



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

Appeal Number: PA/05297/2019

THE IMMIGRATION ACTS

Heard at Bradford

On 13 December 2019

**Decision & Reasons
Promulgated
On 17 January 2020**

Before

UPPER TRIBUNAL JUDGE LANE

Between

OA

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Jagadeshm, instructed by Fisher Stone
For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born in 1975 and is a female citizen of Nigeria. She appealed to the First-tier Tribunal against a decision of the Secretary of State dated 15 May 2019 refusing her application for international protection. The First-tier Tribunal, in a decision promulgated on 19 August 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The judge found that the appellant has a well-founded fear of ill-treatment at the hands of her first husband's family in her home area of Nigeria. However, the judge found that the appellant could avail herself of the option of internal flight. The judge's findings regarding the threat to the appellant in her home area of Nigeria have not been challenged by the Secretary of State.
3. Granting permission, Upper Tribunal Judge Grubb stated that it was arguable that the judge's brief reasoning at [48-51] is inadequate to sustain the finding on internal relocation. I agree. Having carried out an exhaustive analysis of the appellant's claim to fear ill-treatment in her home area, the judge disposes of the matter of internal flight in three brief paragraphs. The first paragraph comprises mainly the judge's rejection of the appellant's claim that she had seen her brother-in-law in uniform (and therefore in a position of authority) at Lagos Airport. It sets out also the judge's acceptance that the appellant's first husband and his family do have influence in the region of Ogen State, Lagos and Abuja. It appears the judge believes that the appellant cannot return safely to those areas of Nigeria although she does not say so in terms. This begs the question as to the relevance of the judge's rejection of the appellant's claim about the brother-in-law given that she had already found that the appellant is in danger in Lagos on account of the first husband's influence in that city. Moreover, it is not clear why the judge's finding regarding the brother-in-law should lead her to 'prefer the respondent's position' as set out in the refusal letter; that position is based on the fact that Nigeria is a large country with a population of 173.6 million. The judge did not seek to identify to which particular areas of Nigeria beyond the influence of the brother-in-law it would be safe for the appellant relocate. The last sentence of [50] brings no clarity to the reasoning: 'her claimed risk from her first husband's family, given that I have not accepted [the brother-in-law] works at Lagos airport I attach weight to the respondent's reasons for internal relocation.'
4. The judge's rejection part of the appellant's account concerning an area of Nigeria where the judge has found the appellant is at risk does not take the argument very far forward. The remaining reasoning as regards the internal flight alternative concerns the judge's observation that the appellant is 'an educated lady who was held teaching posts in Nigeria and has a network of people have supported financially in the United Kingdom'. That statement is something of a *non sequitur*; the judge has not examined how continuing support from United Kingdom will enable the appellant to re-establish itself in an unidentified region of Nigeria where she will be a stranger whose employment prospects, notwithstanding her

teaching experience, may be uncertain. In addition, the judge has not factored into her assessment of internal flight the fact that the appellant will have with her three children aged 14, 12 and 5 years respectively.

5. In the light of what I say above, I find that the judge's analysis on the internal flight alternative is obscure and insufficient. This is unfortunate given the judge's thorough and detailed analysis of the other aspects of the appellant's claim. I accept also counsel's submission on the appellant's behalf that the judge has failed properly to engage with background material relating to Nigeria which is extensively referenced in the skeleton argument submitted to the Tribunal. In the circumstances, **I set aside the decision. The findings as to the risk facing the appellant and her children in her home area of Nigeria are preserved. The only issue remaining to be determined is that concerning internal flight. Both parties may submit fresh evidence provided they file and serve such evidence at least 10 days prior to the next hearing.** In the light of the fact-finding as regards internal flight which needs to be carried out, that hearing will take place in the First-tier Tribunal on a date to be fixed.

Notice of Decision

The decision of the First-tier Tribunal set aside. Findings concerning the risk to the appellant and her children in her home region of Nigeria are preserved. The findings in respect of internal flight are set aside. The only issue requiring determination concerns internal flight within Nigeria. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision. **The attention of the parties is drawn to the directions set out in paragraph 4 above.**

Signed

Date 31 December 2019

Upper Tribunal Judge Lane

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

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