

3. The appellant is a citizen of Bangladesh born on 30 August 1982. She arrived in the UK on 25 August 2019, with her daughter (born on 20 October 2009), with a visitor visa issued on 31 July 2019, and claimed asylum 21 September 2019. Her claim was refused by the respondent in a decision dated 26 June 2020 and she appealed against that decision. Her appeal was heard in the First-tier Tribunal on 6 May 2021 and was dismissed in a decision dated 21 May 2021.

4. The appellant claimed to fear returning to Bangladesh on the basis that her husband would kill her and her daughter and, furthermore, that she would be at risk on return as a lone woman with a child. She claimed that her husband had been both mentally and physically abusive towards her and her daughter. Shortly after her arranged marriage to her husband she had become aware that he was addicted to alcohol and drugs. He and his family had forced her to fund his addiction from money obtained from her own family and through her employment. His addiction had led to severe financial hardship and debt for her family and she had contemplated suicide because of the severity of the mistreatment from him. Her husband had also taken a second wife. She had attempted to separate from her husband and to divorce him but was unsuccessful. She had sought support from a women's welfare agency and from the police but her attempts to obtain protection were ineffective.

5. The respondent, in refusing the appellant's claim, accepted that she had a genuine subjective fear of return to Bangladesh but did not accept that her fear was objectively well-founded. The respondent considered that there was a sufficiency of protection available to the appellant from the Bangladesh authorities and that it was also open to her to relocate to another part of the country where she would be at no risk from her husband and where she would be supported by her family and could find employment. The respondent considered that it would be unlikely that the appellant's husband would be able to find her and that, in any event, she had not shown that he had an ongoing interest in her or a strong motivation in pursuing her.

6. The appellant's appeal against that decision was heard by First-tier Tribunal Judge Sharma. It was confirmed on behalf of the respondent, before the judge, that the appellant's claim about her husband's controlling behaviour was accepted and that the only matters in issue were sufficiency of protection and internal relocation. The judge accepted that there was no sufficiency of protection available to the appellant in her home area, but he concluded that she could safely and reasonably relocate to another area of Bangladesh. The judge considered that the appellant could find employment and financially support herself and that she would have assistance and support from her mother in looking after her child so that she could work. He dismissed the appeal.

7. The appellant sought permission to appeal the decision to the Upper Tribunal on the following grounds. Firstly, that the judge had erred by limiting his consideration of sufficiency of protection to her home area and ought to have concluded that she would not be safe anywhere in the country as a lone woman with a female child. Secondly, that the judge had erred by suggesting

that she could stay with her mother when her mother was also a victim of her husband who had made false accusations against both her mother and her brother.

8. Permission to appeal was refused in the First-tier Tribunal but was subsequently granted by the Upper Tribunal on the basis that *“It is arguable that the FTT failed to take into account relevant evidence from the appellant and in the country background evidence when assessing the safety and reasonableness of internal relocation, including the husband’s ill-treatment of the appellant’s family members.”*

Hearing and submissions

9. The matter came before me and both parties made submissions.

10. Mr Mupara submitted that the judge had failed to give proper consideration to the Home Office Country Policy and Information (CPIN) Report “Bangladesh: Women fearing gender-based violence” of June 2020. When finding at [25] of his decision that the appellant would be able to find work, the judge had failed to take account of the CPIN report, at paragraph 2.4.3, of the discrimination faced by women in finding employment. Mr Mupara submitted further that the judge had erred by finding at [26] that the appellant would have support from her mother and sisters when they were also women and would have the same gender-based discrimination issues. The judge failed to consider the fact that, since the appellant’s father was deceased, there was no man to protect the family. The judge had accordingly failed to give proper, cogent reasons for finding that it would not be unduly harsh for the appellant to relocate to another part of Bangladesh. Mr Mupara also raised a third issue which he accepted was not in the grounds, but which he submitted was a ‘Robinson-obvious’ point, namely that the judge had failed to give proper consideration to the best interests of the appellant’s daughter, in particular in light of the reference at paragraph 2.4.5 of the CPIN report to forced marriages of children.

11. Mr Diwncyz submitted in response that the judge had clearly given full consideration to the CPIN report and had had full regard to the best interests of the appellant’s daughter. As to the grounds challenging the judge’s findings on internal relocation, the references made by Mr Mupara in the CPIN report related more to families in poverty and to uneducated women, whereas the appellant was well-educated and would have access to her own resources through employment without being reliant upon her family for support. The case of SA (Divorced woman- illegitimate child) Bangladesh CG [2011] UKUT 254 referred to the availability of state shelters, but the appellant was unlikely to need to access one in any event as she had family support. Internal relocation would not be unduly harsh and the judge’s decision adequately addressed the matter.

12. In response, Mr Mupara again referred to the CPIN report and submitted that the judge had failed to give it proper consideration when assessing how

the appellant, as a single woman with no male support, would be able to relocate to another part of the country.

Discussion and conclusions

13. There was, quite properly, no challenge to the judge's finding that the appellant would be at no risk from her husband in another part of the country, as set out at [23] of his decision. The challenge that was made in the grounds, and expanded upon before me by Mr Mupara, was to the judge's findings on whether internal relocation would be unduly harsh for the appellant, as a single woman with a daughter and with no male support. In my view there is no merit in that challenge.

14. Although Mr Mupara's submissions were presented on the basis of an inadequacy of proper consideration of the background evidence and a failure to take account of material matters, his submissions were, in my view, nothing more than an attempt to re-argue the appellant's case and a disagreement with the judge's decision. The judge plainly took full account of the CPIN report, referring to it at various points in his decision and indeed at some point making findings in favour of the appellant on the basis of that report (see [23]). Mr Mupara relied in particular on paragraph 2.4.3 of the CPIN report as evidence of the appellant's inability to find employment owing to discrimination against women in Bangladesh, but the judge was not required specifically to quote that section when it was otherwise clear from his observations at [26] that he had full regard to the difficulties faced by single women in Bangladesh. The judge took full account of the appellant's circumstances and was perfectly entitled to consider that, as an educated woman who had previously been in employment in Bangladesh, she would be able to find work on return. The judge gave particular consideration to the fact that the appellant was in a different position to previously as she was separated from her husband and had to look after her daughter and was entitled to conclude that that would not prevent her from being in employment as her mother could assist her with child care. The points raised by Mr Mupara in challenging the judge's findings at [26], in relation to the ability of the appellant's mother to assist her, were not entirely clear and I do not agree with him that the judge was not entitled to conclude as he did. The fact that the appellant's mother was poor and that she was also a woman were matters considered by the judge who was entitled to find that she would nevertheless be able to provide support to the appellant other than by financial means.

15. As for the submissions made by Mr Mupara about the judge's failure to take account of paragraph 2.4.5 of the CPIN report relating to forced marriages for children, I find no merit in such an argument. As Mr Mupara admitted in response to my enquiry, that was not a matter raised before the judge and I do not accept that it was a 'Robinson obvious' point that ought to have been considered. There was no basis for the judge to have considered the question of the appellant's daughter being forced into a marriage just because the CPIN made a generalised reference to such marriages taking place, when it was not raised by the appellant at any point in her evidence or in the submissions before him. The judge did, however, give consideration to the best interests of

the appellant's daughter at [28] and therefore plainly turned his mind to the matter.

16. It seems to me, therefore, that the judge's decision took account of all relevant matters and included a full consideration of the evidence. I agree with Mr Diwncyz that although the judge's decision was concise, it was a properly researched and comprehensive one. The decision was based upon a proper consideration of the country background materials and with full regard being given to the appellant's family and other circumstances.

17. For all of these reasons I find no merit in the grounds. Judge Sharma's decision was one which was fully and properly open to him on the evidence before him and was supported by clear and cogent reasoning. I do not find any errors of law in his decision requiring it to be set aside and I accordingly uphold his decision.

DECISION

18. The making of the decision of the First-tier Tribunal did not involve an error on a point of law. I do not set aside the decision. The decision to dismiss the appeal stands.

Anonymity

The anonymity direction made by the First-tier Tribunal is maintained.

Signed: S Kebede
2022
Upper Tribunal Judge Kebede

Dated: 22 February