Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02748/2019 (V)

THE IMMIGRATION ACTS

Heard at Field House via Skype for Business	**Decision & Reasons Promulgated**
On Friday 5 March 2021	**On 18 March 2021**

Before

UPPER TRIBUNAL JUDGE SMITH

Between

UHKL

Appellant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr H Dieu, Counsel instructed by NLS solicitors
For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

Anonymity
Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008
An anonymity order was made by the First-tier Tribunal. As this appeal involves a protection claim, I consider it is appropriate to continue that order. Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies, amongst others, to both parties. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION AND REASONS

BACKGROUND

1. The Appellant appeals against the decision of First-tier Tribunal Judge Curtis promulgated on 12 March 2020 ("the Decision"). By the Decision, the Judge dismissed the Appellant's appeal challenging the Respondent's decision dated 12 March 2019 refusing her protection and human rights claims.

2. The Appellant is a national of Bangladesh. She came to the UK as a student on 13 February 2017 with leave to 21 May 2018. On 10 January 2018, the Appellant gave birth to a daughter [RAM]. RAM's father is an Iraqi national ([MAM]). The Appellant married [MAM] on 20 February 2018. The relationship has since broken down.

3. The Appellant claims that she will be at risk on return to Bangladesh as the mother of a child born out of wedlock. She claims that she has been threatened by family members and has been disowned by her family. She says it would not be safe for her to return to Bangladesh whether to Dhaka (her home area) or to relocate elsewhere.

4. The Judge did not accept as credible the Appellant's claim that she was at risk from her family. He did not accept that threats had been made as she claimed nor that she had been disowned. The reasons for his findings are set out at [44] of the Decision. Although the Judge accepted that [RAM] was born out of wedlock and that the Appellant and [MAM] are no longer in a relationship, he found that the Appellant would not be at risk on return. Even if she were at risk in her home area of Dhaka (which was not accepted), the Judge also found that the Appellant could relocate to another area of Bangladesh, such as Sylhet.

5. The Appellant's grounds do not take issue with the Judge's findings of fact. It is accepted therefore that the Judge was entitled to find that the Appellant's family had not found out about [RAM]'s birth in the manner she claimed. Nonetheless it is said that this was not the sole issue for determination as the Appellant's family will discover that she has a daughter if the Appellant returns. It is asserted that the Judge ought to have "carried out an assessment of the Appellants family likely reaction to the discovery of the birth of her daughter (and the circumstances of that birth)" and, based on the background material relating to the conservatism of Bangladeshi society should have found that she would be at risk on return. It is also asserted that even if the Appellant is only disowned, she would face destitution on return as a single woman without male support. It is also said that she cannot be expected to return to Sylhet as she does not speak the language in that area. The grounds also take issue with the Judge's assessment of [RAM]'s best interests given the asserted likelihood of destitution.

6. Permission to appeal was refused by First-tier Tribunal Judge O'Keeffe on 29 April 2020 in the following terms so far as relevant:

> "... 2. The Judge has given sustainable reasons for finding that the appellant had not shown that she was at real risk of being subjected to harm because of her personal

> circumstances. The Judge considered relocation in the alternative and found that it was not unduly harsh to expect the appellant to relocate to another urban area of Bangladesh such as Sylhet. Any failure to consider the appellant's inability to speak Sylheti was not therefore material to that conclusion. The Judge considered the appellant's personal circumstances and how then the appellant could avoid the possibility of destitution. The Judge considered the best interests of the child and concluded they were to remain with her mother. It is difficult to see how the Judge could have concluded otherwise given the findings made and the young age of the child.
> 3. The Judge's findings were guided by reference to appropriate country guidance and background material. The grounds disclose no arguable material error of law and permission to appeal is refused."

7. On renewal of the application for permission to appeal to this Tribunal, permission was granted by Upper Tribunal Judge Stephen Smith on 10 July 2020 for the following reasons:

> "1. It is arguable that there was no support in SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 254 (IAC) for the judge's distinction between an 'illegitimate child' (as in SA) and the appellant's situation, whereby she had separated from her former partner. Her partner has been convicted, in this jurisdiction, of domestic violence towards the appellant. Arguably, there was no support in the country guidance or the background materials for the judge's minimisation of the difficulties likely to be faced by the appellant on account of her child, in light of the judge's own interpretation of what will be regarded in the deeply conservative culture in Bangladesh as 'illegitimate', especially given the dual heritage ethnicity of the appellant's daughter: see [47] and [48].
> 2. It is arguable, therefore, that the judge's arguable importation of his or her own concept of 'illegitimacy' of the child tainted the judge's assessment of the appellant's family's likely reaction to the birth of her child upon her return, and the possible difficulties arising from internal relocation to Sylhet.
> 3. Arguably, as part of the 'real world' assessment the judge needed to conduct when determining the best interests of the daughter, the judge should have taken into account the arguable likely difficulties the appellant would experience as a single woman with an illegitimate daughter in Sylhet. Arguably, the assessment was devoid of real substance and superficial."

8. Judge Smith gave a provisional view that the error of law issue could be determined on the papers. He provided however that either party could seek a hearing if one were considered necessary.

9. The Respondent submitted a Rule 24 reply on 23 October 2020 seeking to uphold the Decision and requesting an oral hearing of the error of law issue. The hearing therefore proceeded as a remote hearing without objection from either party. There were no major technical difficulties affecting the conduct of the hearing.

10. The matter comes before me to determine whether the Decision contains an error of law and, if I so conclude, to either re-make the decision or remit the appeal to the First-tier Tribunal to do so.

DISCUSSION AND CONCLUSIONS

11. I begin with the basis on which permission was granted as that seems to me to widen the breadth of the grounds of challenge. Judge Smith found it arguable that Judge Curtis had applied his own interpretation of what amounts to illegitimacy and that the Judge had wrongly distinguished between the appellant's circumstances in SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 254 (IAC) ("SA") and those of the Appellant here who is separated from her former partner.

12. Mr Dieu did not seek to rely on the grant of permission on this point in his oral submissions. I consider that he was right not to do so. Although I accept that the circumstances in SA and the present case are similar (both women had children born out of wedlock), there is an essential factual difference in this case. In SA, the child was born to a father who was not SA's husband and after divorce from her husband. In this case, the child was born to a father who was the Appellant's husband, albeit they married after the birth and have since separated. This case is for that reason weaker than that of SA. The Appellant might still face risk or at the very least discrimination if that fact were discovered. However, the Judge's finding is that there is no reason why that fact should be discovered. Even in SA where the factual basis for the illegitimacy was stronger, the Tribunal at [84] pointed out that "the appellant could truthfully say that she was separated from the child's father in the United Kingdom and there would be no reason why anyone should discover that he was illegitimate".

13. Judge Curtis has adopted the meaning of illegitimacy as was argued before him. He understood the Appellant's case to be (as indeed did I) that the Appellant's child was and would always remain illegitimate if the facts were known because she was born out of wedlock. I can find nothing in the Decision which suggests that the Judge was applying his own conception of what illegitimacy involves.

14. I make one further observation arising from the grant of permission before moving on to the Appellant's grounds, namely that the dual ethnic heritage ethnicity of the Appellant's daughter is of some relevance. Mr Dieu made a similar submission regarding the risk of the Appellant being ostracised because of the shame she would bring on her family due to her marriage to someone of different ethnicity and without the family's consent. However, upon consideration of the evidence, particularly the asylum interview record, he was constrained to accept that the claimed risk was put forward solely on the basis that the risk arose from the illegitimacy of the child, in other words that the child was born out of wedlock. That is the claim which the Judge considered (see [24] of the Decision).

15. I move on then to the Appellant's grounds which were also all considered to be arguable. Before I do so, however, it is necessary to refer to the Judge's findings of fact and to set out the reasons why the Judge found against the Appellant in relation to the protection claim.

16. As I have already noted, the Appellant claimed that she would be at risk on return as her family had discovered that her child was born out of wedlock. She claimed that she had received threats via Facebook. She also claimed that she had been disowned by her father.

17. Having directed himself to the guidance in SA, other parts of that decision and to background material relating to the situation of women in Bangladesh, the Judge set out his findings on the claim at [44] of the Decision. As I have already noted, those findings are not challenged. They are that the Appellant's family had not found out about her daughter as claimed or at all, the Appellant had not been threatened as asserted or at all, and that the Appellant had probably not been disowned as she said. The Judge accepted at [45] of the Decision that [RAM] was born out of wedlock and that the Appellant was separated from the child's father. [MAM] is the subject of a restraining order preventing contact with the Appellant.

18. At [46] of the Decision, the Judge accepted that women in Bangladesh form a particular social group. However, he went on to point out that membership of that group is not of itself sufficient to be recognised as a refugee. As the Judge pointed out, "[t]he Appellant has to show to the lower standard that she, personally, will face a real risk of persecution on account of her being a woman in Bangladesh".

19. The Judge then set out his reasons for rejecting the protection claim as follows:

> "47. For reasons relating to the credibility and implausibility (as outlined above), I do not accept the Appellant's evidence that she received threats from her father, brother or uncle. She has not demonstrated to the required standard that there is a real risk of her being subject to harm or violence because she is a single (by that I mean, 'separated from her partner') mother of a child born out of wedlock. The Appellant has not therefore established to the appropriate standard that she has a well-founded fear of being persecuted because of her membership of a particular social group. Further, on the same basis, she has not established that there are substantial grounds for believing that she would suffer serious harm on return such that she would be eligible for a grant of humanitarian protection.
> 48. If I am wrong about the core of the Appellant's claim, I find that it would not be unduly harsh for the Appellant to relocate to another urban area of Bangladesh, such as Sylhet. The Appellant is a well-educated person having obtained a master's degree in the UK. It was always her intention to return to Bangladesh after her studies in order, no doubt, to secure a position within the employment market. The degree is in financing and accounting and this should facilitate her securing a job that would then avoid any possibility of destitution. Although she would be relocating as a single woman, it does not necessarily follow that people will perceive RAM to be an illegitimate child. The fact that she is separated from MAM accounts for her being a single woman. This would avoid the discrimination and social prejudice envisaged in SA to befall mothers of illegitimate children.
> 49. Whilst there was some evidence in SA that single women may encounter difficulties in finding accommodation without family support, the ultimate conclusion of the Upper Tribunal (and this was in the context of a divorced mother with an

> illegitimate child) was that a significant degree of hardship is likely to ensue but that some sort of accommodation would be available. As a general matter the conditions that such a person would have to endure to re-establish him/herself would not amount to persecution or a breach of Article 3 rights. I cannot accept that SA is authority for the submission that it would be unduly harsh for the Appellant to relocate with her child because I do not accept that a woman entering the employment market with a master's degree would be unable to secure accommodation."

20. In relation to the risk in her home area, the essence of the Appellant's challenge to the Decision appears at [3] to [5] of the grounds as follows:

> "3. It is however a fact that the Appellant's daughter was born out of wedlock (to a father of differing ethnicity). It is respectfully submitted the Judge erred in not considering the reaction of the Appellant's family to this fact, regardless of how it was discovered.
> 4. Even if the Judge were to have concluded that the Appellant's family did not know of the birth of her daughter, this would not be something that could remain hidden should they be returned to Bangladesh.
> 5. It is respectfully submitted that the Judge ought to have carried out an assessment of the Appellant's family likely reaction to the discovery of the birth of her daughter (and the circumstances of that birth) as based on the objective materials provided. Those materials support the Appellant's view of a conservative society who would shun the Appellant."

21. The way in which this challenge was developed by Mr Dieu in oral submissions is that it was incumbent on the Judge to consider three scenarios:

    (a) That the Appellant would return and the family would either accept that she has a child and was married or would not (which might put her at risk).
    (b) That the Appellant would return without threats from her family, but they would seek to disown her. In those circumstances, the Judge would need to consider the ability of the Appellant to survive in Dhaka, ostracised by her family.
    (c) That the Appellant could not live in Dhaka without real risk, but that situation could be avoided by internal relocation, for example to Sylhet.

22. Mr Dieu submitted that the Judge had not undertaken that exercise. I disagree. The grounds and scenarios appear to assume that the Appellant's family would inevitably find out that [RAM] was born out of wedlock. However, as I pointed out to Mr Dieu, there is no reason why they should find out. Although this is not said explicitly by the Judge in relation to the Appellant's family, his reasoning has to be read as a whole and the general tenet of the reasons why the Appellant would not face societal problems is said at [48] to be that members of that society would not necessarily know that [RAM] was illegitimate. It may be that this sentence is the reason why Judge Smith thought that the Judge was applying his own concept of illegitimacy. On my reading, however, what the Judge is there saying is there was no reason why anyone should find out that [RAM] was born out of wedlock.

23. Unlike the situation in SA, the Appellant has been (and as I understand it remains) married to the child's father (although it would not matter, based on what is said in SA if she were divorced). Obviously, the child's birth date is unlikely to be a fact which can be or should be hidden. However, whether it will be discovered that the Appellant was married or not at that time is information which it is for her to disclose or not as she chooses. There is no reason for her to disclose that information. [MAM] will not be accompanying her on return. What the Appellant chooses to tell her family and others about that relationship is therefore up to her. Her husband will not be there to gainsay her disclosure. When I asked Mr Dieu why that was not an answer to the risk that she claimed, he was unable to respond.

24. That then is a complete answer to the issue of risk on return. The Judge found that the Appellant's family are not aware of the birth of the Appellant's child or the details of that or her marriage to [MAM] and the breakdown of that relationship. There is no reason why they should make the discovery in the future which would lead to the conclusion that [RAM] was born out of wedlock. There was in any event no evidence upon which the Judge could make any findings as to the family's likely reaction if they did find out (having rejected the claim that they had made past threats). As is indicated in the Respondent's Rule 24 reply therefore, there is no error of law made by the Judge in this regard. He was not required to speculate.

25. As Ms Everett also pointed out in oral submissions, the future position has to be considered on the facts of this case and not solely based on background material. Whilst the background evidence does show, for example, that there is gender-based domestic violence (as Mr Dieu submitted), Ms Everett pointed out that in this case, the Appellant came to the UK as a student supported by her father to pursue her studies here. As she accepted, it would be speculative to take from this that the Appellant's father's attitude might be more progressive than would be the general position. However, she submitted, that is no more or less speculative than the task which the Appellant suggests the Judge should have undertaken.

26. The Judge's primary conclusion therefore is that there would be no risk to the Appellant from her family on return. If, as I accept, the Judge has reached that conclusion for reasons which were open to him on the evidence, that is the end of the matter so far as concerns the protection claim.

27. However, in case I am wrong about that, I move on to consider the other options. The first of those other options is scenario (b) as postulated by Mr Dieu which is based on [6] of the grounds as follows:

> "It is further respectfully submitted that the Appellant's family do not need to be physically abusive to the Appellant in order to place her, and her daughter at risk. The Appellant's family need only disown her, something that objective materials support as being highly likely, to place them both at risk of destitution. Where single women are unlikely to be able to rent property where no male support exists."

28. I begin by noting that the Judge's unchallenged findings at [44] include a rejection of the Appellant's case that she has been disowned. That finding reads as follows:

> "(iv) I was also sceptical of the Appellant's evidence in relation to how she received the disownment affidavit. Notwithstanding the likelihood of her being in possession of the original (or a copy) of this affidavit in time for the screening interview on Friday 4th May 2018 (at which it is mentioned) when it had only apparently been signed in Bangladesh on Friday 27th April 2018 (and I confirm that I don't specifically take this feature into account as it has not been raised by the Respondent), in my view it would have been illogical for the Appellant (who, by April/May 2018, had received a number of threatening messages from her family, she says) to have so readily given out her address in the UK to a friend who was looking after her brother's studies and who went to their house a lot. It would have been objectively foreseeable that her father and/or her brothers would have learned of her address in the UK which would have placed her in a vulnerable position had her account as to receiving threats from them been true. I do not accept the veracity of the affidavit. If I am wrong about that conclusion, though, in my view all the affidavit can usefully show is that the Appellant has been disowned by her father. It doesn't support the view that her father and brothers have resorted to the types of threats that the Appellant refers to. Furthermore, it was objectively illogical for a father who, according to the Appellant, wanted to kill her and her daughter, to seek to disinherit her. It would serve no useful purpose to disinherit a person who you had serious desires of killing."

29. Whilst I would accept that the Judge's finding about the disowning of the Appellant is less categorical than his rejection of the claimed threats, nonetheless his primary finding is that the Appellant has not been disowned as she claimed. That he goes on to consider in the alternative what that might mean for her on return is irrelevant on the grounds as pleaded as it cannot be said that the Judge does not consider the scenario where the Appellant is disowned.

30. Scenario (b) as put forward by Mr Dieu has in any event to be read with scenario (c), namely the position which the Appellant would face if she does not have family support whether that be in Dhaka or as the Judge considers in another area. The essential question is whether the Appellant would, due to the lack of family support, face destitution.

31. The Judge's findings in relation to internal relocation are set out at [48] and [49] of the Decision as set out above. The way in which the challenge to internal relocation is pleaded is at [8] of the grounds as follows:

> "It is respectfully submitted that the Judge errs further in proposing internal relocation to Sylhet as a viable option to the Appellant, and her daughter simply the Appellant does not speak Sylheti. It is respectfully submitted that whilst this point was considered, the conclusion that her inability to speak the language is not relevant to relocation where the Appellant would need to find work and avoid destitution cannot be reasonable."

32. Although the pleaded challenge is narrowly confined, I permitted Mr Dieu to put forward a wider challenge to the internal relocation finding in his oral submissions.

He submitted that the Judge, in reaching that finding, gave only two reasons why the Appellant could internally relocate. First, he said that the Appellant would be able to find accommodation because she is educated. Second, the Judge said that the Appellant could hide the fact of [RAM]'s illegitimacy.

33. I have dealt with the second of those reasons when looking at the scenarios generally and the potential of risk to the Appellant in her home area.

34. Turning to the first of those reasons, Mr Dieu took me to [101] of the decision in SA which reads as follows:

> "101. Dr Siddiqi was asked the question whether the appellant would be able to provide for herself, her son and her daughter. It is clear that a more appropriate question would have been whether the appellant would be able to provide for herself and her son. Her view was that secure and decent employment was a difficult prospect for anyone without pre-existing system social economic protection as in the city. We note that she did not use the word "impossible". Secondly employment prospects were much more limited for women than for men because of gender norms and institutionalised discrimination. While it was true that employment rates increased at a greater rate for women rather than men in the last decade, this growth was concentrated in the garment export industry where over his 70% of the work force was female. She said the appellant would be over qualified for most garment work and even if she were able to get a job at a supervisor level she would barely earn enough to support herself and her two children without a steep fall in her standard of living. Bangladeshi garment workers were the lowest paid in the world and most had difficulty in meeting the basic needs on their monthly income. Most garment workers lived in the many slums and squatter settlements scattered across Dhaka. She said that the World Bank noted that secure shelter was a major challenge for Dhaka's earning poor, most of whom ended up in illegal settlements on precarious land. The appellant's profile, single, divorced, with a child of out wedlock and disowned by her father, would work against her in obtaining any decent housing even if she could afford it. Most landlords, drawing on long-standing assumptions about single women's lax sexuality, refused to rent to women who did not have male guardians even when money was not at issue."

35. In that passage, the Tribunal was setting out the expert evidence relied upon by the Appellant. It is more appropriate to have regard to the guidance given by the Tribunal, having considered that evidence. The guidance appears at (e) of the headnote as follows:

> "(e) The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman's shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own

> facts having regard to the particular circumstances and disabilities, if any of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights."

36. In relation to that guidance, Mr Dieu pointed out that the Tribunal in SA distinguished between a breach of Article 3 rights (in relation to the risk of destitution generally) and the test of undue harshness which applies in the case of internal relocation. Importantly though, Judge Curtis also recognised that there was a distinction between the two at [49] of the Decision.

37. At (e) of the guidance in SA, the Tribunal was considering the position if a woman were returning alone without family support. That is scenario (b) as posited by Mr Dieu. On that analysis, even if there were an error as regards internal relocation, the Judge would still have been entitled to reach the conclusion he did for the reasons given at [48] and [49] of the Decision that the Appellant could return to Bangladesh generally without a risk of destitution in breach of her Article 3 rights. The Appellant's scenario (b) is predicated only on the Appellant's family disowning her and not threatening her.

38. As to internal relocation, there is a close alignment between the factors to be considered when looking at Article 3 ECHR and the reasonableness of relocation. Mr Dieu suggested that the test of undue harshness is closer to the significant hardship which the Tribunal in SA accepted a single woman in these circumstances might face. I do not consider the attempt to assimilate the two to assist. The issue for the Judge is, as he recognised at [48] and [49] of the Decision, whether internal relocation would be unduly harsh. In that context, he accepted, as indicated in SA that the Appellant might well face significant hardship. However, as directed by the guidance in SA, he considered the situation of the Appellant. The approach taken by the Judge at [49] of the Decision is strikingly similar to the approach taken to the case of SA on what were not dissimilar facts (see [123] of the decision in SA).

39. At [48] of the Decision, the Judge also considered the position for the Appellant returning to another urban area in Bangladesh. I emphasise that this and the potential for the Appellant to be returning to Bangladesh with no family support were a fallback position, the Judge having found that the Appellant would be returning without risk in her home area and with the support of her family. The Judge took into account the Appellant's educational background and possibility of obtaining employment as a result. He also considered the position for [RAM] but, as I have already indicated, explained that the community would not become aware of the child's illegitimacy. There is no evidential support for the point raised in the pleaded grounds challenging these findings as regards the Appellant's ability (or otherwise) to speak Sylheti. The Appellant has studied in the UK and presumably had to learn English in order to do so. There is no reason she could not learn another language.

40. Finally, in relation to the protection claim, I deal with Mr Dieu's submission (as alluded to in the grounds) that the Judge has failed to have regard to background evidence.

There is no merit to that submission. The Judge set out the background evidence insofar as it was not incorporated in the SA guidance at [39] to [42] of the Decision. He also set out the specific parts of the decision in SA to which he was referred at [43] of the Decision.

41. For the foregoing reasons, the Judge has not erred in his determination of the appeal on protection grounds.

42. As regards the human rights claim, the pleaded grounds take issue with the Judge's assessment of [RAM]'s best interests on the basis that "there is a failure to consider the best interests of the Appellant's daughter, beyond remaining with her mother which cannot be met where a risk of destitution arises."

43. The Judge dealt with [RAM]'s interests at [51] of the Decision as follows:

> "A primary consideration is the best interests of RAM. She is not a British citizen and has recently turned two years of age. She does not currently have contact with her father, MAM, who has been convicted of violence against the Appellant. In my view her best interests are served by living with her mother in Bangladesh. Given her young age she will not have formed any friendships in the UK and will not have started school. There are no unbreakable ties with the UK which might otherwise have been a factor in the determination of whether it is in her best interests to remain in the UK."

44. Those findings have to be read with what precedes them as to the situation which the Appellant would face on return to Bangladesh, whether that is with or without family support. As I have already recorded, the Judge did not accept that the Appellant would face destitution. The Judge has considered the position of [RAM] within his findings on the protection claim and internal relocation, and in particular whether the fact of her illegitimacy would become common knowledge ([48] of the Decision).

45. Given her age, the Judge's finding that it would be in [RAM]'s best interests to remain with her mother is unsurprising. [RAM] has no contact with her father as that is precluded. She is not said to have any other family in the UK. As such, what is said by the Judge at [51] about the child's best interests as regards her family situation could not possibly be impugned. Similarly, she had not yet started school as the Judge observed and therefore will not have formed other relationships. She is not a British citizen. She and her mother are both Bangladeshi nationals. She has no other ties with the UK.

46. There is a lack of evidence about the child in the Appellant's bundle. The Judge therefore considered the obviously relevant factors pertaining to the child in his assessment. He has given sufficient reasons for his conclusions (particularly when faced with a lack of evidence on this issue). There is no error of law in his assessment.

47. For all of those reasons, I conclude that there is no error of law in the Decision and I uphold it.

DECISION

The Decision of First-tier Tribunal Judge Curtis promulgated on 12 March 2020 does not involve the making of an error on a point of law. I therefore uphold the Decision with the consequence that the Appellant's appeal remains dismissed.

Signed: *L K Smith*

Upper Tribunal Judge Smith

Dated: 10 March 2021