

IN THE IMMIGRATION APPEAL TRIBUNAL

**Decision no. PI (Relocation - Osu-Igbo - Christian) Nigeria CG [2002] UKIAT
04720**

Appeal no. HX 41745-2001

Heard: 23.09.02

Typed: 26.09.02

Sent out: 08.10.02

IMMIGRATION AND ASYLUM ACTS 1971-99

Before:

John Freeman (chairman)

and

Mr MG Taylor CBE

Between:

Prince Nwachukwu IHEJIRIKA,

appellant

and:

Secretary of State for the Home Department,

respondent

DECISION ON APPEAL

Mr S Winter (solicitor, HBM Sayers, Glasgow) for the appellant

Mr A Mullin for the respondent

This is an appeal from a decision of an adjudicator (Mr F Pieri), sitting at Glasgow on 18 December 2001, dismissing an asylum and human rights appeal by a citizen of Nigeria, from directions for removal as an illegal entrant on 10 July 2001. Leave was given on the basis that the adjudicator might not have considered the human rights claim with sufficient care: it is not clear what that added to the asylum claim. The adjudicator's findings on internal flight would have been an effective answer to both claims, if upheld, which the chairman who gave leave specifically did. However, having got leave, the appellant is entitled to a hearing on the merits of his case; so we asked Mr Winter to begin with the internal flight point.

2. The appellant's case on this is that he could not move to western Nigeria as he would face discrimination everywhere in that country. Far from his first name being a title of honour, he is a member of the outcaste Osu group of the Igbo tribe in the south-east. Like many Igbos, he is a Christian. He and his first wife had had numerous problems in the south-east from higher-caste elements, till 1982, when

their house was burnt down, and she and their four children fled. The appellant himself moved to Togo (adjacent to western Nigeria) in 1982. There he lived for 18 years, going through a ceremony of marriage with another woman (oddly enough with the same Christian name) during that time. With her too he had four children.

3. In November 2000 the appellant returned to Nigeria to see what was going on. He got no further than Badagry, on the Togo border in the west, where he spent a week without problems. However he said he would have been unable to stay there, because he would have been recognized as an Igbo, and there were too many differences in culture and language; so he came on here in February 2001. While the vernaculars of western Nigeria are of course completely different from the Igbo language, the same is true for Togo; and there is the added complication that the official and commercial language there is French. Given the appellant's 18 years in Togo, we do not see any problem for him in adjusting to life in western Nigeria from that point of view.
4. The way Mr Winter put the appellant's case was that he would have been subject to discrimination as an Osu, even in the west. This rather surprised us, as we had always understood the Osu/non-Osu divide as being an internal Igbo distinction; so we asked Mr Winter to refer us to anything in the background evidence which could support its universality. This point had not occurred to him before, so we gave him some time to consider it: he had already referred us to a report by Victor Dike, on the 'caste system' in Nigeria, from *Africa Economic Analysis* of 13 June 1999. Nothing is known about the author (Mr Winter had got the article through the bibliography in a Human Rights Watch report); but he seems to know a good deal about his subject. From the way he addresses it, he seems to be a Nigerian himself, writing with the worthy purpose of persuading the current government to do something to end discrimination against the Osus.
5. When we resumed, Mr Winter conceded that there was nothing in Mr Dike's article to show that there was any discrimination or animosity on the part of, for example, the Yoruba (the largest tribe in western Nigeria) against Igbo Osus. What Mr Winter referred us to was what he said was the suggestion at p 6 of the article that discrimination against Osus was widespread. Mr Dike in fact says that "*Everybody in the designated Osu area is automatically pariah ...*". As we pointed out to Mr Winter, that refers back to, for example, the instance of segregation given by Mr Dike at p 4, where one whole village in a particular community in the south-east was categorized by its neighbours as Osu. As Mr Dike points out immediately before that, '*Communities in the six geo-political zones in Nigeria have one variety of caste system or the other*' [no dichotomy had been mentioned, so the idiomatic English of a native speaker would have been '*one ...or another*'. Mr Winter was unable to refer us to anything to show that the Igbo caste system would have meant anything at all to the Yoruba or other inhabitants of western Nigeria (including the vast and cosmopolitan city of Lagos).
6. The only additional point made by Mr Mullin was as to whether the appellant could be identified as an Osu anywhere outside his own tribal area, even supposing anyone were interested in doing so. We can readily accept that

- a) other tribes could identify him as an Igbo; and
- b) Igbos could identify him as an Osu;

but Mr Winter rightly conceded that there was no way in which other tribes could identify the appellant as an Osu. Mr Winter did seek to rely on the appellant's being a Christian; but, though there have been religious riots [probably as much by way of labels adopted by hostile tribes as in the north of Ireland] in Lagos, there is nothing to show that Christians in general are not usually able to live in peace there or elsewhere in the south-west. The result is that, even supposing this appellant still faced, after twenty years, any repetition of what he had suffered in his home area up to 1982, there is nothing to make it unduly harsh to expect him to take refuge elsewhere in Nigeria.

Appeal dismissed

John Freeman (chairman)