



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003036

First-tier Tribunal No: PA/03463/2020

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 04 November 2024**

Before

UPPER TRIBUNAL JUDGE KAMARA

Between

**SA
(ANONYMITY ORDER MADE)**

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr C Rahman, counsel, Novells Legal Practice
For the Respondent: Ms A Ahmed, Senior Home Office Presenting Officer

Heard at Field House on 1 November 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant 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. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

Introduction

1. The appellant has been granted permission to appeal the decision of First-tier Tribunal Judge Shiner who dismissed their appeal in a decision which was promulgated on 7 May 2024.
2. Permission to appeal was granted by Deputy Upper Tribunal Judge Sills on 8 July 2024.

Anonymity

3. An anonymity direction was made previously and it is appropriate to maintain it as this is a protection appeal.

Factual Background

4. The appellant is a national of Bangladesh now aged forty-one who arrived in the United Kingdom as a visitor at some point during 2014. She applied for asylum on 17 October 2018 and that claim was refused in a decision dated 1 June 2020. That decision is the subject of this appeal.
5. Briefly, the basis of the appellant's claim is that she was abused, physically and sexually, by her husband whom she had married against the advice of her family. That husband is said to be influential owing to his involvement in the Awami League.
6. The appellant's appeal was considered by the First-tier Tribunal during 2021 however that decision was set aside by the Upper Tribunal and the appeal was remitted for a fresh hearing before the First-tier Tribunal.

The decision of First-tier Tribunal Shiner

7. At the hearing before the First-tier Tribunal, the appellant was treated as a vulnerable witness. The judge concluded that the appellant's account of her employment and marriage in Bangladesh was truthful but that her claims as to being abused or forced into sex work were inconsistent or wholly implausible. The appellant's claims that her husband was a member of the Awami League or was powerful were also rejected. The supporting documentary evidence said to be from an NGO was found to be unreliable.

The appeal to the Upper Tribunal

8. A number of points were made in the grounds of appeal. It was contended, that the judge failed to consider whether there was sufficient protection available to the appellant in Bangladesh; there was said to be a failure to consider the reasonableness and safety of internal relocation with reference to the background material and the appellant's evidence and a failure to consider the Country Policy and Information (CPIN) Report "Bangladesh: Women fearing gender-based violence" of June 2020.
9. Permission to appeal was granted on the basis sought, with the judge granting permission making the following remarks.

The Judge did not accept that Appellant's claims of being subjected to domestic violence, sexual violence, being held against her will, or threatened or forced into sex work [53], and found that the Appellant had not shown she would be at risk on return. However, the Judge does not consider the claim that the Appellant would be at risk on return as a lone woman. This issue was raised in the skeleton argument and in submissions (see para 31). It is arguable that this amounts to an error of law.

10. The respondent filed no Rule 24 response.

The error of law hearing

11. The matter comes before the Upper Tribunal to determine whether the decision contains an error of law and, if it is so concluded, to either re-make the decision or remit the appeal to the First-tier Tribunal to do so. The hearing was attended by representatives for both parties as above. Both representatives made brief submissions and the conclusions below reflect those arguments and submissions where necessary. A bundle was submitted by the appellant containing, inter alia, the core documents in the appeal, including the appellant's and respondent's bundles before the First-tier Tribunal.
12. I announced that there was no error of law in the decision of the First-tier Tribunal and that the decision was upheld. I give my reasons below.

Discussion

13. The difficulty with the grounds is that there was no challenge to the multiple negative credibility findings made by the judge. At [41-44] the judge records that the appellant was unable to give a consistent account as to when her problems began, or a consistent account of the abuse which was said to have continued after her arrival in the United Kingdom and even consistently state when she arrived in the United Kingdom. Furthermore, the judge gave no weight to the majority of the appellant's documents for reasons which are unchallenged in the grounds.
14. Mr Rahman made no relevant submissions in relation to the grounds but, ultimately, urged that compassion be exercised.
15. At [54] the judge rejects the appellant's account of being subject to domestic abuse, sexual violence or any other form of the abuse claimed. He also rejected the claim that her alleged abuser had connections to the Awami League, government, police or that he was powerful. The judge concluded at [57] that the appellant was not at risk on return.
16. Given the judge's findings, there was no requirement for the judge to consider whether the appellant could obtain sufficient protection from the Bangladesh authorities nor whether it was reasonable for her to relocate within Bangladesh. It follows that main part of the grounds fails.
17. Permission was granted on the basis that the judge failed to consider that the appellant would be returning to Bangladesh as a lone woman. That is simply inaccurate. At [51] the judge records that he has considered the CPIN, the prevalence of gender-based violence in Bangladesh and the submission he heard as to the difficulties for lone women relocating in Bangladesh. At [60] the judge finds that the appellant would not face a breach of her human rights because she would be able to re-establish contact with her mother, that she was resourceful as a young lone woman when living in Bangladesh, that she had maintained herself in the United Kingdom and could do so on return to Bangladesh.
18. The decision of the First-tier Tribunal was thorough and contained no material errors of law.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

The decision of the First-tier Tribunal shall stand.

T Kamara

Judge of the Upper Tribunal
Immigration and Asylum Chamber

4 November 2024

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**