

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: pa/10935/2016

**THE IMMIGRATION ACTS**

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| **Heard at Field House** | **Decision & Reasons Promulgated** |
| **On 5th September 2018** | **On 14th September 2018** |
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**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SAINI**

**Between**

**THE Secretary of State FOR THE Home Department**

Appellant

**and**

**S B**

**(ANONYMITY DIRECTION maintained)**

Respondent

**Representation:**

For the Appellant: Ms J Isherwood, Senior Presenting Officer

For the Respondent: Mr D Sellwood, Counsel

**DECISION AND REASONS**

1. Although this is the Secretary of State’s appeal, I will refer to the parties by their original constitution before the First-tier Tribunal for ease of comprehension.
2. The Secretary of State appeals against the decision of First-tier Tribunal Judge Robertson promulgated on 14 May 2018 wherein Judge Robertson allowed the Appellant’s appeal on the basis of her membership of a particular social group and that she is likely to be at risk in Bangladesh and there is unlikely to be a sufficiency of protection for her in her home area and that it would be unduly harsh for her to relocate, and pursuant to securing protection of her human rights on the basis of Articles 2 and 3 of the ECHR.
3. The Secretary of State appealed against that decision and was granted permission to appeal by First-tier Tribunal Judge Cruthers in the following terms:

“2. Without restricting this grant, I record my suspicion that there is likely to be little mileage in the Respondent’s challenge to the judge’s careful credibility assessment (paragraph 3 of the grounds on which the Respondent seeks permission to appeal cf the judge’s pages 6 to 12).

3. But I do consider it arguable that the judge erred in finding that it is unreasonable to expect the Appellant to internally relocate within her country of nationality (Bangladesh) before turning to the surrogate protection of the international community (her paragraphs 35 and 36 cf paragraphs 4 and 5 of the respondent’s grounds).

4. Overall, there is sufficient in the grounds to make a grant of permission appropriate”.

1. I was provided with a Rule 24 response from the Appellant’s Counsel which was considered by all parties before the hearing commenced.

**Error of Law and Reasons**

1. In my view I do not find that there is a material error of law in the decision such that it should be set aside. My reasons for so finding are as follows.
2. In respect of the Secretary of State’s Grounds of Appeal there are two main umbrella arguments under which the appeal was brought, the first being credibility, and the second being internal relocation.
3. In respect of the first Ground of Appeal I will deal with that briefly. The challenge to the Appellant’s credibility may be summarised as being that the First-tier Tribunal Judge has allegedly not considered that the Appellant does not know her husband’s family who are the alleged non-state agents of persecution, and they equally have never met her, know little about her and could not be a realistic threat. With her usual pragmatism, Ms Isherwood did not press this ground with any vigour, however I shall deal with it for the sake of completeness as follows. In respect of the credibility challenge, as observed by First-tier Tribunal Judge Cruthers in granting permission, there is little mileage in this ground. Firstly, I bear in mind the fact that the judge has made sufficient findings in respect of the contact between the Appellant and her own family and the likelihood therefore of her being recognised by the non-state agents of persecution. I further note that the judge has also made findings in respect of the Appellant’s contact with her mother and brother ceasing since 2016 and that the agents of persecution were able to locate and threaten the Appellant’s estranged family. None of these findings were directly challenged by the Secretary of State as not being open to the judge. Thus, in light of the findings made by the First-tier Tribunal, I find that it was open to the First-tier Tribunal to find it a reasonable likelihood that the Appellant would be identifiable on return to her home area and that the Secretary of State’s first ground amounts to nothing more than a disagreement with the outcome of this issue. I also note that the non-state agents of persecution were also able to locate the Appellant’s family and were able to bribe the police in this regard (see paragraph 34(xi) of the decision). Thus, in my view, identifing the Appellant upon return in her home area would not be difficult for the agents of persecution given that the Appellant’s estranged husband and his family in Bangladesh were able to go to these lengths.
4. Turning to Ground 2 and the internal relocation issue, the challenge may be paraphrased as being that the judge’s finding that the Appellant could not internally relocate because she would have no male protection, has a large family whom she can presumably rely on support from and has had relatively recent contact with, and the fact of her being an educated person and thus capable of self-support, were factors which would demonstrate that internal relocation would not in fact be unduly harsh. In respect of the Ground of Appeal as it is framed, it is somewhat confusing and appears to be rearguing the appeal, and may be seen in many views as a disagreement with the findings of the First-tier Tribunal, however, again I deal with it as follows step by step.
5. In respect of the statement in the grounds that the Appellant has a large family upon which she can rely on for support I bear in mind that at paragraph 34(xv) of the judge’s decision, Judge Robertson notes that the Appellant did not have the support of her family in Bangladesh and in light of the country background evidence regarding shame and dishonour, notwithstanding the fact that the Appellant also is accepted as being a victim of rape and domestic violence (as accepted by the Secretary of State and as recorded at paragraph 29(v) of the decision), in my view in light of those findings, it is perverse to suggest that the judge did not deal with the issue of a lack of male protection when there was found to be none available to her.
6. Turning to the contact between the Appellant and her family, as already noted above, the last contact was in 2016 which was some two years ago and thus could not be said to be relatively ‘recent’, or of any significance in terms of the Appellant’s practical internal relocation. In terms of the Appellant being an educated person, as noted by the First-tier Tribunal Judge at paragraph 29(iv) of the decision quoting from the Secretary of State’s Country Policy and Information Note on Bangladesh dated January 2018 (concerning women fearing gender-based violence), the Judge noted from 4.7.1 of that document that single women found it difficult to relocate, rent a property alone or find employment, and that there were ‘huge problems’ regarding social acceptance of single women – even for those who are educated or working. In that regard, given the inherent problems the Appellant would have in terms of relocation regarding her financial constraints and living without male support and the above factual matrix in Bangladesh that she would find, I do share the view of the Judge, and that reflected by the CPIN, that any such relocation would be “almost impossible”. In that light there is no merit in the fact that the Appellant is an educated person, regardless of whether she would have some form of self-support or not in light of the CPIN and the findings made by the Judge that were perfectly open to her to make.
7. Furthermore, in light of the judge’s findings contained at paragraph 35 concerning problems of women accessing shelters and in light of the Appellant’s vulnerability and her mental and physical health as recorded at paragraphs 31 to 32 of the First-tier Tribunal Judge’s decision, standing back and making a global assessment of the decision, I do not find that there is any material error of law in the decision such that it should be set aside.

**Notice of Decision**

1. The appeal to the Upper Tribunal is dismissed.
2. The decision of the First-tier Tribunal is hereby affirmed.

**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 her family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed Date 11 September 2018

Deputy Upper Tribunal Judge Saini