



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

Case No: UI-2024-000503

First-tier Tribunal No: PA/51377/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

**On 16<sup>th</sup> of May 2024**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE LEWIS**

**Between**

**C. V.**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A Stedman of Counsel instructed by MBM Solicitors.

For the Respondent: Mr M Parvar, Senior Home Office Presenting Officer

**Heard at Field House on 4 April 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the Appellant, likely to lead members of the public to identify the Appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

## **Introduction & Background**

1. This is an appeal against a decision of First-tier Tribunal Judge Chana signed on 22 December 2023 refusing an appeal on protection and human rights grounds.
2. The Appellant is a citizen of the Philippines born on 8 December 1982. She arrived in the UK in August 2009 on a Tier 4 student visa valid until 28 July 2011. On the expiry of her visa the Appellant overstayed.
3. On 18 November 2020 the Appellant claimed asylum. The Appellant claimed that she would be at risk of death or harm from moneylenders who had threatened her family following failure to pay debts accrued. The Appellant also claimed that she would be harmed by an ex-boyfriend and two other men who had sexually assaulted her in 2007.
4. On 29 September 2022 the protection claim was refused for reasons set out in a 'reasons for refusal' letter ('RFRL') of that date. The Respondent did not accept the Appellant's narrative account in respect of being at risk from moneylenders. Although the Respondent accepted that the Appellant had been a victim of sexual assault it was not accepted that she was currently at risk of any reprisals arising from the attack or otherwise.
5. The Appellant appealed to the IAC.
6. The appeal was dismissed for the reasons set out in the 'Decision and Reasons' of Judge Chana.
7. The Appellant now raises two grounds of challenge, permission to appeal having been granted on 9 February 2024.

## **Consideration of the 'error of law' challenge**

8. I find that there is no substance to the first ground of challenge.
9. 'Ground One' is premised on the fact that after page 10 of the Decision (which contains the concluding paragraphs, signature line, and the date 22 December 2023), there are a further 10 pages beginning with paragraph 47 running through to paragraph 100, culminating in a further 'Decision' paragraph with the dateline 1 November 2021. The text at pages 11-21 appears to relate to a completely different case involving a male national of Zimbabwe.

10. It is pleaded on behalf of the Appellant that this shows a lack of care to an extent that it cannot be said that the Appellant has had a fair hearing. The case of **ML (Nigeria) [2013] EWCA Civ 844** is pleaded in aid.
11. In my judgement the Respondent is correct in the observation set out in the Rule 24 response dated 22 February 2024, that whilst this is unfortunate, the extra pages come after the detailed consideration of the particular facts and evidence in the Appellant's case, and there is no apparent 'cross contamination'. In my judgement this is manifestly no more than an administrative error, possibly one of word-processing, or possibly relating to processing the digital decision to be uploaded to the CCD platform. I do not consider it constitutes evidence of a 'lack of care' on the part of the First-tier Tribunal Judge in respect of considering and determining the facts and issues in the instant appeal.
12. I also find that there is no substance to Ground Two.
13. The particulars of Ground Two begin at paragraph 8 of the Grounds of Appeal. Paragraph 8 identifies the particular focus of the challenge - a passage in paragraph 27 of the decision of the First-tier Tribunal:

*"The appellant claims that her father died under suspicious circumstances, suggesting that he was killed by the moneylenders. There is no credible evidence that her father was murdered and it is mere speculation on the appellant's behalf."*
14. Paragraphs 9-12 of the Grounds in substance set out a submission on the merits of the Appellant's case, re-asserting that there had been a death threat made by text message on 27 May 2020 - with particular reference to the Appellant's witness statement, a translation of the text message, and a letter from the Appellant's mother. It is then submitted at paragraph 13 that the Judge "*erred highly in material respects, in failing to make any findings adequately or at all in relation to the evidence identified*".
15. Mr Stedman in amplifying the written Grounds submitted that the Judge had not so much made findings as had simply rehearsed the evidence. It was argued with particular reference to the moneylending and the texted threat that it was incumbent upon the Judge specifically to address highly material evidence, that the reference at paragraph 21 of the Decision to having "*considered all the evidence in this appeal*" was not adequate.
16. In my judgement the Judge, having identified the nature of the Appellant's case in this regard at paragraph 21, deals adequately with the claimed risk from moneylenders across the course of paragraphs 22-27. In particular the Judge: found that there was no evidence of a need to borrow money by reference to the Appellant's brother's ill-health (paragraphs 22 and 24), or for the purposes of the Appellant's own studies in the UK

(paragraph 22); identified that in circumstances where both the Appellant's mother and the Appellant had been working outside the Philippines there was no evidence of any apparent need to borrow money (paragraph 22); described the Appellant's evidence as "*vague and contradictory as to from whom the money was borrowed*" (paragraph 23); found not credible the aspect of the Appellant's account that she would be targeted by the moneylenders even though she was not the borrower (paragraph 24) - which necessarily also informs an overall assessment of a general lack of credibility; found the Appellant's evidence inconsistent as to when threats commenced and their frequency - which "*further undermined the appellant's credibility and claim that her family was subjected to threats*" (paragraph 25); found the claim that her parents had borrowed money and that she feared the moneylenders was also undermined by the absence of escalation of action on the part of the moneylenders for about 10 years.

17. Paragraph 27 itself is just one of a series of adverse features identified by the Judge is undermining the credibility of the Appellant's account. Omitted from the quotation in the Grounds are the two further sentences at paragraph 27: "*There is no evidence that her suspicions were reported to police. I do not find it credible that the moneylenders would kill her father and still hope that the debt will be paid.*"
18. In this context it is to be noted that the Appellant's father was seemingly killed when electrocuted using a welding machine. There was no evidence in relation to the incident itself to suggest that this was anything other than an accidental death.
19. In all of the circumstances, I conclude that there is nothing objectionable to the Judge's observation that "*there is no credible evidence that her father was murdered and it is mere speculation on the appellant's behalf*" - particularly when such a finding is considered in context of the paragraphs preceding it, and the sentences following it.
20. It is adequately clear that the Judge did not accept the Appellant had demonstrated that her family had borrowed money, or that the Appellant had demonstrated that there had been threats made consequent upon a failure to repay any borrowed money. It is therefore adequately clear that the Judge did not accept as reliable the evidence purporting to show threatening text messages.
21. The Appellant's challenge fails accordingly.
22. For the avoidance of any doubt, I note that there is no challenge in respect of the Judge's evaluation of the claimed risk emanating from the perpetrators of the sexual assault in 2007, and there is no challenge in respect of the Judge's evaluation of the Appellant's Article 8 rights.

**Notice of Decision**

23. The decision of the First-tier Tribunal contained no error of law and accordingly stands.
  
24. The appeal remains dismissed.

**I. Lewis**

Deputy Judge of the Upper Tribunal  
(Immigration and Asylum Chamber)

**11 May 2024**