



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-006341

First-tier Tribunal No: PA/51331/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 16 July 2023

Before

UPPER TRIBUNAL JUDGE KAMARA

Between

SJ
(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms A Jones, counsel instructed by Sriharans Solicitors
For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

Heard at Field House on 30 June 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

Introduction

1. This is the remaking of the appellant's appeal against the decision of the Secretary of State, dated 23 March 2022, in which her protection claim was refused.

Anonymity

2. An anonymity direction was made previously and is maintained as this is a protection matter.

Factual Background

3. The appellant is a national of Pakistan who was previously residing in the United Kingdom as a Tier 4 migrant. She first entered the United Kingdom in September 2011 in order to study for a master's degree in law. She returned to Pakistan in January 2013. The appellant returned to the United Kingdom in June 2013 in order to undertake a PhD. She had to leave the United Kingdom prematurely in 2016 owing to the ill health of both of her parents. Her mother died in 2018. The appellant returned to the United Kingdom to resume her studies but returned to Pakistan in March 2020, when her father died. The appellant returned to the United Kingdom during June 2020, however she applied for asylum on 13 July 2020 owing to events which took place when the appellant was in Pakistan on the last occasion.
4. The basis of the appellant's claim was that she was born into a Christian family and in 2011, the younger of her two brothers (I) was kidnapped by Islamic fundamentalists in Karachi, where the family lived. Her brother was held for eleven days during which he was physically ill-treated. Ultimately he was released upon the payment of a ransom. The kidnappers informed the family that more money would be collected following I's release. Immediately afterwards, the Citizens Police Liaison Committee arranged for the family home to be guarded, spoke to the appellant's brothers and advised the family to move away. The family left Karachi until the appellant left Pakistan to study in the United Kingdom and thereafter returned to the city, albeit staying at a different location and cutting contact with everyone including their church. Upon returning to Pakistan at around the time her father died, an attempt was made to abduct the appellant by the group which kidnapped her brother and her attempts to file a police report were discouraged by the authorities. The appellant returned to the United Kingdom during June 2020, to complete her PhD. She applied for asylum shortly thereafter, before her leave to enter expired.
5. The appellant's protection claim was refused by way of a letter dated 23 March 2022. The Secretary of State accepted that the appellant was a Pakistan national of Christian faith but while it was accepted that her brother was kidnapped, it was not accepted that the perpetrators had links to the Pakistan government or that the authorities would not help him. Nor was it accepted that the attempt to abduct the appellant was owing to her faith or connected with the kidnap of her brother in 2011.

The decision of the First-tier Tribunal

6. At the hearing before the First-tier Tribunal, the appellant was treated as a vulnerable witness owing to her diagnoses of anxiety and depression. The appellant relied on her protection claim as well as a claim under paragraph 276ADE(1)(vi) of the Rules in relation to whether there were very serious obstacles to her reintegration in Pakistan. The judge concluded that the appellant was a victim of that she would not be at risk of persecution or other serious ill-treatment in Karachi or elsewhere in Pakistan due to her religion. The judge found that the appellant could not meet any of the requirements of paragraph 276ADE of the Rules.

The error of law hearing

7. Following a hearing which took place on 4 April 2023, the decision of the First-tier Tribunal was set aside owing to the existence of a material error of law. The appeal was retained in the Upper Tribunal for remaking.

The remaking hearing

8. When this matter came before me, it was a matter of agreement between the parties that there were three issues which needed to be satisfactorily addressed for the appellant to make out her protection claim. These issues were firstly, whether there was a link between the attack on the appellant and that of her brother. Secondly, the current position in relation to whether there was any contact with the appellant's brother in Pakistan and thirdly, whether the attempted abduction was owing to the appellant's religion.
9. Thereafter, I heard oral evidence from the appellant and submissions from both representatives which was focused on the aforementioned issues. The evidence and submissions I heard is contained in a note of the proceedings and has been taken into consideration with all the evidence before me. I should add that Ms Everett relied on the decision letter and acknowledged that the Secretary of State accepted that most of the events occurred and that only narrow issues remained. She argued that the background information showed that Christian women face discrimination which fell short of persecution and that the appellant would be able to travel to and gain employment in a large city. Ms Everett emphasised that it was accepted that the appellant's brother was kidnapped and that an attempt was made to abduct the appellant and if those events were linked, the risk to the appellant would not be limited to that of a returning Christian woman. Ms Everett accepted that the appellant's oral evidence was consistent, plausible and amounted to a strong claim. She stated that on a 'probability' scale, just ten per cent of kidnappings were by militants rather than opportunists.
10. At the end of the hearing, I indicated that the appeal would be allowed. I give my reasons below.

Decision on remaking

11. Many of the facts of the appellant's case were not in dispute as can be seen from the Secretary of State's decision letter. It was accepted that the appellant had been subject to a violent attack and attempted kidnapping and that her brother was kidnapped on an earlier occasion. Ms Everett did not challenge the credibility of the appellant's evidence and I could see no reason to reject it. All aspects of the appellant's account have been given consistently and in credible detail. Furthermore, the appellant did not exaggerate her account and emphasised when she was merely giving her opinion. I have carefully considered the fact that the incidents took place approximately nine years apart. The appellant was able to satisfy me that it is reasonably likely that the attacks were linked. In essence, at the time of the attempted abduction of the appellant she explained that one of the attackers specifically mentioned the kidnapping of her brother. Furthermore, she explained that the CPLC, in Karachi, to whom she turned to for advice, supported her view. I take account of the fact that one of the

would-be abductors snatched the appellant's crucifix from her neck and asked her why she was wearing it. She was also sexually assaulted and criticised for dressing for dressing inappropriately. There was no evidence before me to suggest that the appellant would have been targeted for any other reason than her faith.

12. The attempted abduction of the appellant was only three years ago and I am find that she has established that it is reasonably likely that she faces persecution, for a refugee Convention reason, namely religion, in her home city of Karachi. I have carefully considered whether the protection mechanisms in place in Pakistan would be available to the appellant and note that in general a general sufficiency of state protection was found to exist in the country guidance case of *AW (sufficiency of protection) Pakistan [2011] UKUT 31 (IAC)*. Considering all the facts as well as the said guidance, I conclude that the appellant has demonstrated that she would not be able to seek and obtain state protection. In reaching that finding I have taken into consideration the persecution of the appellant's brother who remains in hiding over a decade later, that the appellant's other brother is also in hiding and that the appellant narrowly avoided being abducted. The appellant has explained that at the time of her brother's kidnapping, the family were discouraged from filing a First Information Report (FIR) by the CPLC owing to the belief that the kidnappers had political connections which meant that the police would not assist. I find this to be a credible explanation as to why the appellant would be unlikely to be able to obtain effective protection from the authorities of Pakistan.
13. I am not satisfied that any risk to the appellant extends to the entirety of Pakistan and I therefore now consider whether she can be reasonably be expected to relocate to another part of the country.
14. In determining the issue of internal relocation I take into consideration that the appellant is well-educated albeit that her job history and former connections are all based in Karachi. I accept that the appellant's parents are deceased and that she cannot expect any assistance from either of her brothers for the following reasons, which were unchallenged. The appellant's evidence was that her relationships with her brothers, who are both in hiding in Karachi, had been strained after the attempted abduction. Her brother, I, had cut off all contact and her other brother spoke to her rarely and had informed her that he was not willing to provide her with support, financial or otherwise. The appellant explained that her brothers were resentful that she had gone out without a chaperone.
15. I have considered whether the appellant could reasonably be expected to relocate to a large city such as Islamabad or Lahore. I find that internal relocation which would be unduly harsh for the appellant in her particular circumstances. The appellant would be returning to Pakistan as a single adult Christian woman without family support. She has no contacts or family in Pakistan outside of Karachi and she has no-one to call on for help. I take into consideration that the appellant is better educated than many women in Pakistan and that she could potentially work however, as acknowledged by the First-tier Tribunal, she is suffering from anxiety and depression. Furthermore, the appellant is from a small, resented, religious minority and would be intensely vulnerable notwithstanding her education and professional advantages. The appellant should not be expected to attempt to conceal her faith to avoid discrimination in her place of relocation, applying *HJ (Iran)*. In any event, it would be futile for her to attempt to

hide her Christianity given that her name clearly indicates that she is not a Muslim. The respondent's CPIN on Christians and Christian converts of February 2021 states, at 2.7.8, that women without support of family or a male guardian may be less able to relocate. Indeed, this was one of the findings in the case of *SM* (lone women – ostracism) Pakistan [2016] UKUT 67 (IAC). Of relevance in the appellant's case is that she has been ostracised by her remaining family members who blame her for being attacked. Considering all matters cumulatively, I conclude that it would be unduly harsh for the appellant to be expected to relocate to avoid persecution in her home area. It follows, that the appellant has established that she has a well-founded fear of persecution in Pakistan, for a refugee Convention reason and as such her appeal succeeds.

Notice of Decision

The appeal is allowed on protection grounds.

T Kamara

Judge of the Upper Tribunal
Immigration and Asylum Chamber

5 July 2023

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.

5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is "sent" is that appearing on the covering letter or covering email

