



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

Appeal Number: PA/02384/2018

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 30 January 2019**

**Decision & Reasons  
Promulgated**

**On 20 February 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE NORTON-TAYLOR**

**Between**

**A K  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**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.**

**Representation:**

For the Appellant: Not represented and no appearance

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is a challenge by the Appellant against the decision of First-tier Tribunal Judge N J Bennett (the judge), promulgated on 13 June 2018, by which he dismissed her appeal against the Respondent's refusal of her protection and human rights claims.

### **The judge's decision**

2. The judge set out the evidence and submissions in some detail and went on to provide detailed reasons for rejecting core elements of the Appellant's case (see in particular [32] - [42]). In particular the judge rejected the claim that the Appellant had been rejected by her family, having run away from them after being abused, and having been taken in by another individual who assisted her in leaving the Gambia. The judge considered an expert report produced in support of the Appellant's case but essentially found that because of his core adverse credibility findings, this expert evidence did not assist the Appellant in terms of risk on return.
3. It was noted that Article 8 had not been relied on and the appeal was dismissed.

### **The grounds of appeal and grant of permission**

4. The grounds of appeal are threefold: the first and second attack the specific credibility findings, whilst the third asserts that the judge failed to have proper regard to parts of the expert report relating to a woman's situation as a single mother in Gambia.
5. In granting permission, Upper Tribunal Judge Lindsley made particular mention of the third ground, concluding that it was arguable that the expert evidence had not been adequately addressed.

### **The Appellant's lack of representation and non-appearance**

6. At the time of the hearing before the First-tier Tribunal the Appellant had been legally represented. However, by a letter dated 18 December 2018 those representatives informed the Upper Tribunal that they were no longer acting and that the Appellant had apparently "gone missing" (they were told of this by a social worker). An application was made to adjourn the error of law hearing which had then been listed for 19 December. That application was refused on the papers by an Upper Tribunal lawyer.
7. On 19 December 2018 the matter came before me. The Appellant did not attend and there were no communications from her. It was impossible to make any contact with her on the day.

8. I adjourned the error of law hearing on the basis that the Appellant's whereabouts may be detected in due course. I wanted to give her every opportunity to be able to attend the hearing.
9. The appeal came back before me on 30 January 2019. The Appellant did not attend and there were still no communications from her.
10. I considered Rules 2 and 38 of the Upper Tribunal's Procedure Rules and concluded that it was fair to proceed in her absence.

### **The Respondent's submissions**

11. Mr Bramble submitted that there were no material errors of law. The expert report was predicated on the Appellant's assertion that she had been disowned by her family and could not turn to them for any form of support on return. References in the expert report to the Appellant being a "lone woman" must be seen in that context and this included the passages from paragraph 184 onwards (that section specifically cited in the grant of permission). However, the judge had specifically rejected this aspect of the Appellant's claim and Mr Bramble submitted that this was essentially fatal to her challenge.

### **Decision on error of law**

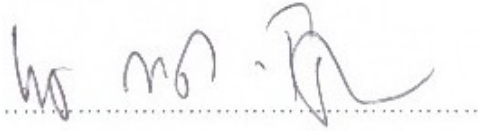
12. I conclude that there are no material errors of law.
13. Dealing first with grounds 1 and 2, it is clear that they amount to nothing more than disagreements with the judge's thorough findings of fact and reasons in support thereof.
14. As regards the specific elements of the Appellant's claim, ground 3 has greater merit at first glance and I can understand why permission to appeal was granted.
15. However, having read with care the relevant passages from the expert report I agree with Mr Bramble that the question of risk as a "lone" woman with a child born out of wedlock was to a significant extent predicated upon the Appellant not having any familial support on return to Gambia. It is of course the case that the judge had specifically rejected this lack of familial support. therefore, when it came to [43] of his decision he was entitled to conclude that notwithstanding the references to problems faced by single mothers in Gambia, the adverse credibility findings meant that the Appellant would not be reasonably likely to face such risks because she would in fact have familial support and there would effectively not be a "lone" woman with a child.
16. In my view this dealt adequately with the protection claim.

17. In respect of Article 8, I have already mentioned that this was not pursued before the judge. In any event, the judge did address the child's best interests and the conclusions reached were adequate.
18. In all the circumstances the Appellant's challenge fails.

**Notice of Decision**

**The decision of the First-tier Tribunal does not contain material errors of law and it shall stand.**

**The Appellant's appeal to the Upper Tribunal is dismissed.**



Signed  
2019

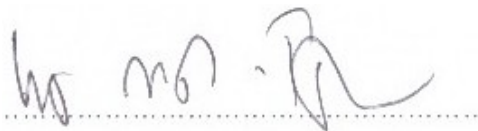
Date: 16 February

Deputy Upper Tribunal Judge Norton-Taylor

**TO THE RESPONDENT**

**FEE AWARD**

No fee is paid or payable and therefore there can be no fee award.



Signed  
2019

Date: 16 February

Deputy Upper Tribunal Judge Norton-Taylor