



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

Appeal Number: PA/05378/2018

THE IMMIGRATION ACTS

Heard at Newport

On 13th November 2018

**Decision & Reasons
Promulgated**

On 27th November 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

**MISS I. E. S.
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Alban
For the Respondent: Mr C Howells

DECISION AND REASONS

Introduction

1. The Appellant born on 23rd April 1984 is a citizen of Nigeria. The Appellant had made application for asylum on 24th March 2018 the Respondent refused that application. She appealed that decision and her appeal was

heard by Judge of the First-tier Tribunal Trevaskis sitting at Newport on 6th July 2018. He had dismissed her appeal on all grounds. Application for permission to appeal was made on 17th July 2018.

2. Permission to appeal was granted by Judge of the First-tier Tribunal Buchanan on 31st July 2018. It was said that it was arguable that the judge had failed to give reasons why he concluded that she had not been a victim of domestic violence.
3. Directions were issued for the Upper Tribunal to firstly decide whether an error of law had been made in this case and the matter comes before me in accordance with those directions.

Submissions on Behalf of the Appellant

4. It was submitted that there was no reasoning by the judge to show why the Appellant was not a victim of domestic violence. The judge has set out the background to domestic violence and had looked at whether there was still a risk on return. It was said there was an error at paragraph 55 for the judge to conclude that there was no longer an interest from the ex-partner as no reasons had been given for that conclusion. It was submitted that there is an error in assessing the credibility of ritual sacrifice and there have been comments in the country material that the judge should have regarded.
5. It was submitted the judge had accepted that the rule of law was not enforced in Nigeria and therefore there was not necessarily state protection.

Submissions on Behalf of the Respondent

6. Mr Howells relied upon the Rule 24 response dated 13th September. It was submitted that the Grounds of Appeal essentially related to credibility points only and that even if there were errors in this respect it was not material because the judge had found that alternatively there was a sufficiency of protection and in the further alternative there was the prospect of relocation. However it was submitted that findings on credibility were sufficient and whilst it may be that there had not been a significant number of reasons given as to why she was not a victim of domestic violence it was not material because in paragraph 55 the judge had noted that the Appellant was still in contact with family members and her ex-husband had not made steps to find her and further the Twitter account demonstrated he had no further interest in her.
7. At the conclusion I reserved my decision to consider the documents and evidence submitted. I now provide that decision with my reasons.

Decision and Reasons

8. The Appellant's claim was that in March 2016 she met her former partner who told her that he had political ambitions and that he needed spiritual

sacrifices to achieve power. He was a controlling individual and she had been a victim of domestic violence. She had given birth to a baby.

9. The judge had identified the key issues in this case and had in mind country materials. It was a case where the assessment of credibility was central and at paragraph 47 the judge had reminded himself of the proper approach to credibility as set out in **MA v UT [2014] CSIH 111**.
10. The judge had considered the Appellant's claim to fear for herself and child as a result of the ex-partner's implied threats against them to use the baby as sacrifice in a ritual. At paragraphs 51 to 52 the judge had given an adequacy of reasons for not accepting that assertion.
11. In respect of the allegation of former domestic violence the judge at 53 had noted that there was no supportive evidence in respect of that assertion. He did however accept that country material demonstrated that had she gone to the police it is unlikely they would have assisted and therefore it would be credible not to expect supportive evidence from that particular source. At paragraph 53 the judge did not appear to either accept or reject her claim of domestic violence. At paragraph 56 the judge finds inter alia that she has not been a victim of sexual violence. At paragraph 57 he noted that there was a lack of enforcement of legislation prohibiting domestic violence but again he found that he was not satisfied that she had been a victim in the past nor that she was a real risk of being a victim if returned to Nigeria.
12. There is a lack of reasoning in respect of the judge's conclusion that she had not been a victim of domestic violence in the past. There is however an adequacy of reasoning (paragraph 55) as to why he finds that there is not a real risk of her being a victim of domestic violence on return to Nigeria.
13. In any event the judge had found, leaving aside his findings on credibility, that she was able to relocate internally. (Paragraphs 58 to 59). Those were reasonable findings with adequate reasons provided.
14. The Appellant in this case was a highly educated young woman who was a trained lawyer, with family in the judiciary and a godfather who was a judge in Nigeria. She had been granted in the past a five year multi entry visa to the UK on 2nd September 2015. She had met her partner on her account in March 2016. In July/August 2016 she had travelled to the UK and stayed for a few weeks. She had then returned to the UK in June 2017 when she made her asylum claim. The judge had adequately reasoned and made findings in respect of the claim of ritual sacrifice. He had not provided adequate reasons why he found the Appellant had not suffered domestic violence in the past, although he had provided an adequacy of reasoning why he found she was not at real risk of such on return. Alternatively he had provided adequate reasons plainly in line with the evidence that indicated it would not be unreasonable or unduly harsh for the Appellant to internally relocate if that proved necessary.

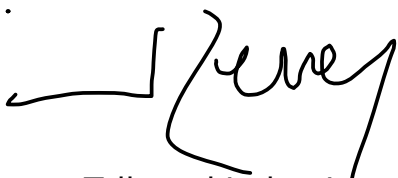
15. Accordingly therefore there was no material error of law in this case.

Decision

16. I find no material error of law was made by the judge in this case and I uphold the decision of the First-tier Tribunal.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

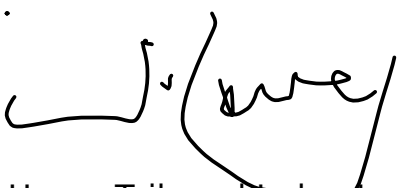
Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction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

Signed 
Deputy Upper Tribunal Judge Lewey

Date 20/11/18.

**TO THE RESPONDENT
FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed 
Deputy Upper Tribunal Judge Lewey

Date 20/11/18.