



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/04599/2016

THE IMMIGRATION ACTS

Heard at Glasgow
on 6 July 2017

Decision & Reasons Promulgated
on 10 July 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

H Q N

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr T D Ruddy, of Jain, Neil & Ruddy, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a decision by First-tier Tribunal Judge McGrade, promulgated on 10 January 2017, dismissing his appeal against refusal of asylum.
2. The facts of the case which are specific to the appellant are in little dispute. The appellant was threatened by loan sharks in Hanoi from whom he had borrowed a sum of money. The amount was not entirely clear, but was agreed in the UT to be of the order of £10,000.00, plus exorbitant interest; enough to maintain the interest of the lenders, but not a conspicuously large sum in terms of a nationwide industry of illegal lending. He moved about 400 kilometres away to stay with a relative, where the loan sharks tracked him down and assaulted him. He then moved to Saigon. A friend there told him that his photograph was on display in pawn shops and money lending shops, with an offer of money for information about his whereabouts.
3. The question before the UT is whether the FtT erred, as a matter of law, on sufficiency of protection or on internal relocation.
4. The FtT found at ¶35 – 38 that there was little information before him on sufficiency of protection, only a response to a country information request at F1 of the respondent's

bundle, and found that the appellant did have access to a justice system and that although there was corruption it was not so endemic as to prevent that.

5. Mr Ruddy stressed that the information at F1 shows widespread problems in Vietnam arising from criminal money-lending; that a government minister admitted limited capacity of law enforcement agencies to prevent crime; and a deputy director of police said in early 2011 that crimes in the field of finance were on the rise. He said that the judge's conclusion at ¶35 was not supported by the partial quotation at ¶35 from item F on the illegality of loan-sharking, or by item F as a whole.
6. The background material cited at item F shows serious problems arising from usury, but also that it is illegal and that the government does prosecute. The appellant supplied no other material. I uphold the submission for the respondent that the material was capable of supporting the judge's conclusion, and that the reasons he gave are legally sufficient.
7. The judge found at ¶39 – 40 that the case failed on internal relocation.
8. The appellant raised no issue of "undue harshness"; the question was whether the risk extended throughout Vietnam.
9. Mr Ruddy founded upon the appellant having been traced at a considerable distance, and on the evidence of further pursuit at the other end of the country.
10. The judge pointed out at ¶40 that Vietnam is a country of almost 90 million people and of 310,000 square kilometres, and that the appellant left in March 2015. He was not satisfied that the lenders were sufficiently well organised to trace the appellant wherever he might go in the country. That was a decisive conclusion reached for cogent reasons, and not shown to have involved the making of any error on a point of law.
11. The decision of the First-tier Tribunal shall stand.
12. The FtT decision says in its heading, "anonymity direction made", although no direction appears in the body of the decision. The matter was not addressed in the UT. Anonymity has been preserved herein.



7 July 2017
Upper Tribunal Judge Macleman