



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

Case No: UI-2023-003940

First-tier Tribunal No: PA/51228/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

3<sup>rd</sup> December 2024

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE WELSH**

**Between**

**ST**  
**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Paur

For the Respondent: Mr Diwnycz

**Heard at Field House on 6 August 2024**

**DECISION AND REASONS**

**Anonymity Order:**

**Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the Appellant or members of her family. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings. I make this order because the Appellant seeks international protection and is therefore entitled to privacy.**

**Introduction**

1. This is an appeal against a decision of First-tier Tribunal Judge Roblin (“the Judge”), promulgated on 1 August 2023. By that decision, the Judge dismissed the Appellant’s appeal against the decision of the Secretary of State to refuse her protection and human rights claim.

### **Factual background**

2. The Appellant is a national of Namibia. In her home country, she was a serving police officer seconded to the domestic violence unit. There is no dispute that she left Namibia because she had been the victim of domestic violence at the hands of her husband. Insofar as is relevant to this appeal, the issues before the Judge were internal relocation and sufficiency of protection.

### **Grounds of appeal and grant of permission**

3. The grounds of appeal, which I summarise, plead that the Judge:
  - (1) gave inadequate reasons for placing limited weight on the expert evidence of Dr Fumanti (on the issues of sufficiency of protection and internal relocation);
  - (2) failed to take into account, when assessing the question of sufficiency of protection, the evidence of the Appellant about the attitude of the police to domestic violence [ground 2];
  - (3) failed to take into account objective evidence that supported the Appellant’s case on sufficiency of protection; and
  - (4) adopted an irrational approach to the evidence of the Appellant in respect of internal relocation.
4. Permission was granted, on 3 November 2023, by Upper Tribunal Judge Stephen Smith. The grounds upon which permission was granted were not restricted.

### **Upper Tribunal proceedings**

5. Mr Paur submitted that the Judge adopted a flawed approach to the expert evidence of Dr Fumanti and failed to give adequate reasons for placing limited weight on this evidence.
6. Mr Diwnycz, whilst not conceding the appeal, noted two aspects of the Judge’s approach to the expert evidence that could lead to the conclusion that the Judge misdirected herself, namely (i) the date of the source material relied upon by the expert compared to the evidence contained within the Respondent CPIN and (ii) the Judge taking into account that the expert had not considered whether the Appellant, as a police officer, would be likely to receive better protection from colleagues than the average civilian.

### **Conclusion**

#### **Grounds 1, 2 and 3**

7. For the reasons set out below, I conclude that the Judge erred as pleaded in these grounds.
8. In relation to sufficiency of protection:

- (1) The Judge found at [27 and 28] that the source material relied upon by the expert was out-dated compared to that cited in the Respondent's CPIN. However, as Mr Paur rightly points out, the majority of the source material in the CPIN actually pre-dates that relied upon by the expert. Where there was more recent material in the CPIN, the Judge did not address those aspects that tended to support the Appellant's case (for example, the USSD 2020 report which stated that domestic violence is widespread), instead focusing solely on those aspects of the evidence contrary the Appellant's case.
- (2) At [29] the Judge stated that the expert had "not considered whether because the Appellant is a police officer she would be likely to receive protection from former colleagues". However, this criticism relies upon an assumption that the Appellant would receive greater protection whereas there was no evidence to support such a contention. Indeed, the uncontested evidence of the Appellant was that her colleagues in the domestic violence unit had a lacklustre attitude towards such crimes.

9. In relation to internal relocation:

- (1) At [29] the Judge stated that the expert had not considered, when concluding that the Appellant would be destitute on return to home country, the fact that the Appellant will be able to find employment elsewhere in Namibia and had the support of her family. However, the Judge did not address the unchallenged evidence of the Appellant that she had approached her employers to request a transfer but was told she would have to wait three years. Nor did the Judge address the question of the risk to the Appellant from her husband locating her if she maintained contact with her family.
- (2) At [30], the Judge appears to criticise the expert evidence in relation to the availability of shelters for victims of domestic violence as being out-dated when in fact the evidence of the expert was the same as that contained within the CPIN.

10. As Mr Mr Diwnycz submitted, the analysis of the expert evidence went to the heart of this case. It follows, in my judgment, that none of the findings of fact of the Judge can be maintained. It further follows that I do not need to address ground 4.

**Notice of Decision**

11. The decision of the First-tier Tribunal involved the making of a material error on a point of law and so I set aside the decision.
12. I remit this appeal to the First-tier Tribunal (not to be listed before Tribunal Judge Roblin), to be heard de novo with no findings of fact preserved. In reaching this decision, I apply paragraph 7.2 of the Senior President's Practice Statement and the guidance in Begum (Remaking or remittal) Bangladesh [2023] UKUT 00046 (IAC).

**C E Welsh**  
Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**30 November 2024**