



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/11521/2017

**THE IMMIGRATION ACTS**

Heard at Bradford  
On 25 January 2019

Decision & Reasons Promulgated  
On 13 February 2019

Before

UPPER TRIBUNAL JUDGE HEMINGWAY

Between

R

(ANONYMITY DIRECTED)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant:	Ms C Wilson-Brown	(Solicitor from Bradford Law Centre)
For the Respondent:	Mr A Tan	(Senior Home Office Presenting Officer)

## **DECISION AND REASONS**

1. This is the claimant's appeal to the Upper Tribunal, brought with the permission of a Judge of the First-tier Tribunal, from a decision of the First-tier Tribunal ("the tribunal") which it sent to the parties on 23 March 2018; whereupon it dismissed her appeal from the Secretary of State's decision of 25 October 2017 refusing to grant her international protection.
2. The tribunal granted the claimant anonymity. Nothing was said about that before me but I do detect some sensitive material in the substance of the case. Accordingly, I have decided to maintain the status quo and to continue that grant.
3. The claimant is a national of Bangladesh and is female. She has given her date of birth as 1 September 1982. She claims to have entered the UK on 24 March 2011 and it is recorded that she claimed asylum on 23 July 2015. Shorn of all but essential detail, her claim is to the effect that she has been trafficked into the United Kingdom ("UK") for the purposes of prostitution; that she was forced to be a sex worker in the UK; that she subsequently took an opportunity to flee from her captors; that if she were to have to return to Bangladesh she would be persecuted in connection with the sex trafficking and linked matters by two specific individuals one of whom is a money lender and one of whom she entered into a marriage ceremony with; and that if she had to return she would (irrespective of the truthfulness or otherwise of the account) be at risk as a lone female with a child. As to that latter aspect, she says that she has been disowned by her family and she has a son who is a minor. It is not, in fact, disputed that she has a young son.
4. The Secretary of State did not believe that the claimant had given a truthful account of events and did not, therefore, believe that harm would come to her if she were to be returned to Bangladesh. That is why the Secretary of State refused to grant international protection. The claimant appealed to the tribunal.
5. The claimant's appeal was heard on 22 February 2018. She was represented before the tribunal as was the Secretary of State. She gave oral evidence to the tribunal as did a male witness whom I shall simply refer to as A. The tribunal, it is clear from its detailed and lengthy written reasons of 23 March 2018, gave very careful consideration to the important question of the claimant's credibility. Prior to doing that it summarised, at paragraph 20 of its written reasons, her case as put to it. From paragraphs 26-146 it carried out what I would consider to be a meticulous assessment as to credibility, identifying and considering matters which it thought weighed in favour of the claimant and matters which it thought weighed against her, before reaching a clear view that she had not been a witness of truth. I have not set out that credibility assessment in this decision but the parties do, of course, have it and are aware of its content. I would observe, at this stage, that whilst the tribunal found that the claimant would not be at risk at the hands of any individual at all upon return to Bangladesh, it also found that she would not be without family support in Bangladesh such that she would not be returning as a lone female without such support. That was stated by the tribunal at paragraph 150 of its written reasons. It did, in that paragraph, erroneously refer to Pakistan rather than Bangladesh but it is clear that it had Bangladesh in mind and no-one has suggested otherwise.
6. Permission to appeal to the Upper Tribunal was sought. Essentially, it was argued in the grounds that the tribunal had made a factual error (translating into an error of law) because it had mistakenly thought the claimant had asserted that her friend had been able to obtain her Bangladeshi identity card through contact with her (that is the claimant's) family. It was said that

there had, in fact, been no involvement of the family in the process of the obtaining of the card. That “error” it was said, had led the tribunal into wrongly concluding that the claimant must still be in touch with her family and that that had caused it to also wrongly conclude she would not be returning as a lone female without support. Related to that, it was argued that the tribunal’s view that she would not be able to live safely as a woman with a child in Bangladesh had been made on an erroneous understanding that she had been doing so in the past in Bangladesh whereas in fact, at that time, she had been living with her parents.

7. Permission to appeal, as noted above, was granted. The grant was not subject to any limitations.

8. Permission having been granted the appeal came before me so that the question of whether or not the tribunal had erred in law could be decided. Representation at that hearing was as indicated above and I am grateful to each representative.

9. Ms Wilson-Brown, although she had not drafted them, indicated that she would seek to rely upon the written grounds which had resulted in the grant of permission. She suggested that it was apparent from what the tribunal had had to say at paragraph 150 of its written reasons that it had wrongly thought the claimant had been living away from her family in Bangladesh prior to coming to the UK. She urged me to set aside the tribunal’s decision and to either remake the decision in the claimant’s favour or remit. Mr Tan, for the Secretary of State, essentially argued that the entirety of the tribunal’s reasoning was sound.

10. As I have said, the credibility assessment in this case was a meticulous one. I do not detect anything which has been said in the written grounds or in the oral submissions before me which was, in general terms, intended to suggest otherwise. Such would have been unrealistic. It follows that the tribunal’s conclusions regarding the lack of any risk upon return on the basis of the contention she had been trafficked for sexual exploitation were sustainable and free from legal error.

11. The grounds are really concerned with the discrete and separate matter as to whether or not the claimant would, nevertheless, be at risk as a lone woman (or put another way a single woman with a child) in Bangladesh. It was, in principle, open to the tribunal to decide that there was such risk notwithstanding its general adverse credibility finding.

12. The tribunal, though, did make such an adverse credibility finding of what was, to all intents and purposes, a blanket nature. At paragraph 142 of its written reasons it said that as a result of that blanket finding it was not satisfied that the claimant had shown it to be reasonably likely that she had been telling the truth in connection with her claim. At paragraph 143 it made it clear that it simply did not believe that the events she had claimed had happened to her had actually taken place. It was at paragraph 150 that it made it plain that it was also deciding that she had not shown that she did not have contact with her family in Bangladesh and had not shown that they had rejected her. That conclusion as to that portion of her claim was entirely justifiable simply on the basis of the general blanket adverse credibility finding itself. In my judgment that blanket finding was the key matter which led the tribunal to reach its particular conclusion that she would not be at risk as a lone female in Bangladesh. Once that is realised it seems to me that the grounds of appeal simply lose their force. The claimant had not shown she would be without family support because her word as to that, as with all of the other key matters relevant to her claim, could simply not be relied upon. In my judgment that is sufficient to dispose of the claimant’s appeal to the Upper Tribunal.

13. Additionally and in any event, whilst Ms Wilson-Brown sought to persuade me that the tribunal had erred in wrongly thinking she had lived by herself or by herself with her child in Bangladesh prior to coming to the UK, that was in truth immaterial. The tribunal had found that it had not been shown that she did not have contact with family so, whatever her previous circumstances, the point was that if she required family support it was there for her. As to the identity document point, I am unpersuaded as to the relevance of that at all, but it was reasonable for the tribunal, if it did indeed do this, to conclude that if a friend had genuinely obtained the claimant's identity documentation in Bangladesh that was likely to have been via the claimant's own family in Bangladesh.

14. Ms Wilson-Brown argued the case in a most spirited manner. But I am afraid I was not able to accept her persuasively advanced submissions on this occasion. I have concluded that the tribunal did not err in law and the consequence of that is that its decision must stand.

### **Decision**

The decision of the First-tier Tribunal did not involve the making of an error of law. Accordingly, that decision shall stand.

Signed: Date: 6 February 2019

Upper Tribunal Judge Hemingway

### **Anonymity**

The First-tier Tribunal granted the claimant anonymity. I continue with that grant pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008. Accordingly, no report of these proceedings shall either directly or indirectly identify the claimant or any member of her family. This grant of anonymity applies to all parties to the proceedings. Failure to comply may lead to contempt of court proceedings.

Signed: Date: 6 February 2019

Upper Tribunal Judge Hemingway