



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

**Case Nos: UI-2022-003901**  
**& UI-2022-003902**  
**First-tier Tribunal Nos:**  
**PA/52011/2021**  
**& PA/52012/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 16 July 2023**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**KJMS**  
**ILMR**  
**(Anonymity Order made)**

Appellants

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr J Martin, instructed by Connaught Law Limited  
For the Respondent: Mr C Bates, Senior Home Office Presenting Officer

**Heard at Manchester Civil Justice Centre on 12 July 2023**

**DECISION AND REASONS**

1. The appellants appeal, with permission, against the decision of the First-tier Tribunal dismissing their appeals against the respondent's decisions to refuse their asylum and human rights claims.
2. The appellants are nationals of Honduras. They are partners and have a child together. They entered the UK separately (the first appellant on 26 September 2017 and the second appellant on 2 October 2019) and claimed asylum separately (the first appellant on 8 August 2019 and the second appellant on 2 October 2019), but their claims were both refused on 15 April 2021.
3. The appellants' appeals came before First-tier Tribunal Judge Malik on 31 May 2022. The appellants claimed to be at risk from the Carias family/ criminal group in

Honduras because the first appellant, together with his half-brother Ra had reported the murder of his father-in-law/ step-father, Ro, by his father-in-law/step-father's brother, F, to the police. The first appellant claimed that F was involved with organised crime and that, as a result of him having reported F to the police, he faced threats to his life and had to leave the country. The second appellant claimed that she began receiving threatening messages and telephone calls after the first appellant had left the country, saying that if she did not reveal where he was, they would kill her. Judge Malik did not accept the appellants' account. She did not consider it reasonably likely that the first appellant would have taken the risk of reporting F to the police, knowing that he was a person who was involved in organised crime and serious criminality and violence. The judge, further, give no weight to the death certificates produced by the first appellant as evidence of the murders of Ra, Ro and F. The judge found that the appellants were at no risk on return to Honduras and she dismissed the appeals in a decision promulgated on 19 July 2022.

4. The appellants sought, and were granted, permission to appeal to the Upper Tribunal on the grounds that the judge had erred by finding it implausible that the first appellant would report the murder of Ro to the police, that the judge had erred by giving no weight to the death certificates, that the judge had failed to give consideration to the appellants' explanation for various points, and that the judge's reliance upon 'various inconsistencies' in the refusal letter was inadequately reasoned.

5. At the hearing, Mr Bates accepted that Judge Malik had erred in law for the reasons set out in the grounds and that her decision should be set aside in its entirety. It was agreed by all parties that the most appropriate course, in the circumstances, would be for the case to be remitted to the First-tier Tribunal for a *de novo* hearing.

### **Notice of Decision**

6. The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(b), before any judge aside from Judge Malik.

Signed: S Kebede  
Upper Tribunal Judge Kebede

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

12 July 2023