



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Pakistan

Pakistan – PAK37896 – Asylum seekers –  
Returnees from the West – Internal  
relocation  
20 December 2010

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- 1. Please provide information on whether failed asylum seekers who are returned to Pakistan face a real chance of ill-treatment simply by reason of being failed asylum seekers. If so, is relocation an option?**

Information on the treatment of failed refugee claimants in Pakistan is provided in an Immigration and Refugee Board of Canada (IRBC) response to information request from December 2008. The response refers to an April 2004 *United Press International* article on Pakistanis being deported from the United States mainly for immigration violations, which indicates that detainees had been arrested by Pakistani immigration officials upon return. Correspondence from the Human Rights Commission of Pakistan in May 2005, however, indicated that failed Pakistani refugee claimants were not usually detained. A report from January 2005 refers to a high-profile asylum-seeking family who arrived in Pakistan after being deported from Australia following a five-year battle, having since disappeared.<sup>1</sup>

An earlier Immigration and Refugee Board of Canada response to information request from June 2003 includes information on whether failed Pakistani refugee claimants were interviewed and detained by the Federal Investigative Agency (FIA) upon their return to Pakistan, and whether they faced punitive measures. In correspondence with the IRBC, a barrister in London, who was also an advocate of the Supreme Court of Pakistan and the High Courts of the provinces, indicated that the FIA did not interview all nationals returning to Pakistan, but detained and interviewed persons alleged to have violated any law in relation to travel/visit to a foreign country. A Pakistan-based political and defence consultant advised the IRBC that nothing was expected to happen to a person who returned to Pakistan quietly after being denied refugee status. If such a person was deported and handed over to Pakistani authorities, the person would face a preliminary inquiry to determine if any Pakistani laws had been violated. The government would inquire into a person's refugee status case if it got a lot of media publicity. There was, however, "no law that can be invoked against a person for applying for refugee status elsewhere." A Pakistani denied refugee status could be arrested on return if there were

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<sup>1</sup> Immigration and Refugee Board of Canada 2008, *PAK102974.E – Pakistan: Treatment of failed refugee claimants in Pakistan, including whether failed Pakistani refugee claimants are interviewed and detained by the Federal Investigation Agency (FIA) upon their return to Pakistan; whether there have been any amendments to the Passport Act 1974 and Emigration Ordinance 1979, and their application by Pakistani immigration and customs officials*, Immigration and Refugee Board of Canada website, 2 December [http://www.irb-cisr.gc.ca/en/research/rir/index\\_e.htm?action=record.viewrec&gotorec=452160](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=452160) – Accessed 2 February 2009 – Attachment 1

criminal cases registered against him or her in Pakistan. The response to information request also includes information on the situation of a failed refugee claimant who had committed a crime overseas.<sup>2</sup>

The most recent UK Home Office country of origin information report on Pakistan from January 2010 refers to the above reports in the section on the treatment of failed asylum seekers.<sup>3</sup>

An RRT country advice dated 23 December 2009 looks at whether there were any reports of harm to failed asylum seekers in Pakistan, and any impediments to relocation.<sup>4</sup> An RRT research response dated 4 February 2009 provides information on whether failed asylum seekers are of interest to the authorities in Pakistan.<sup>5</sup>

Specific information was not located on relocation for failed asylum seekers in Pakistan. In relation to relocation generally, Article 15 of the Constitution of Pakistan indicates that “[e]very citizen shall have the right to remain in and, subject to any reasonable restrictions imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.”<sup>6</sup> It is reported that the law in Pakistan provides for freedom of movement within the country, emigration, foreign travel and repatriation, although the government reportedly limits these rights in practice.<sup>7</sup> During 2009, restrictions were placed on politicians, religious leaders and political workers to prevent them from moving freely within Pakistan. The movement of ordinary citizens who resided in insurgency affected areas of Malakand, Swat and the Federally Administered Tribal Areas was also reported to be seriously affected.<sup>8</sup>

## **2. Whether “returnees from the west” who are returned to Pakistan face a real chance of ill-treatment simply by reason of being “returnees from the west”? If so, is relocation an option?**

Specific recent information was not located on whether returnees to Pakistan from Western countries face ill-treatment simply by reason of being returnees from the West.

An earlier article from January 2003 in *The New York Times* refers to six Pakistani men who had been deported from the United States for overstaying visas or entering the country illegally saying they had found themselves “stranded between countries and cultures, their lives upended, since being detained and deported under a post-Sept. 11 crackdown. Back in Pakistan, which many had not seen for a decade or more, they are out

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<sup>2</sup> Immigration and Refugee Board of Canada 2003, PAK41611.E – *Pakistan: Whether the Penal Code, Passport Act 1974 and Emigration Ordinance 1979 contain provisions regarding returning nationals who are failed refugee claimants; amendments, if any, to the Passport Act and Emigration Ordinance; interview and detention of failed Pakistani refugee claimants by the Federal Investigative Agency (FIA) upon their return to Pakistan; possibility of punitive measures against returning nationals*, 26 June – Attachment 2

<sup>3</sup> UK Home Office 2010, *Country of Origin Information Report – Pakistan*, 18 January, Paragraphs 33.14-33.18 – Attachment 3

<sup>4</sup> RRT Country Advice 2009, *Country Advice PAK35880*, 23 December, (Question 6) – Attachment 4

<sup>5</sup> RRT Research & Information 2009, *Research Response PAK34346*, 4 February, (Question 4) – Attachment 5

<sup>6</sup> Human Rights Commission of Pakistan, 2010, ‘State of Human Rights in 2009’, HRCP website, February, p. 115 <http://www.hrcp-web.org/pdf/Annual%20Report%202009.pdf> - Accessed 10 May 2010 – Attachment 6

<sup>7</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Pakistan*, March, Section 2(d) – Attachment 7

<sup>8</sup> Human Rights Commission of Pakistan, 2010, ‘State of Human Rights in 2009’, HRCP website, February, p. 115 <http://www.hrcp-web.org/pdf/Annual%20Report%202009.pdf> - Accessed 10 May 2010 – Attachment 6

of place. Many Pakistanis see them as victims of an anti-Muslim witch hunt. But others view them as traitors in a country where anti-Americanism is on the rise.” The article indicates that life in Pakistan had “offered hardships all its own” to the men who were “American in attitude and manner” and “regarded by some Pakistanis as traitors.”<sup>9</sup>

A Congressional Research Service Report for Congress from June 2010 refers to anti-American sentiments being rife among ordinary Pakistanis. Many in Pakistani society express anger at the United States’ global foreign policy, and allegations of malfeasance by the United States inside Pakistan abound.<sup>10</sup>

There are also reports that militant groups target Western or foreign nationals in Pakistan. Members of radical Sunni Islamist groups in Pakistan are reported to “have varying agendas and carry out terrorist attacks against foreign, Shiite, and Christian targets, killing hundreds of civilians each year.” The expanding influence of Islamist militants over territory in the North-West Frontier Province,<sup>11</sup> now called Khyber Pakhtunkhwa,<sup>12</sup> and the Federally Administered Tribal Areas “has led to severe practical restrictions on local inhabitants’ dress, social behavior, educational opportunities, and legal rights.”<sup>13</sup> Lashkar-e-Jhangvi (North), Jaish-e-Mohammad and Lashkar-e-Jhangvi (Punjab) are militant groups that are reported to target Western or foreign nationals in Pakistan.<sup>14</sup>

Former prime minister of Pakistan Benazir Bhutto returned from self-imposed exile in October 2007 after agreement was reached with the government prohibiting her prosecution on pending corruption charges. She began campaigning for the January 2008 elections in Pakistan and was assassinated during a campaign rally in December 2007.<sup>15</sup> Bhutto was reported to be abhorred by radical Islamists as “[s]he was secular, Westernised and instinctively pro-American.”<sup>16</sup> She had “been living in London and Dubai since her second government was dismissed in 1996 and corruption charges were brought against her.”<sup>17</sup> The investigation into her death is ongoing.<sup>18</sup>

An RRT country advice dated 28 April 2010 includes information on the situation of local people who look like Westerners in Khyber Agency in Pakistan. The country advice also looks at whether it would be possible for a young educated person to relocate to another

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<sup>9</sup> Rohde, D. 2003, ‘U.S.-Deported Pakistanis: Outcasts in 2 Lands’, *The New York Times*, 23 January – Attachment 8

<sup>10</sup> Kronstadt, K.A. 2010, ‘Pakistan: Key Current Issues and Developments’, Congressional Research Service Report for Congress, 1 June, p. 37 – Attachment 9

<sup>11</sup> Freedom House 2010, *Freedom in the World – Pakistan (2010)*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7893> – Accessed 10 September 2010 – Attachment 10

<sup>12</sup> Kronstadt, K.A. 2010, ‘Pakistan: Key Current Issues and Developments’, Congressional Research Service Report for Congress, 1 June, p. 2 – Attachment 9

<sup>13</sup> Freedom House 2010, *Freedom in the World – Pakistan (2010)*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7893> – Accessed 10 September 2010 – Attachment 10

<sup>14</sup> ‘Pakistan: A guide to main militant groups’ 2010, *IRIN News*, 13 October <http://www.irinnews.org/report.aspx?ReportID=90760> – Accessed 14 October 2010 – Attachment 11

<sup>15</sup> US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Pakistan*, March, Introduction & Sections 1(a) & 2(d) – Attachment 12

<sup>16</sup> Blair, D. 2007, ‘The target Educated, pro-Western and a woman: why the fanatics wanted her dead’, *The Daily Telegraph*, 28 December – Attachment 13

<sup>17</sup> ‘Bhutto Announces Date of Return to Pakistan’ 2007, *The New York Times*, 14 September – Attachment 14

<sup>18</sup> Walsh, D. 2010, ‘Former police officers face arrest over Bhutto’s killing’, *The Guardian*, 6 December – Attachment 15

place in Pakistan.<sup>19</sup> An RRT country advice dated 3 November 2010 provides information on whether persons targeted for harm could relocate to another part of Pakistan.<sup>20</sup> A further RRT country advice dated 18 October 2010 looks at whether a young person with qualifications would be able to relocate away from the Taliban within Pakistan, and includes information on who is targeted by the Taliban, areas of Pakistan in which the Taliban are active, and attacks on Shia Muslims.<sup>21</sup>

## Attachments

1. Immigration and Refugee Board of Canada 2008, *PAK102974.E – Pakistan: Treatment of failed refugee claimants in Pakistan, including whether failed Pakistani refugee claimants are interviewed and detained by the Federal Investigation Agency (FIA) upon their return to Pakistan; whether there have been any amendments to the Passport Act 1974 and Emigration Ordinance 1979, and their application by Pakistani immigration and customs officials*, Immigration and Refugee Board of Canada website, 2 December [http://www.irb-cisr.gc.ca/en/research/rir/index\\_e.htm?action=record.viewrec&gotorec=452160](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=452160) – Accessed 2 February 2009.
2. Immigration and Refugee Board of Canada 2003, *PAK41611.E – Pakistan: Whether the Penal Code, Passport Act 1974 and Emigration Ordinance 1979 contain provisions regarding returning nationals who are failed refugee claimants; amendments, if any, to the Passport Act and Emigration Ordinance; interview and detention of failed Pakistani refugee claimants by the Federal Investigative Agency (FIA) upon their return to Pakistan; possibility of punitive measures against returning nationals*, 26 June. (REFINFO)
3. UK Home Office 2010, *Country of Origin Information Report – Pakistan*, 18 January.
4. RRT Country Advice 2009, *Country Advice PAK35880*, 23 December.
5. RRT Research & Information 2009, *Research Response PAK34346*, 4 February.
6. Human Rights Commission of Pakistan, 2010, ‘State of Human Rights in 2009’, HRCP website, February, <http://www.hrcp-web.org/pdf/Annual%20Report%202009.pdf> - Accessed 10 May 2010.
7. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Pakistan*, March.
8. Rohde, D. 2003, ‘U.S.-Deported Pakistanis: Outcasts in 2 Lands’, *The New York Times*, 23 January. (FACTIVA)
9. Kronstadt, K.A. 2010, ‘Pakistan: Key Current Issues and Developments’, Congressional Research Service Report for Congress, 1 June.
10. Freedom House 2010, *Freedom in the World – Pakistan (2010)*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7893> – Accessed 10 September 2010.

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<sup>19</sup> RRT Country Advice 2010, *Country Advice PAK36444*, 28 April, (Questions 4 & 5) – Attachment 16

<sup>20</sup> RRT Country Advice 2010, *Country Advice PAK37630*, 3 November, (Question 3) – Attachment 17

<sup>21</sup> RRT Country Advice 2010, *Country Advice PAK37535*, 18 October, (Question 5) – Attachment 18

11. 'Pakistan: A guide to main militant groups' 2010, *IRIN News*, 13 October  
<http://www.irinnews.org/report.aspx?ReportID=90760> – Accessed 14 October 2010.
12. US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Pakistan*, March.
13. Blair, D. 2007, 'The target Educated, pro-Western and a woman: why the fanatics wanted her dead', *The Daily Telegraph*, 28 December. (FACTIVA)
14. 'Bhutto Announces Date of Return to Pakistan' 2007, *The New York Times*, 14 September. (CISNET Pakistan CX185018)
15. Walsh, D. 2010, 'Former police officers face arrest over Bhutto's killing', *The Guardian*, 6 December. (FACTIVA)
16. RRT Country Advice 2010, *Country Advice PAK36444*, 28 April.
17. RRT Country Advice 2010, *Country Advice PAK37630*, 3 November.
18. RRT Country Advice 2010, *Country Advice PAK37535*, 18 October.