



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

First-tier Tribunal No: PA/03011/2020

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 4 April 2023**

**Before**

**UPPER TRIBUNAL JUDGE OWENS**

**Between**

**MISS ESOSA OKUNLA**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms Appiah instructed by Simon Noble Solicitors  
For the Respondent: Mr Tufan, Senior Presenting Officer

**Heard at Field House on 21 November 2022**

**DECISION AND REASONS**

**History of the Appeal**

1. This appeal comes before me for remaking. I set aside the decision of First-tier Tribunal Judge Eldridge dated 25 March 2021 dismissing the appellant's protection claim on the basis that there had been a material error of law for the reasons given in the decision dated 1 July 2022 appended to this decision at Annex A.

**The Issue in this Appeal**

2. Judge Eldridge found that the appellant has a well-founded fear of persecution in her home area of Benin City on the basis that there is a risk that she will be forced into marriage against her will by her father in order to repay a debt and there is no sufficiency of protection in her home area.
3. The only issue in this appeal is whether it would be "unduly harsh" or "unreasonable" for her to relocate elsewhere in Nigeria.

### **Appellant's Immigration History**

4. The appellant entered the United Kingdom at the age of 16 as an accompanied child visitor on 10 April 2014 and remained after the expiry of her lawful leave. She made an application for further leave to remain on human rights grounds under cover of a letter dated 9 October 2017 and then claimed asylum on 30 July 2018. Her claim was refused on 16 March 2020.
5. Her appeal was heard by Judge Eldridge on 25 March 2021. He found that she would be at risk of being forced into a marriage to an older man against her will by her father in order to discharge his debts.
6. The remainder of his findings on internal relocation and paragraph 276ADE(1)(vi) have been overturned.

### **Evidence Before Me**

7. I had before me the original respondent's bundle containing, inter alia, the appellant's asylum interview, a Statement of Additional Grounds and the refusal decision dated 16 March 2020, against which the appeal lies. On the day of the hearing, I was provided by Mr Tufan with the respondent's latest Country Policy and Information Note Nigeria: Internal relocation, version 2 September 2021. The appellant submitted a short witness statement dated 3 November 2022 and Ms Appiah provided me with a skeleton as well as a map of Nigeria. I also took the liberty of printing out a larger scale map of Nigeria, which was placed before all of the parties. I have considered all of the evidence before me including items not specifically listed.
8. The appellant also adduced a short witness statement. This evidence was not accompanied by the relevant notice pursuant to rule 15(2A) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Nevertheless, I found, in accordance with rule 7, that it was in the interests of justice to waive the requirement to send in the notice because it was a minor procedural irregularity and in the event, the contents added very little to the appeal as the statement mainly made generic speculative assertions. Although the appellant adopted her witness statement, neither representative made submissions on its contents.

### **Oral Evidence**

9. I heard oral evidence from the appellant in English. She was cross-examined by Mr Tufan.
10. The appellant's oral evidence is as follows: She is from Benin which is in South South state in Nigeria. Ethnically she is from the Edo tribe. She has no family in the United Kingdom. Her uncle who was previously living in the United Kingdom returned to France several years ago because his wife is a French national. When she first arrived in the United Kingdom, she stayed intermittently with her uncle until he left for France. Her uncle has given her financial support from time to time on the understanding that she will use it until she is able to support herself. Her evidence is that he last sent about £200 in August 2022 and prior to that would send £100 or £200 every few months. After her uncle left for France, the appellant lived with various friends from her church.
11. Her family unit in Nigeria consists of her mother, father and two younger brothers. At the date of the appeal hearing, the eldest of younger brothers is

aged 24 and at university and the younger brother is aged 17 and living with her parents. Her grandmother is very old. The appellant is not sure with whom or where she lives at the moment. The appellant speaks with her mother from time to time. Her father does not want her mother to have any contact with her and so her mother only calls her when she can do so in secrecy. Her mother is not currently working, although she previously worked for the government. The appellant does not know when she stopped working. The appellant does not have a close relationship with her 24-year-old brother. In the past she spoke to him on the telephone but given the length of time that she has been away from Nigeria they no longer have a close relationship. Her brother would not be able to provide financial support to her because he is a student and a dependent himself. The appellant believes that her mother has six or seven siblings, although she is not entirely sure how many. Her mother was not close to her siblings and the appellant does not know them. They live in other parts of Nigeria. Some of them may live in Lagos but the appellant does not have a relationship with them.

12. The appellant is currently working in the United Kingdom and started this employment in August 2022. She obtained a work permit because her employment is on the shortage occupation list. She is working for a company producing hair cosmetics. There are two other people working with her. She rents a room in Kent from the owner of the property. Her rent costs £550 a month. She earns £1,100 to £1,300 per month.
13. The appellant no longer attends the Victorious Pentacostal Assembly Church because it has only one branch that is based in Deptford. She is looking for a new church. She speaks Edo and English but no other Nigerian languages.
14. She is worried about returning to Nigeria because of her safety. There are lots of kidnappings. The police are not helpful. It would be very difficult as a lone female to start afresh and survive. This would be the case in both Lagos and Abuja. The appellant is no longer in contact with any childhood friends, having left Nigeria so long ago at the age of 16. When she lived with church members, they would also help give her some financial assistance in return for helping out at the church. She does not believe that they would give her any financial support because she is no longer part of the congregation. The appellant believes that there are few employment opportunities in Nigeria. The church that she attends in the United Kingdom does not have any other branches. Her uncle is not able to fund her over a long period and only sent money occasionally.

### **Submissions**

15. Mr Tufan did not submit that the appellant was lacking in credibility in any way.
16. His first submission is that the preserved findings include a finding that the reach of the appellant's father does not go outside of Benin state. The appellant would not be at risk of serious harm from her father outside of her home area. The issue in this appeal is whether it is unduly harsh or unreasonable to expect her to relocate elsewhere in Nigeria. He referred me to the authorities of Januzi v SSHD [2006] UKHL 5 and AH(Sudan) [2007] UKHL 49. The appellant has been living in the United Kingdom for eight years, most of the time unlawfully and is now living independently, working and renting a home. If she is able to do this in the United Kingdom, there is no reason why she cannot do so in Nigeria. The appellant states that conditions in Nigeria are not "amenable" and that she would be in an ethnic minority in Lagos. In his submission, there is nothing to suggest in the

background material that a member of a minority ethnic group cannot relocate to Abuja or Lagos. Nigeria is a huge country with 900,000 square metres of land and 250 different ethnicities.

17. Mr Tufan acknowledged that in the latest CPIN, at 2.3.9, it states that relocation may be more difficult for single women, non-indigenes without access to support networks, as well as for LGBTQ persons. He pointed to the fact that the words “difficult” do not equate to “unduly harsh”. He submitted that the appellant has had access to financial support from her uncle from France and there is nothing to suggest that he cannot assist again. The evidence is that the uncle has provided intermittent funds when needed and can continue to contribute. Mr Tufan also suggested that the appellant’s church could assist the appellant financially. He submitted that the only thing in the appellant’s favour is that she is a single woman. She is a non-indigene but he submits that she would have support.
18. Ms Appiah referred me to her skeleton argument and the appellant’s witness statement. She pointed to the preserved findings. The only issue is internal relocation. She submitted that realistically the appellant will not have support available to her to reduce the risk to her. She acknowledged that this is not a trafficking case but submitted that HD (Trafficked women) Nigeria CG [2016] UKUT 454 (IAC) is relevant to what is likely to happen to her or what problems she could face as a single woman living outside of her home area. She submitted that the appellant has no direct support. It is uncontentioned that she has no home to go and live in.
19. The appellant is a young lady who left the United Kingdom as a teenager. She is unsure whether her mother has relatives in Lagos and in any event, she has never had a relationship with them. Ms Appiah submitted that support from these relatives would not be available to the appellant. She cannot seek support from her parents because her father intended to force her into marriage and will not assist and her mother is contacting her without her father’s consent and is no longer working. She has not sustained a relationship with her. Her mother and older brother are not part of a realistic support network.
20. Mr Appiah also submitted that the support from the uncle in France must also be reasonable and £100 or £200 every few months is not enough for the appellant to sustain herself in Nigeria. This is not physical support. The appellant no longer attends church because of the distance between where she lives and the church she used to attend and is no longer receiving assistance from church members which was provided in return for her assistance at the church. The reality is that the appellant is a single female and a non-indigene without a reasonable support network.
21. She also submitted that the basis of the appellant’s asylum claim is that her father wanted to hand her over in marriage in exchange for money. She referred me to the latest CPIN on Trafficking of Women, Nigeria – April 2022. The appellant has various vulnerabilities. She has not lived in Nigeria since she was a teenager. She would be expected to return to an area completely unfamiliar to her where she has never been before. She would have no support or guidance from family members. She referred me to her skeleton. Cumulatively, all of these factors would mean that internal relocation is not reasonable for this appellant. She also pointed to the fact that the appellant emanates from the Edo and Delta State where there is a high level of trafficking. She has vulnerabilities due to her tribe, language and isolation. She has no skills other than domestic

skills and making ointments as an employee to stand her in good stead. She submitted that it is not reasonable to expect the appellant to travel to the north of Nigeria and referred to her skeleton argument in respect. The same factors in respect of internal relocation are relevant to the assessment of Article 8 ECHR under paragraph 276ADE(1)(vi).

22. In respect of trafficking Mr Tufan submitted that the appellant is a 25-year-old female and that this would no way on its own indicate or suggest that she is at risk of trafficking for the sole reason of being a single female. There is no reason to believe that traffickers would target her.

### **Preserved Findings**

23. The following findings are preserved from the judge's decision:
- (a) The appellant is a Nigerian national born on 19 June 1997.
  - (b) She was born in Benin in South South state where she lived all of her life prior to coming to the United Kingdom at the age of 16. She was educated to secondary level.
  - (c) She is a Christian.
  - (d) Her mother lives in Nigeria with her father. She has two younger brothers, neither of whom are working.
  - (e) Her uncle in the UK returned to France three years ago.
  - (f) The appellant has not worked or studied in the UK. She has lived in squats and with friends and has received some financial support from church members and from her uncle.
  - (g) She is single.
  - (h) Her father has been pressurising her into marriage since she was 14 or 15 years old.
  - (i) If the appellant returns to Benin, there is a well-founded risk that she will be forced into marriage against her will by her father in order to repay a debt. Her mother will not be able to protect her.
  - (j) Her father does not have reach elsewhere in Nigeria.
  - (k) There is no sufficiency of protection in Benin.

### **Reach of the appellant's father**

24. At the outset of the appeal there was some discussion about whether the judge had in fact made a firm finding that the appellant's father would not be able to reach her outside Benin City because in her witness statement there was a suggestion that he would be able to find her elsewhere in Nigeria because he could engage the services of a militant group in the Delta region known as the Niger Delta Avengers to find her or because her extended family would report her whereabouts to her father.

25. Both parties having looked over the decision again agreed that the judge had indeed made a finding that the appellant's father did not have any reach across Nigeria or any political or similar influence outside Benin. I find that this finding has been preserved for this hearing and this is the basis on which I proceed.

### **Further Findings**

26. In order to decide whether the appellant has a well-founded fear of persecution in Nigeria within the meaning of the 1951 Refugee Convention, I must make some additional findings.
27. It is accepted by the respondent that the appellant forms a "particular social group" within the meaning of the 1951 Convention because she shares a common characteristic. Women and girls in Nigeria have a distinct identity which is perceived as being different by surrounding society, as evidenced by widespread discrimination in the exercise of their fundamental rights.
28. The appellant gave her evidence in a very straightforward manner. She answered all those questions which were put to her, including giving evidence which could be seen as being unhelpful to her appeal. She did not attempt to hide the fact that she is currently living independently and working in the United Kingdom, nor did she attempt to play down the support that she receives from her uncle in France, confirming that he has sent her £100 or £200 every few months to help her. The appellant's evidence came across as natural, unrehearsed and taking into account all of these factors, I am prepared to accept, like Judge Eldridge before me, that the appellant is a credible witness. I do not find any of her evidence to be controversial.
29. I make the following further findings on that basis:
- (1) The appellant has remained single. She does not have a partner. Nor does she have any children. I find that the appellant would be returning to Nigeria as a single woman.
  - (2) She is from the Edo ethnicity. This is said in the previous CPIN to be one of the smaller majority tribes with two percent of the population being of Edo ethnicity as opposed to Hausa (30% of the population), Yoruba (15% of the population), Igbo (15 % of the population), Fulani (6 % of the population). The latest CPIN confirms that the major groups Hausa, Igbo and Yoruba constitute half the population. I find that the appellant would be returning to Nigeria as a non-indigene because she would not be returning to Benin City in the South South Zone.
  - (3) The respondent's position is that she would be returned to Abuja, which is the capital of Nigeria situated in the middle of Nigeria or to another large city such as Lagos.
  - (4) In terms of support, I accept that the appellant was initially given financial support and accommodation from her maternal uncle in the United Kingdom and that since he has relocated to France three years ago, he has sent her money remittances amounting to £100 or £200 every few months with the expectation that this support will stop and cannot continue indefinitely. He last sent money in August 2022. I find that her uncle will continue to provide some small and intermittent financial support.

- (5) I find that the appellant has not been a member of her church congregation since August 2022 when she moved to the Kent area. I find that the church congregation will not provide her with remittances or assistance in Nigeria. She is not a blood relative of any of the church congregation. The church is a small one with no international branches in Nigeria and I accept the appellant's evidence that the assistance she was receiving was in return for her help with the church. I also find that she will not be able to find church members in Nigeria to assist her against a background where 83 million people are living below the poverty line and many people need assistance and charity and she will be in an area where she is a non-indigene.
- (6) I also find that the appellant will not be able to receive support from her family in Nigeria. She is still in fear that her father will force her to marry against her will and her mother contacts her in secret because her father does not want her mother to have a relationship with her. I accept her evidence that her mother is not working and would not be able to provide her with any financial or physical support. For the same reasons, I accept that her two younger brothers would not be able to assist her. One is too young, and the other is a student at university with whom she does not have a close relationship and I infer that he would also be aware that his father did not want anything to do with her. I find that the appellant would not be able to receive any support from her elderly grandmother. She does not know where she is living, nor does she know the precise location of her mother's relatives. I accept her evidence that her mother was not close to her own siblings. The appellant has not met them and does not have a relationship with them. I find that that they would not be able or willing to support her. I also find that it is unlikely that this appellant would approach these extended family members for support because of her fear of family members informing her father of her whereabouts.
- (7) In summary, I do not find the appellant would have any financial, practical or emotional support from her own close family in Nigeria.
- (8) I also find that she does not have any accommodation to return to.
- (9) I find that she does not have any extended family or friends in Nigeria who would be able to provide her with any kind of physical, emotional or practical support.
- (10) She would have access to the resettlement funding provided by the UK government, which amounts to a payment of approximately £1,500.

### **Background Evidence**

30. The current CPIN (Nigeria: Internal relocation 2021 -version 2) confirms that Nigeria is a large, relatively densely populated culturally and ethnically diverse country with a population estimated to be over 200 million. About half of the population live in urban areas with over 14 million inhabitants living in the mega city of Lagos and 3.5 million living in Abuja. The various Christian groups are dominant in the south of the country and Muslims are in the majority in the north.
31. Nigeria is home to one of the world's largest populations living in extreme poverty, (CRS Nigeria: Current Issues and US Policy). About 40% of the

population, amounting to 83 million people live below the poverty line. Nigeria's economic growth is hindered due to corruption and security threats and reliance on oil, gas production and exports, which fluctuate in price. "The lack of job opportunities is at the core of the high poverty levels, regional inequality and social and political unrest" (world bank Nigeria overview). If employment is at 30% since the pandemic, unemployment has worsened and the government is anticipating 3.4 million job losses. Three quarters of the population are aged under 30 and the highest rates of unemployment are amongst 15- to 34-year-olds. The rate of unemployment among young people was 42.5%, up from 34.9%. The burden of unemployment is carried mostly by extended family networks.

32. At 5.2.4 of the CPIN it is said:

"In general the burdens of aging, illness, underemployment and unemployment are carried mostly by extended family networks and the informal sector. Only civil servants and employees in the higher education system, state owned and partially state owned companies and medium sized and large international companies enjoy a certain level of social security"

33. As far as freedom of movement is concerned there are no legal barriers to freedom of movement within Nigeria, which covers an area over 900,000 square metres but movement may be hampered by the denial of indigene certificates as well as safety concerns and curfews, particularly in areas where there are ongoing security issues in the northeast, the middle belt, the Niger Delta region, the southeast and the Zamfara State.

34. At 8.2.6 of the CPIN it is said:

"The Netherlands Ministry of Foreign Affairs COI Report Nigeria of March 2021 citing various sources including the DFAT Report above noted:

"Both the high level of violence and the poverty of much of the Nigerian population also resulted in high numbers of displacements during this reporting period [2020] ... Freedom of movement is one of the fundamental rights enshrined in the Nigerian Constitution and according to DFAT there are no legal barriers to relocation within Nigeria ... However, there are various practical, cultural and legal barriers that cause most people who have fled violence to settle with family in or close to their region. First, there are significant linguistic, cultural and religious differences between northern and southern Nigeria which means that relatively few IDPs from the north of Nigeria settle in the south ... Second several sources stated that Nigeria is a "network society" and that without social contacts it is almost impossible to find housing or jobs in an unknown city or region .... Third there is legislation that grants more rights to members of population groups that are regarded as indigenous (indigenes) within a particular region. Outsiders (non-indigenes) may experience discrimination in using government services, accessing education and government jobs and buying land in these regions. However, this phenomenon does not apply to cities such as Lagos and Abuja according to DFAT.( my emphasis)"

35. At 4.3.4 it is said:

"International observers also report members of all ethnic groups practice ethnic discrimination in the form of favouring their own group,



particularly in private sector hiring patterns and the segregation of urban neighbourhoods (DFAT)

36. And at 4.3.5:

“those regarded indigenes of a state are often given preferential access to public resources government jobs access to education and other opportunities not made available to settlers”.

37. At 4.3.1 of the CPIN the Edo are not listed as one of the main ethnic groups.

38. There is an emphasis in the CPIN on the lack of adequate housing, particularly in big cities including Lagos and Abuja. Only the middle classes can afford rents in residential areas. Many people live either in informal high-density settlements with low quality housing in the centre or squatter settlements on the outskirts of cities. These squatter settlements are often where newcomers are housed, and these slums are dire with unacceptable levels of hygiene and health. The CPIN refers to enormous sanitary problems including improper sewage disposal, water shortages and poor drainage. Heaps of refuse spill across streets and the dumping of garbage constitutes a major health hazard. Further the government periodically evicts the population of these settlements.

39. In June 2021 the EASO report on the security situation in Nigeria, compiled using a range of sources, confirmed that long-standing security challenges continued in 2019 and 2020 and stem from militant Islamists active in the North-East region moving into North Western states; violence related to armed bandits and criminal violence in the North West and North Central Regions and street gangs in the South-West region; conflict between farmers and herders mainly in the Middle Belt but increasingly moving to Southern states; communal and ethnic clashes in the North Central Region and oil militants in Southern Nigeria particularly in the Niger Delta.

40. The Country Policy and Information Note Nigeria: Internal relocation Version 2, September 2021 at 2.3.9, states as follows in respect of internal relocation:

“2.3.9. In general, there are parts of the country where a person would not have a well-founded fear of persecution/real risk of suffering serious harm and it will be reasonable for them to relocate to, depending on the nature of the threat from the non-state agent(s) and the person’s circumstances. However, relocation may be more difficult for single women, non-indigenes without access to support networks, as well as for LGBTI persons.”

2.3.10. Decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person. While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable having regard to the individual circumstances of the person.”

41. It is not asserted by the respondent that the appellant is able to relocate to the North of Nigeria where the population is predominantly Muslim and where there is ongoing conflict nor to the middle belt, the Niger Delta region, the southeast and the Zamfara State all of which have security concerns. The real issue is whether

it would be unduly harsh for her to relocate to an urban area such as Lagos or Abuja.

### The law

42. The law on internal relocation is set out firstly in Januzi (supra) from which I draw the following principles. I must consider whether "the claimant in the country concerned can lead a relatively normal life without facing undue hardship". This is not a comparison between conditions in the country of habitual residence and the country of safe haven but a comparison between the conditions in which the appellant will be living in the place of internal relocation and the conditions in which other people are living in the country of habitual residence. The test is a rigorous one and equates to much more for instance than a worsening of economic status or of housing standards. I must undertake a holistic consideration of all the circumstances looked at cumulatively. This includes a consideration of the general background circumstances in the country and an appellant's individual characteristics. A refugee who only fears persecution in part of her country will be expected to seek refuge in a safe part of her own country. Internal relocation is not a means for a refugee to seek a better life outside of her country.
43. At [20] of Januzi Lord Bingham says the following:

"Valuable guidance is found in the UNHCR Guidelines on International Protection of 23 July 2003. In paragraph 7 II(a) the reasonableness analysis is approached by asking "Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship?" and the comment is made: "If not, it would not be reasonable to expect the person to move there". In development of this analysis the guidelines address respect for human rights in paragraph 28:

"Respect for human rights

Where respect for basic human rights standards, including in particular non-derogable rights, is clearly problematic, the proposed area cannot be considered a reasonable alternative. This does not mean that the deprivation of any civil, political or socio-economic human right in the proposed area will disqualify it from being an internal flight or relocation alternative. Rather, it requires, from a practical perspective, an assessment of whether the rights that will not be respected or protected are fundamental to the individual, such that the deprivation of those rights would be sufficiently harmful to render the area an unreasonable alternative."

They then address economic survival in paragraphs 29-30:

"Economic survival

The socio-economic conditions in the proposed area will be relevant in this part of the analysis. If the situation is such that the claimant will be unable to earn a living or to access accommodation, or where medical care cannot be provided or is clearly inadequate, the area may not be a reasonable alternative. It would be unreasonable, including from a human rights perspective, to expect a person to relocate to face economic destitution or existence below at least an adequate level of subsistence.

At the other end of the spectrum, a simple lowering of living standards or worsening of economic status may not be sufficient to reject a proposed area as unreasonable. Conditions in the area must be such that a relatively normal life can be led in the context of the country concerned. If, for instance, an individual would be without family links and unable to benefit from an informal social safety net, relocation may not be reasonable, unless the person would otherwise be able to sustain a relatively normal life at more than just a minimum subsistence level.

If the person would be denied access to land, resources and protection in the proposed area because he or she does not belong to the dominant clan, tribe, ethnic, religious and/or cultural group, relocation there would not be reasonable. For example, in many parts of Africa, Asia and elsewhere, common ethnic, tribal, religious and/or cultural factors enable access to land, resources and protection. In such situations, it would not be reasonable to expect someone who does not belong to the dominant group, to take up residence there. A person should also not be required to relocate to areas, such as the slums of an urban area, where they would be required to live in conditions of severe hardship."

44. The second authority is AH (Sudan) which confirms that the test for internal relocation under the Refugee Convention is not to be equated either with a "well-founded fear of persecution" under the Convention or with a "real risk of ill-treatment" contrary to Article 3 of the European Convention on Human Rights, although if the appellant were likely to experience treatment contrary to Article 3, internal relocation would of course be unduly harsh. I note and take into account Lord's Brown's comment "that if a significant minority suffer equivalent hardship to that likely to be suffered by the claimant on return and the claimant is as well able to bear it as most, the hardship will not be "unduly harsh". The emphasis is on the characteristics of the individual.

#### Discussion and analysis

45. During her time in the UK, things have not been easy for the appellant. Although the appellant has more recently lived independently for a short period in the UK, she has been mainly reliant on her uncle initially and then on church members to support and accommodate her. She has had little security. She refers to "squatting" by which she clarified in oral evidence that she means "sofa surfing" or living temporarily in other people's homes rather than living in an actual squat. In her asylum interview she referred to "sleeping in the street" and being depleted in folic acid and iron due to her difficult lifestyle from which I infer that she was at times homeless and not receiving enough nutrients in her diet. In my view this is not quite the resilient and resourceful individual painted by the respondent. It has not been until very recently that the appellant has had secure and stable accommodation which is related to her recent employment. Even in the UK the appellant has been vulnerable in circumstances where she had had family and friends to assist her.
46. The appellant is healthy and currently has no physical or mental health problems. This is a positive factor in that she will not be impeded from seeking employment and accommodation as a result of a lack of ill-health.
47. The appellant cannot return to her home area. I have found that she has no accommodation to return to and does not have any family or social support within Nigeria that can provide her with physical or practical assistance. She will

be arriving in Nigeria as a lone female and returning to an unfamiliar city. I also take into account that she has never lived independently in Nigeria because she left when she was still a child.

48. I take into account Counsel's submission that the appellant comes from Edo State from where many exploited and trafficked women emanate, although I do not find that this factor would put her at risk of being trafficked. However, she would be returning to a big city where she is from a minority ethnic background from which many vulnerable women come. Although it is true that a non-indigenes can migrate to one of these larger cities, according to the CPIN the lack of discrimination for indigenes in Abuja and Lagos relates to government sector jobs and ownership of land for instance which are not relevant to this appellant who will not be seeking government employment and who does not have the financial resources to buy land. I find that this appellant will face discrimination in accessing employment in the private sector and accessing housing because of her ethnicity. She does not speak the local languages and does not have tribal network to fall back on. Family and social networks are important in Nigeria which is a "network society". I find that she will be significantly hindered by the lack of available support networks, not just from her family but from her tribe and her social isolation.
49. The respondent asserts that because the appellant has built up a support network in the UK, she will be able to do the same in Nigeria. I do not agree. In the UK she initially had the support of her uncle and was able to live with him. In Nigeria she will have no immediate practical support and no-where to live and will be in an extremely difficult situation. The appellant came to UK as 16-year-old teenager. She has been away from Nigeria for 9 years which from the age of 16 to 24 which were some of her formative years. She will have a lack of familiarity with Nigeria particularly since the situation in Nigeria has deteriorated significantly since she left. She will also be returning to an area with which she is unfamiliar as a member of a minority ethnic group. I have found that it is unlikely that local churches will be able to help her because of the number of people living in poverty and I add to that her status as a non-indigene.
50. I find that the appellant will find it very difficult to find work. She is educated to high school level but does not have a degree or any further educational qualifications. She has not received any further education in the UK. Nor does she have any professional skills or qualifications. Her work experience is limited to helping out at church and making hair products. Mr Tufan submitted that because she has found a job in the UK, and she could do the same in Nigeria. This is to ignore the very different situations in the respective countries. The evidence is that three quarters of the population of Nigeria is under 30 and 42% of young people are unemployed with even higher rates of unemployment for females. This is simply not the case in the UK where there is a lack of workers. The situation is not comparable. In any event I must consider her situation compared to others in Nigeria not in the UK.
51. The appellant will be competing for low level, unskilled jobs with millions of other young unemployed people, many of whom will be from majority tribes or who will be "settlers" and who will have knowledge of the local area and language as well as family connections to assist them find work in the private sector or in government jobs.
52. I find that it will be extremely difficult for the appellant to find any kind of employment because of the extremely high levels of employment in her age

group, her lack of educational and vocational skills and her lack of a family or ethnic network to assist her to connect her to a potential employee in the private sector. I also find that without support from her family she would not be able to set up a business for which she would need capital and she has no skills in setting up her own business or training in this area. The background evidence is that in a “network society” the appellant will find it near impossible to find a way of supporting herself financially and even with some limited remittances from her uncle she will be living in poverty.

53. I turn to the possibility of the appellant realistically receiving some kind of social report. There is some evidence of charities providing some assistance to women fleeing violence. The refusal letter refers to a shelter in Abuja which can house up to 38 people and one in Lagos which can house 60 people. There is further evidence in the CPIN on trafficked women and in HD albeit that HD is somewhat old. The current CPIN refers to the Nigerian government (specifically NAPTIP) stepping up efforts to assist victims of trafficking with the provision of shelters. The background information is unclear on the numbers of women who have been assisted or more to the point which proportion of women requiring help given the large numbers of women trafficked in Nigeria. The CPIN refers to the normal time being spent in a shelter as amounting to 6 weeks, ( the same period mentioned in HD) which has been criticised as being too short and is often used to effect family reunification in situations where women have been trafficked and may face stigma from their families. Other reports criticise the poor living conditions and the fact that sometimes women are held in shelters against their will. The main purpose of these shelters is to provide assistance to former victims of trafficking and the appellant does not fall into that category in any event, although one report refers to other victims of violence being offered places. Having considered the evidence, I find like Judge Eldridge before me that the appellant is not realistically going to be able to access support from a shelter, or even if she could it would be for a matter of weeks.
54. I find that it will be extremely difficult for the appellant to find accommodation. The initial voluntary return payment will allow her to live in a hostel or paid accommodation for a short period after her arrival and she will be able to access a small amount of money from her uncle. However soon after her arrival her funds will be used up and she will need to find accommodation. I find that she will find it very difficult to find a secure place to live because the background evidence is that family networks normally assist with this, and she will require a regular income which she does not have. This is on top of the evidence of chronic housing shortages in Lagos and Benin. The likelihood is that the appellant will end up living in an informal settlement or slum at the edge of the city where most newcomers end up. The conditions in these settlements are very poor indeed.
55. The appellant will be vulnerable in Nigeria. She is a single female with no family support and will be a non-indigene in a large city with a different language and cultural background.
56. Women in general are not at risk of being trafficked in Nigeria. There are however high levels of sexual violence and exploitation. This is confirmed in the reasons for refusal letter with reference to the respondent’s own Country Background Note version 2. This states that violence against women is endemic. Discriminatory attitudes towards women contribute to an increase in violence against them. Rape is widespread. Domestic violence is widespread and acceptable. I find that the appellant as a relatively young and inexperienced

single female living without family to protect her would be vulnerable to sexual violence. There was reference in the background materials to women being asked for sexual favours when seeking accommodation or employment and the appellant has no-one to protect her.

57. The appellant is the victim of past persecution in that her father wanted to marry her to a much older man in order to pay off his debts. The appellant does not have a supportive family to take her back into the family unit. She has visible characteristics of vulnerability because she has no social support network, little educational or vocational skills and she will be living in poverty. I find that as a single woman and a non-indigene without regular support she will face much more difficulty than another individual who is for instance returning to her home area where she has family or friends to assist her or from a women with educational qualifications or a profession with connections.
58. The ultimate test in accordance with Januzi is whether the appellant will be able to lead a relatively normal life judged by the standards that prevail in her country of nationality generally. It might be said that in Nigeria because so many people are living below the poverty line, that the appellant will be living in circumstances which are relatively normal. However, I find that insofar as women are concerned, the cultural norm is that they generally live as part of a family unit with parents or extended family or with their husbands or partners, apart from very wealthy or educated or middle-class women. It is not generally normal for a woman to live on her own. In the appellant's case her difficulties will be further exacerbated by the fact that she will not be living in her home area and will be a non-indigene. The norm in Nigeria (which I have quoted in the materials above) is that individuals rely on support from extended family or a support network. Even those living in poverty will normally be living in a family unit or have extended family to rely on.
59. I find to the lower standard that the appellant will not be living a relatively normal life by standards that prevail because she is a single female and non-indigent with a lack of regular and meaningful support. I find that she will find it very difficult to support herself and will be living alone in poverty in unstable accommodation in dangerously unhygienic conditions as a non-indigene without the protection of her family or friends which will place her in a vulnerable position where she is at risk of discrimination and violence as a lone woman.
60. Having considered all of the factors in the round I conclude that it would be unduly harsh for this appellant based on her individual characteristics to relocate internally in Nigeria. I find that the appellant has a well-founded fear of persecution for a Convention reason. In these circumstances I do not go on to consider paragraph 276ADE (vi) of the immigration rules.

### **Notice of Decision**

61. I therefore re-make the decision by allowing the appellant's appeal under the Refugee Convention and Article 3 ECHR.

**R J Owens**

Judge of the Upper Tribunal

Appeal Number: PA/03011/2020

Immigration and Asylum Chamber

7 February 2023



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: PA/03011/2020

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 10 January 2022**

**Decision & Reasons Promulgated**  
.....

**Before**

**UPPER TRIBUNAL JUDGE OWENS  
DEPUTY UPPER TRIBUNAL JUDGE JOLLIFFE**

**Between**

**ESOSA OKUNLA  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME OFFICE**

Respondent

**Representation:**

For the Appellant: Ms Linda Appiah, Counsel, instructed by Simon Noble Solicitors  
For the Respondent: Mr Esen Toufan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. This is an appeal brought by the Appellant against the decision of First-tier Tribunal Judge Eldridge (“the judge”), promulgated on 25 March 2021. By that decision, the judge refused the Appellant’s appeal against the Respondent’s decision, dated 16 March 2020, to refuse her asylum claim. She was not represented before the judge at the First-tier Tribunal, but in her appeal before the Upper Tribunal she has had the benefit of representation from her counsel Ms Appiah who drafted the grounds of appeal.



2. The Appellant was born on 19 June 1997 and is a Nigerian national. She grew up in Benin City in Edo State with her parents and two younger brothers. She was recorded as having entered the United Kingdom as an accompanied child visitor on 7 September 2011 and 14 March 2012, when she stayed with her uncle in the United Kingdom for short periods of time. She entered the United Kingdom again as a visitor on 10 April 2014, and remained after the expiry of her lawful leave. She made an application for further leave to remain on human rights grounds under cover of a letter dated 9 October 2017, but then made a claim for asylum on 30 July 2018.
3. Her asylum claim was advanced on the basis that she had a well-founded fear of persecution in Nigeria as a woman and so as a member of a particular social group within the meaning of the Refugee Convention. She said that since she was aged about 14 or 15 her father had talked about marrying her to various men and she felt scared. After she arrived in the UK to visit her uncle, she received a letter from her mother dated 10 March 2015 in which her mother explained that her father had borrowed a lot of money from a man called Alhaji and was unable to repay it, and that he had said he would marry her to Alhaji in order to write off the debt. He was under pressure from Alhaji about the debt and was firmly committed to this plan. The Appellant's mother warned her to stay in the United Kingdom and to complete her education. There was a further letter from her father, dated 6 September 2016, asking when she would return to Nigeria so that she could be married to Alhaji.

### **The Respondent's decision to refuse asylum**

4. The Respondent's decision letter is dated 16 March 2020. It accepted that the Appellant was Nigerian and a member of the Benin tribe. It accepted that forced marriage occurs in Nigeria, but said that Benin was not an area of the highest risk. The Respondent rejected the claim that the Appellant's father wished to force her to marry and identified various claimed inconsistencies set out at paragraphs 38-49 of the decision letter. The Respondent considered that section 8 of the Asylum and Immigration (Treatment of Claimants) Act 2004 applied and that the Appellant's credibility was therefore damaged. The Respondent considered CPINs relevant to Nigeria and material from the US State Department and the Immigration and Refugee Board of Canada and concluded that the Appellant would be able to seek state protection, and also that she could relocate within Nigeria away from Benin. Her claim on Article 8 ECHR family and private life grounds was also rejected.

### **The decision of the First-tier Tribunal**

5. The Appellant was unrepresented before the judge. His decision set out the basis of her claim, the documents considered, the content of her asylum interview, the decision letter, the evidence and submissions. The Presenting Officer invited the judge to make negative credibility findings because of the inconsistencies identified, and to find that the threat of forced marriage was not made out. She asked him to attach little weight to the letters from the Appellant's mother and father identified above, that the Appellant was not at risk on return and that even if she were internal relocation was available to her.
6. The judge found, applying the low standard of proof in protection cases, that the Appellant did have a fear of forced marriage which was objectively well-founded (paragraphs 44-45). He identified certain inconsistencies in her account (paragraph 41), but nonetheless commented that her evidence was "*without*

*evasion, certainly unrehearsed and relatively straightforward”* (paragraph 44). He rejected the Presenting Officer’s submission that because she came from Benin, it was inherently unlikely that she would be forced into marriage (paragraph 45). He concluded that the Appellant would not be able to avail herself of state protection in order to resist her father’s plans for a forced marriage (paragraph 52). However, he found that she would be able to relocate within Nigeria. He noted the content of the January 2020 CPIN about Nigeria which said that women suffered discrimination in obtaining work and accommodation, and he took into account that the Appellant would have no family support in Nigeria. In the UK she had lived with friends and depended on financial support from her uncle, and proved herself to be resilient and resourceful. He concluded (paragraph 57) that *“It is reasonable for her to relocate within Nigeria and she has freedom of movement to enable her to do so. She clearly has friends who have supported her... she has a level of secondary education. There are many churches in Nigeria she can join. I conclude she may safely and reasonably so relocate and live in Nigeria as many other single women will.”*

7. The judge therefore refused the appeal on asylum grounds and in relation to Articles 2 and 3 ECHR. He separately considered the appeal in relation to Article 8 ECHR under Paragraph 276ADE of the Immigration Rules. In that context the issue was whether *“there would be very significant obstacles to the applicant’s integration into the country to which he would have to go if required to leave the UK”* - see 276ADE(vi).
8. The judge noted that the Appellant had been *“remarkably robust”* in adapting to life in the United Kingdom. She had received support from her maternal uncle in France and from friends as well as from her church. There were many churches which she could join in Nigeria, and there was no reason the support from her uncle and friends could not continue on return. He acknowledged that there might be difficulties in obtaining somewhere to live and getting a job, but concluded that there were not very significant obstacles to her living again in Nigeria.

### **The grounds of appeal and grant of permission**

9. After the judge’s decision, the Appellant obtained representation from Ms Appiah. In her grounds of appeal, she noted that the judge did not refer to the 2019 CPIN “Nigeria 2019 Internal Relocation”, which concerned sufficiency of protection. The CPIN stated at 2.2.4 that in some parts of the country travel was difficult and unsafe, and it also stated at 2.2.5 that *“relocation may be more difficult for single women and non-indigenes without access to support networks.”* The CPIN identified at 2.3.16 factors which would increase the risk of re-trafficking. The factors relevant to the Appellant are that in Nigeria she has no family support, no support from friends, she has lived in Benin all of her life and had no societal support there or elsewhere in Nigeria, she has a lack of immediate or obvious skills and it would be difficult for her to obtain employment.
10. It was submitted that in light of the CPINs and the judgment in *HD (Trafficked Women) Nigeria (CG)* [2016] UKUT 454 (IAC), the Tribunal should have undertaken a detailed assessment of the Appellant’s circumstances, taking into account for example which churches would provide support to her, who would support her and send her resources to survive on in Nigeria, the dangers for her in particular areas, the assistance which her uncle would provide (if any), and whether it was reasonable for a young woman with the Appellant’s characteristics to relocate internally.

11. By an Order dated 29 May 2021, FTT Judge Parkes granted the Appellant permission to appeal to the Upper Tribunal. Judge Parkes noted that the finding that the Appellant could relocate internally appeared to be at odds with the CPIN at 2.4.4, and considered that arguably the judge had failed properly to assess the difficulties faced by a single woman in the Appellant's position in Nigeria without support.

### **The rule 24 response**

12. The Respondent's rule 24 response to the grounds of appeal is dated 13 October 2021. It opposes the appeal and submits that the grounds are just a disagreement with the decision and do not properly identify an error of law. It said that the judge had conducted a fact-specific assessment of internal relocation, and said that the judge should not be criticised for not considering arguments which were not made before him.
13. The appeal therefore came before the Upper Tribunal to determine whether there was an error of law in the judge's decision, and if so, what steps to take.

### **The parties' submissions**

14. Ms Appiah argued that the case was about internal relocation, and whether this particular lone woman could relocate. The judge had failed to take account of material factors and had taken account of irrelevant matters, and given inadequate reasons. However, she did not argue that the judgement fell into irrationality. The judge should have started with the CPIN, which was referred to in the refusal letter (see quotation at paragraph 84 of the letter), and should have given further consideration to what would happen in Nigeria. While the Appellant had not been trafficked (as was the issue in *HD*), the judge should have given detailed consideration to the risk to a person with her characteristics, taking account of the fact that she had never lived in Nigeria except in Benin. While she had survived in the United Kingdom, Nigeria is a harder country without the same protections. The judge had not properly explored issues of vulnerability.
15. Mr Tufan submitted that it was not right to say that the judge has failed to take account of the CPIN, and pointed to the CPIN citations at paragraphs 11, 26 and 54. He did not accept that *HD* was on point, as it was not the Appellant's case that she had been trafficked. It would be absurd to suggest that any woman in Nigeria is at risk of being trafficked. He commented that the judge had been very generous to the Appellant in respect of the issue of the forced marriage, albeit he properly conceded that the finding that the Appellant is at risk of forced marriage had not been challenged in the Respondent's rule 24 notice, and so it stands. He accepted that the judge did not consider which parts of Nigeria are not viable but suggested that relocation to one of the "mega cities" like Lagos would be feasible. Although parts of the country were affected by Boko Haram, they were only minor parts.
16. In response, Ms Appiah submitted that the issue of internal relocation and the CPIN was squarely in issue, given paragraph 84 of the decision letter, and that there were at least some constraints on travel within Nigeria. She acknowledged that the Appellant had not been trafficked as in *HD*, but argued that nonetheless her circumstances and vulnerabilities needed to be considered.

### **The CPINs and relevant legal framework**

17. So far as relevant, the Country Policy and Information Note Nigeria: Internal relocation Version 1.0 March 2019 states as follows:

*2.2.3 There is a range of housing, though supply of adequate housing does not meet demand. There is also a mixture of public and private health care facilities, ranging from primary care clinics to tertiary care in hospitals, although access is difficult for many particularly those in rural areas and the poor. ... Non-indigenes - 'settlers' or persons not originally from the state they reside in - may face official and unofficial discrimination in accessing services in some states and may face difficulties in moving to another state without family connections or financial means (see Geography, Socio-economic conditions and Freedom of movement; and the country policy and information note, Nigeria: Medical and healthcare issues).*

*2.2.4 There are no legal constraints on movement within the country, however government-imposed curfews and insecurity in areas of civil conflict - the north-east; the 'Middle Belt'; the Niger Delta region; and Zamfara state in particular - are likely to make travel difficult and unsafe in these parts of the country. Nonetheless, many Nigerians move within the country for economic and other reasons (see Freedom of movement).*

*2.2.5 In general a person fearing a non-state actor is likely to be able to relocate to another part of Nigeria depending on the nature of the threat from the non-state agent(s) and the individual circumstances of the person. However, relocation may be more difficult for single women and non-indigenes without access to support networks.*

*2.2.6 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person. Each case must therefore be considered on its facts, with the onus on the decision maker to demonstrate that internal relocation would be reasonable / not unduly harsh.*

18. The Upper Tribunal is mindful that this is not a trafficking case. However, the CPIN Nigeria: Trafficking of women Version 5.0 July 2019 was cited and argued before us. It states as follows:

*2.3.4 In the country guidance case of HD (Trafficked women) Nigeria (CG) [2016] UKUT 454 (IAC), heard 18-20 July 2016 and promulgated 17 October 2016), the Upper Tribunal (UT) found that previous guidance on trafficking set out in paragraphs 191-192 of PO (Trafficked Women) Nigeria CG [2009] UKAIT 00046 should no longer be followed (para 187).*

*2.3.5 The UT went on to find that while trafficking is a significant problem in Nigeria, it is not established that women in general in Nigeria are at a real risk of being trafficked (para 188).*

*2.3.6 It further held that there is in general no real risk of a woman returning to Nigeria, after having been trafficked to the UK, facing reprisal or being re-trafficked by her original traffickers. Instead, whether a woman returning to Nigeria who had previously been trafficked to the UK faces on return a real risk of being re-trafficked and thus persecution will require a detailed assessment of her particular and individual characteristics (paras 189-190)...*

*2.3.17 While a woman is, in general, not likely to be at risk of reprisal or being re-trafficked by her original traffickers, each case will need to be considered on its merits. The onus is on the woman to demonstrate that her circumstances are such that on return she will be vulnerable to abuse / re-trafficking which would amount to serious harm or persecution.*

19. We have reminded ourselves of the guidance of the Court of Appeal in *UT (Sri Lanka) v SSHD* [2019] EWCA Civ 1095, where it was restated that the Upper Tribunal should only interfere with a judgment of the First Tier Tribunal where there has been an error of law; the fact that the Upper Tribunal disagrees with the First Tier Tribunal's decision or might have expressed it differently is not a reason to set aside its judgment – see at paragraph 19.

## **Analysis**

20. The CPIN about internal relocation cited above states at 2.2.6 that there must be careful consideration of both the relevance and the reasonableness of internal relocation, and that all the individual circumstances must be taken into account. The decision maker bears the burden of showing that internal relocation would not be unduly harsh.
21. The CPIN concerning trafficked women is of only limited relevance – Mr Tufan was right to submit that this is not a trafficking case. However, it is relevant to the extent that it emphasises the need for a careful assessment of the individual circumstances and merits of the case.
22. The internal relocation CPIN was quoted in the decision letter, and the judge referred to it at paragraph 26 of the judgment. The decision letter did not cite 2.2.6, and it does not appear from the judgment that the Presenting Officer reminded the judge of his duty and that part of the CPIN. That is unfortunate, particularly in a case like this where the Appellant was at that time unrepresented. We note that the FTT Bench Book states at 3.3.4 that where an appellant is unrepresented and his statement does not cover all the issues, *“it is generally appropriate [for the judge] to ask clarificatory questions about those issues before the appellant is cross-examined, to allow the appellant to put forward their case.”* It does not appear that this was done in relation to the potential problems the Appellant would face in Nigeria.
23. The judge considered internal relocation at paragraphs 53-58. We also note his findings in respect of Article 8 at paragraphs 62-70. He took account of the risk of discrimination against women, and whether that would render internal relocation unsafe. He noted that the Appellant had lived in this country for over 3 years without family support, had been able to squat with friends, and received financial support from her church and her maternal uncle. He considered that she was *“resilient and resourceful”*. While relocating to Nigeria would not be easy and she might be the subject of discrimination, but he considered that it would not amount to persecution. She had some secondary education, and could join one of the many churches in Nigeria.
24. In his Article 8 analysis, he noted that the Appellant had lived in many places and established friendships, and succeeded in adapting to life in United Kingdom. Her friends could continue to support her in Nigeria. While finding a job would not be easy, over 40% of the Nigerian workforce was female. Her reintegration into Nigeria would not be easy, but there would not be very significant obstacles to her reintegration within the meaning of Paragraph 276ADE(vi).

25. The Appellant was unrepresented, and had not provided a detailed witness statement of the kind that might be expected. The judge should have explored with her the possibility of moving (for example) to a large city like Lagos, and what, if anything, would prevent her from doing so. He should have explored the differences between areas of Nigeria, as discussed in paragraph 2.2.4 of the Internal relocation CPIN. This could have been done without going into extensive detail, and could have been done reasonably quickly.
26. Not doing so amounted to a failure to take account of a relevant (and indeed mandatory) consideration. We have considered whether the failure was material, and we find that it was material. It cannot be said that the outcome would clearly have been the same despite the absence of the required analysis and we set aside the decision on the asylum claim and human right's claims.

### **Disposal**

27. Ms Appiah submitted that the appeal should be remitted as further factual findings are necessary. Mr Tufan was neutral on the issue of disposal. We are satisfied that it is appropriate to retain this matter in the Upper Tribunal because the factual findings relate to a specific limited issue of internal relocation.

### **Preserved findings**

28. The following findings are preserved:
- a. The appellant is a Nigerian national born on 19 June 1997.
  - b. She was born in Benin where she lived all of her life prior to coming to the UK at the age of 16. She was educated to secondary level.
  - c. She is Christian.
  - d. Her mother lives in Nigeria with her father. She has two younger siblings.
  - e. Her uncle in the UK returned to France three years ago.
  - f. The appellant has not worked or studied in the UK. She has lived in squats and with friends and has received some financial support from church members and from her uncle.
  - g. She is single.
  - h. Her father has been pressurising her into marriage since she was 14 or 15 years old.
  - i. If the appellant returns to Benin there is a well-founded risk that she will be forced into marriage against her will by her father in order to repay a debt. Her mother will not be able to protect her. Her father does not have reach elsewhere in Nigeria.
  - j. There is no sufficiency of protection in Benin.

### **Decision**

29. **The making of the decision of the First-tier Tribunal involved the making of an error on a point of law.**
30. **The decision to dismiss the asylum appeal and human right's appeal is set aside with the above findings preserved.**
31. **The appeal is adjourned for re-making at the Upper Tribunal.**

**Directions**

- (i) The parties are to serve on each other and file at the Upper Tribunal skeleton arguments in relation to the issue of internal relocation and very significant obstacles no later than 7 days before the resumed hearing.
- (ii) If the Appellant intends to rely on evidence that was not before the First-Tier Tribunal, it should be served and filed pursuant to Rule 15 of the 2008 Procedure Rules.<sup>1</sup>
- (iii) If it is intended that the Appellant intends to give live evidence on the issue of internal relocation, it is expected that she should serve on the other party and file at the Tribunal an up-to-date witness statement not later than 28 days before the resumed hearing.

Signed: John Jolliffe

Date: 13 June 2022

Deputy Upper Tribunal Judge Jolliffe

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<sup>1</sup> The Tribunal Procedure (Upper Tribunal) Rules 2008