



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

Appeal Number: PA/07971/2018

THE IMMIGRATION ACTS

Heard at Bradford

On 4 JANUARY 2019

**Decision & Reasons
Promulgated
On 7 March 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**GROW MUJORO
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Faryl, instructed by Duncan Lewis & Co. solicitors
For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a female citizen of Namibia who was born on 4 July 1990. The appellant arrived in the United Kingdom on 6 May 2018. She claimed on entry that she was coming for a five day holiday. She subsequently claimed that she had been ill-treated in Namibia by an ex-boyfriends. The claim was rejected by the Secretary of State who, in a decision dated 13 June 2018, refused her application for international protection. The appellant appealed the First-tier tribunal (Judge Bird) which, in a decision promulgated on 27 December 2018, dismissed the appeal. She now appeals, with permission, to the Upper Tribunal.

2. There are six grounds of appeal. First, the appellant asserts that the judge failed to make adequate findings regarding her claim to have been the victim of modern slavery. The judge had accepted that the appellant had been subjected to ill-treatment by two individuals, [E] and [G] [48]. However, as the presenting officer, Mrs Pettersen, submitted, the appellant had not claimed to have been abused in the second relationship referred to, namely that with [G]. It is unclear to me why the appellant's relationship with [E] should constitute an experience equivalent to modern slavery. In any event, even if the relationship may be categorised as such, for reasons which I give below, the judge reached unassailable findings as to risk on return which are sufficient to defeat the appeal.
3. Secondly, the appellant asserts that the judge misinterpreted the law on modern trafficking and human slavery. Judge accepted that the appellant may have been in abusive relationships but she did not accept that she was without protection from the police authorities in Namibia to whom she had reported behaviour of [E] nor had she shown that the police authorities were unable or unwilling to offer her protection. The grounds of appeal offer a different gloss or interpretation of the facts but these do not, in my opinion, undermine the conclusions of the judge especially at [50] which were available to her on the evidence.
4. Thirdly, the appellant asserts that the judge based her credibility assessment on inherent disbelief and upon a series of speculations and irrational expectations. I find ground has no merit. The use by the judge of expressions such as 'it is simply not plausible...' and 'this is what [the appellant] will expect me to accept' do not indicate that the judge entered the credibility assessment in anything other than an even-handed way. The judge's expressions may be trenchant and, at times, colourful but do not arguably indicate bias or an unfair approach. The judge did criticise the appellant's inability to provide explanations for apparent discrepancies in her evidence but I do not accept the submission made in the grounds that the judge unreasonably expected the appellant to know more than she had been told.
5. Fourthly, the appellant asserts that the judge made material errors of fact and ignored parts of the appellant's evidence. The judge had queried how the appellant's partner had been able to obtain her telephone number after she had changed it. At [38], the judge had found that it was not 'not plausible that the [partner] should have just come upon her and slapped her in front of her friends without anyone doing anything.' The appellant claimed in her witness statement that a 'man came to my rescue and told [E] that he could not just beat a woman like that. I left quickly and took a taxi home.' Having read the decision carefully, I acknowledge that the judge may have misunderstood particular details of the appellant's evidence. However, any errors were not material. This is because the judge has, in the alternative to rejecting the credibility of the appellant's account, considered risk on return on the basis that the appellant had given a truthful account of past events and has still concluded that she would not be at real risk. At [48], the judge found that 'the appellant may

well have been in an abusive relationship with their ex-partner that she was able to leave him trouble to her aunt where she remained. The appellant's account of a partner finding her there is credible that the appellant was able to turn to the police for support. Please did take action and a partner was imprisoned for four months.' At [43], the judge observed that the appellant had moved to Windhoek to avoid ill-treatment and had been gainfully employed there. The judge also considered the appellant's account in light of the fact that she had travelled to the United Kingdom and tried to seek entry by deception. Moreover, the appellant had not claimed asylum upon arrival. Those were legitimate factors for the judge to consider in assessing the credibility of the appellant's account. However, what is very clear from the judge's analysis is that, even assuming that the appellant had been into abusive relationships, there was no evidence that either partner would wish her harm now, sometime after the events described, that either partner would be even aware that she had returned to Namibia and that, even if the appellant feared they might know of her return, that they would be able to locate her in a different part of the country from where the men live and where the events which she had described had taken place. Further, as the judge observed, significantly the appellant had sought the help of the police in the past which had been forthcoming. Set against the background of that analysis, minor misunderstandings of the sequence of events in the appellant's account were rendered immaterial; taking the appellant's account at its highest, judge had found that the appellant could not succeed.

6. Sixthly, the appellant complains that the judge had failed to have regards to the best interests of her child in the appeal under Article 8 ECHR. The child lives not in the United Kingdom with the appellant but in Botswana and, whilst the grounds acknowledge that child is not in the United Kingdom for the purposes of section 55 of the Borders, Citizenship and Immigration Act 2009, her best interests remained relevant. It is not clear to me what relevance this ground has to the judge's findings. In particular, is not clear how the best interests of a child living in Botswana and whose welfare is not been a relevant factor in the determination of the appellant's appeal could possibly assist the appellant in this litigation. The ground seems to do no more than to assert that there is a child and that the judge has some how made an error by failing to apply to her a statutory provision, the operation of which the appellant herself accepts the child does not invoke.
7. In the circumstances, the appeal is dismissed.

Notice of Decision

8. This appeal is dismissed.

Signed

Date 2 February 2019

Upper Tribunal Judge Lane