Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/07725/2014

THE IMMIGRATION ACTS

Heard at Upper Tribunal Manchester	**Decision & Reasons Promulgated**
On 7th November 2017	**On 14th November 2017**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

SI
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Wood, Counsel instructed on behalf of the Appellant
For the Respondent: Mr McVeety, Senior Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Pakistan.

Direction Regarding Anonymity – Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

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 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.

2. The Appellant, with permission, appeals against the decision of the First-tier Tribunal, who, in a determination promulgated on the 27th January 2017 dismissed her claim for protection.

The background:

3. The Appellant's immigration history is set out within the determination. The appellant entered the United Kingdom with her spouse and children on the 24th March 2013 having applied for a visit visa on the 5th December 2015 valid from the 27th December 2015 until 27th June 2013. On the 11th April 2013 the appellant claimed asylum with her family members as her dependants.

4. The Appellant was interviewed and her claim was refused in a decision letter of the 11th September 2014.

5. The basis of her claim related to problems which had occurred in Pakistan in or about January 2013 where a man came to her place of work and had made threats against her and her family and he proposed marriage to her notwithstanding that she was already married and also that she convert to his faith. In March 2013 it was claimed that this man and others came to the family house and began shooting. The attack was reported to the police whilst they made a report, they did not follow it up. It was asserted that this was because of the man's position and his membership of the Sipah-i-Sabah. She also claimed that she had been accused of blasphemy as a result of comments that she had made to this man about his religion during phone calls made to her.

6. The Appellant exercised her right to appeal that decision and the appeal came before the First-tier Tribunal on the 21st January 2015. The judge had the opportunity of hearing the evidence of the Appellant and that of her husband and for that evidence to be the subject of cross-examination. The judge in the determination found the Appellant's account to be implausible and dismissed the appeal.

7. The Appellant sought permission to appeal that decision on the basis that the First-tier Tribunal Judge failed to provide sufficient or sustainable reasons for the adverse credible findings that were contained within the determination and in particular that the judge had failed to make findings on the evidence of the Appellant's husband. Permission was granted by the Upper Tribunal on the 28th May 2015.

8. The hearing came before the Upper Tribunal on 5 May 2016. In a determination promulgated on 16 May 2016 Upper Tribunal Judge Smith found errors of law in the decision of the First-tier Tribunal. In particular, the judge found that there was a failure to make any finding on the Appellant's husband's evidence which on the face of it was capable of corroborating two parts of the Appellant's case; the man's pursuit of the Appellant and her rejection of him which she stated led to the allegations made against and the attack on their house, which if accepted, may support her case as having been targeted. As recorded at paragraph 15, the presenting officer accepted the materiality of that error. At paragraph 16 the judge recorded for completeness that she was satisfied that there was a material error of law in the treatment of the background material. The Upper Tribunal Judge therefore set aside the decision and remitted the appeal to the First-tier Tribunal for a second hearing.

9. The appeal then came before the First-tier Tribunal on 13 January 2017. The judge again heard the evidence from both the Appellant and her husband but reached the overall conclusions at paragraph 73 that the Appellant had not demonstrated to the lower standard of proof required that she had a well-founded fear of persecution in Pakistan. It is plain from reading the determination as a whole and the findings of fact made that he did not accept that the Appellant or her husband had given a consistent and credible account as to the circumstances in Pakistan. In the alternative, at paragraph 70, he stated that even if the claim was "entirely credible" that this was a case whereby the family could relocate to a further area within Pakistan.

10. The Appellant sought permission to appeal that decision on three grounds and on 29 March 2017 permission was granted by Upper Tribunal Judge Coker for the following reasons;

    "it is arguable that the First-tier Tribunal Judge failed to have regard to the Appellant's evidence, failed have proper regard to the documentary evidence submitted on her behalf and failed to address the evidence adequately or at all."

11. At the hearing before the Upper Tribunal on the 14th August 2017 Mr Wood, who represented the Appellant in the First-tier Tribunal, relied upon the grounds that were before the Tribunal. In respect of ground one, he submitted that the judge misdirected himself in law in relation to his assessment of the documentary evidence. At paragraph [62] the judge rejected the documentary evidence provided by the Appellant (in particular the FIR and threatening letters) by reaching the conclusion that they had been "simply provided the purposes of this appeal and are not genuine" and therefore did not attach any weight to them. Furthermore, the judge failed to demonstrate that he is considered that documentary evidence in conjunction with the Appellant's account and that the judge not engage with the evidence. He submitted that it was an error of law to approach the assessment of documentary evidence by considering whether the documents were genuine or not. This is a case in which the respondent had made no assertion that the documents provided were forgeries or were "not genuine". He further submitted that in relation to the evidence from CLAAS, the judge fell into error at paragraph [63] by discounting that material

as information given solely by the Appellant when there had been reference at page 12 of the bundle as to an investigation having taken place and at page 17 of the Appellant's bundle, and email which referred to the genuineness of this report.

12. Thus he submitted that the judge by concentrating on the genuineness of the documents rather than their reliability when seen in the context of the evidence as a whole was a misdirection in law.

13. There were also other documents that the judge had not considered. Mr Wood made reference to the newspaper reports at pages 25 and 26, the evidence relating to the telephone call at pages 27 and 28 which was relevant to the factual account given.

14. As to ground two, it was submitted that the judge erred in law in his assessment of the evidence and in particular the assessment of plausibility of the account. In this regard he submitted that at paragraphs 56 to 71, the judge did not engage with the background evidence submitted on behalf of the Appellant when reaching an assessment on the plausibility of the Appellant's account. He relied upon the decision of HK v SSHD [2006] EWCA Civ 1037 and in particular paragraphs 28 and 30.

15. Thus he submitted that the judge failed to demonstrate any consideration of the Appellant's account against the background country evidence. He referred the Tribunal to parts of the background material which he stated should have been considered when making an overall assessment.

16. As to ground three, he submitted that the judge purported to consider the Appellant's account at its highest. This would mean that the judge accepted the entirety of her account and if that was so it would include that there was a fatwa. In those circumstances the conclusion at [70] family could internally relocate was lacking in reasoning and also was inconsistent with the country guidance in AK and SK (Christians: risk) Pakistan CG [2014] UKUT 00569.

17. Thus he submitted that the judge had fell into error and that the determination should be set aside.

18. Mr McVeety on behalf of the Respondent agreed that there was a material error of law in the decision of the First-tier Tribunal. He accepted that the submissions made by Mr Wood both in the written grounds and his oral grounds relating to the assessment of the documentary evidence were correct. He submitted that it was not an issue of whether the documents were genuine but whether the documents were reliable when seen in the context of the claim as a whole. He stated that the respondent had made no allegation that the documents were forged or not genuine but that the judge should have considered them in the context of the claim as a whole and assess their reliability.

19. He recognised that whilst some of the findings made by the judge were open to him, in the light of the error identified in ground one, it could not be said that the overall findings made were sustainable. The judge was required to consider all the evidence,

including the documentary evidence in reaching an overall conclusion and findings of fact.

20. He considered that in those circumstances that was a material error of law which required the decision to be set aside.

21. In those circumstances, he invited the Tribunal to set aside the decision and for the appeal to be remitted to the First-tier Tribunal so that all issues could be considered.

22. In the light of that concession made by Mr McVeety, that there was a material error of law in the determination of the First-tier Tribunal, I reached the conclusion that the determination could not stand but should be set aside. I gave my conclusions on the error of law for paragraphs 24 onwards and they are replicated below:

> "24. I consider that the submissions made by Mr Wood as set out earlier in this determination are made out in any event, even if that concession was not made. It is plain from reading the determination that the judge approached the issue of the documentary evidence provided in support of her claim on the wrong footing. This is apparent from paragraph 62 in which the judge reached the conclusion that the documents referred to had been provided for the purposes of the appeal and were not "genuine documents". There had been no assertion made that the documents were forged or were not genuine and the issue was whether those documents that had been provided in support of her claim were reliable documents upon which the judge could place weight when seen in the context of the claim as a whole. By rejecting them as being "not genuine" there was no assessment of the contents of those documents in the light of the claim made and this was an error (see decision in Tanveer Ahmed[2002] UKIAT 00439). There were also other documents that had been provided which had not been the subject of any assessment.
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> 25. As to ground 2, there had been background country materials provided in order to support the Appellant's factual account. In order to make the credibility findings and to assess the plausibility of the account, it was necessary to set that account alongside the country materials to make an overall assessment as set out in the decision of HK (as cited above). To rely on the implausibility of the account without setting it in the correct context was also an error of law.
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> 26. As to ground three, whilst the judge stated at paragraph 70 that even if the claim was "entirely credible" it would fail because internal relocation was available, it was unclear whether in fact the judge had considered in the alternative the full factual matrix relied upon which included a countrywide fatwa. There was also no consideration of the background material in reaching that decision.
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> 27. In the light of the acceptance by Mr McVeety that there is a material error of law in the decision and for the reasons that I have set out above, the decision cannot stand and therefore the decision shall be set aside".

23. As to the remaking of the decision, I reached the conclusion that in the view of the nature and background of the litigation and that it has already been the subject of two earlier remittals, that the correct course to take is for the appeal to be heard and re-made by the Upper Tribunal.

The re-making of the appeal:

24. At the hearing before the Tribunal the appellant was represented by Mr K. Wood and the respondent by Mr McVeety , Senior Home Office Presenting Officer.

The Law:

25. The Appellant appeals to the Asylum and Immigration Tribunal pursuant to Section 82 of the Nationality, Immigration and Asylum Act 2002, (the 2002 Act), as amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, (the 2004 Act), by a Notice of Appeal dated 17th September 2014 and the Tribunal has borne in mind the Grounds of Appeal set out in that notice, which refer to alleged prospective breach of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as prospective breach of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), as that Convention has been incorporated into United Kingdom domestic law by the Human Rights Act 1998.

26. In reaching my decision I have borne fully in mind the relevant law and Immigration Rules, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the Handbook on Procedures and Criteria for Determining Refugee Status ('The Handbook) (Geneva, January 2000). By Article 1(a)(2) of the Refugee Convention the term "refugee" shall apply to any person who:-

> "Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable, or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable, or, owing to such fear, is unwilling to return to it."

27. The provisions of SI [2006] No.2525 "The Refugee or Person in Need of International Protection (Qualification) Regulations 2006" now bring into United Kingdom domestic law the Council of the European Union Directive 2004/83/EC of 29 April 2004 on 'minimum standards' for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need protection and the content of the protection granted, normally referred to in the United Kingdom as the Qualification Directive. Commensurate changes were made in the Immigration Rules by means of Statement of Changes in the Immigration Rules also taking effect on 9 October 2006.

28. The determination I have made has approached the issues in this appeal from the perspective of the 2006 Regulations and in particular has applied the definitions contained there, in deciding whether the Appellant is a refugee under the 1951 Geneva Convention. I have also applied the amended Immigration Rules. These have permitted me to consider whether the Appellant is in need of Humanitarian Protection as being at risk of serious harm, as defined in paragraph 339C of the

Rules. Finally, I have gone on to consider whether the Appellant is at risk of a violation of her human rights under the provisions of the ECHR.

29. The burden of proof is upon the Appellant. The standard of proof has been defined as a '*reasonable degree of likelihood*', sometimes expressed as 'a reasonable chance' or a '*serious possibility*'. The question is answered by looking at the evidence in the round and assessed at the time of hearing the appeal. I regard the same standard as applying in essence in human rights appeals although sometimes expressed as '*substantial grounds for believing*'. Although the 2006 Regulations make no express reference to the standard of proof in asylum appeals, there is no suggestion that the Regulations or the Directions were intended to introduce a change in either the burden or standard of proof. The amended Rules, however, deal expressly with the standard of proof in deciding whether the Appellant is in need of Humanitarian Protection.

30. Paragraph 339C of the Immigration Rules defines a person eligible for Humanitarian Protection, as a person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned, would face a real risk of suffering serious harm. It seems to us that this replicates the standard of proof familiar in the former jurisprudence and, by implication, applies the same standard in asylum cases.

31. Accordingly, where below I refer to 'risk' or 'real risk' this is to be understood as an abbreviated way of identifying respectively:

    i. whether on return there is a well-founded fear of being persecuted under the Geneva Convention;

    ii. whether on return there are substantial grounds for believing the person would face a real risk of suffering serious harm within the meaning of paragraph 339C of the amended Immigration Rules; and

    iii. whether on return there are substantial grounds for believing that the person would face a real risk of being exposed to a real risk of treatment contrary to Article 3 of the ECHR.

In reaching my conclusions as to whether the Appellant will be at real risk on return, I have been further mindful that the amended Immigration Rules contain among other provisions, paragraph 339K which deals with the approach to past persecution and paragraph 339O headed "*Internal Relocation*".

The Evidence:

32. The Appellant's legal advisors produced a consolidated bundle of documents in support of the appeal which consists of a bundle of 198 pages containing a skeleton argument, witness statements from the appellant and her husband, a letter from

CLAAS and email, emergency telephone call log, FIR with translation, newspaper article, threat letters with translation and envelopes, Pakistan church letters, medical notes, school letters and objective material at pages 58 – 198 including a copy of the CG decision in AK and SK (Christians: risk) Pakistan CG [2014] UKUT 00569 (IAC).

33. The respondent relies upon the material placed before the Secretary of State which includes the appellant screening interview, asylum interview and decision letter of 11 September 2014, documentary evidence provided to the respondent and also exhibited in the appellant's bundle, extracts from the objective material, and Visa application details.

34. The Appellant gave evidence with the assistance of the court interpreter and gave evidence in the Urdu language. I carried out an introduction of the proceedings so that the Appellant was familiar with the procedure that would be adopted during the court hearing and in particular I ensured that the Appellant and the interpreter could understand each other. There were no difficulties identified. I note that during the hearing there were no difficulties with the Appellant being able to give evidence or with the interpretation and no concerns were raised at any time during the hearing in relation to that.

35. There is a full record of oral evidence of the Appellant who adopted her witness statements as evidence in chief , which appears in the Record of Proceedings.

36. I also heard evidence from the appellant's spouse who similarly adopted his two witness statements as evidence in chief and was asked number of questions in cross examination. That evidence is recorded in the record of proceedings but also is referred to in my findings of fact and analysis of the evidence.

The submissions of the parties:

37. Mr McVeety on behalf of the respondent made the following submissions. He submitted that the case came down to one of credibility or in the alternative the availability of internal relocation.

38. He submitted that he accepted the background material which made reference to a level of discrimination and harassment of the Christian population, however, the account given by the appellant was not credible. The factual account made reference to a brief meeting between two individuals which appeared to begin on the basis of an attraction between the man concerned and the appellant. However there was a period of harassment including threats and it was not until later that it became religious in context. Following this period of harassment, the appellant did nothing to raise any concerns with her employers other than contact the IT department. Given that she worked for a well-known bank it is unlikely that her fellow employees would not have provided any help. The reasons given by her were not plausible and that if she did tell someone the reaction would have been positive and not negative.

39. He submitted there be no explanation as to how he had been able to find out her name address and telephone number and that in the context of the evidence, her remaining family members were in Pakistan and other than threats had not been harmed in any way. It was not credible that someone who was able to obtain personal details would not have carried out further acts upon family members still in Pakistan.

40. In the alternative, if her account was accepted, there had been no evidence of any harm to family members remaining in Pakistan and therefore she could return with her family members to her former home area. In the alternative she and her family members could relocate to another area in Pakistan. The country guidance case and the objective material did not demonstrate that all Christians will be at risk of harm and that there were different areas were Christians were able to live with some sufficiency of protection.

41. Mr Wood on behalf of the appellant relied upon his skeleton argument exhibited in the bundle. In addition, he made the following oral submissions. He noted the concession made by Mr McVeety that there was no inconsistency in the evidence given by the appellant and her husband and also that there was no inconsistent information in the content of the documents that had been provided by the appellant to support her factual claim. As to her failure to tell her manager, he referred the Tribunal to her witness statement at paragraph 10 and made reference to the circumstances as a Christian woman in Pakistan as treated as a subordinate and that it was plausible against that background that the appellant would think that she would not be believed. Whilst it was a well-known bank, it was one operating in Pakistan.

42. As to the documentary evidence he submitted that when taken together they supported the factual account as truthful. Whilst the letters appear to be self-serving they were not inconsistent in any way and therefore corroborated her account as required by the Immigration Rules. He recognised that the objective material made reference to fraudulent documents being obtainable in Pakistan but that it had not been asserted that any of the documents provided had been forged in any way. The issue related to whether they were documents upon which weight could be attached. In this context the letter from CLAAS came from a well-known source and gave details based on an investigation that had taken place and was not solely based on the account given by the appellant to the author of the letter. Thus he submitted the factual account should be accepted.

43. As to risk on return, he conceded that in light of the country guidance decision of AK and SK (as cited) the fact that the appellant and her family members are Christians did not without more demonstrate that they would be at risk of persecution on return and that they would need to demonstrate something more than their religion. However in this case there was a credible evidence that they could not re-establish themselves in their home area safely nor by relocating to a different part of Pakistan. The letters made reference to a fatwa being issued and that her photograph had been circulated and in those circumstances there would be no sufficiency of protection.

44. At the conclusion of the hearing I reserved my decision which I now give.

Assessment of Evidence and Findings of Fact

45. I must make findings as to the credibility of the Appellant and the claim in the light of the totality of the evidence that is before me, including the documentary evidence, the background evidence and that of the witnesses. The Respondent took the view that the Appellant's claim was not credible for the reasons indicated in her letter of the 11th September 2014. However, it is not in issue, I should say, that the Appellant and her family members are nationals of Pakistan and that they are Christians and I so find. I confirm that in reaching my findings I have considered all the evidence "in the round" in making an assessment.

46. The relevant CG decision is that of AK and SK (Christians; risk Pakistan CG [2014] UKUT 00569. The head note to that decision sets out the following:

1. Christians in Pakistan are a religious minority who, in general, suffer discrimination but this is not sufficient to amount to a real risk of persecution.

2. Unlike the position of Ahmadis, Christians in general are permitted to practise their faith, can attend church, participate in religious activities and have their own schools and hospitals.

3. Evangelism by its very nature involves some obligation to proselytise. Someone who seeks to broadcast their faith to strangers so as to encourage them to convert, may find themselves facing a charge of blasphemy. In that way, evangelical Christians face a greater risk than those Christians who are not publicly active. It will be for the judicial fact-finder to assess on a case by case basis whether, notwithstanding attendance at an evangelical church, it is important to the individual to behave in evangelical ways that may lead to a real risk of persecution.

4. Along with Christians, Sunnis, Shi'as, Ahmadis and Hindus may all be potentially charged with blasphemy. Those citizens who are more marginalised and occupy low standing social positions, may be less able to deal with the consequences of such proceedings.

5. The risk of becoming a victim of a blasphemy allegation will depend upon a number of factors and must be assessed on a case by case basis. Relevant factors will include the place of residence, whether it is an urban or rural area, and the individual's level of education, financial and employment status and level of public religious activity such as preaching. These factors are not exhaustive.

6. Non state agents who use blasphemy laws against Christians, are often motivated by spite, personal or business disputes, arguments over land and property. Certain political events may also trigger such accusations. A blasphemy allegation, without more, will not generally be enough to make out a claim under the Refugee Convention. It has to be actively followed either by the authorities in the form of charges being brought or by those making the complaint. If it is, or will be, actively pursued, then an applicant may be able to establish a real risk of harm in the home area and an insufficiency of state protection.

7. Like other women in Pakistan, Christian women, in general, face discrimination and may be at a heightened risk but this falls short of a generalised real risk. The need for a fact sensitive analysis is crucial in their case. Factors such as their age, place of residence and socio-economic milieu are all relevant factors when assessing the risk of abduction, conversions and forced marriages.

8. Relocation is normally a viable option unless an individual is accused of blasphemy which is being seriously pursued; in that situation there is, in general, no internal relocation alternative.

47. I shall set out the factual basis of the appellants claim.

48. There is no dispute between the parties at the appellant when living in Pakistan was employed by a bank as a receptionist/telephone operator. The core of the appellant's account centres on a man, Mr K, who has identified himself as a member of the Sipah-i-Sahaba and has threatened the appellant at her place of work, had made threats to her by the telephone and has sent threatening letters to her home and on 2nd March 2013 saw her in the street and made further verbal threats.

49. The appellant's account is that in or about 2012 a man had entered her workplace to open a personal account but that as the branch only dealt with corporate accounts, she gave him information for another branch. According to her oral testimony, she did not give him the name nor did she wear a name badge. She also did not get his name and confirmed in cross examination that nothing inappropriate was said by this man at the initial meeting.

50. Following this, her evidence before the Tribunal was that sometime later he continued to return to the bank and tell her that he "loved her" and that he had telephoned her a number of times on her work number and had made nuisance telephone calls. She further stated in oral evidence that he had come to the branch of the bank subsequently between 2 to 4 occasions. In her written evidence she referred to him telephoning in January 2013 whereby he had made threats to her and that she should marry him and convert to Islam. When she told him of her religion and of her marriage he told her that he was aware of that but that if she did not do as he had told it would kill her.

51. Her evidence also referred to a telephone call made to her mobile that was answered by her husband (see witness statement paragraph 11 and witness statement of husband at paragraph 11). The man referred to the appellant as his "would be wife". The details of that conversation are set out in the parties respective witness statements.

52. A further call was received at the bank whereby he threatened her and in this context made reference to her religion as a Christian. In that conversation, the appellant had become angry and had made a reference to the Prophet Muhammed and she was accused of blasphemy (paragraph 12 of the witness statement).

53. There was then a further phone call to the office relating to "insults to Islam" making it plain that the person calling knew about the family members and their religion. There were threatening letters that had then been sent to the home address.

54. It has also been asserted that he was responsible for an incident at the family home on 10 March 2013 whereby the man and a number of other people broke into the house whilst the appellant was asleep with her husband and children. The noise of someone trying to open the door woke the appellant and her husband. The assailants opened fire on the door with guns and they then fled the house, firing their guns in the air, shouting "blasphemy". Her husband contacted the emergency telephone services and reported the attack to the police.

55. Her account and that of her husband is that the police attended at the property and took bullet samples from the house and found a piece of steel wire which it was assumed was used for opening doors. They were advised to attend the police station and give further details. When they attended there, the police took details of what they had told them but the police did not want to mention the link with the Sipah-i-Sahaba and did not file the report on that day because it was said that the deputy superintendent of police was not available. The police took no further action until her husband went back to them on 14 March 2013 and a First Information Report (hereinafter referred to as a "FIR") was filed. It is said that the police did not use all of the detail that they had given and declined to mention the name of the organisation that he belonged to all the threat letters that had been sent.

56. On 11 March 2013 after the attack on their home, the family moved to her brother's home where they stayed for a period of five days and then moved on to her sister-in-law's home and remain there until they left Pakistan on 24 March 2013. A further letter was sent to the home address in Pakistan which was then taken to the police.

57. In her oral evidence the appellant confirmed in cross examination that her family members had continued to be subjected to threats of harm. Her husband in his oral evidence also independently confirmed that there had been threats to the family members that had remained in Pakistan although no physical harm had come to them. It was further stated in evidence that the man Mr K had instructed households nearby to to tell him if they had returned home and had threatened them with harm.

58. Both the appellant and her husband gave oral evidence before the Tribunal concerning the events that occurred in Pakistan which I have recited in the preceding paragraphs. It is correct to observe that despite cross-examination both accounts were consistent with each other in all respects. Mr McVeety, on behalf of the respondent, properly conceded that in all material respects the evidence given by both parties as to the events in Pakistan had been consistent when answering questions as to the detail and the recollection of events. He, however, bases his submissions on the inherent implausibility of the appellant's account in the context that if such threats had been made, but the appellant would have made a report to her manager and a failure to do so demonstrates that the account given is not a credible one.

59. Mr Wood relied upon the decision of HK v SSHD [2006] EWCA Civ 1037 and in particular paragraph 28 where it was stated:

"further, in many asylum cases, some, even most, of the Appellant's story may seem inherently unlikely but that does not mean that it is untrue. Ingredients of the story, and the story as a whole, have to be considered against the available country evidence and reliable expert evidence, and other familiar factors, such as consistency with what the Appellant has said before, and with other factual evidence (where there is any)".

60. Furthermore, guidance on assessing plausibility was set out at [30] of that decision where it was stated that it was not "proper to reject an applicant account merely on the basis that it is not credible or not plausible. To say that applicant account is not credible is the state a conclusion…"

61. I have therefore taken that into account when reaching my decision on credibility. Furthermore I have considered the evidence given in the light of the background material that is before the Tribunal contained in the appellant's bundle and that which is referred to in the country guidance decision of AK and SK(as cited).

62. The material before me demonstrates that both evangelical and non-evangelical Christians face increased discrimination and targeted attacks because of their faith and that discrimination against Christians extends to many aspects of their life including employment and education and that there are reports of harassment, threats and violence including targeted attacks by non-state actors-sometimes resulting in deaths-against Christians and other representatives/defenders (see 2.22-2.26 country information and guidance 2016 ;page 83AB).

63. In the country guidance case of AK and SK(as cited), where a large body of evidence, both oral and documentary, was considered, it was reported that women from religious minorities were said to be the most vulnerable of targets of violence. Women were disproportionately affected (paragraph 124) and expressly considered issues of forced conversion (paragraphs 1 to 4 – 127 and HRW report at paragraph 135) although it is right to observe that much of that information relates to women of the younger age from a lower socio-economic group to that of this appellant.

64. The objective material also makes reference to the Pakistan Penal Code and the blasphemy laws. It is not suggested by the parties that they material set out in the country guidance decision has changed to any significant degree nor is it argued that the case does not accurately reflect the current situation in Pakistan. In that decision, the Tribunal set out at length the background to the blasphemy laws at paragraph 37 – 50 including the frequency of blasphemy allegations and in particular that there was agreement on the evidence that extremist groups present the largest obstacle to freedom of beliefs in Pakistan. The risk of blasphemy allegations from the instigation of extremist groups were considered at paragraph 74 and that the Christian minority being subject to discrimination and harassment as well as acts of religiously motivated violence at the hands of militant groups and fundamental extremists. The

criminal provisions, particularly the blasphemy laws are said to be used by militant organisations to intimidate and harass Christians as well as to exact revenge and settle business and personal scores. The Tribunal concluded at paragraph 209 that the accusations of blasphemy were made for a variety of reasons and could be "unpredictable".

65. The UNHCR (at paragraph 101) reported that members of religious minorities may be subject to religiously motivated harassment and violence at the hands or at the instigation of extremist elements. Failure to prosecute perpetrators of such violence as well as institutionalised discrimination against religious minorities, reportedly contributes to a climate of impunity and the growing sense of insecurity amongst those communities.

66. The UNHCR at paragraph 104 considered that members of the Christian community, including those targeted by Islamic extremist elements or charged with criminal offences under the blasphemy provisions, victims of bonded labour, severe discrimination, forced conversion and forced marriage, as well as Christians perceived as contravening social mores, may, depending on the individual circumstances of the case, be in need of international protection on account of their religion or membership of a particular social group.

67. The objective material also refers to the group known as the Sipah-i-Sahaba which is described as a "militant extremist group" based in the Punjab.

68. It is against this background that I have considered the factual account of the appellant and her witness. As set out above there were no issues of credibility arising from any inconsistency in their evidence, either internally or between the evidence given by the appellant and her husband. Nor was it submitted on behalf of the respondent that her account was inconsistent with any of the background material. Indeed, on my analysis of the background material, I am satisfied that her account is a plausible account when looking at her circumstances placed in the context of Pakistani society and the material which describes the harassment and discrimination faced by Christians in Pakistan.

69. The thrust of the submission made by Mr McVeety is that her account is implausible because she did not seek to tell anyone of the threats in her workplace and in particular her superiors. I take into account that the appellant was employed by an international bank in an urban city in Pakistan but that there is no evidence before the Tribunal as to any formal grievance procedure or otherwise available to any employees. Her explanation of not taking any internal action is that she was afraid that no one would listen to her being both a Christian and a woman. She set this in context and that her colleagues were Muslim and that she was the only Christian working in the bank and that this ranked her as being on a "lower scale". She also set out in her witness statement (paragraph 10) that she initially did not tell her husband as she was worried that he might think that she had offered some form of encouragement to the man to act in this way.

70. I am satisfied against the particular background and in the light of the material which shows a level of societal discrimination against Christians and the women, that she may have perceived her circumstances as such that she did not feel able to report threats and harassment to a male superior. I do not find it implausible that she did not do so and in any event, the evidence was that she had made some effort to stop the nuisance calls by contacting the IT department and therefore it is not the case that she did not attempt any action whatsoever.

71. Her husband's account of having spoken to Mr K on the telephone and his behaviour was consistent with the appellant's evidence as Mr McVeety properly accepted. Whilst it might be said that he is not an independent witness being a member of her family, he has given an account which under cross examination has remained consistent with that of his wife and therefore should be given some weight when assessing the overall credibility of the factual account given by the appellant.

72. In the light of the nature of the conversation between the appellant and Mr K, it is entirely plausible that he would treat her rejection in the way described. The objective material makes reference to threats of blasphemy being triggered by a number of events and of the Tribunal concluded were "unpredictable" and occurred involving personal disputes as well in the context of religion. Here there were two reasons given by the appellant – her rejection of him and also her religion.

73. As to the events that took place on 10 March 2013, the account given by the appellant and her husband has been consistent as to the offence that had taken place and the description surrounding those events. In addition the appellant has provided documentary evidence in support of her claim.

74. When considering documentation, I remind myself of the guidance given in the decision of the Tribunal in **Tanveer Ahmed [2002] UKIAT 00439** in which the Tribunal acknowledged the argument that "documents and information contained in them may be either genuine or false; documents may be genuine but that information itself may be false; documents may not be genuine but the information may nonetheless be true." The Tribunal in that case went on to state

> "It is trite in immigration and asylum law that we must not judge what is or is not likely to happen in other countries by reference to our perception of what is normal within in the United Kingdom. The principle applies as much to documents as to any other form of evidence. We know from experience and country information that there are countries where it is easy and often relatively inexpensive to obtain 'forged' documents. Some of them are false in that they are not made by whoever purports to be the author and the information they contain is wholly or partially untrue. Some are 'genuine' to the extent that they emanate from a proper source, in the proper form, on the proper paper, with the proper seals, but the information they contain is wholly or partially untrue. … The permutations of truth, untruth, validity and 'genuineness' are enormous. At its simplest we need to differentiate between form and content; that is whether a document is properly issued by the purported author and whether

> the contents are true. They are separate questions. It is a dangerous oversimplification merely to ask whether a document is 'forged' or even 'not genuine'."

The only question is whether the document is one upon which reliance should properly be placed. Such documentation should be not looked at in isolation but should be assessed along with other pieces of evidence and therefore "in the round". I confirm that I have had in mind those words of the Tribunal when making an assessment of the variety of documents that have been produced in this case.

75. I have considered this part of the Appellant's account with care and the documents produced in support of it in the light of **Tanveer Ahmed** and in the light of the background country materials.

76. The country report for Pakistan (Country Information and Policy Note dated June 2017) makes reference to fraudulent documents as follows:

15. Forged and fraudulent documents

15.1.1 Sources dated between 2012 and December 2014, identified by the Research Directorate, Immigration and Refugee Board of Canada, indicated that the availability and accessibility of forged and fraudulent documents, including academic qualifications, bank statements and property deeds, was widespread in Pakistan.

15.1.2 DFAT stated in its January 2016 report on document fraud in Pakistan, noting that:

'NADRA has improved the CNIC and passport-issuing process, reducing the incidence of CNIC and passport fraud. However, genuine documents are sometimes issued under false pretences. In late August 2015, for example, Pakistan's Federal Investigation Authority was reportedly investigating NADRA's alleged issuance of fake CNICs to militants in return for bribes as low as US$100. Pakistani authorities have put in place measures to combat fraudulent issuance of CNICs and can cancel CNICs which are bogus. DFAT has a high degree of confidence in NADRA's ability to determine the identity of Pakistani nationals using biometric and other information, with or without valid travel documents.

'Document fraud is endemic in Pakistan, particularly in those forms of documentation not issued by a competent central authority such as NADRA. For example, it is relatively simple to fraudulently produce police-issued FIRs using existing FIR book numbers. FIRs are hand-written standard forms. There is credible evidence of police in Pakistan accepting bribes to verify fraudulent FIRs. The existence of an FIR does not therefore constitute evidence that the described events actually occurred.

'More broadly, DFAT is aware of numerous cases of false school and academic records, birth certificates, death certificates, medical records, bank records and documents issued in a legitimate format without proper verification by Pakistani authorities. Pakistan journalists have advised DFAT that people can publish false stories in newspapers for a fee, although this trend appears to be in decline.'

77. The country reports for Pakistan (Country Policy and Information Note dated June 2017) makes reference to FIR's as follows:-

10.2 First Information Reports (FIRs)

10.2.1 The USSD Human Rights report stated 'A First Information Report (FIR) is the legal basis for any arrest, initiated when police receive information about the commission of a "cognizable" offense.' A cognizable offence is defined as an offence for which the police may arrest a person without a warrant. The USSD report continued:

'A third party usually initiates an FIR, but police can file FIRs on their own initiative. A FIR allows police to detain a suspect for 24 hours, after which a magistrate may order detention for an additional 14 days if police show detention is necessary to obtain evidence material to the investigation. Some authorities did not observe these limits on detention. Authorities reportedly filed FIRs without supporting evidence in order to harass or intimidate detainees, or did not file them when adequate evidence was provided unless the complainant paid a bribe. There were reports of persons arrested without judicial authorization.' [71]

10.2.2 DFAT noted that in practice investigations often took longer than the requisite 14 days, particularly for complex cases. DFAT added 'Although Pakistan's provinces and territories have independent prosecution services, police are exclusively responsible for investigations and consequently have a substantial influence on the outcome of individual cases.' [72]

10.2.3 According to a Human Rights Watch (HRW) report of September 2016:

10.3 'Several people interviewed for this report, particularly members of marginalized socioeconomic groups, raised concerns about not being able to register a First Information Report (FIR) with police because of what one activist described as the "financial cost of doing business with the police" –an allusion to bribe-taking – or the fear of harassment or threat. It is difficult for those without political or financial influence to file an FIR, particularly if they seek to implicate someone more powerful in a crime. As one senior police officer said, the FIR is often used as a "tool of oppression… by the ruling elite against the weak and powerless"...

'Investigation of registered cases is another area of concern particularly for vulnerable categories including women, minorities, and the poor. Human rights organizations have noted that registration and subsequent investigation of cases is particularly arduous for female victims of sexual assault. Such cases remain highly underreported because of the misogynist and biased attitude of state institutions, such as the police and judiciary, and society at large; in many instances, women who are sexually assaulted are not considered "victims" but are instead blamed for inviting the attack.".' [73]

.10.2.4 The HRW report further noted that, in practice, the police usually make a note of a complaint in the roznamcha (a register that records the daily activities of a police station) rather than formally recording a FIR. HRW noted:

'Human rights activists say police are less likely to register complaints brought by those from marginalized groups [e.g. women, religious minorities], and also those alleging that a crime was committed by a powerful person. In many instances where perpetrators have ties with powerful

citizens, FIRs may ultimately be registered but against "unknown persons," allowing them to escape investigation.

'By not registering FIRs, police are able to avoid their legal obligation to investigate the matter. Officials explained that according to the law, once an FIR is registered, the police are bound to investigate the complaint unless they provide written reasons for not doing so. Furthermore, canceling a registered FIR is "extremely difficult and ultimately entirely at the discretion of the courts".'

78. The documents consist of a FIR, newspaper report, a letter from CLAAS, copies of threatening letters, details of a call made to the emergency services.

79. Dealing with the FIR it is set out at pages 25 – 28 and gives the name of the police station where it was filed and has given a particular number. The date of the incident is recorded at 3:55 AM and the date of 10 March 2013. The content of the document makes reference to the date and time of the report on 14 March 2013 and is signed by a designated supervising officer. The document sets out the events that took place as recorded from the appellant, giving her address and a précis of the events leading up to the attack on the home on 10 March 2013.

80. The document demonstrates that an incident took place as the appellant and her husband have set out. Whilst the filing of an FTIR by itself does not demonstrate the truth of such an incident having taken place, it lent some support to the appellant's case as to what action they took following the incident. Mr McVeety accepted that contrary to the matters in the refusal letter, there were no discrepancies in the content of any of the documents that had been placed before the Tribunal.

81. The evidence of the appellant that it took some time for the police to file the FIR is supported by the time that elapsed between the incident and the police investigation on the night and the eventual FIR being filed on 10 March 2013.

82. There is also a newspaper report. I have seen the original document that is in the respondents paper file. It is a small section on the front page. The translation at [30) makes reference to the factual circumstances of an attack on her home on 10 March 2013. Again, it is not been asserted on behalf of the respondent before this Tribunal that it is inconsistent in its content with any of the details given by the appellant or that a legal case had yet to be filed.

83. There is also a document at pages 22 – 23 which purports to support that a telephone call was made at 4.09 am supporting the factual account of the appellant's husband having called the police. Again, this may be referred to as entirely self-serving but nonetheless it should not be disregarded on this basis.

84. There is a letter from CLAAS dated 11 June 2014. This is referred to in the respondent's decision letter as "completely self-serving" and operates on the basis that it simply recites information given by the appellant. In his submissions, Mr McVeety submitted that whilst it was accepted that it was a genuine letter, it having been confirmed by email that it emanated from the person concerned, that it was a document that should not be afforded any weight. He submitted that whilst the oral evidence of the appellant in cross-examination referred to an investigation having been carried out by CLAAS, the author of the letter did not say by whom or in what way such an investigation was carried out or the circumstances in which the events had been authenticated. Mr Wood on behalf of the appellant submitted that the source of the document was important it coming for a well respected source in Pakistan and that the document itself made regard to having conducted an investigation before confirming the events described.

85. I have considered the document in the light of its source. Mr Wood has referred the Tribunal to a document in a previous bundle (page 100) it sets out that CLAAS is a partner NGO for the British High Commission and in particular its work on forced marriages. The main focus of CLAAS is religious intolerance on which they are reported to be a trustworthy source. They have campaigned extensively against the blasphemy laws. Joseph Francis has been awarded an MBE for his services in this role.

86. I have also considered the content of the document. The letter sets out in essence the account given by the appellant as to the events in Pakistan. At page 17 it refers to the methodology employed by CLAAS and that the teams carry out fact-finding at incidents and locations and issue an update report on cases reported and handled by CLAAS. It states, "during the fact-finding missions the CLAAD team meet with the people in the area, affected, people the police as well in the cases where needed." At page 18 it refers to CLAAS having investigated. The report however does not set out the nature of any investigation conducted for the purposes of the letter/report. Whilst it referred to its general methodology which I have set out above, in the context of this particular investigation it is not known who they spoke to other than the appellant and her husband. The appellant's account makes reference to a number of witnesses (neighbours who had come out at the result of hearing firing at the

home) however there are no sources named in the document. Similarly there is no reference made to the identity of any members of the police force to confirm the events.

87. In the light of those matters, I do not discount the evidence is having no weight but any weight to it as independent support is of limited value.

88. There are also two threatening letters (pages 31 and 35 translations) which make reference to threats made against the appellant and her family members. Included in the documentation are copy envelopes in which those letters were sent which make reference to the appellant's home address.

89. I have therefore considered the written and oral testimony of the appellant and her husband and the written documentary evidence as set out above in the context of the background material. Having done so, I accept to the lower standard of proof and find that the account given by the appellant and supported by the evidence of her husband is made out. The evidence of the appellant and her husband was accepted by Mr McVeety to be consistent both internally and with each other and I find it to be plausible when set out against the objective material to which I have made a reference to above. Whilst the appellant's failure to mention these threats to the management team on the face of it may seem to be unusual, for the reasons given which relate to her reluctance to make a complaint when seen in the context of the objective material both in relation to religious minorities and their position and that of women generally supports the explanation given. Consequently I am not satisfied that her explanation is implausible as submitted on behalf of the respondent.

90. The documentary evidence when seen in its totality lends some support for the account given and I attach some weight to the material in the context of the evidence "in the round". I therefore accept that the core elements of the account given by the appellant were credible and that this therefore forms the basis of any assessment of risk.

91. Mr McVeety submits that other than having received threatening letters after the family left that there had been no further interest in the appellant's family who remain in Pakistan and thus they can return back to their home area.

92. The threatening letters are exhibited in the papers at ages 31 and 35 (translations). The perpetrators of the incident whereby guns were fired on the home and the person sending the letters are self identified as members of Sipah-i-Sahaba. As the objective material sets out, they are an extremist group. The contents of one of the letters make reference to knowing the appellant's home address and also the school that the children attend (page 31). At page 35, it makes reference to her having filed an FIR report and also refers to people in the area who would "keep them informed" of their whereabouts and that her photograph had been showed to the Mullahs and that a fatwa had been pronounced.

93. The evidence before me from the appellant demonstrates that an FIR was filed against the man concerned. However, it was not filed immediately and given the lapse of time it indicates a lack of expedition and real interest in apprehending the person concerned. There is no further evidence that the perpetrators of the incident have been arrested or interviewed. The objective material in the country guidance case (paragraph 276] is that the evidence must be considered holistically. In this context I note that there are no blasphemy charges yet filed in Pakistan according to the evidence (see paragraph 225 of the CG case). Whilst there are no blasphemy charges there is evidence, which has not been challenged from both the appellant and her husband, that since they had left Pakistan, members of their family had been threatened. In conjunction with the continuity of the threats and the contents of the letter (asserting that households in the vicinity will be asked information as to their return) and the previous threats of attack, I find that there is a reasonable likelihood that if they return to their home area that they would face a real risk or reasonable likelihood of further threats and violence for which they may not receive effective protection.

94. The letter refers to the profile of the perpetrator as a leader of the organisation concerned. The country guidance case refers to individuals who are being pursued by such individuals will not be safe in the Punjab but may also be unsafe elsewhere in Pakistan due to the wide geographical reach of these groups. At paragraph 2.4.2 (page 87 of AB) it records that as regards protection from non-state actors, despite constitutional rights and a Supreme Court ruling calling for the protection of religious minorities, many reports suggest that the government fails to provide sufficient protection to minority citizens against societal violence including the states general failure to bring perpetrators to justice. Some sources indicated infiltration into the police force by extremists who are then able to access individual's personal information and thus seek persons of interest.

95. In the light of the above factors, I accept the submission made by Mr Wood that there is a reasonable likelihood to demonstrate that upon return to the home area in

Pakistan that they would face continued threats, harassment and further violence for which they would not receive effective protection.

96. In the alternative, it was submitted by Mr McVeety that even if the appellant's account was credible that the family could internally relocate to live in a different part of Pakistan. I have therefore considered that issue.

The issue of internal relocation:

The Law

97. Article 8 of the Qualification Directive reads as follows:-

> "Article 8
>
> Internal protection
>
> 1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country.
>
> 2. In examining whether a part of the country of origin is in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.
>
> 3. Paragraph 1 may apply notwithstanding technical obstacles to return to the country of origin."

98. Paragraph 339O of the Immigration Rules sets out as follows:-

> "339O. Internal relocation
>
> (i) The Secretary of State will not make:
>
> (a) a grant of asylum if in the part of the country of origin a person would not have a well-founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country; or
>
> (b) a grant of humanitarian protection if in part of the country of return a person would not face a real risk of suffering serious

harm, and the person can reasonably be expected to stay in that part of the country.

(ii) In examining whether a part of the country of origin or country of return meets the requirements in (i) the Secretary of State when making his decision on whether to grant asylum or humanitarian protection, will have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.

(iii) (i) applies notwithstanding technical obstacles to return to the country of origin or country of return."

As it can be seen the paragraph refers to a different part of the country where that person would not have a well-founded fear of being persecuted and the person can reasonably be expected to stay in that part of the country. In making that assessment sub-paragraph (ii) directs the decision maker to have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.

In **Jasim v SSHD [2006] EWCA Civ 342** Sedley LJ said:-

"16. The possibility of internal relocation is relevant to refugee and human rights claims because it may demonstrate that a fear of persecution or harm though warranted by the applicant's experience in his place of origin, is not well-founded in relation to other parts of the state whose duty it is to protect him. But while the two issues – fear and relocation – go ultimately to the single question of safety, they cannot be decided in the same breath. Once the judge of fact is satisfied that the applicant has a justified fear of persecution or harm if returned to his home area, the claim will ordinarily be made out unless the judge is satisfied that he can nevertheless be safely returned to another part of his country of origin. Provided the second issue has been flagged up, there may be no formal burden of proof on the Home Secretary (see **GH [2004] UKIAT 00248**); but this does not mean that the judge of fact can reject an otherwise well-founded claim unless the evidence satisfies him that internal relocation is a safe and reasonable option.

17. It is necessary to stress both adjectives – safe and reasonable. It is well established that relocation to a safe area is not an answer to a claim if it is unreasonable to expect the applicant to settle there. There may be no work or housing. He may not speak the language. Similarly, relocation to an area may be perfectly reasonable by these standards but unsafe, for example because of the risk of continued official harassment or – as in this case – revenge-seeking."

99. Thus if a person is at risk in his home area, internal relocation should be considered as a potential means of affording him protection. The decision of the House of Lords

in **AH (Sudan) [2007] UKHL 49** related to three Appellants all of whom were in their 30s and were Sudanese nationals. The judicial committee considered the position of members of black African tribes who formerly lived in Darfur. Two of the Appellants were subsistence farmers.

100. It is clear from the opinion of Lord Bingham of Cornhill that the enquiry has to be directed to the situation of each particular applicant whose age, gender, experience, health, skills and family ties may all be relevant in the enquiry. It is said that there is no warrant for excluding or giving priority to consideration of the applicant's way of life in the place of persecution or for excluding or giving priority to consideration of conditions generally prevailing in the home country. Instead there has to be a consideration of all circumstances of the case. That conclusion is to be found between paragraphs 12 and 14 of his opinion.

101. The scope of the consideration was also dealt with by Baroness Hale in paragraph 20 of her opinion. In referring to Lord Bingham of Cornhill's opinion in **Januzi [2006] UKHL 5**, Baroness Hale recorded this passage from Lord Bingham's thinking in the earlier appeal:

> "The decision maker taking account of all relevant circumstances pertaining to the claimant and his country of origin must decide whether it is reasonable to expect the claimant to relocate or whether it will be unduly harsh to expect him to do so."

102. In approaching that task Baroness Hale also drew upon a UNHCR document which also considered that the task was a holistic exercise where the decision maker looks at the individual personal circumstances including past persecution or the fear of it, psychological and health conditions, family and social situations and survival capacities. In setting out those categories there was not meant to be any limitation on the scope of what must be considered.

103. It follows from the findings of fact made in the earlier part of this determination that the appellant and her family members have demonstrated a reasonable likelihood that they will face persecution or serious harm in their home area, which is an urban city. It is however submitted on behalf of the respondent that notwithstanding the risk of harm in their home area that the appellant and her family members can relocate to another area of Pakistan where they will not face such a risk. It was submitted that in AK and AS (Pakistan) (at paragraph 225 and 22 6) that a sufficiency of protection will be available to the appellant, when taking into account that she is not facing any blasphemy or other charges, hence she and her family members should be able to live in an alternative area of Pakistan as a Christian without facing a risk of serious harm and a level of redress will be available to them should they require the assistance of the state in any new area they may relocate to.

104. In this context I have had regard to the Country Guidance decision of AK and SK (Christians; risk) Pakistan CG[2014] UKUT 005569 and in particular paragraphs 227-231 which expressly deals with that issue and is replicated below.

"**Internal relocation**

227. Figures of blasphemy charges, deaths and attacks on individuals, communities and churches are all of concern but they must be viewed against the size of the population and the fact that most take place in Punjab where radical Islamists have a strong presence. The option of internal relocation must be viewed against that background.

228. The correct approach as laid out by Lord Bingham in Januzi [2006] UKHL 5 is whether an individual can reasonably be expected to relocate or whether it would be unduly harsh to expect him to do so. The test must not be equated with a well founded fear of persecution or a real risk of ill treatment.

229. According to the UNHCR, internal relocation will generally not be an option in areas of FATA, Khyber Pakhtunkhwa and Baluchistan which are all currently affected by security and military counter-insurgency operations and retaliatory attacks. In other areas, the availability of a viable relocation option needs to be assessed on an individual basis.

230. Individuals who are being seriously pursued by armed militant groups such as the Lashkar-e-Jhangvi and Sipah-i-Sahaba will generally not be safe in Punjab where these groups are based. They may also be unsafe elsewhere due to the wide geographical reach of these groups. The nature of the threats received, the individual's personal circumstances and availability of support from influential connections are all relevant considerations. It is not likely that ordinary community members will have the resources or the inclination to pursue their victims outside the local area and so those facing harm from localised groups or individuals will generally be able to relocate to one of the many large cities. However, individuals subject to criminal prosecution under the blasphemy laws will not generally be able to relocate.

231. Those against whom an FIR has been issued may in certain circumstances be able to relocate. The seriousness with which an FIR is lodged and pursued will need to be assessed along with the individual's personal circumstances, the existence of traditional support mechanisms such as the presence of friends and relatives in the area of prospective relocation and whether the individual would be readily identifiable there. Relocation to urban centres will generally be possible where the factors identified above do not come into play. "

105. There were no submissions made by Mr Wood which related to the individual circumstances of the family themselves. As the factual account demonstrates the family consists of husband and wife and children. On the evidence before me all their extended family members reside in the same city where the events occurred and where it is unsafe to return to. Therefore it has not been established that they have any relatives in any other part of Pakistan to enable them to resettle. Considering their personal circumstances, the appellant and her husband have both been in paid employment in the banking industry and are educated. There were some medical records in the bundle but I have not been referred to their relevance. There is no evidence about any identifiable needs for the children other than that they require to be brought up in a safe environment.

106. Applying the Country Guidance case, the risk of harm emanates from non-state actors and in this case from members of the Sipah-i-Sahaba whom the objective material refers to as a militant extremist group. In the light of the interest and action taken by this group towards the appellant and her family members, it is not possible for them to relocate to the Punjab where radicals have a strong presence and the country guides decision at paragraph 229 identifies other places in Pakistan such as FATA or Baluchistan, where internal relocation is not possible. The question is whether there is availability of a viable relocation option elsewhere and this must be assessed on an individual basis.

107. There is no FIR registered against the appellant or any blasphemy charges yet instituted. The evidence nonetheless points to ongoing interest and threats to the appellant's family members although no violent reprisals have been made (I refer to the oral evidence of the appellant and her husband). The Country Guidance decision makes reference to the individual circumstances on relocation and whether those involved will be readily identifiable. In this context the family are Christians therefore are readily identifiable as members of a religious minority. They have no other family members elsewhere to provide any traditional support mechanisms.

108. Paragraph 230 of the CG decision makes reference to individuals who are being seriously pursued by the group Sipah-i-Sahaba and that there would be no safety in the Punjab. It also makes reference that it may be unsafe elsewhere due to the wide geographical reach of the group. In this context I have considered the nature of the threats and the individual's personal circumstances and the availability of support from influential connections (if any). The country guidance at paragraph 230 also makes reference to ordinary community members not having reason or inclination to pursue victims beyond their area. Applied to the circumstances of this particular appellant, the family have no access to support from any connections of influence or even from family support elsewhere in Pakistan. The threats set out in the letters are not localised but as Mr Wood submits, make reference to having issued a fatwa (which is countrywide) and also that her photograph has been sent to the religious Mullahs and therefore she is readily identifiable. The author of the letter could not be described as an "ordinary community member" but is described as a leader of the organisation.

109. Therefore taking all those circumstances together and considering the matter holistically reminding myself that asylum claims made by religious minorities in Pakistan require particularly careful consideration, I have reached the conclusion that it is not been demonstrated that there is any viable internal relocation available to this particular appellant. As the country guidance decision makes clear, there will be circumstances in which internal relocation is viable and each case must be considered on its own particular facts. Having carried out an assessment of the evidence set out earlier, it follows that the appellant has succeeded in demonstrating that there is a reasonable likelihood that she will be at risk of harm upon return to Pakistan for a Convention reason and therefore succeeds in her appeal

Decision:

110. I allow the claim for asylum and on human rights grounds

Signed Date 9/ 11/ 2017

Upper Tribunal Judge Reeds

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 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.