



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/02548/2016

Appeal Number:

THE IMMIGRATION ACTS

Heard at North Shields

On 10 October 2017

**Decision and Reasons
Promulgated**

On 3 November 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**A. A.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Cleghorn, Counsel, instructed by Halliday
Reeves Law Firm

For the Respondent: Mr Diwnycz, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant claimed asylum having entered the UK unlawfully. That application was refused on 3 March 2016.

2. The Appellant's appeal to the Tribunal was heard on 9 December 2016 and it was allowed on asylum and Article 3 grounds by decision of First tier Tribunal Judge Bircher promulgated on 3 February 2017.
3. The Respondent was initially refused permission to appeal, but was granted permission to appeal to the Upper Tribunal on 27 July 2017 by Upper Tribunal Judge Grubb on the basis it was arguably not evident what convention reason the Judge had concluded applied. The challenge to the findings on internal relocation were rejected as unarguable. Whilst permission was granted it was noted that the Appellant would in any event be entitled to humanitarian protection upon the Judge's unchallenged findings, even if the challenge to the asylum decision was made out.
4. The Appellant filed no Rule 24 notice. Thus the matter comes before me.

Error of Law?

5. Given the limited scope of the grounds, and the even more limited scope of the grant of permission to appeal, there is no challenge to any of the findings of primary fact made by the Judge.
6. When the appeal was called on for hearing the parties accepted that there was only one convention reason that the Judge could have had in mind, namely membership of a particular social group. Although the phrase is not to be found in the decision, I am satisfied that when the decision is read as a whole it is plain that the Judge was finding that this applied to the Appellant. Both men and women can form the members of a particular social group, as those at risk of "honour" based violence. It is plain from the decision that the Judge concluded that the Appellant faced such a risk.
7. Accordingly either the decision discloses no error of law at all because when read as a whole it is tolerably obvious that the Judge could only have been referring to membership of such a particular social group, or, there was no material error. If the Upper Tribunal were to remake the decision based upon the Judge's unchallenged findings of fact then in my judgement the conclusion would inevitably be reached that the Appellant was a member of such a social group.
8. In the circumstances I am satisfied that notwithstanding the grant of permission the grounds identify no arguable material error of law. The Judge's decision to dismiss the appeal must therefore stand.

DECISION

The Decision of the First Tier Tribunal which was promulgated on 3 February 2017 did not involve the making of an error of law in the decision to dismiss the appeal that requires that decision to be set aside and remade. That decision is accordingly confirmed.

Deputy Upper Tribunal Judge JM Holmes
Dated 2 November 2017

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Deputy Upper Tribunal Judge JM Holmes
Dated 2 November 2017