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**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/06706/2014**

THE IMMIGRATION ACTS

**At Field House
On 10th June 2015**

**Decision and Reasons
Promulgated
On 22nd June 2015**

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL FARRELLY

Between

**K Z
(ANONYMITY DIRECTION MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P.Haywood, Counsel, instructed by AP Solicitors.

For the Respondent: Mr.S.Walker, Home Office Presenting Officer.

DECISION AND REASONS

Introduction

1. An anonymity direction has been requested and I have agreed that from now the proceedings should be anonymised.
2. Permission to appeal to the Upper Tribunal was granted on the basis it was arguable that First tier Immigration Judge Grant gave insufficient reasons when dismissing the appellant's appeal.

3. The appellant is a national of Sri Lanka born on 9 May 1988. He sought asylum on the basis he was at risk of persecution from the authorities in Sri Lanka because of his involvement with the LTTE for many years. His claim was rejected on 21 August 2014 on credibility grounds. His appeal was heard by First-tier Immigration Judge Grant on 3 November 2014 with the decision dismissing his appeal on credibility promulgated on 6 November 2014.
4. The judge did not accept the truth of the claim. The decision includes a reproduction of the entire witness statement of the appellant and the entire letter setting out the respondent's reasons for refusal. The judge referred to the decision of Budhathoki (reasons for decisions) [2014] UKUT 00341 (IAC) which states that it is generally unnecessary and unhelpful for a First-tier Tribunal judgement to rehearse every detail or issue raised in the case.
5. At paragraph 7 of the determination the judge recorded that the appellant in cross-examination confirmed he lied in three student visa applications to come to the United Kingdom. The appellant also confirmed that at his asylum interview he had not mentioned he had attempted to go to Canada on two occasions. He also confirmed he was aware that after his student visa expired in February 2012 he had no right to remain thereafter. At paragraph 19 under the heading 'My Findings' the judge records:

"I have taken into account the appellant's claim in the context of the background material, his interview records, the medical report, his immigration history and oral evidence before me. I find the appellant to be a most unsatisfactory witness who, to quote the words of Harrison LJ in R (App Sadia Abdi)-v- Secretary of State for the Home Department [2003] EWHC 2921 has told "a pack of lies" in order to claim asylum in the United Kingdom. I agree and concur with the conclusions set out by the respondent in the refusal letter and the submissions made by Ms Parkes before me."

Then, at paragraph 20 the judge wrote:

"I followed TP (credibility) Zimbabwe [2004] UKAIT 00159 in finding that the appellant is not a credible witness. I find it is a matter of fact that the appellant's immigration history is wholly inconsistent with his claim to be at risk of persecution in Sri Lanka. A genuine refugee in need of International protection would have claimed asylum at the first possible opportunity but this appellant did not do so. The evidence of the appellant had so many contradictions and inconsistencies highlighted both in the refusal letter and by Ms Parkes in cross-examination that I have no difficulty in finding that the account has been fabricated. I find as a matter of fact that the appellant has fabricated his account to have been detained and tortured in Sri Lanka in order to gain asylum in the United Kingdom."

6. Mr Walker, in opening, argued that it was not enough for the immigration judge to simply say the account was not believed. Rather, there is a need to explain in sufficient detail why the account is not believed. Furthermore, in support of the claim of torture the appellant had submitted photographs

of marks on his body; a report from a doctor when he was in detention in the United Kingdom commenting on the marks; and a consultant's report obtained by his representatives which comments on scarring. The latter complied with the Istanbul protocol. The First-tier immigration judge at paragraph 21 indicates the medical evidence has been taken into account and the judge comments that the reports were based on information supplied by the appellant, including how the scarring was caused. The judge referred back to the negative credibility finding and does not accept that the marks were caused as described by the appellant and do not assist in establishing his credibility. Before me, the appellant's representative submitted it was not sufficient to simply reject this evidence without more explanation, bearing in mind the report was compliant with the Istanbul protocol.

7. Mr Haywood acknowledged that whilst the immigration judge made strong credibility findings at paragraph 17 and 23 the reasoning was brief. He accepted that there was force in the argument that the judge had not fully explained the reasoning behind the conclusions.
8. Clarity of thought and brevity frequently go together. It is much more difficult to produce a precise determination than one which rambles. However, as was said in Budhathoki (reasons for decisions) [2014] UKUT 00341 (IAC) it is necessary to explain in clear albeit in brief terms reasons setting out the key issues; the areas in dispute and not only the conclusions but the reasons. In the present instance the judge did not find the appellant credible and did not believe the claim as a consequence. The judge gave some indicators relating to credibility. However, in this circumstance those indicators were insufficient, particularly in relation to the medical evidence. For those reasons the decision cannot stand and will have to be remade afresh with none of the findings preserved.

Decision.

9. The decision of the first-tier tribunal is set aside. The appeal is to be heard afresh in the First tier with none of the facts preserved.

Signed

Deputy Upper Tribunal Judge Farrelly