



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

Appeal Number: PA/01428/2019

**THE IMMIGRATION ACTS**

**Heard at Birmingham  
On 18 November 2019**

**Decision & Reasons  
Promulgated  
On 22 November 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**GODFREY [E]**

**(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Rashi, instructed Tann Law

For the Respondent: Ms Aboni, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 30 October 1976 and is a male citizen of Nigeria. He claimed asylum in March 2017 but his claim was refused by a decision of the Secretary of State dated 31 January 2019. He appealed to the First-tier Tribunal which, by a decision promulgated on 15 July 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. I find that the decision of the First-tier Tribunal should be set aside. My reasons for reaching that conclusion are as follows. First, I find that the judge misunderstood the evidence which was before her. The appellant claims to fear a Mr [D] in Nigeria and both the respondent and the judge accepted that the appellant and his family had been engaged in a dispute over the ownership of real property with that individual. At [23], the judge stated why she believed the dispute with Mr [D] might easily be resolved and the family's fear of any future threats or intimidation from Mr [D] removed:

“The appellant acknowledged during hearing that, despite Mr [D] now legally owning and controlling the properties, the appellant and his siblings have withheld the title deeds to the property. Given the lawfully purchased the properties, it would seem the appellant's problems could be resolved by simply handing the title deeds to Mr [D].”
3. It was the appellant's clear evidence both in his written statement and also at the asylum interview (Question 82) that certain individuals claiming to be related to the appellant's father (a claim which the appellant did not accept) had purported to sell the property in question to Mr [D]. It is the appellant's case that those individuals had no title to the land in question and therefore could not legally pass the title by sale to Mr [D]. It was for that reason that the family had refused to hand over the title deeds. Indeed, as Mr Rashid, who appeared for the appellant before the Upper Tribunal observed, the appellant's case that he and his family owned the property is supported by the fact that the family, and not the purported vendors, are in physical possession of the title deeds. It follows that the appellant's claimed problems could not be overcome simply by transferring the title deeds to an individual whom the appellant and his family considered had sought to acquire the property illegally.
4. I agree with Mr Rashid that the judge fell into further error in her analysis of the option of internal flight. The expert witness, to whose evidence the judge refers at [13], had stated, as the judge records, that 'internal relocation is not an option.' However at [24], the judge simply states that, 'I find the appellant could safely return to a different part of Nigeria, away from his home area... If he still has concerns about Mr [D].' She does not explain why she rejects the conclusions of the expert knowledge or does she give any reasons at all for her finding.
5. I set aside the decision on account of the judge's misunderstanding of the evidence. None of the findings of fact shall stand. The appeal will have to be determined *de novo*.

**Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that tribunal to remake the decision at or following a hearing of the appeal *de novo*.

Signed

Date 18 November 2019

Upper Tribunal Judge Lane

