



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

Appeal Number: PA/04461/2018

THE IMMIGRATION ACTS

Heard at Manchester CJC
On 20th February 2019

Decision and Reasons Promulgated
On 06 March 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

K T K
(ANONYMITY DIRECTION MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr Brown (Counsel, instructed by Forseti Law)
For the Respondent: Mr C Bates (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The Appellant's application for international protection on the basis of her fear as a Pakistani woman of her ex-husband, father, brother and father's family was rejected by the Secretary of State. The Appellant's appeal was dismissed for the reasons given in the decision of First-tier Tribunal Judge Malik promulgated on the 9th of November 2018. The Judge found that the Appellant was not at risk from her ex-husband as he had agreed to the divorce and that was supported by the wording on the divorce certificate. Her father had been investigated by the Police and the FIRs were genuine, the Judge found that there was sufficiency of protection. It was not accepted that her brother presented a danger to her either.
2. The Appellant's application for permission to appeal to the Upper Tribunal was granted on the basis that it was arguable that the Judge's findings were not sufficiently comprehensive given

the detailed nature of the Appellant's case which the Judge had outlined in paragraph 16 of the decision.

3. Mr Brown, who did not appear before the First-tier Tribunal, observed that some of the documentation had been found to be reliable including the divorce and the FIRs. In the light of the letter from her father to her mother at page 23 it was argued that the threat to the Appellant still existed and there had been no assessment. What was relevant was whether there had been a whole assessment of sufficiency of protection. On the Appellant's case her ex-husband had influence being from a rich family with social contacts and so it would not be possible to get an FIR against him. Mr Brown accepted that it was not necessary for the Judge to engage with every piece of evidence but where past ill-treatment was accepted that raised issues of internal relocation and sufficiency of protection and there was no analysis of the ex-husband's position.
4. For the Home Office submissions proceeded on a different interpretation of the grant of permission. After referring to paragraph 16 it was submitted that the Judge had made findings on the core of the claim and concluded there was no risk from her ex-husband. It was clear that the Judge was aware of the risk of honour killings in Pakistan. The Appellant's maternal family had helped the Appellant to come to the UK. With regard to the Appellant's father storming into the family home the Judge took the view that the Police did investigate and the Judge also found that there was no risk from the Appellant's brother. With regard to any danger from the father's family there was no evidence of action taken against the Appellant's mother and sister who were visiting a Paternal uncle at the time the threats were made, his relatives did not side with him. The threat did not equate to risk if returned. The grant focussed on paragraph 16 of the decision, threats had been made but the Judge did consider the current position.
5. Paragraph 16 of the decision records the Appellant's evidence that her father, with friends and armed with guns stormed into the family home hurling abuse and threatening to kill the Appellant and her mother but that they left when neighbours gathered. A second incident in April 2015 was when her sister received a phone call from their father when he used abusive language and repeated the threats. In both instances complaints were made to the Police but no progress appears to have been made.
6. Having read and re-read the grant of permission it is not clear where the Judge granting permission considered that findings had *not* been made. The principal events of the Appellant's case were clearly accepted. The claim that any members of either side of the family had any interest in harming the Appellant had been rejected, the maternal family paid for the Appellant to come to the UK and the terms of the divorce certificate spoke for themselves. The paternal side of the family did not support the father in threats that he made.
7. The issue was whether the Appellant could safely return to Pakistan. Although threats had been made the first, with back-up and guns, was stopped simply by neighbours gathering, the second made over the phone with no information about where the father was when the call was made. The Judge found that the Appellant's father had no family support from either side and that is relevant because if any family had been offended it would have been the maternal side and not his. Their assisting the Appellant to come to the UK underlines what their attitude to this was.
8. The Judge found that there would be sufficient protection for the Appellant on return to Pakistan. In making that finding that Judge had effectively put the Appellant's case at its highest and had analysed what supporting features there were for the Appellant's father in furthering the threat compared to the support that the Appellant had received and the

demonstrated attitude of her ex-husband and both sides of the family. In paragraph 41 the Judge considered the ability of the Appellant to be located if she moved and rejected that as a possibility and the ability of the Appellant to relocate if she chose and to obtain appropriate support.

9. The decision has to be read fairly and as a whole without taking matters out of context. In light of the grant I have read the decision and do not follow where it could be said that the Judge had erred. Having accepted that threats had been made the Judge considered whether the Appellant would be at risk on return and found for entirely justified reasons that she would not. Alternative findings were made that the Appellant could relocate if she wished and would have support in doing so. The decision was open to the Judge for the reasons given and contains no error of law.

CONCLUSIONS

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.)

Fee Award

In dismissing this appeal I make no fee award.



Signed:
Deputy Judge of the Upper Tribunal (IAC)

Dated: 4th February 2019