



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Numbers: PA/02525/2020
PA/02527/2020
PA/02529/2020
PA/02532/2020

THE IMMIGRATION ACTS

**Heard at Bradford IAC by a remote
hearing
On the 25 August 2021**

**Decision & Reasons
Promulgated
On the 6 October 2021**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

AND

**ELE
AE
OE
UE**

(ANONYMITY DIRECTIONS MADE)

Respondents

Representation:

For the Appellant: Mr S. Kotas, Senior Presenting Officer

For the Respondent: Ms E. Fitzsimmons, Counsel instructed on behalf of the appellant

DECISION AND REASONS

Introduction:

1. The Secretary of State appeals with permission against the decision of the First-tier Tribunal (Judge Turner, hereinafter referred to as the "FtTJ") who allowed their protection appeals against the decision of the respondent in a decision promulgated on 27 April 2021.
2. Whilst this is the appeal brought on behalf of the Secretary of State, for sake of convenience I intend to refer to the parties as they were before the FtT.
3. The FtT did make an anonymity order and no grounds have been raised by the Secretary of State for the order to be discharged during these proceedings. I therefore continue the anonymity direction set out at the end of this decision as the appeal involves a protection claim and also the interests of minor children.

The background:

4. The background is set out in the decision of the FtTJ and the evidence in the bundle. The 1st appellant is the mother of the 3 other appellants who are her dependent children. All are nationals of Nigeria.
5. The main appellant's claim is that she and her youngest daughter are at risk of harm should they return to Nigeria due to the appellant's husband's family's demand to perform FGM upon the appellant's daughter.
6. The appellant is married and has 4 children. The appellant had another daughter who died in July 2006 having been subjected to FGM at the age of 5 months. The appellant had not been subjected to FGM although her older relatives had. The appellant's claim was that the elder in the community was a strong believer in FGM however there was a new leader in place when the appellant and her younger sisters were due to undergo the procedure and he was not supportive of FGM. The appellant's husband's female family members had all been circumcised and believed in FGM and that the process was undergone by her youngest daughter due to pressure from her husband and his family. The event of their daughter's death changed her opinion of the practice and that of her husband.
7. In relation to her 2nd daughter, the appellant did not wish for FGM to be carried out and persuaded the family members to agree to postpone this until she was 10 years of age. The in-laws had arranged a date for a meeting for the purpose of arranging FGM, but the appellant did not take it up. The family were angry about this and as a result she was attacked on 19 May 2019, and she sustained a number of injuries requiring medical treatment. The appellant reported the attack to the police, but the complaint was not pursued.

8. The appellant left Nigeria travelling with her 3 children arriving on 9 August 2019. She initially came to the UK using a visit visa to see her sisters and had intended to leave her daughter with one of her sisters and return to Nigeria so that she could protect her daughter from FGM. The appellant made a claim for asylum.
9. The appellant's husband was attacked on 19 of August 2019 short time before the appellant was due to return back to Nigeria and he also needed medical treatment. The appellant feared that she and her family would be unable to seek the protection of the police from further attack or from FGM upon their daughter and that the family elder had connections to politicians and people in positions of authority in Nigeria. Their complaints about the attacks on the appellant's husband were not actioned due to the elders connections and because of the issue of FGM and that intrafamilial attacks were "family matters".
10. The appellant's husband was further attacked on 27 June 2020 by the family. The elders made demands that she return to Nigeria for the procedure to take place and threats had been issued to the appellant whilst in the United Kingdom.
11. The appellant in the UK had been referred to social services and an assessment been undertaken. An FGM protection order was granted by the High Court and served in Nigeria. The appellant has ongoing health issues as a result of the previous attack upon her and her fear for her daughter and other family members.
12. The respondent refused the appellant's claim in a decision letter of 28 February 2020. The decision was also summarised in the decision of the FtTJ at paragraphs 28 - 47 of her decision. The decision letter did not accept the appellant's account that the appellant's daughter would be at risk of FGM . The respondent did not accept the death certificate relating to the appellant's 1st child who died nor had the appellant given a reasonable explanation for the delay in FGM to her daughter until she attained the age of 10. As to the attack on 19 May 2019, the appellant been inconsistent about the detail of how she been attacked but this had not been put to her in the interview and therefore was not held against her. However it was accepted that the appellant had given an internally detailed account about the attack. The medical evidence appeared to be genuine, but it was noted there were spelling mistakes and format errors on the document therefore little weight was placed on it. As to the police report similarly little weight should be attached to it. The appellant was able to remain in Nigeria following her attack. The appellant's husband remained Nigeria that it was not consistent that he would remain there if he had a genuine and well-founded fear of his family in Nigeria. Photographs as to his injuries could not be verified and the threats from the Elder

whilst in the UK also not verified. Overall it was not accepted that the appellant was under threat due to her refusal to have her daughter circumcised. In the light of the lack of challenge to the FtTJ's decision that the appellant's daughter was at a real risk of FGM, and the lack of challenge to the factual assessment of the appellant's claim insofar as it related to the events in Nigeria and the UK and summarised at paragraphs [72]-[73], it is not necessary to set out in any further detail the points in the decision letter which related to the credibility of her account in Nigeria.

13. As to the issue of internal relocation this was considered at paragraphs 57 - 64 of the decision letter and it was concluded that the fear related to only one state in Nigeria and that based on her circumstances of being a Christian which was the primary religion in the south of Nigeria, that she spoke English and was in good health and that the health conditions that she did have she had already accessed medical assistance for a Nigeria, in the light of her husband who had a degree and employment, the appellant had the ability to move and travel and therefore it was not unreasonable for her to internally relocate in Nigeria. Consideration was given to the particular individuals that were named by her but that she had failed to demonstrate that they had any influence or power to locate her in other states in Nigeria.
14. The appellant appealed that decision, and the appeal came before the FtT and in a decision promulgated on 27 April 2021 the FtT allowed the appeals.

The decision of the FtTJ:

15. The FtTJ set out the evidence before the tribunal at paragraphs [52 - 55], which included documentary evidence, an expert report, medical evidence and the oral testimony from the appellant and her sister.
16. At paragraphs [56 - 71] the FtTJ set out her factual findings and assessment of the evidence. Within those paragraphs the FtTJ considered the core account of the events in Nigeria. The FtTJ accepted the appellant's account concerning the circumstances of her 1st daughter who had been subjected to FGM but had died (paragraphs [56 - 58]). The FtTJ found as a fact that the appellant had been attacked by her in-laws and sustained injuries (at paragraphs [60 - 61]) and further accepted the inaction on the part of the police (at paragraph [62]). The FtTJ set out the circumstances in which the FGM protection order was made (paragraphs [63 - 64]) and accepted the appellant's evidence in this regard. The FtTJ also accepted that her husband had been the subject of a physical attack whilst in Nigeria (at paragraphs [66 - 67]) and that the appellant had experienced continuing threats made against her in the UK from her relatives (paragraphs [68 - 69]).

17. At [69]-[70] the FtT set out her analysis of the issue of internal relocation. The FtT considered the appellant's claim that her family relatives had connections with the police and the authorities and thus would be located upon return and the submission made by the respondent that the appellant had failed to evidence those connections. The judge set out the evidence of the appellant's sister that she had seen the family relatives associating with people in positions of authority at the appellant's wedding. The judge acknowledged there was no evidence in support of that but questioned what could have been produced as the appellant had stated she could not return to Nigeria to obtain witness statements about this. The judge found that in any event those witnesses would only have confirmed the same as the appellant and her sister and that whether the appellant in-laws had connections with the authorities would be determined based on the overall credibility assessment of the appellant.
18. At [70] the judge made reference to the country expert report which concluded that a person did not need power or influence to be able to seek assistance from the police to locate a person, where there is intention to do so. The expert also referred to a high level of bribery and corruption with the police. The judge acknowledged the presenting Officer's point that the expert made no reference to external sources (although earlier at [62] had made the same observation but had found that the expert's report was supported by the respondents CPIN on the issue of high level of bribery and corruption). The judge also took into account the expert evidence that the police could locate a person using registration information provided at the doctors, at schools and when buying property and cars and that every person has to register with the police station. The judge found that this made "logical sense" that the authorities would hold records of a person's location. The judge found that the appellants were unlikely to go underground as they would be reliant upon official forms of work to support themselves and overall on the evidence the FtT found the expert conclusion to be credible that the family as a unit would leave some form of "digital footprint" for the purposes of location by the police.
19. At [71] the FtT set out conclusions that overall she found the appellant to have given a truthful account of events that led her and her children to leave Nigeria and claim asylum and at [72] concluded that on the evidence the appellant faced a real risk of persecution on return to Nigeria by reason of the ongoing risk of FGM upon the appellant's daughter and the harm that that would be caused to the appellant by witnessing the procedure. The factual findings were further summarised at [73] and [74] and set out the conclusions reached that the appellant, nor her family members could internally relocate and that the judge accepted that due to links between the in-

laws and the police and the general level of bribery and corruption, they could easily trace the appellant and the family to where they relocated. The family would be reliant upon income that would require registration that would make them easily traceable by the police and authorities. At [75] the judge took into account in addition that the appellant had evidence of an ongoing medical condition in relation to her mental health and that despite having support from her husband on return, it would be unreasonable to expect her to return in the circumstances when her mental health was fragile, and she was living in constant fear of being attacked and her daughter being taken for the purpose of FGM. The FtTJ therefore allowed the appeals.

The appeal before the Upper Tribunal:

20. Permission to appeal was issued on behalf of the Secretary of State and on 26 May 2021 permission was granted by FtTJ Easterman.
21. In the light of the COVID-19 pandemic the Upper Tribunal issued directions, inter alia, indicating that it was provisionally of the view that the error of law issue could be determined without a face-to-face hearing.
22. Subsequently, the appeal was listed for a remote hearing via Microsoft teams. The Tribunal listed the hearing to enable oral submissions to be given by each of the parties.
23. The hearing took place on 25 August 2021, by means of *Skype for Business*. which has been consented to and not objected to by the parties. A face-to-face hearing was not held because it was not practicable, and both parties agreed that all issues could be determined in a remote hearing. I was present at Court. The advocates attended remotely via video. There were no issues regarding sound, and no substantial technical problems were encountered during the hearing, and I am satisfied both advocates were able to make their respective cases by the chosen means. I am grateful for the clear and helpful submissions from the advocates.
24. At the outset of his submissions Mr Kotas stated that he did not seek to advance ground 1. In respect of ground 2, he directed the tribunal's attention to the written grounds where the risk factors of FGM to the appellant's daughter were summarised and he sought to withdraw the grounds from that paragraph onwards. He explained that it was open to the FtTJ on the evidence before her to conclude that the appellant's in-laws practised FGM, and that the appellant's daughter would be at a real risk of harm of FGM on return to Nigeria. Thus he submitted the only ground that he sought to advance was that which related to internal relocation.

25. He submitted that the appellant had claimed that her in-laws were connected to the police and therefore she would be located on return. However there was no evidence of who those people were, and no names were given or their connections. Therefore the judge conflated issues of ability to corroborate her account at paragraph 69 with the basic duty to establish the claim. The appellant had simply given vague assertions of people being positions of power but that even on the lower standard the appellant could not establish that and therefore the judge erred in law in this respect.
26. The 2nd point made in behalf of the respondent was that at paragraph [70] the FtTJ acknowledged the presenting officers submission that the expert had made no reference to any external source to support his opinion. However the judge went on to find at [74] that the appellant and her family members could not internally relocate and that due to links between the in-laws and the police and the general level of bribery and corruption, the in-laws could easily trace the appellant and the family wherever they relocated to, and that the family would rely upon income that would require registration and that it would make them easily traceable by the police and the authorities. Mr Kotas submitted that the appellant had provided no evidence to support the claim and that the FtTJ did not draw the threads together or deal with the consequences that the expert report was not supported. It was therefore unclear why the judge found the appellant could not internally relocate.
27. Mr Kotas therefore submitted that the assessment of internal relocation was unsound and should be set aside.
28. Ms Fitzsimmons on behalf of the appellants relied upon the written submissions that had been sent to the tribunal on 8 August 2021. In those written submissions it was stated that the respondent's grounds (ground 2) amount to no more than a disagreement with the findings of the FtTJ and that it was not accepted that the decision disclosed an inadequacy of reasoning on internal relocation citing the decision of Shizad (sufficiency of reasons: set aside) [2013] UKUT 85 and that inadequate reasoning is not a ground for allowing an appeal if on an analysis the approach is justified.
29. By reference to the decision of the FtTJ, it is submitted that the material paragraphs on internal relocation are set out at [69] and [70]. The written submissions also cite paragraphs [73], [74] and [75].
30. It is further submitted that it was of relevance to take into account that there was evidence before the FtTJ in the form of FGM protection orders issued by the High Court against 7 named individuals in Nigeria including a chief and a high priest and that the order named a particular chief with 2 addresses in 2 different States in Nigeria. In examination in chief, the appellant confirmed that the other family

members named in the FGM protection order were based in a state in Nigeria. Thus it was submitted it was relevant to the sustainability of the findings of the FtTJ on relocation because it demonstrated that the risk of harm was not confined to just one state but also to another central state in Nigeria. In addition, it was supported by the fact that the appellant's husband was attacked in a third named state which demonstrated the reach, capability and willingness of the in-laws to pursue the appellant and her daughter.

31. As to the expert report, the written grounds cite conclusions 3 and 4, and against that background summarised the factual findings of the FtTJ as to the appellant's inability to relocate as follows:
- (1) the judge found the appellant's evidence credible that her in-laws were connected to powerful individuals in positions of authority (69 and 74) findings which wrote to the judge to make as matter of credibility and not challenged by the respondent.
 - (2) The appellant had been attacked by the in-laws in the home area of X (at 73);
 - (3) the appellant's husband was attacked away from the home area in a number state (paragraphs 66 and 73);
 - (4) the appellant accepted that the appellant and her husband continue to face threats from in-laws particularly following the service of the FGM protection order (at paragraph 73);
 - (5) the judge accepted the expert evidence about the ability to be traced informally by bribery and the high levels of corruption in the context of compulsory registration (paragraphs 70 and 74);
 - (6) the judge accepted the appellant's medical position, particularly in relation to her fragile mental health and living in constant fear of being attacked and her daughter being subjected to FGM, which would mean that even with the support of her husband on return, that it would not be reasonable for the appellant to internally relocate (at paragraph 75).
32. In her oral submissions Ms Fitzsimmons referred to the naming of the individuals in the FGM order and also their positions in society. She submitted that this evidence was relevant to the reach of the nonstate actors given that the judge had also accepted an attack on the family members across 2 states in Nigeria and with 1 of the named individuals having an address in a further named 3rd state. She submitted that whilst the factual position may be different if dealing with one person in one particular province there was a different scenario here where a number of individuals in 3 states in Nigeria that had been identified and it was clear that the judge's finding was that she accepted that the family had positions within the tribe and across parts of Nigeria and therefore it was open to the judge to accept that the appellant had given a credible and consistent account.

33. In addition, she submitted that the FtTJ identified evidence in the CPIN which supported the expert opinion as to the level of corruption and bribery in Nigeria in the police force and therefore any criticism made by the respondent fell away because the expert evidence was consistent with the respondent's own CPIN.
34. Ms Fitzsimmons also submitted that at [70] the FtTJ set out the relevant circumstances of the appellant and that the appellant and her family members were unlikely to go under the radar and that the conclusion reached the family would be registered with the school and with employers was plausible and a finding open to the FtTJ to make. Thus she submitted the judge's reasoning as to the ability to trace the family was sustainable.
35. A further point made was that the CPIN made clear that the individual circumstances of the person need to be taken into account when assessing internal relocation and that on the evidence the judge accepted the appellant's medical circumstances in relation to her fragile mental health which was supported by the GP evidence. The appellant had been started upon medication and referred to the psychology service and that return to Nigeria would be detrimental to her mental health alongside her living in constant fear of being attacked and her daughter being subjected to FGM which would mean that even with the support of her husband it would not be reasonable for her to internally relocate (see [75]).
36. At the conclusion of the hearing I reserved my decision which I now give.

Decision on error of law:

37. There is now one ground of challenge advanced on behalf of the respondent and that ground seeks to challenge the FtTJ's assessment of internal relocation. The overarching submission made by Mr Kotas in behalf of the respondent is that the judge failed to give adequate reasons for reaching her decision on this issue.
38. I have carefully had regard to the submissions made by each of the advocates and have done so in the light of the decision of the FtTJ and the material before the tribunal.
39. The obligation on a tribunal judge is to give reasons in sufficient detail to show the principles upon which the tribunal has acted and the reasons that have led to the decision. Appellate courts should not rush to find a misdirection simply because they might have reached a different conclusion on the facts or express themselves differently, and in my judgement and on a careful reading, the FtTJ did give adequate reasons for her decision. I shall set out my reasons for reaching that conclusion.

40. In a very careful and detailed decision the FtTJ considered all the evidence, both documentary and oral, and undertook her analysis by assessing that evidence in the light of the points raised by each of the advocates. It is plain from reading the decision that the FtTJ engaged with all the submissions made on behalf of the Secretary of State concerning issues of credibility, plausibility and the reliability of the documents provided on behalf of the appellant to support her case.
41. In particular, the FtTJ considered the core account of the events in Nigeria which included the circumstances of her 1st daughter who had been subjected to FGM but had died (paragraphs [56 - 58]), the attack upon the appellant by her in-laws (at paragraphs [60 - 61]), the inaction on the part of the police (paragraph [62]), the circumstances in which the FGM protection order was made (paragraphs [63 - 64]) , the attack upon her husband in Nigeria (at paragraphs [66 - 67]) and the threats the appellant experienced in the UK from her relatives (paragraphs [68 - 69]).
42. When reaching her assessment on those issues, the FtTJ carefully considered the evidence in support. In particular, the documentary evidence and in light of the submissions made by the respondent as to the provenance and the reliability of those documents. However for the reasons set out in her decision, the FtTJ gave sustainable reasons for reaching the decision she did and ultimately finding firmly in favour of the appellant and reaching the overall conclusion at [71] that the appellant had given a truthful account of events in Nigeria and the risk to her daughter of being subjected to FGM.
43. The grounds do not seek to challenge the FtTJ's assessment of the appellant's credibility or the FtTJ's assessment of the core elements of her claim and the factual findings made. This is relevant in my judgement when considering the Secretary of State's grounds. As the FtTJ stated at [69] when considering the assessment of the evidence as to whether the in-laws had connections with the authorities, the overall credibility of the appellant was plainly a relevant consideration as supporting her evidence on the issue of her family relatives.
44. Dealing with the 1st point raised, Mr Kotas submits that the FtTJ simply accepted the appellant's account that her in-laws were connected to powerful/influential people but that the appellant had not even sought to identify them. However that submission is not in accordance with the evidence before the FtTJ. As Ms Fitzsimons submits, when the appellant sought a FGM protection order she identified by name and position those she feared in Nigeria and clearly identified them as two tribal chiefs and a high priest. They are set out by name in the court documents and therefore it is not necessary to set out those names in this decision. In the context of Nigeria the description of those individuals as "influential" is both credible and reasonable.

45. In so far as it has been argued on behalf of the respondent that the FtTJ conflated the issue of corroboration with the appellant establishing her case, I do not consider that that is reflected in the FtTJ's decision.
46. At [62] the FtTJ considered the evidence as to the connections of the appellant's in-laws. The judge was entitled to take into account the evidence of the appellant's sister, whose evidence the judge had accepted as both credible and supportive of the appellant's account. In that evidence the judge recorded that this witness had stated that she had seen the appellant's family members associating with people in positions of authority at a family wedding. Whilst it is submitted that there was no evidence to support the appellant's account of her family relatives having connections to influential people, that submission ignores the evidence of the appellant's sister and that was evidence in my judgement that the FtTJ was entitled to consider alongside the appellant's evidence as supportive of her factual account.
47. Whilst the judge acknowledged that there was no other evidence and that other witnesses would only have confirmed what the appellant and the appellant's sister had stated, in my judgement that did not mean that the FtTJ was wrong to place weight on the evidence that she did have before her and the evidence that she had found to be credible from both the appellant and the appellant's sister. This is plainly what the FtTJ was referring to when she stated that whether the in-laws had connections with the authorities would be determined on the overall credibility assessment of the appellant (at paragraph [69]) and was thus a relevant consideration.
48. At paragraph [71] the FtTJ stated that she had "stood back from the detail and considered the evidence in the round, weighing those matters that tell both for and against the appellant's credibility as a truthful witness." Having done so, the judge concluded that there was a reasonable degree of likelihood that the appellant had given a truthful account of the events that led to her and the children leaving Nigeria and claiming asylum. Thus the judge carefully concluded after having undertaken an assessment of all the evidence in favour of the appellant and the overall credibility of her account which was supported by documents and oral evidence, that she was a witness of truth. I see no error of law in placing weight on the evidence given from witnesses who have been found to have given truthful evidence.
49. Mr Kotas also challenges paragraph [70] of the FtTJ's decision which dealt expressly with the issue of internal relocation. It is right as he points out that the FtTJ made the observation at [70] that the country expert report concluded that a person does not need power and influence be able to seek assistance from the police to locate a

person, where there is an intention to do so. The judge also noted the expert's opinion that there was a high level of bribery and corruption within the police force. The judge further noted the presenting Officer's submission that the expert report did not refer to an external source for this. However earlier in the decision at paragraph [62] the judge made a similar observation when considering the expert report but found that whilst the expert's report did not provide a source for the issue of high level of bribery/corruption in the police, the respondent's own CPIN entitled Nigeria: Actors of Protection dated March 2019 at paragraph 5.2.2 did provide support for the expert's opinion in this regard referring to the prevalence of bribery within the police force. The judge also observed that the respondents CPIN provided support for the appellant's account of the inaction of the police.

50. Therefore, it was open to the FtTJ to reach the conclusion there was evidence to support the expert's opinion that the relatives did not need power influence to seek assistance from the police to locate the appellant and her family members where there was an intention to do so. When applied to the facts as found by the FtTJ in this particular appeal, the appellant's relatives did demonstrate an intention to take action. The judge found that the appellant's husband had been attacked (at paragraph [66]) and that this had taken place in a different state of Nigeria and also that since the service of the FGM protection order, the appellant had received ongoing threats which had been evidenced before the tribunal (at paragraph [68]).
51. A further point relied upon by Ms Fitzsimons is the FtTJ's analysis at [70] where the FtTJ set out the expert's opinion that the police have the ability to locate a person using registration information provided at doctors, schools and when buying property and cars. The expert referred to the fact that every person has to register at the police station. The judge stated that it made "logical sense that the authorities would hold records of a person's location" when registering schools and doctors in particular. Given the expert report concerning the issue of corruption in the police force which was supported by the respondents CPIN and cited at paragraph 62, it was open to the FtTJ to consider the likelihood of what information could be procured by the police from those with an intention to do so. It is therefore open to the FtTJ to find that it made "logical sense" that if a person was required to register at a police station or other official places, their location would be available particularly also when registering at a school at the doctors. The judge put this in the context of the appellant's factual circumstances and those of her husband and found that they were unlikely to go underground as they were reliant on official forms of work to support themselves. Thus the conclusion reached by the FtTJ that on the evidence, the expert's conclusion was credible that the family as a unit would "leave some

form of digital footprint for the purpose of location by the police” was a conclusion the judge was entitled to reach.

52. Against that evidential background I am satisfied that the FtTJ did give adequate and sustainable reasons for reaching her omnibus conclusion at [74] that the appellant and family members would not be able to internally relocate in safety and that her family members, which the judge found had taken steps to act against her even when not in Nigeria, and would seek to trace and locate the family and that this would take place via registration which would make the family traceable by the police and the authorities. The FtTJ also was entitled to take into account the appellant’s ongoing medical position which was supported by medical evidence from her GP which related to her fragile mental health and that it was not reasonable to expect her to return in the light of that material and that she would be living in constant fear of being attacked and her daughter being taken for the purposes of FGM.
53. For those reasons, I am not satisfied that it has been demonstrated that the decision of the FtTJ did involve the making of an error on a point of law. I therefore dismiss the appeal of the Secretary of State. The decision of the First-tier Tribunal shall stand.

Notice of Decision

The decision of the First-tier Tribunal did not involve the making of an error on a point of law and therefore the decision of the FtTJ to allow the appeals shall stand.

Signed Upper Tribunal Judge Reeds

Dated: 26 August 2021

Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008

Anonymity was granted at an earlier stage of the proceedings because the case involves protection issues. I find that it is appropriate to continue the order. Unless and until a tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be received by the Upper Tribunal within the appropriate period after this decision was sent to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is in the United Kingdom at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is 12 working days (10 working days if the notice of decision is sent electronically).
3. Where the person making the application is in detention under the Immigration Acts, the appropriate period is 7 working days (5 working days if the notice of decision is sent electronically).
4. Where the person who appealed to the First-tier Tribunal is outside the United Kingdom at the time that the application for permission to appeal is made, the appropriate period is 38 days (10 working days if the notice of decision is sent electronically).
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday, or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.