



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

Appeal Number: PA/04639/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 6 September 2019**

**Decision & Reasons Promulgated
On 08th November 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**H P Y
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Panagiotopoulou

For the Respondent: Mr Tarlow, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born in 1987 and is a female citizen of the People's Republic of China. She appealed to the First-tier Tribunal against a decision of the Secretary of State dated 1 May 2019 refusing to grant her international protection. The First-tier Tribunal, in a decision promulgated on 5 July 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. There are three grounds of appeal. First, the appellant asserts that the judge made unclear findings of fact. The appellant claimed that a demonstration taken place on 22 November 2010. The appellant had not

been involved in the demonstration but have been arrested by the police on 23 November 2010 because they considered that she may have been involved in organising the demonstration. The grounds assert that the judge's findings at [30] are unclear. The judge found that the appellant's evidence was confused. The appellant claimed that she had not paid a fine to secure her release but had paid a bribe. The appellant's husband claimed that the sum paid was different from that stated by the appellant. However, the judge noted that the husband had not been in China at the time so the weight attaching to his evidence was limited. The judge also noted that the appellant said, when asked why the police had been interested in her, that the police may have believed that she had given 'advice, I called the demonstration.' The judge noted that, 'given that [the appellant] was a part-time administrative assistant, not legally qualified and engaged for a couple of weeks before the demonstration, this seemed to me to be a stretch. There was simply no basis to assume that the appellant was in any way involved in the demonstration and it seems to me that her release is evidence of that fact.' The grounds complain that the judge here appears to be accepting that the appellant was detained and released and yet, simultaneously, refusing to accept that the appellant had been detained in connection with the demonstration.

3. I do not find that the judge has fallen into error for the reason asserted. It was entirely open to the judge to be doubtful of the appellant's claim to have been arrested in connection with a demonstration which she had not attended and which, as a part-time administrative assistant, it is unlikely that the police would believe she had organised. The meaning of the last sentence of [30] is clear: if the appellant had been detained for organising or helping to organise a demonstration, then it is not credible that she would have been released and the payment of a bribe. There is no contradiction in the findings of the judge at [30].
4. Secondly, the appellant asserts that the judge failed to have regard to the evidence. The appellant claims to have been involved with LML, the sister of a jailed lawyer. LML had sought the appellant's assistance in getting her brother released from prison. The appellant claimed that, some five years after the brother's law firm had closed down, LML had been able to contact the appellant. The judge did not consider that it was likely she would have been able to do so. In her evidence, the appellant claimed that LML had been 'around my house and my family contacted me via video link.' I have no reason to believe that the judge has ignored this part of the appellant's evidence but, equally, I have no doubt that it was open to the judge to observe that it was implausible that LML would, several years after the closure of the law firm, have been able to obtain contact details for the appellant or her family.
5. The appellant also asserts that the judge at [34] has misunderstood the answers which she gave in her asylum interview. At question 30, the appellant had said the lawyer's 'older sister gave me a few names of human rights organisations last with the contact them at the last them to rescue him from jail.' In answer to question 33, the appellant said, 'I

provided the addresses of international human rights groups to his older sister and I provided information to her to rescue her older brother.’ The judge noted that the appellant in her evidence had denied that answered question 30 was correct. The appellant’s solicitors had written to the respondent following the interview to make a number of corrections but the judge observed that they had not substantially altered the text in respect of the appellant’s answers to these two questions. The grounds of appeal assert that, in answer the question 33, the appellant had herself corrected the answer which she had given to question 30. That is simply not the case. The two answers are entirely different but there is nothing in the answer to question 33 which indicates that the appellant was seeking to alter the answer to question 30. I do not find that the judge has erred in his analysis of the appellant’s interview evidence.

6. The appellant also asserts that the judge at [35] misunderstood the evidence. LML had, according to be appellant, insisted upon certain information being sent by post rather than relayed through an internet communication application (QQ). The grounds complain that the judge has penalised the appellant for refusing to speculate as to why LML wanted the information dealt with in this way. The criticism is not fair. The judge simply notes that a conversation by QQ had taken place directly between the appellant and LML regarding the same information and accordingly he questioned why LML was reluctant to speak directly to the appellant in respect of the same matter again. That was, in my opinion, an entirely reasonable observation.
7. The appellant complains that the evidence of the appellant’s husband had not been given sufficient weight. The judge observed that ‘the difficulty with the husband’s evidence is that it was almost entirely what he been told by his wife.’ The grounds state that the husband was present with the appellant in the United Kingdom and had independent evidence to provide regarding the appellant’s dealings with LML. I do not consider that the judge has overlooked that fact. I note, however, that the judge states that the husband’s evidence was ‘*almost*’ entirely what he had been told by his wife which, so far as I can see from the file, is an accurate statement. In any event, the judge’s assessment of the limited evidence given by the husband is entirely adequate and it is difficult to see how a more thorough analysis of the husband’s evidence could possibly have led to a different outcome of the appeal.
8. In the circumstances, I find that none of the grounds of appeal have merit. Accordingly, the appeal is dismissed

Notice of Decision

This appeal is dismissed.

Signed

Date 12 October 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.