question and made two distinctions; the first is that on return to Pakistan, the family would be required to satisfy the registration process. The appellant's marriage with her husband in the UK must be registered in Pakistan and Mr Warraich expressed grave concerns as to whether they would be able to satisfy the registration requirements. Secondly, there is a requirement for the family to have ID cards in order to rent accommodation and generally for everyday living.
21. Mr Ahmed relied Mr Warraich's reference to the legal requirements and documents to be obtained for recognition of their marriage. I note that the judge also relied on extracts of this at paragraph 10.13. Mr Warraich said both the appellant and her husband are Pakistani Muslim. The law governing the marriage of Muslim citizens of Pakistan is the Muslim Family Laws Ordinance (MFLO) 1961. This law requires every marriage solemnised under Muslim law to be registered in the manner provided in the law. A standard marriage contract form called the Nikah Nama has to be filled by the person solemnising the marriage and registered with the registrar appointed under this law. Registration of marriage is the responsibility of the person who solemnises it. The law provides for the procedure for Pakistani Muslim citizens' marriages performed outside Pakistan. However, in practice it is only possible for marriages solemnised in countries where there is no restriction on such marriages to be performed and Pakistani Consulates can issue the Nikah Nama forms. In the case of the United Kingdom it is not possible as the UK law permits marriages in its territory only under its own law and performed at registered places of marriage.
22. Mr Warraich went on to say that the appellant and her husband solemnised a religious marriage in the United Kingdom. This marriage though it may be recognised in Pakistan cannot be registered under the law. Only that marriage could be registered in which Nikah Nama issued under the law was filled, signed by the bride and groom, two witnesses and the person who solemnised the marriage. The registered Nikah Nama is required for many legal tasks like for the wife to obtain computerised national identity card (CNIC) with her husband's family number. A married woman requires her CNIC with her husband's name written on it in the place of her father's name and having her husband's family number. This is required to obtain a passport, to open a bank account and in some instances even while staying in a hotel.
23. Mr. Ahmed also relied on Mr. Warraich's report on the registration of child. I note that the judge also made reference to this at paragraph 10.14. Mr Warraich said that under Pakistani law (Federal law), registration of every newborn child is mandatory. As the three daughters were born in the UK, they would have to be registered with the Pakistan High Commission in the UK but he does not have information that they have been registered. According to Section 5 of the Pakistan Citizenship Act 1951, a child

born outside Pakistan, whose parent is a Pakistani citizen through descent only, the child shall not be a citizen of Pakistan unless his/her birth is registered at the Pakistan Consulate or Mission in that country. If a child is not registered under one year after his/her birth then birth of such child cannot be registered without prior approval in writing from the Federal Government. The mission or consulate may require any other information other than that required in Form S before they agree to register the child.

24. Mr Ahmed said that there was no evidence that the children have been registered with the Pakistan High Commission. In the light of the political profile of the [A] family in Pakistan, he said that these practical difficulties will expose the family to harm. In support of his argument he relied on Mr Warraich's report that "the documents required and the processes they entail in the light of elaboration given makes it clear that for some of these much-needed documents, the appellant and her husband may have to go to the areas of their permanent addresses in Pakistan before leaving for the UK. Either of them may need copies of the CNICs of their fathers or both parents and even other references which may bring them in contact with their parents' families. This will not be risk free especially for the appellant.
25. Mr Ahmed also referred to the report where Mr Warraich talked about the registration of tenants with the police. I note that the judge made only a brief reference to this at paragraph 10.11. Mr. Warraich said that in all four provinces of Pakistan and the federal capital, there are strict laws enforced since 2014 onwards which require mandatory registration of tenants with the police who rent any accommodation. In the province of the Punjab, under the Punjab Information of Temporary Residents Act 2015, it is mandatory for the landlord to provide information to the local police of the tenants within fifteen days of handing over the possession of the premises. A copy of the CNIC or the passport of the tenant as the case may be is to be provided to the local police along with a copy of the lease agreement. In the light of this report Mr Ahmed said that the family will be exposed to the risk of harm by members of her family who are in government.
26. With regard to safety, Mr Ahmed relied on Mr Warraich's report that even if the appellant managed to relocate to some other city away from her parents' family, she would not be able to go to the police and file a complaint against the persons whom she fears. In Pakistan there is no provision to obtain a restraining order against a person one fears or apprehends harm. In the vast majority of cases an ordinary woman without the help of a civil servant or a political figure or an organisation rendering such help or any other influential person faces extreme difficulties to obtain police help unless she is critically injured. The police will turn a woman away declaring it a domestic issue or in extreme cases act as mediators and pressurise a woman to compromise. Instead of registering the complaint and providing a woman with help, the police will promise to summon the family perpetrator and admonish him. At every step the complainant or her helper has to pay bribes which is not directly asked for but a mandatory inbuilt aspect of the process. Mr Warraich concluded by saying that in view of the many challenges the appellant will face, relocation for her and her family will be extremely difficult.

27. Mr Ahmed submitted that the appellant fears people who are politically active in Pakistan. In the light of the safety issues highlighted by Mr Warraich, relocation would not be feasible for the appellant and her family.
28. Mr Ahmed further submitted that Mr Warraich said that shelters do not cater for a husband. This means that the family will have to live apart and this might cause a separation within the family.
29. Mr Ahmed submitted that there was a distinction between this case and SM. This appellant is not a lone woman. She is part of a family that is associated with the Government of Pakistan. The judge did not focus on the influence of her attackers.
30. Mr Ahmed also referred to Mr Warraich's assertion that to obtain a new CNIC the entire verification process will have to start all over again, despite the existence of a detailed record of the individual concerned on the database. Mr Ahmed said this evidence was not considered by the judge. He submitted that the judge's failure to engage properly with the expert's report and the objective evidence means that the judge made an error of law. The judge's decision, he said, cannot be upheld and should be set aside and remade.
31. Mr Bramble submitted that at paragraph 10.1-10.16 the judge set out the key points of Mr Warraich's report. It was in the light of Mr Warraich's report that the judge held at paragraph 10.18 that he was satisfied that the appellant would be at risk of persecution or treatment in breach of Article 3 ECHR if she were to return to her home area which he categorised as the area of Rawalpindi, Islamabad and Abbotabad. He also held in the light of the objective evidence that she would not be provided with a sufficiency of protection.
32. Mr. Bramble said that at 10.19 the judge dealt with the possibility of the family relocating elsewhere in Pakistan. The judge was aware that the main risk to the appellant is from her family and the Prime Minister. There was also concern about the relationship her husband has with his own family. The judge was aware that the appellant and her husband married in the UK. At paragraph 10.20 the judge considered SM but did not make the point that the appellant was going back to Pakistan as a lone female. He said the appellant in SM had a child, like this appellant who has three children with her husband. What the judge was saying was that if there was an issue in respect of the children, why this was not raised as an issue and why Mr Warraich did not cross-reference their circumstances to those of the appellant in SM. As this was not done, the judge took it to mean that the issue in respect of the children was not seen as important. Mr Bramble said that at paragraph 10.20 the judge was looking at various competing factors. At 10.21 the judge looked at where the appellant could relocate to.
33. In reply Mr Ahmed submitted that SM presented her case in accordance with the advice from her legal team. The legal team chose not to use Mr Warraich. They used Dr Roger Baallard as their expert witness. SM's case was limited to the Dood law in Pakistan, the availability of shelters in respect of children born out of wedlock. SM

had no partner. Mr Ahmed submitted that the facts in SM were different from the facts in this case. The facts in SM do not apply to this case. The judge was trying to fit SM into the factual matrix of this case. In any event Mr Warraich's report was not challenged by the respondent.

Findings on Error of Law

34. I find that the judge erred in law in two ways: firstly, by following SM and secondly, failing to consider the totality of the report by Mr Warraich.
35. I find that the judge was trying to fit SM into the factual matrix of this case even though the facts in SM do not apply in this case. SM was a single woman with a child by a man other than her estranged husband, whom she had met in the United Kingdom, if she returned to Pakistan, she feared that her husband would kill her. She could not relocate safely to another part of Pakistan because her estranged husband's family was rich and powerful. In the instant case the appellant is a married woman with three children by her husband and has married out of caste. She is part of a family that is associated with the Government of Pakistan. I also note that SM was pleaded differently and her legal team chose to use Dr. Ballard as their expert witness. I find that Mr. Warraich could not be held responsible for not commenting on SM when he was not asked to do so by the appellant's solicitors.
36. In the light of the submissions made by Mr Ahmed, I find that the judge failed to consider the totality of the report by Mr Warraich. I find that the judge relied on extracts from the report which supported his decision. I find that the judge failed to look at the documentation the appellant and the children would require and the processes they would have to go through in order to register their marriage, their accommodation and be able to conduct their daily lives in Pakistan.
37. For these reasons I find that the judge erred in law and that his decision cannot be upheld. I therefore set it aside and remake it.
38. It has been accepted by the respondent and the judge that the appellant would be at real risk of persecution or treatment in breach of Article 3 ECHR if she were to return to her home area which the judge categorised as the area of Rawalpindi, Islamabad and Abbotobad. The reason for this finding is that she has been threatened by her family, the description of the area of influence of the family in Mr. Warraich's report and the attitude of the police generally to threats of violence against a female.
39. The issue that I have to consider is whether the appellant and her family would be able to relocate safely elsewhere within Pakistan.
40. The appellant's fear is not only from persecution by her immediate family but that she is part of a family that is associated with the Government of Pakistan. She said in evidence that the dishonour she has brought on her family has embarrassed the whole family, which includes the Prime Minister of Pakistan who is the cousin of her father.

41. My main concern in this case is the system of registration at almost all levels of society required under Pakistani law. I find that it is the registration process that is likely to expose the appellant and her family to the harm that she fears.
42. The appellant and her husband entered the United Kingdom on the basis of valid Pakistan passports, their marriage was conducted by an Imam of the Hounslow Islamic Centre on 27 March 2011, and bears the signatures of the appellant, her husband and two witnesses and the Imam himself as well as the stamp of the Islamic Centre. Mr Warraich said that section 5 of the MFLO requires every marriage solemnized under Muslim Law to be registered in the manner provided by law. A standard marriage contract form has to be filled in by the person solemnizing the marriage and registered with the Nikah Registrar. The law provides for the procedure for Pakistan Muslim marriages performed outside of Pakistan. However, in practice this is only possible for marriages solemnized in countries where there is no restriction on such marriages and the Pakistani Consulate can issue the Nikah Nama forms. He said that in the case of the United Kingdom it is not possible as the UK law permits marriages in its territory only under its own law and performed at registered places of marriage. So, he concluded that while the appellant and her husband solemnised a religious marriage in the UK which may be recognised in Pakistan, it cannot be registered under the law. Mr Warraich said that a registered nikahnama is required for many legal tasks such as the appellant obtaining a Computerised National Identity Card (CNIC) with her husband's family number. The CNIC will enable her to obtain a passport, open a bank account and in some instances even while staying in a hotel.
43. I find in the light of this evidence I find that the registration of her marriage, which is a requirement under Pakistani law is likely to alert her family members to her presence in Pakistan and expose her to the harm that she fears.
44. In respect of the children Mr Warraich says if a child born abroad is registered under NADRA law first, it makes it easier to register him/her under the Citizenship Act, with the Pakistan Embassy/High Commission or Consular Office abroad. In this case, the appellant has not registered her children with the Pakistan High Commission in London. Mr Warraich explained that in addition to the registration with the Pakistan Embassy, High Commission or Consular of a child born abroad to Pakistani parents, there is another mandatory registration under the National Database and Registration Authority (NADRA) Ordinance 2000. This law requires mandatory registration of all the Pakistani citizens residing inside and outside Pakistan. It is the responsibility of the parent or guardian to register the birth of a child with NADRA within one month of the child being born. On due registration of the child, a child registration certificate (CRC) is issued which is proof of the child's nationality and once the child attains the age of majority at 18 years of age, he/she is issued the computerised national identity card (CNIC).
45. There was no evidence that the appellant's children have been registered with the Pakistan High Commission. Mr Warraich said that the documents required and the process they entail mean that for some of the much-needed documents, the appellant and her husband may have to go to the areas they lived in Pakistan before their

departure for the UK. Either of them may need copies of the CNICs of their fathers or both parents and even other references which may bring them in contact with their parent's families. I find that in the light of the political profile of the [A] family in Pakistan, the registration of the children in Pakistan is likely to expose the family to harm.

46. I rely on Mr. Warraich's assertion that in all the four provinces of Pakistan and the federal capital, there are strict laws enforced since 2014 which require mandatory registration of tenants with the police. A copy of the CNIC or the passport of the tenant, as the case may be, is to be provided to the local police along with a copy of the lease agreement. As the appellant has been rejected by her family in Pakistan, she is not likely to be accommodated by the family and may need to live in rented accommodation. She may have the option of living in a sheltered home. Mr. Warraich says that the sheltered home only accommodates women and children. This means that the appellant's husband will have to have a separate arrangement for himself. This means that the family will have to split up. I find that these challenges are likely to expose the appellant to the risk of harm by members of her family who are in government.
47. I also rely on Mr. Warraich's report of the challenges the appellant would face if she managed to relocate to some other city away from her parents, such as being able to file a complaint with the police against her parents, brothers who have family members in government.
48. In the light of the evidence before me, I find that relocation in Pakistan is not a viable option for the appellant and her family. The appellant's appeal is allowed.

Notice of Decision

The appeal is allowed.

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: 10 May 2018

Deputy Upper Tribunal Judge Eshun