Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/11821/2014

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
On 19 June 2015	**On 13 July 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER
DEPUTY UPPER TRIBUNAL JUDGE HILL QC

Between

F C
(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Ms S Akinbolu, Counsel,
For the Respondent: Miss E Savage, Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 we make an order prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the Appellant. Breach of this order can be punished as a contempt of court. We make this order because the Appellant may be put at risk solely as a result of her claim attracting publicity.

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2. This is an appeal brought by the Appellant against the decision of First-tier Tribunal Judge Myers who, by a determination promulgated on 24 March 2015, dismissed on asylum grounds, humanitarian protection grounds, and human rights grounds a refusal to grant asylum and to remove the Appellant from the United Kingdom which was made on 4 December 2014.

3. The Appellant is a citizen of the Ivory Coast who came to the United Kingdom in 2013 and claimed asylum. She gave birth to a daughter on 19 April 2014. The Appellant claimed that back in 2008, whilst still in the Ivory Coast, she had been forced by her family into a marriage during which she was subject to violence including rape. She said she made her way to the United Kingdom and on arrival made contact with an individual she had encountered when changing flights in France. He kept her locked up and raped her when she refused consensual intercourse. After some while she managed to escape. However, the Appellant was not considered to be a credible witness and her evidence on these key matters was not accepted. It was further found that the Appellant would not be at risk on her return to Ivory Coast.

4. Permission to appeal was granted by First-tier Tribunal Judge Andrew on 15 April 2015. It was on a very limited basis as follows:

> "1. [...]
>
> 2. [...] I am satisfied that the Judge made findings that were open to her based on the evidence before her and I do not find any arguable error of law in this regard.
>
> 3. However, I do find an arguable error in that the Judge did not consider, in the light of the expert report, the risk there may be to the Appellant on her return to Ivory Coast from the general population, given she is returning with a young child."

5. Ms Akinbolu realistically recognised at the outset of the hearing that the limited grant of permission placed the Appellant in difficulties in advancing her appeal, but wisely did not seek to open up any of the other potential grounds where permission to appeal had been refused. Her submissions were shortly stated and sharply focussed.

6. The criticism which Ms Akinbolu made of the determination related to paragraph 32 where the expert report of Professor Maria Aguilar was addressed. The material part reads:

> "[Professor Aguilar] concludes that it would be very difficult for a single woman with a baby to cope on arrival in Abidjan and that she would be rejected by her own family and face the prospect of being attacked and killed by her husband's family. She states that she disagrees with the conclusions in the reasons for refusal that the husband would not be able to find the Appellant if she returned to Abidjan because the police are corrupt and she would be at a high risk of violence and death. However, in my judgement Professor Aguilar has not addressed the issue of why and how husband and family would decide to look for her

> two years after she left Ivory Coast. I do not find anything in Professor Aguilar's report which would persuade me to depart from the country guidance in MD."

7. Ms Akinbolu developed her submission by references to various sections of Professor Aguilar's report, notably paragraphs 11, 19, 20, 21, 22, and 34-38. She suggested that the report was more extensive in its content and reach than the First-tier Tribunal Judge had stated in the passage quoted above. She stated that this alleged misstatement as to the effect of the report infects the rest of the determination, including the Judge's assessment of the plausibility of the Appellant's case as advanced in her oral evidence. She stated that the conclusions in ***MD (Women) Ivory Coast CG*** **[2010] UKUT 215 (IAC)** were not sustainable as a general pattern in the light of the content of Professor Aguilar's report. She stated that both the Appellant and her daughter would be at risk were she to be returned to Ivory Coast due to clan structures where violence from the society at large could be visited upon runaway wives and single mothers.

8. However, as Ms Akinbolu properly and readily conceded, paragraph 32 of the determination cannot be read in isolation. The preceding paragraph (paragraph 31) places the matter in context, particularly the following:

> "… if I accept that [the Appellant] will be rejected by her family (***which I do not***) she will have no male protector. However she will be returning to a city where she has lived all her life and where she has found employment in the past. She gave evidence that she thought she would be able to obtain employment in Abidjan where she is acquainted with the culture and speaks the language. She has shown that she is resourceful in that she has managed to survive by herself in the UK and I find that she will be able to continue to care for herself and her daughter on return to Abidjan." (emphasis added)

9. Since none of these findings is impugned, and as permission to appeal was not granted in relation to them, Ms Akinbolu finds herself in difficulties in seeking to make good her submission. She fairly conceded that in the light of the Judge's findings at paragraph 31, her submission in relation to paragraph 32 based on Professor Aguilar's report becomes unsustainable. The Judge made a proper finding based on a careful assessment of the evidence that the appellant would not be rejected by her family. That finding is not challenged. It therefore follows that any potential risk posed to the Appellant from the general public given she is returning with a young child is neither relevant nor persuasive because of the positive finding that the Appellant will not be rejected by her family.

10. Notwithstanding the attractive manner in which Ms Akinbolu made her short submission, it does not bear detailed scrutiny and we can find no error of law in the determination of the First-tier Tribunal Judge. On the contrary, we consider it to be a careful and meticulous evaluation of all the available evidence, leading to a balanced consideration of the weight to be afforded to its component parts, and expressed in a measured, cogent and thorough determination.

Notice of Decision

This appeal is dismissed.

Signed
Mark Hill QC
Deputy Judge of the Upper Tribunal Dated 24 June 2015