



**Upper Tribunal
(Immigration and Asylum Chamber)** Appeal Number:
PA/08760/2018

THE IMMIGRATION ACTS

Heard at North Shields

On 10 May 2019

**Decision & Reasons
Promulgated**

On 14 May 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**K. F.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Howard, Solicitor, Fountain Solicitors

For the Respondent: Ms Pettersen, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant, a Moroccan national, made a protection claim on 8 January 2018 on the basis that she faced a real risk of persecution as a member of a particular social group in the event of return, from a non-state agent and his associates. It was argued that the authorities could not

provide her with state protection, and that she could not avoid the risk through internal relocation. That application was refused on 9 July 2018.

2. The Appellant's appeal against that decision was heard and dismissed by First Tier Tribunal Judge Buchanan in a decision promulgated on 20 December 2018.
3. The Appellant was granted permission to appeal by decision of 19 January 2019 of First tier Tribunal Judge Murray because it was considered arguable that the Judge had failed to take into account relevant evidence, and/or failed to give adequate reasons for his findings.
4. No Rule 24 Notice has been lodged in response to the grant of permission to appeal. Neither party has applied pursuant to Rule 15(2A) for permission to rely upon further evidence. Thus the matter came before me.

The hearing

5. The Appellant has advanced two different sets of grounds, by way of two different applications for permission. Mr Howard confirmed that he relied upon those prepared by Counsel who had appeared below.

The Appellant's challenge

6. The focus of the grounds is (a) to the adequacy of the reasons that underpinned the Judge's conclusion that the Appellant had not sought the assistance of the Moroccan authorities against the non-state agent who was said to pose a risk of harm to her, and, (b) the Judge's conclusion that there is a sufficiency of state protection afforded by the Moroccan authorities to its citizens against serious crime.
7. The difficulty with that approach is, as Mr Howard accepts, that it fails to engage with the conclusion that the Appellant could avoid any risk she might face from the individual she has identified as posing a continuing threat of harm to her by relocating within Morocco. The Judge noted the size of the country, the population, and the absence of any reliable evidence to suggest that the individual the Appellant claimed to fear had any reach beyond two towns situated "in a small area of a very large country" [42]. It is not possible to argue that the Judge overlooked the Appellant's evidence concerning a previous attempt to avoid this threat through relocation, since he makes specific reference to the town to which this attempt was made, and had earlier in the decision set out in full her evidence concerning what happened when this was attempted.
8. In considering the ability to relocate the Judge looked at the evidence concerning the Appellant's health, her ability

to access family support, and her ability to find employment and support herself. He could also have gone on to consider her ability to access the support packages available to those who return voluntarily to their country of origin. Thus all of the relevant evidence was considered.

9. In the circumstances the grounds disclose no material error of law in the Judge's approach to the protection appeal. (The grounds offer no challenge to the separate findings in relation to the Article 8 appeal.) Thus, notwithstanding the terms in which permission to appeal was granted the appeal must be dismissed.

DECISION

The Determination of the First Tier Tribunal which was promulgated on 20 December 2018 contained no material error of law in the decision to dismiss the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify her. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 10 May 2019