



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

**Case No: UI-2022-003597**  
**First-tier Tribunal No:**  
**PA/10815/2019**

**THE IMMIGRATION ACTS**

**Heard at George House,**  
**Edinburgh**  
**On the 14 December 2022**

**Decision & Reasons Promulgated**  
**On the 21 February 2023**

**Before**

**UT JUDGE MACLEMAN**

**Between**

**MARIA ANDREA VARGAS OSORIO**

Appellant

and

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

Respondent

For the Appellant: Mr D Olabamiji, of DMO Olabamiji, Solicitors  
For the Respondent: Mr A Mullen, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This determination is to be read with:
  - (i) The respondent's decision dated 29 May 2019, finding the appellant's claim not credible, and that it would also fail on state protection, on internal relocation, or on both.

- (ii) The decision of FtT Judge Rea promulgated on 23 January 2020, finding the claim credible, but that adequate state protection exists, and making no finding on internal relocation.
  - (iii) My decision dated 25 November 2021, preserving positive credibility findings, remitting the case to another FtT Judge on the issue of state protection, and observing that internal relocation should not be overlooked.
  - (iv) The decision of FtT Judge Agnew promulgated on 26 April 2022, holding at [23] that the state was unlikely to provide adequate protection in the appellant's home area, and the question was whether she and her family could live elsewhere in Colombia; at [44] that she had not established risk extending to another area of Colombia; and at [47] that it was not unreasonable or unduly harsh to expect her to do so.
  - (v) The appellant's grounds of appeal to the UT, stated in her application for permission, headed (1) state protection and (2) internal relocation.
  - (vi) The grant of permission by the FtT, dated 23 May 2022.
2. Ground (1) says that the FtT's findings on the government's highly limited ability to provide protection, and on no guarantee being available, were such that the appellant cannot safely return. Mr Olabamiji, correctly, did not seek to develop this ground, which is confused.
  3. The findings in this respect were in the appellant's favour. They did not exclude the internal relocation issue.
  4. On ground (2), Mr Olabamiji referred to the extensive background evidence of the high numbers of internally displaced persons in Colombia, many living in unacceptable conditions, the activities of armed guerrillas and gangs, the extent of territory they control, and the appellant having to move with her 13-year-old daughter, who would be highly vulnerable. He referred also to the reach of gangs, and to examples of persons who moved and kept a low profile yet were targeted again. He submitted that the FtT erred by finding internal relocation to be available, and that its decision should be reversed.
  5. Mr Mullen said that the Judge was right to find that risk to the appellant did not extend beyond her own district and that the finding that she could relocate was reasoned on her circumstances. The submissions for her were again based on her being a single parent, but the Judge had declined to find that she would not have the support of her husband, and no error was shown in that.
  6. In reply, Mr Olabamiji said that the appellant having established her credibility, and as the case involved a young child, internal relocation was excluded.

7. I reserved my decision.
8. Mr Olabamiji has advanced the case for the appellant on all fronts as strongly as it could be; but on internal relocation, this is reassertion of the case as it was put to the FtT, rather than the identification of any legal error in its resolution.
9. Judge Agnew directed herself carefully on the law - see [24, - 28]; considered the background evidence - see [31 - 40]; and considered the specific circumstances of the appellant - see [41 - 47].
10. I note that the grounds finally state that it is “not in the appellant’s daughter’s best interest to return to Colombia” but that is bare insistence rather than a proposition of legal error. No case along those lines was made in the FtT. The decision at [48] says all that was needed.
11. The grounds and submissions do not disclose any error on a point of law.
12. The decision of the FtT shall stand.
13. No anonymity direction has been requested or made.

H Macleman

19 December 2022  
UT Judge Macleman

---

#### **NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal’s decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is “sent” is that appearing on the covering letter or covering email.