



IAC-TH-LW-V1

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

Appeal Number: AA/11276/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 2 September 2015**

**Decision & Reasons Promulgated
On 8 September 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHAERF

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MD. HAMID HOSSIN
(ANONYMITY ORDER NOT MADE)**

Respondent

Representation:

For the Appellant: Ms A Everett of the Specialist Appeals Team

For the Respondent: Ms S Iqbal of Counsel instructed by Bespoke Solicitors

DECISION AND REASONS

The Respondent

1. The Respondent, to whom I shall refer as the Applicant, gives his date of birth as 1 January 1986. He states he was born in Myanmar and is a Muslim Rohingya.
2. He says that in 1992 his parents took him with them to Bangladesh. In 2006 he left Bangladesh and arrived in the United Kingdom in November 2006. It was not until June 2014 that he contacted the Applicant (the SSHD) with a view to claiming asylum on the basis of his ethnicity.

3. On 4 December 2014 the SSHD refused his application for asylum and international surrogate protection because she did not accept his claimed ethnicity and considered he was a national of Bangladesh. She proposed to make directions for his removal to Bangladesh.
4. On 17 December the Applicant lodged notice of appeal under Section 82 of the Nationality, Immigration and Asylum Act 2002 as amended (the 2002 Act), essentially the grounds assert his Rohingya ethnicity and fear of persecution in Myanmar on that account.

The First-tier Tribunal's Decision

5. By a decision promulgated on 13 April 2015 Judge of the First-tier Tribunal Rees found the Applicant was of Rohingyan ethnicity and had been born in Myanmar which, with his parents, he had left when he was aged about 6 years. The appeal was allowed on asylum grounds.
6. On 28 April 2015 Judge of the First-tier Tribunal Cruthers granted the SSHD permission to appeal because it was arguable the Judge had failed to engage with the SSHD's submissions about the "family book" which the Applicant had tendered as evidence to support his claim and had not generally given adequate reasons for the decision.

The Upper Tribunal Hearing

7. The Applicant attended the hearing but appeared to have little English and in any event took no material part in the proceedings.
8. For the SSHD Ms Everett relied on the grounds for the permission application which amounted essentially to a challenge that the Judge had given insufficient reasoning to support the conclusions reached.
9. For the Applicant Ms Iqbal relied on the detailed skeleton argument which had been submitted to the Judge and which she said addressed all the issues raised by the SSHD in the permission application. The First-tier Tribunal's decision had addressed them, mainly at paragraph 21.
10. The outstanding ground referred to in the SSHD's permission application was that the Judge had not addressed whether the Applicant was the individual named in the "family book" which he had produced. It was impracticable to require the Applicant to prove his identity by any further means and the Judge had accepted his account of his background.
11. Generally, the Judge had accepted the Applicant's account and this would include accepting he was the person identified in the "family book". The issue had been dealt with at paragraph 21 of the decision.
12. The Applicant in his interview had shown an appropriate knowledge of the Rohingya culture and the skeleton argument before the Judge had referred to the relevant parts of the Applicant's evidence and background

information. The Judge had made sound findings based on the evidence and the decision contained no error of law.

13. Ms Everett had no further submissions for the SSHD.

Findings and Consideration

14. The First-tier Tribunal's decision is sparse but just about adequate in its exposition of reasons given at paragraphs 21 and 22 to support the Judge's conclusions when considered in the light of a positive credibility finding for which again just about sufficient reasons are given.

15. The first ground for appeal asserted the Judge failed to decide the Applicant's identity which had been raised at paragraph 43 of the SSHD's reasons letter. Having set out the Applicant's account at paragraph 6 and referred to the relevant evidence at paragraphs 13, 14, 16 and 18, the Judge was entitled to conclude the "family book" which the Applicant had kept did in fact relate to his family.

16. Background evidence identifying the places named by the Applicant as his place of birth and the camp in Bangladesh where his family stayed are identified and cross-referenced at pages 3 and 5 of the skeleton argument before the Judge.

17. Similarly, the issue of the knowledge of Rohingya songs was addressed at page 5 of the same skeleton argument. There was no evidence that this matter was pursued at all at the hearing before the Judge.

18. The Judge took account of the fact the Applicant had left his home area when he was a young child and from then until he left Bangladesh had lived in an environment in which the language and culture of the authorities and in which he had been taught was Bangladeshi. The Judge addressed the language assessment at paragraph 22 of the decision. Reasons were given why little weight was attached to the language assessment. The language assessment suffered from severe limitations: paragraph 22 of the decision shows clearly that the Judge had considered it and especially paragraph 3.3.6 'Other Comments' at page 6 of the assessment.

19. I have described the Judge's decision as sparse but this is not by itself sufficient to amount to a material error of law. The Judge gave the minimum of reasoning to support the conclusions reached and the decision does not contain any material error of law such that it should be set aside.

Anonymity

20. There was no request for an anonymity order and having considered the papers in the Tribunal file and heard the appeal I find none is warranted.

NOTICE OF DECISION

The decision of the First-tier Tribunal did not contain a material error of law and it shall stand.

Signed/Official Crest

Date 08. ix. 2015

Designated Judge Shaerf
A Deputy Judge of the Upper Tribunal