



**Upper Tribunal
(Immigration and Asylum Chamber)**
IA/28047/2013

Appeal Numbers:

IA/28036/2013

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 21 July 2015

Promulgated

On 14 August 2015

Before

**MR JUSTICE KNOWLES CBE
UPPER TRIBUNAL JUDGE GLEESON**

Between

**HRH PRINCESS SARAH BINT TALAL BIN ABDULAZIZ AL SAUD
HRH REEM BINT BADR BIN SAUD M. BIN ABDULAZIZ AL SAUD
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Stephanie Harrison QC and Anthony Vaughan
For the Respondent: Keith Norton, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The first appellant ("HRH Princess Sarah") is a member of the royal family of Saudi Arabia. The second appellant ("HRH Princess Reem") is her daughter.

2. The First-tier Tribunal (The President, Mr M A Clements and Upper Tribunal Judge Martin) by its decision promulgated on 7 July 2014 dismissed appeals by HRH Princess Sarah and HRH Princess Reem on all grounds save asylum grounds. It is a feature of the system and process that applied that the Secretary of State had not herself made a decision on asylum.
3. HRH Princess Sarah and HRH Princess Reem appeal with permission of Upper Tribunal Judge Pinkerton against the decision to dismiss all their non-asylum grounds; the Secretary of State appeals the decision reached on asylum grounds with permission of Upper Tribunal Judge Kekic.
4. An anonymity direction was made but we do not consider it should continue for those parts of the decision of the First-tier Tribunal to which it is necessary for us to refer in these reasons.
5. We have heard argument first on the Secretary of State's appeal on the decision reached on asylum grounds. The decision of the First-tier Tribunal was as follows:

“... we are mindful that the standard of proof in asylum cases is low and there is no doubt that [HRH Princess Sarah] is a very high-profile lady. She is a very senior member of the Saudi royal family who has been close to the centre throughout her life until 2007. She has clearly been a great favourite of her grandfather, her uncle and indeed her father. The fact that she has made public that she is claiming asylum in the UK which by definition means she is suggesting she would come to harm in Saudi Arabia will no doubt cause considerable embarrassment to the Saudi authorities such that there is a reasonable likelihood that she would face difficulties if she returned. It is reasonably likely that at least she would be confined to her home and her freedom curtailed and at worst face physical harm. Accordingly, it is solely by virtue of her status as a public figure on the international stage and the embarrassment that that has caused to the Saudi authorities that leads us to find she succeeds in her asylum claim. Although it is normally the case that disputes with family would not constitute a convention reason for the purposes of the Refugee Convention in this case [HRH Princess Sarah's] family is the state.

[HRH Princess Reem] being a minor and dependent upon her mother, is clearly entitled to succeed along with her mother. She cannot be expected to return to Saudi Arabia alone and indeed as a young girl, if she did so, is likely to also face the restrictions that her mother may face if returned.”

6. The Secretary of State submits, by Mr Norton, that the longer of these paragraphs is “based on perception and not on evidence”. The conclusion reached, argues Mr Norton, does not show how there is a real risk of persecution; the question why HRH Princess Sarah should be at risk is begged, it is submitted.
7. The First-tier Tribunal has expressed itself shortly. We shall ourselves limit what we say to what is necessary to reach, and to explain, a decision in this matter.

8. In the context of asylum, in some cases the making of a claim for asylum may itself put a claimant at risk. That point lies at the heart of the First-tier Tribunal's decision. The question is whether there is material to support the conclusion that the present is such a case.
9. There are cases, and this is one, where the available sources of material may be limited. All parties before us accept that the lower standard of proof appropriate to international protection appeals applies.
10. A report dated 28 April 2014 of Dr Alan George was before the First-tier Tribunal. This contained reference to a passage within a Reasons for Refusal letter written by the respondent to a different Saudi Arabian claimant, for whose appeal he also prepared expert evidence. We are not aware with what authority Dr George made reference to the letter, which he had come across when instructed in the other case, in the present case, nor have we seen the full refusal letter for that individual.
11. However the passage in question was before the First-tier Tribunal and is before us, and the Secretary of State has not suggested it cannot be taken into account. The passage reads:

"Although no information could be found on the treatment of failed asylum seekers on return to Saudi Arabia, it is acknowledged that a claim for asylum abroad may be interpreted as opposition to or criticism of the Saudi government."
12. Mr Norton emphasises that the passage concerned a case where asylum was refused. However the Secretary of State did not throw further light on the passage, or on what material the acknowledgement in the passage was based, and how far it addressed the question of consequences of opposition or criticism. The Secretary of State has not disavowed the passage. Through Mr Norton, the Secretary of State has informed us that there is no operational guidance for Saudi Arabia: the only evidence of the Secretary of State's position on the risk to returning asylum seekers is the passage above.
13. What of the degree and nature of risk? It is arguable here that the First-tier Tribunal has expressed itself in a way that is understated. The same may be arguable for the passage from the letter referred to by Dr George. The First-tier Tribunal referred to confinement "to her home" and the curtailment of freedom. It was entitled to do so on the material before it. What it did not say in express terms is that the material before it referenced indefinite or enduring confinement.
14. It is important that the conclusion is not taken for more than it is - a conclusion reached applying the lower standard and by reference to limited material put before this First-tier Tribunal on this occasion; but nonetheless a conclusion to which HRH Princess Sarah and HRH Princess Reem are entitled.

15. The decision of the First-tier Tribunal on all grounds other than asylum grounds showed that the First-tier Tribunal did not accept some of the material that had been put before it on behalf of HRH Princess Sarah. That material has, in one way or another, been the subject of press articles that we were shown. Those are matters that it is not useful, or relevant, to attempt to address in this decision.
16. In the very rare circumstances of the present case, we are not prepared to hold that the conclusion of the First-tier Tribunal was not open to it as a matter of law, or that it was perverse or *Wednesbury* unreasonable, as set out at paragraph 90(2) of the judgment of Lord Justice Brooke in *R (Iran) & Ors v Secretary of State for the Home Department* [2005] EWCA Civ 982. This is not a case where there was no evidence to support the First-tier Tribunal's conclusion. There was limited evidence and it was for the First-tier Tribunal to reach a conclusion by reference to that evidence.
17. Since we have upheld the asylum decision in their favour, it appears to us unnecessary to hear argument on the cross-appeal of HRH Princess Sarah and HRH Princess Reem. However any further or consequential matters may be referred to us in writing.

Notice of Decision

The decision of the First-tier Tribunal allowing the appeal of the Appellants' on asylum grounds is upheld.

The anonymity direction made by the First-tier Tribunal is hereby discharged and we make no anonymity direction.

Signed

Date: 5 August 2015

Upper Tribunal Judge Gleeson