



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

Appeal Number: AA/02434/2014

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 25<sup>th</sup> August 2015**

**Decision & Reasons Promulgated  
On 28<sup>th</sup> August 2015**

**Before**

**UPPER TRIBUNAL JUDGE MARTIN**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MS Z S R  
(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Mr G Harrison (Senior Home Office Presenting Officer)

For the Respondent: Ms K Smith (instructed Maya Solicitors)

**DETERMINATION AND REASONS**

1. This is an appeal to the Upper Tribunal, with permission, by the Secretary of State in relation to a Decision and Reasons of the First-tier Tribunal (Designated Judge Appleyard) promulgated on 9<sup>th</sup> May 2014 by which he allowed the Appellant's asylum appeal.
2. The Appellant, a Bangladeshi woman, claimed to be the victim of domestic violence at the hands of her husband while he was in the UK.

3. The Designated Judge accepted the facts as claimed; that the Appellant was indeed the victim of domestic abuse, that her husband had returned to Bangladesh, that he had threatened the Appellant with acid, that he would kill her and he had threatened her parents.
4. At paragraph 58 the Designated Judge said:-

“The Appellant is a victim of domestic violence and as such I have looked at her case in the context of the above-mentioned background material. I appreciate that I look at each case individually and in so doing I remind myself in particular of the above-mentioned Country Guidance case of SA. I find this Appellant to be a woman who is at real risk of further domestic violence on return to Bangladesh and that in the circumstances of a lone woman so returning there is no viable internal relocation alternative. Despite the efforts of the government to improve the situation of such women, on account of the disinclination of the police to act upon complaints of domestic violence, this is an Appellant who may not be able to obtain a sufficiency of protection by reason of the fact that she is a woman. The persecution she fears is domestic violence and I am satisfied that in all the circumstances there is no protection for her. I therefore find that she has shown to the required standard that there is a real risk of serious harm for a Refugee Convention reason being her membership of a particular social group, namely women in Bangladesh”.
5. The Designated Judge had previously set out the relevant parts of the country information and also the pertinent parts of SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 00254 (IAC).
6. The Secretary of State’s grounds seeking permission to appeal argue that the Judge erred in failing to adequately assess the protection available in the light of SA because this Appellant had familial support and thus was not a lone woman. Secondly, the grounds argue that the Judge failed to consider the availability of shelters and women’s’ organisations in Bangladesh. Thirdly, he erred in failing to consider the option of relocation.
7. Mr Harrison confirmed there was no challenge to the First-tier Tribunal’s credibility findings.
8. It is clear that the Judge took all the circumstances carefully into account. He has given a detailed assessment to the available COIS and OGN and to the case of SA. He made clear that on the basis of the evidence there was no availability of State Protection.
9. It may be that the Judge did not take into account that although returning alone, the Appellant has family in Bangladesh. However, in light of the Judge’s positive credibility findings the fact that her parents had themselves been targeted by her husband was accepted. At paragraph 23 he noted that in December 2013 she learned from her father that her husband had returned to Bangladesh and had vandalised their home. Her father reported the incident to the police.

He had threatened to kill the Appellant and to throw acid at her. He sent a warning letter to her father.

10. It is clear from that that the Appellant cannot return to the family home and be supported by her parents which means that she is effectively a lone woman. That being the case any error to specifically deal with that was not material to the outcome. The remainder of his findings are properly based on an assessment of all of the evidence and he reached his conclusion having taken full account of the guidance in SA.
11. The decision of the Designated Judge containing no material error of law the Secretary of State's appeal to the Upper Tribunal is dismissed.
12. The First-tier Tribunal having made an anonymity direction I order it to continue.

Signed

Dated 27<sup>th</sup> August 2015

**Upper Tribunal Judge Martin**

**Direction regarding anonymity**

**Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of Court proceedings.**

Signed

Date 27<sup>th</sup> August 2015

**Upper Tribunal Judge Martin**