



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: **UI-2021-001925**  
First-tier Tribunal No: PA/52538/2020  
IA/02413/2020

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 27 March 2023**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**MD**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Ms Khan  
For the Respondent: Ms Young, Senior Presenting Officer

**Heard at Phoenix House (Bradford) on 1 February 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant and any member of her family is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant and her family. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The application, a female citizen of Ghana, was born on 18 May 1976 arrived in the UK on the 28 May 2017 with her husband and children. On 30 August 2018, she claimed asylum, Humanitarian Protection, and leave to remain on human rights grounds. The Respondent refused the appellant's claims, on the 8 May 2019 certifying them as unfounded. Further submissions were made on the 3 March 2020, which were refused by the Respondent, with a right of appeal, on the 31 October 2020. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 30 April 2021, dismissed the appeal. The appellant now appeals to the Upper Tribunal.

2. The appellant's claim is summarised by the judge at [4-10]:

4. The Appellant's case can be summarised as follows. She and her husband were born and lived in Accra. She worked as a hairdresser, and he worked as a chef. They have two daughters, aged 15 and 12 years, and a son aged 18. They are Christians, and are active in their church and community in the UK. If returned to Ghana with her and her husband, the Appellant believes her daughters will face a real risk from her husband's family of being forced to undergo FGM. Her husband's mother has told her she had seen FGM being carried out on girls in the family in Volta.

5. The Appellant and her husband married in 2002 or 2003. From that time, the Appellant learned that her husband had been identified as a hereditary Fetish Priest by a secret society called the Adzovia clan, based in the Volta region. He was not allowed to refuse this post, and was harassed and threatened to take up the position. On occasions when the secret society were coming to take her husband, his mother was informed of this by sympathetic members of the clan, and she telephoned her son to warn him not to be at home that Appeal Number: PA/52538/2020 3 night when they came for him. This meant that he always managed to stay away.

6. However, the clan members would warn and threaten the Appellant to make sure her husband joined them. On one occasion in March 2006, shortly after she had given birth to one of her children, they beat her very severely. The Appellant never went to the police to make a complaint, or to the hospital for treatment. She was warned by the clan that things would be much worse for her if she did so, and she and her children would be killed. The police were corrupt, so that a report to them would get back to the clan. There is a police report relating to this March 2006 incident, which was made by the Appellant's mother-in-law on her behalf on the 16 September 2019. The reason this was made then was because the Appellant was being advised to obtain evidence from Ghana to substantiate her claims. Her mother-in-law thought she would not face too many problems if she reported the attack, but since then she has had to travel around, leaving her home in Accra New Town, and mainly living in Togo, to avoid being attacked by the clan. The clan are angry because they have learned that the Appellant and her husband are in the UK, and out of their reach.

7. The last attack on the Appellant came in about January 2017, after she and her husband had moved with their children to a different area of Accra (from New Town to Adenta, which was about 40 minutes' drive away). They had moved to try and get away from the clan in 2007-8.

The clan members travelled from the Volta region, which was about 1-2 hours' drive away. They had learned the new address because they have a network to find people.

8. If the Appellant and her husband return to Ghana, they will be kidnapped by the clan and forced to undergo various forms of ill-treatment, including FGM on the daughters, which amounts to persecution.

9. There will be no protection from the authorities, since they are corrupt, do not intervene in practice and/or are unable to provide an adequate level of protection.

10. Further, it would not be reasonable to expect the Appellant and her family to relocate within Ghana. There is a real risk they will be found by the clan, and will be living in fear of being discovered.

3. The grounds of appeal are rather inchoate. However, in her oral submissions, Ms Khan helpfully summarised the grounds as follows. First, the appellant was found by the judge to have a genuine subjective fear of FGM. Although it took time for the clan to locate the appellant, it had eventually done so. Secondly, the judge had erred in her assessment of the sufficiency of protection. The expert evidence indicated that 'State protection is largely in the hands of local police forces. They too follow traditional ways and many not want to go against tradition and risk being ostracized by their community'. The judge had wrongly found that the appellant would enjoy sufficiency of protection having ignored this part of the expert evidence.
4. Dealing with the first ground, I find that it is without merit. Although she accepted that the appellant and her husband have a genuine subjective fear of the clan, her main reason [23] for finding that the appellant's fear was not objectively well-founded was that the clan had taken 15 years to locate the appellant in Ghana; there is a degree of understatement in the judge's finding that the clan clearly does not have 'an effective search network.' Most significant, the judge notes that, even when the clan did locate the family, they 'have never taken, or tried to take, her daughters from the Appellant, for FGM or anything else.' It is clear from the decision that (i) it is unlikely that the clan will find the family after it returns to Ghana (ii) even if it does find them, there is no reason to believe that the family members would face the threat of serious harm. The claim in the grounds of appeal that the judge found that the mother was at risk and had to flee to Togo represents a misreading of the judge's findings. The judge did not find that the mother's fears were objectively well-founded (*'I accept the husband's mother feels at risk, and has been spending time in Togo as a result.'* [23]).
5. The second ground is also without merit. The judge's findings at [24], drawing on the CPIN report of 2020, was open to her. The judge refers to the expert report at [13]; there is no reason why it should be assumed that she did not have regard to the expert report (including the expert's comments on the attitudes of local police officers) and all other relevant evidence in reaching her decision. It would, perhaps, have helped if she had expressly stated that she preferred the CPIN evidence on sufficiency of protection to that of the expert but it is tolerably clear that she did do so. In any event, the judge has not found that the appellant would be at risk but for the protection offered by the police; her primary findings are that the clan would not locate the family and if, it did, then based on past

experience, the appellant's daughters would be safe from FGM or other mistreatment.

6. As regards internal flight, I find that the judge's finding that, irrespective of the level of risk in their home area, the family could relocate to Kumasi [25] is not wrong in law. The judge correctly notes that the expert, John Birchall, is wrong in his addendum report to refer to the appellant as a lone woman relocating within Ghana; she would be doing so in the company of her husband.
7. For these reasons, I find that the appellant has not shown that the judge erred in law such that her decision should be set aside. Accordingly, her appeal is dismissed.

**Notice of Decision**

The appeal is dismissed.

**C. N. Lane**

Judge of the Upper Tribunal  
Immigration and Asylum  
Chamber

**Dated: 2 February 2023**