



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/05469/2017

THE IMMIGRATION ACTS

Heard at Glasgow
on 21 February 2018

Decision & Reasons Promulgated
on 26 February 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

J

Respondent

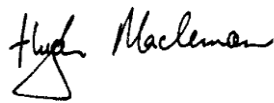
For the appellant: Mrs M O'Brien, Senior Home Office Presenting Officer
For the respondent: Mr R B Gibb, of Duheric & Co, Solicitors

DETERMINATION AND REASONS

1. The parties are as above, but the rest of this decision refers to them as they were in the FtT.
2. The SSHD appeals against the decision of FtT Judge Kempton, promulgated on 28 August 2017.

3. The grounds cite ¶22 of the decision, where the judge found delay of several years in making the claim seriously damaging to credibility, by reference to section 8 of the 2004 Act. The grounds go on:

“At no point in the ... credibility findings and reasons at ¶23 – 32 does [the judge] refer to s. 8 or make any reference to the appellant’s conduct damaging his credibility. This failure amounts to a material error of law.”
4. Mrs O’Brien submissions were along the lines of the grounds.
5. I did not call upon Mr Gibb in reply.
6. Decisions are to be read fairly and as a whole. The judge explained clearly and extensively at ¶23 – 31 why she found the evidence for the appellant persuasive. The SSHD suggests no error in any of her several sensible reasons. She had taken account at ¶22, as damaging to the appellant’s credibility, of behaviour to which s.8 applied. Her final conclusion was reached in the round. Nothing further was required.
7. The SSHD’s appeal is dismissed. The decision of the FtT shall stand.
8. The FtT made an anonymity direction. The matter was not addressed in the UT. Anonymity has been preserved.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

21 February 2018
Upper Tribunal Judge Macleman