



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

Appeal Number: PA/04424/2018

THE IMMIGRATION ACTS

Heard at Newport

On 13th November 2018

Decision & Reasons

Promulgated

On 27th November 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

**MR MZEE RASHID SALUM
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No representation

For the Respondent: Mr Howells, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant born on 6th August 1986 is a citizen of Tanzania. The Appellant was present and unrepresented. There was an interpreter present for the Appellant. The Respondent was represented by Mr Howells a Senior Presenting Officer.

Substantive Issues Under Appeal

2. The Appellant had made an application for asylum shortly after arriving in the UK in September 2017 on a business visitor visa. The Respondent had refused the Appellant's application for asylum. The Appellant had appealed that decision and his appeal was heard by First-tier Tribunal Judge Boyes at Newport on 10th May 2018. The judge had dismissed the Appellant's appeal on all grounds. Application for permission to appeal was made on 29th May 2018 and that application had been refused by Designated First-tier Tribunal Judge Macdonald on 12th June 2018. An application was repeated to the Upper Tribunal and that was granted by Deputy Upper Tribunal Judge McGinty on 24th July 2018. It was said that an error of fact had been made by the judge in stating that the Appellant had failed to provide reasons for why he was claiming asylum on three separate occasions. It was further said that it was arguable the judge had misinterpreted the Appellant's explanation in evidence as for that failure. Permission to appeal was therefore granted. Directions had been issued for the Upper Tribunal firstly to decide whether or not an error of law had been made by the judge in this case and the matter comes before me in accordance with those directions.

Submissions on Behalf of the Appellant

3. The Appellant was unrepresented. I explained to him, through the interpreter the procedure. I indicated that I would use the Grounds of Appeal submitted on two separate occasions as being the arguments raised on his behalf as to why an error of law had been made by the judge.

Submissions on Behalf of the Respondent

4. Mr Howells submitted there had been three occasions where the Appellant had been provided an opportunity to make reference to his fear of persecution because of his involvement in politics, namely a port interview and two screening forms. It was submitted that the judge's reference to the Appellant attributing the absence of information to the interpreter's lying was overstating the matter and the judge in fact had recorded the Appellant's account at paragraph 12 of the decision. In respect of the CUF card it was submitted that it was open to the judge to find as he did in respect of the Appellant's photograph and further to make the findings that he did at paragraphs 28 to 30 in respect of that card. It was said that there was no material error of law made in this case.
5. At the conclusion I reserved my decision to consider the submissions raised and the documentary evidence. I now provide that decision with my reasons.

Decision and Reasons

6. The basis of the Appellant's claim for protection was as a result of his political activities in Tanzania. He claimed to have been a member of the

Civic United Front (CUF) from 2002. He said that in 2010 the authorities had discovered that fact and had raided two meetings attended by him. In 2015 he had been assaulted by the authorities at a further meeting he had attended.

7. The grounds focus on two features of the judge's decision. Firstly, his alleged erroneous belief that on three occasions prior to the substantive interview he had made no reference to any political fear or involvement in his home country. Secondly that the judge had essentially placed himself in the role of a document expert when looking at an identity card.
8. At paragraph 18 the judge had noted that there were three opportunities for the Appellant to provide the Home Office with the reasons why he was claiming asylum prior to his substantive interview. It is said in the grounds of permission that this was erroneous. In fact the judge was correct. At the hearing the Home Office had handed in a port interview dated 16th September 2017. Additional to that brief interview there was a screening interview dated 18th September 2017 (B1 to B10 Respondent's bundle) and a further screening interview dated 28th September 2017 (B11 to B20 Respondent's bundle). The substantive interview took place on 13th March 2018. The judge correctly identified that in those three initial interviews (16th September, 18th September and 28th September 2017) the Appellant made no reference to any political problems in his home country.
9. Indeed, it went a little further than simply silence on the matter. The Appellant had specifically been given the opportunity to mention albeit briefly his reasons for claiming asylum. He had provided reasons that did not engage the Geneva Convention and pointed to him being an economic migrant. He had specifically denied any involvement in politics (5.5 screening interview 18th September 2017). The judge was entitled to make an adverse credibility finding in respect of that failure on three separate occasions to mention what he now claimed was the core of his problem.
10. The judge had considered the Appellant's explanation for an absence of reference to political problems. He had recorded the Appellant's response at paragraph 12 as follows, "The Appellant further explained that he cannot be criticised for not mentioning the political issues in his screening interview as it was the interpreter's fault and his former solicitors".
11. At paragraph 20 the judge had noted that he rejected the Appellant's version of events as being completely untrue and without any evidential basis. He noted that there was nothing to support the suggestion that all three independent interpreters had lied and lied in the same manner and about the same things. Whilst the use of the word "lie" was perhaps theoretically not the only explanation for the interpreters not allegedly interpreting what the Appellant said, the force of the point made by the judge is clear and properly made. There was further no evidence presented by the Appellant or his representatives to support the assertion that former solicitors were also culpable.

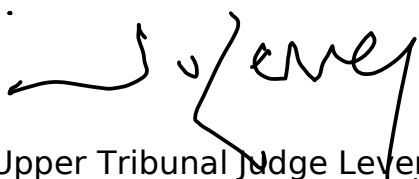
12. In respect of the photographs the judge was not principally placing himself as a documents expert. The Appellant had claimed that he had a CUF party card in 2002 with his photo upon it when he was aged about 16 years. He claimed to have lost that card, asked his family to obtain a replacement card and had produced that alleged replacement card in evidence. That card was dated 2002, contained signatures, stamps and information contemporaneous to 2002. However, the photograph upon the card was found by the judge to be identical to the photograph on his visa application made in 2017. The judge found the photograph on the visa application of 2017 and the photograph on the substitute card dated 2002 to look identical. He was entitled to make that finding. However, the more significant feature of this evidence was as the judge explained at paragraph 22. That was that the Appellant was essentially accepting as part of his evidence that he had asked his family, and they had complied, in producing a membership card dated 2002 in 2017 so that the Appellant could produce that card in evidence to the Home Office. It was also noteworthy that if this card had been produced by his family with assistance from the CUF or with their knowledge, there was no evidence of that fact nor letter from the CUF confirming that feature or any claimed political problems the Appellant had faced by being a member of their organisation.
13. The judge was entitled to take a dim view of the credibility of the Appellant's account for all the reasons provided in the decision. He gave adequate reasons for his findings and there was no material error of law in this case.

Notice of Decision

14. There was no material error of law made by the judge in this case and I uphold the decision of the First-tier Tribunal.

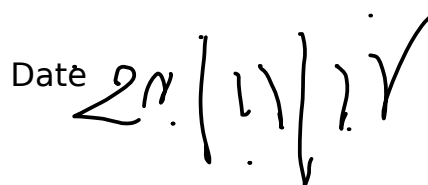
No anonymity direction is made.

Signed



Deputy Upper Tribunal Judge Lever

Date



TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed 
Deputy Upper Tribunal Judge Lever

Date 