**Upper Tribunal**
**(Immigration and Asylum Chamber)** Appeal Number: PA/02258/2019 (V)

**THE IMMIGRATION ACTS**

| **Heard at Field House by Skype** | **Decision & Reasons Promulgated** |
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| **On 15 December 2020** | **On 2 February 2021** |

**Before**

**MR C M G OCKELTON, VICE PRESIDENT**

**Between**

**RABON HAMAD DEMIN MUSTAFA**
**(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**
For the Appellant: Mr S Winter, Advocate, instructed by Frew & Co Solicitors
For the Respondent: Mr D Clarke, Senior Home Presenting Officer

**DECISION AND REASONS**

1. The appellant, a national of Iraq, appeals, with permission granted following the quashing by the Court of Session of an earlier refusal, against the decision of the First-tier Tribunal (Judge P A Grant-Hutchinson) dismissing his appeal against the Secretary of State's refusal of his application for protection. I have the advantage of a commendably clear and concise skeleton argument by Mr Winter. He indicates that there are two issues for decision, one procedural and one substantive. The procedural question is whether the matter is before the Tribunal at all. He very properly raises the question whether there is a difficulty because the

application for permission to appeal submitted to the First-tier Tribunal was out of time. The Secretary of State's skeleton argument (drafted not by Mr Clarke but by his colleague Mr Jarvis) also takes this point.

2. In my judgement there is nothing in it. Although the application for permission to the First-tier Tribunal was indeed out of time, and although the First-tier Tribunal did not extend time, the decision that it made was not a decision refusing to admit the application but a decision refusing permission. The subsequent procedural steps are not affected by any issue as to time; and the grant of permission to appeal to this Tribunal does not reserve any such issue for decision. I therefore proceed to the substance of the appeal.

3. The appellant claims that he left Iraq after threats were made to his life for having an illicit relationship with a girl. Her family did not approve of the relationship and the appellant's case was that they had access to powerful support. Her uncle, a major- general, visited the appellant's home with other soldiers and threatened him. There were two documents which the appellant said were sent to his home: one was said to be dated 4 September 2018 and to require him to attend a police station; the other was dated 10 September 2018 and was said to indicate that he should be handed over to the police by the head of his neighbourhood council. Those documents were not produced at the time of the claim: when interviewed on 7 March, the appellant said that no actual arrest warrant document was given to his parents. But the two documents, with what he claimed to be translations of them, were produced by the appellant's solicitors in the inventory of productions dated 14 March 2019. Mr Winter's position is that they demonstrate a prospect of state-sanctioned action against the appellant and accordingly provide powerful support for his claim.

4. The First-tier Tribunal Judge considered these documents, together with the other evidence before him. His comment in his decision was as follows:

> "The Summons lodged by the Appellant is an unusual document. It does not say why the Appellant is being "summoned". It does not say if he is in fact being summoned in relation to any offences. If it is in relation to the Appellant's alleged version of events I feel it highly unusual that [her] family would wish to involve the authorities and to make the matter public. This is particularly true is they are indeed powerful enough to take their own revenge."

The judge considered that the appellant was not telling the truth about his history. There were contradictions and inconsistencies between what he had said at his asylum interview and what he said in evidence before the judge, and these were on serious and central matters which were alleged to have taken place quite recently. The judge thus found that the appellant had not made his case, and dismissed the appeal.

5. Mr Winter's case is that the First-tier Tribunal erred in law in its approach to the two documents. His submissions are summarised in his skeleton argument as follows:

> "7. The FTT erred in law, at paragraph 14, in relation to the summons by failing to recognise and thus misapplying the law: that the respondent had a duty to verify documents; the Home Office breached that duty by failing to carry out verification checks on the summons or by at least by giving consideration to easily available routes to check authenticity; and the consequence of which is that the document is not open to being impugned by the Home Office (pages 17-18 of the appellant's first inventory; *PJ (Sri Lanka) v Secretary of State for the Home Department* [2015] 1WLR 1322 at paragraphs 11-12 and 29-31 per Ryder LJ; *AR* [2017] CSIH 52 at paragraphs 31 and 35 per Lord Malcolm).
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> 8. The appellant's position is that there was, and is, a duty on the Home Office. It was, and is, one document. It would not have been disproportionate for checks to be carried out on that one document The author of the grounds knows, for example, that the Home Office have carried out verification checks on Pakistani FIRs on a discrete basis (*AR, supra*) and conceded a petition for judicial review which concerned a failure to carry out verification on an arrest warrant from Vietnam (*Khan Trung Tran* P1195/18). Adverse credibility findings are not determinative of the respondent being absolved from the duty and where in any event, the adverse credibility findings are undermined by the failure to carry out verification (*AR, supra; PJ, supra*). Additionally the adverse credibility findings are not as extensive as one may find in other cases. The summons was, and is, central to the claim. It was not said that the document was not easily verifiable or where there is nothing to indicate that the Home Office had given consideration to easily available routes to check authenticity eg through Embassy contacts in Iraq or through the document verification unit or through the neighbourhood document which was submitted (*AR, supra*).
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> 9. Such an error is material where had the FTT recognised the fact that the Home Office were not able to impugn the document, the FTT would have to approach matters on the basis that the Home Office were not challenging that document ie it was an unchallenged document insofar as the Home Office is concerned. That in turn may affect how the credibility challenged is framed where the Home Office approached matters on the basis that document could not be challenged. It cannot be said that the FTT would reach the same decision on that basis. Although the FTT would still be able to make its own mind up about the document, the reasons given by the current FTT were based on the Home Office's submissions. Further even if the FTT was able to makes its own mind up on the document that would be on the basis that there were easily verifiable routes by which the document could be checked and where the Home Office had not chosen not to do so and where there would have to be a re-assessment of how credibility is assessed."

6. The law relating to a duty on the Home Office to verify documents produced to it by an asylum claimant has been the subject of appeals in a number of recent cases, mostly from Scotland. It had been arranged for

two cases to be heard by the same senior panel of the Upper Tribunal on the same day. One was this appeal; the other was the application for permission to appeal in QC v SSHD. In both cases the appellant or applicant was represented by Mr Winter, and the respondent was represented by Mr Clarke. Unfortunately, although QC was heard by the President and the Vice President, another urgent demand on the President's time as a High Court Judge prevented him from taking part in the hearing of this appeal. Given, however, that on the general issue the same representatives had had a full opportunity to make their submissions in QC, Mr Clarke and Mr Winter agreed that it would be appropriate for the statement of the relevant law emerging from QC to appear in the present decision as part of this decision also. The relevant passages of the Tribunal's decision in QC are as follows:

> "***E. VERIFICATION OF DOCUMENTS***
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> 13. The leading Tribunal authority on the proper approach to documents of the kind with which we are concerned is Ahmed (Documents unreliable and forged) Pakistan* [2002] UKIAT 00439 (hereafter "Tanveer Ahmed"). In that case, a senior panel of the Immigration Appeal Tribunal gave authoritative guidance on the approach to such documents. It is instructive to return to the actual terms of the Tribunal's decision in Tanveer Ahmed, approved as it has been on numerous subsequent occasions in the higher courts.
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> 14. At paragraph 31, the Tribunal said:-
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> > "31. It is trite immigration and asylum law that we must not judge what is or is not likely to happen in other countries by reference to our perception of what is normal within the United Kingdom. The principle applies as much to documents as to any other form of evidence. We know from experience and country information that there are countries where it is easy and often relatively inexpensive to obtain "forged" documents. Some of them are false in that they are not made by whoever purports to be the author and the information they contain is wholly or partially untrue. Some are "genuine" to the extent that they emanate from a proper source, in the proper form, on the proper paper, with the proper seals, but the information they contain is wholly or partially untrue. Examples are birth, death and marriage certificates from certain countries, which can be obtained from the proper source for a "fee", but contain information which is wholly or partially untrue. The permutations of truth, untruth, validity and "genuineness" are enormous. At its simplest we need to differentiate between form and content; that is whether a document is properly issued by the purported author and whether the contents are true. They are separate questions. It is a dangerous oversimplification merely to ask whether a document is "forged" or even "not genuine". It is necessary to shake off any preconception that official looking documents are genuine, based on experience of documents in the United Kingdom, and to approach them with an open mind".
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> 15. In light of the more recent decisions of the Court of Appeal and the Court of Session, to which we shall turn, what the Tribunal said in paragraph 31 is instructive. What appears to be an official document,

emanating from some authority abroad, may not, in truth, emanate from that authority. But, even if it does, what the document says (for example, about the person seeking international protection) may not be reliable. Unlike the position in the United Kingdom where, happily, instances of corrupt officialdom are relatively rare, it is possible that the foreign official who produced the document may have been suborned. This explains the Tribunal's exhortation that one should approach such documents "with an open mind".

16. At paragraphs 34 to 36, the Tribunal in Ahmed addressed the issue of the respondent's obligations in respect of such documents:-

> "34. It is sometimes argued before Adjudicators or the Tribunal that if the Home Office alleges that a document relied on by an individual claimant is a forgery and the Home Office fails to establish this on the balance of probabilities, or even to the higher criminal standard, then the individual claimant has established the validity and truth of the document and its contents. There is no legal justification for such an argument, which is manifestly incorrect, given that whether the document is a forgery is not the question at issue. The only question is whether the document is one upon which reliance should properly be placed.
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> 35. In almost all cases it would be an error to concentrate on whether a document is a forgery. In most cases where forgery is alleged it will be of no great importance whether this is or is not made out to the required higher civil standard. In all cases where there is a material document it should be assessed in the same way as any other piece of evidence. A document should not be viewed in isolation. The decision maker should look at the evidence as a whole or in the round (which is the same thing).
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> 36. There is no obligation on the Home Office to make detailed enquiries about documents produced by individual claimants. Doubtless there are cost and logistical difficulties in the light of the number of documents submitted by many asylum claimants. In the absence of a particular reason on the facts of an individual case a decision by the Home Office not to make inquiries, produce in-country evidence relating to a particular document or scientific evidence should not give rise to any presumption in favour of an individual claimant or against the Home Office."

17. The leading Court of Appeal case on the nature of the respondent's "verification" obligations is PJ (Sri Lanka) v Secretary of State for the Home Department [2014] EWCA Civ 1011. The facts of this case are important for a proper understanding of what the court held. As appears from the headnote in [2015] 1 WLR 1322, PJ contended that he would face serious harm if returned to Sri Lanka because of perception of the authorities there as to his political opinion. In support of his asylum application, PJ submitted certified copies of court documents which had been obtained on his behalf by a Sri Lankan lawyer. These included a police report, which revealed that PJ was to be arrested on arrival in Sri Lanka in connection with a bombing; and also a warrant for his arrest. The respondent refused PJ's claim, finding that, given the ease with which it was possible to obtain forged documents in Sri Lanka, the respondent could not be satisfied that the documents were genuine. PJ's solicitors then instructed a second Sri

Lankan lawyer who, through his junior, obtained a complete certified copy of the documents, which matched those produced by the first lawyer.

18. The First-tier Tribunal dismissed PJ's appeal, concluding that no weight could be placed on the documents. The Upper Tribunal dismissed PJ's further appeal. PJ appealed, contending that where court documents were obtained and provided by foreign lawyers, they were to be presumed to be genuine unless the respondent proved otherwise; and that the respondent bore the responsibility of investigating the reliability of such documents unless such an investigation was not feasible.

19. One of the tasks undertaken by the Court of Appeal in PJ was to consider Tanveer Ahmed in the light of the decision of the European Court of Human Rights in Singh v Belgium (Application No. 33210/11), given on 2 October 2012. In Singh, Sikhs who had fled Afghanistan claimed refugee status in Belgium. Their claim was rejected because they had failed to prove their Afghan nationality. On appeal, they provided new documents, comprising emails between their lawyer and a representative of the Belgium Committee for the Support of Refugees. This committee was a partner of the High Commission of the United Nations for Refugees ("UNHCR"). A UNHCR representative in India had furnished, by way of attachments to the emails, "attestations" which indicated that the petitioners had been recorded as refugees under the UNHCR mandate and that one of them had requested naturalisation in India. Notwithstanding this documentation, it was held on appeal that the petitioners had failed to prove their Afghan nationality and that the documents were of no convincing value, since they were of a type that was easy to falsify and the petitioners had failed to produce the original copies of the documents.

20. The ECtHR held that, since the possible consequences for the petitioners were significant, there was an obligation on the state to show that it had been as rigorous as possible and had carried out a careful "examination" (in fact, a "review") of the grounds of appeal. Since the documents were at the heart of the request for protection, rejecting them without checking their authenticity fell short of the careful and rigorous investigation that was expected of national authorities in order to protect individuals from treatment contrary to Article 3 of the ECHR, when a simple process of enquiry would have resolved conclusively whether the documents were authentic and reliable.

21. In MJ v Secretary of State for the Home Department [2013] Imm AR 799, the Upper Tribunal considered whether Singh was compatible with Tanveer Ahmed. The panel concluded that it was:-

> "50. It is relevant, however, to consider (the decision in *Ahmed's* case) in the context of what was said in *Singh v Belgium*. On consideration we do not think that what was said in *Singh's* case is inconsistent with the quotation we have set out above from para 35 of *Ahmed's* case. *Ahmed's* case does not entirely preclude the existence of an obligation on the Home Office to make enquiries. It envisages, as can be seen, the existence of particular cases where

it may be appropriate for inquiries to be made. Clearly on its facts *Singh's* case can properly be regarded as such a particular case. The documentation in that case was clearly of a nature where verification would be easy, and the documentation came from an unimpeachable source. We do not think that (counsel) has entirely correctly characterised what was said in *Singh's* case in suggesting that in any case where evidence was verifiable there was an obligation on the decision maker to seek to verify. What is said at paragraph 104 is rather in terms of a case where documents are at the heart of the request for protection where it would have been easy to check their authenticity as in that case with the UNHCR. … We do not think that what is said in *Singh v Belgium* in any sense justifies or requires any departure from the guidance in *Ahmed's* case which is binding on us and which we consider to remain entirely sound."

22. We can now return to PJ. Giving the judgment of the court, Fulford LJ held:-

> "29. In my judgment, there is no basis in domestic or European Court of Human Rights jurisprudence for the general approach that Mr Martin submitted ought to be adopted whenever local lawyers obtain relevant documents from a domestic court, and thereafter transmit them directly to lawyers in the United Kingdom. The involvement of lawyers does not create the rebuttable presumption that the documents they produce in this situation are reliable. Instead, the jurisprudence referred to above does no more than indicate that the circumstances of particular cases may exceptionally necessitate an element of investigation by the national authorities, in order to provide effective protection against mistreatment under article 3 Convention. It is important to stress, however, that this step will frequently not be feasible or it may be unjustified or disproportionate. In *Ahmed's* case [2002] Imm AR 318 the court highlighted the cost and logistical difficulties that may be involved, for instance because of the number of documents submitted by some asylum claimants. The inquiries may put the applicant or his family at risk, they may be impossible to undertake because of the prevailing local situation or they may place the United Kingdom authorities in the difficult position of making covert local enquiries without the permission of the relevant authorities. Furthermore, given the uncertainties that frequently remain following attempts to establish the reliability of documents, if the outcome of any enquiry is likely to be inconclusive this is a highly relevant factor. As the court in *Ahmed's case* observed, documents should not be viewed in isolation and the evidence needs to be considered in its entirety.
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> 30. Therefore, simply because a relevant document is potentially capable of being verified does not mean that the national authorities have an obligation to take this step. Instead, it may be necessary to make an inquiry in order to verify the authenticity and reliability of a document – depending always on the particular facts of the case – when it is at the centre of the request for protection, and when a simple process of inquiry will conclusively resolve its authenticity and reliability: see *Singh v Belgium* given 2 October 2012, paras 101 – 105. I do not consider that there is any material difference in approach between the decisions in *Ahmed's* case and *Singh v Belgium*, in that in the latter case the Strasbourg

court simply addressed one of the exceptional situations when national authorities should undertake a process of verification.

31. In my view, the consequence of a decision that the national authorities are in breach of their obligations to undertake a proper process of verification is that the Secretary of State is unable thereafter to mount an argument challenging the authenticity of the relevant documents unless and until the breach is rectified by a proper inquiry. It follows that if a decision of the Secretary of State is overturned on appeal on this basis, absent a suitable investigation it will not open to her to suggest that the document or documents are forged or otherwise are not authentic.

32. Finally, in this context it is to be emphasised that the courts are not required to order the Secretary of State to investigate particular areas of evidence or otherwise to direct her inquiries. Instead, on an appeal from a decision of the Secretary of State it is for the court to decide whether there was an obligation on her to undertake particular inquiries, and if the court concludes this requirement existed, it will resolve whether the Secretary of State sustainably discharged her obligation: see *NA v Secretary of State for the Home Department* [2014] UKUT 205 (IAC). If court finds there was such an obligation and that it was not discharged, it must assess the consequences for the case."

23. Several matters arising from paragraphs 29 to 32 of PJ need to be emphasised. First, the fact that lawyers have been involved does not mean the documents they produce are for that reason reliable. Secondly, the sort of exercise required by the ECtHR in Singh v Belgium will only arise exceptionally (treating that word as an indicator of frequency, rather than as a legal test). Thirdly, Tanveer Ahmed was clearly regarded by Fulford LJ as being compatible with Singh v Belgium, as the Upper Tribunal had found in MJ. In particular, Fulford LJ stressed the point made in Tanveer Ahmed, that issues of cost and logistical difficulty, owing to the sheer number of documents submitted in asylum claims, will be a relevant consideration in determining whether, in the particular circumstances, an obligation on the respondent arises. The point made in Tanveer Ahmed that documents should not be viewed in isolation, but considered in their entirety in connection with the rest of the evidence, was also approved.

24. As we can see from paragraph 30, in order to engage the obligation, the document in question needs to be at the centre of the request for protection. Even then, there should be a simple process of inquiry that will conclusively resolve both authenticity and reliability. Given the status of the body that had produced the documents in Singh v Belgium, there could be little doubt that, if authentic, what the documents said could also be assumed to be reliable. But, as the Tribunal pointed out in Tanveer Ahmed, in other cases involving foreign documentation, the discovery that the document emanates from a genuine official source may have little or nothing to say about the reliability of its contents.

25. This is relevant to an understanding of paragraph 31 of PJ, where Fulford LJ addressed the consequence of the respondent not undertaking a proper process of verification, where the obligation is

found to exist. Fulford LJ held that, in such a scenario, the respondent would be "unable thereafter to mount an argument challenging the authenticity of the relevant documents unless and until the breach is rectified by a proper enquiry". It would, in other words, not be open to the respondent "to suggest that the document or documents are forged or otherwise are not authentic". It is apparent that, in paragraph 31, Fulford LJ was deliberately restricting his description of the effects of failing to discharge the obligation, so as to preclude the respondent from challenging the authenticity, as opposed to the reliability, of a document.

26. Paragraph 32 makes it evident that courts and tribunals cannot require the respondent to investigate particular areas of evidence. It will be for the court or tribunal to decide whether the obligation to undertake particular enquiries arises, with the consequences for the respondent that Fulford LJ had described.

27. The final sentence of paragraph 32 is of particular significance. If a tribunal concludes that the respondent has, exceptionally, become subject to an obligation to verify, but has not done so, the consequence for her will be that she is unable to contend that the document is not authentic. It will, nevertheless, be for the judicial fact-finder to decide, in all the circumstances of the case, and by reference to the totality of the evidence, whether the document is "reliable" as to both its provenance and contents. If the judicial fact-finder is so satisfied, this may, of course, prove to be determinative of the claim to international protection. But such a result will not necessarily follow. It all depends on the nature of the case being advanced and the fact-finder's conclusions on the entirety of the evidence.

28. It is instructive to see how the court in PJ reached its conclusion to allow the appeal and remit the matter to the Upper Tribunal. At paragraph 41, Fulford LJ found that the First-tier Tribunal Judge had doubted the validity of the documents disclosed by the lawyers "on a significantly false basis". The fact that two independent lawyers had turned up the same material from the Magistrates' Court clearly struck Fulford LJ as very significant. Once it had been established that the documents originated from a Sri Lankan court, "a sufficient justification was required for the conclusion that the claimant does not have a well-founded fear of persecution". It was, furthermore, "difficult to understand how the claimant could have falsified a letter from the Magistrate of the relevant court to the Controller of Immigration and Emigration ordering the claimant's arrest which he then placed in the court record so it could later be retrieved by two separate lawyers". Fulford LJ held that, at the very least, this evidence required "detailed analysis and explanation".

29. At the end of the day, therefore, the issue of the respondent's duty in reality played little or no part in the court's reasoning in PJ. Both the First-tier Tribunal and the Upper Tribunal had, in effect, failed to give legally sufficient reasons for concluding that PJ was not at real risk on return to Sri Lanka, in the light of all the evidence.

30. In AR v the Secretary of State for the Home Department [2017] CSIH 52, the Inner House was concerned with an appeal from the Upper Tribunal against a decision to dismiss AR's appeal against the First-tier Tribunal, which had dismissed his appeal against the respondent's decision that AR was not at real risk in Pakistan as a gay man. The First-tier Tribunal had before it a copy First Information Report, which narrated that the father of the individual with whom AR was said to have committed an act of sodomy had reported the matter to the police. The Tribunal also had a newspaper article of 31 March 2003, in which the father was reported as saying that his son's friend had taken the son from his house and sodomised him against his will. Although it is unclear, it appears that a second "official" document before the judge was a record of the police notifying local police stations of the appellant's escape from custody.

31. At paragraph 30, the Inner House (*per* Lord Malcolm) noted that:-

> "the evidence consists of the petitioner's account, which in its essential elements is supported by a number of documents, two of them of an official nature, and all easily verifiable. To our eyes at least, they have the hallmarks of valid documents, albeit no doubt there is at least a possibility that they were fabricated, although, if they were, why would there be internal inconsistencies on points of detail?".

32. Beginning at paragraph 33, Lord Malcolm has this to say:-

> "33. The appeal in this court focussed on two matters, namely (a) the treatment of the documents and (b) the evidence of the supporting witness. So far as the documents are concerned, we have mentioned that, on their face, they appear to be valid and authentic, for example, where applicable, being duly stamped and signed. They are supportive of the essentials of the petitioner's account of the events which led him to leave his family and homeland. Judge Macleman ruled that the authorities were under no obligation to verify the documents. Be that as it may, in our view it does not address the logically prior question, namely, did the First-tier Tribunal have and explain a sound basis for their rejection? If the answer to that question is no – the test set out in PJ (Sri Lanka) does not arise.
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> 34. The submission is that the First-tier Tribunal Judge did not set out any good reasons for dismissing the documents as unreliable. We agree with that submission. We have studied the terms of the decision, but can find no proper support for the terms of paragraph 34. For example, what was the reason for placing the FIR in the unreliable category? While no doubt there is "a high incidence of false 'official' documents", there must also be some genuine documents. One cannot simply rely on doubts as to the veracity of the account given by the claimant as a reason for rejecting the documents when on their face, they support his asylum claim. The "holistic" approach endorsed by Judge Macleman would require the overall assessment to be made after all of the evidence has been considered and assessed. In other words, and by way of example, one might ask – do the documents support the claim? If yes, is there any reason arising from the documents themselves to reject their authenticity? If no, how does this affect, if it does affect, doubts that have arisen as to the claimant's account? In our view,

> if those doubts are used as *a priori* reason to undermine and reject the documents, there is an obvious risk that supportive evidence is being wrongly excluded from the overall assessment.
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> 35. We remind ourselves of the need to examine the facts with care (sometimes referred to as "anxious scrutiny"), and of the low standard of proof applicable in cases of this nature. We are persuaded that these factors have been given insufficient weight and attention in the more recent decisions. We recognise that there may be cases where the concerns over the veracity of a claimant's account may be so clear-cut that the decision-maker is driven to rejection of supporting documents, even though on their face they appear to be authentic; but even then, given what is at stake, we would expect some consideration to be given to easily available routes to check authenticity. There is no question that these documents are at the centre of a request for international protection. The decision-maker should stand back and view all of the evidence in the round before deciding which evidence to accept and which to reject, and on the proper disposal of the appeal."

33. As with PJ, it is necessary to consider this passage of the opinion of the Inner House in detail. An immediately notable feature of AR is that, at paragraph 30, the Inner House made its own assessment of the "official" documents, holding that these had "the hallmarks of valid documents" and that, at paragraph 33 "they appear to be valid and authentic, for example, where applicable, being duly stamped and signed".

34. It is evident that the Inner House did not find that the FIR and the other document apparently emanating from the Pakistan police required to be verified by the respondent. In paragraph 33, Lord Malcolm did not dissent from the finding of the Upper Tribunal Judge that the respondent was, in this case, under no obligation to verify the documents. The basis upon which the Inner House reached its conclusion was that the Upper Tribunal had not addressed "the logically prior question, namely, did the First-tier Tribunal have and explain a sound basis for their rejection?" The First-tier Tribunal had erred by relying on doubts regarding the veracity of the account given by the claimant as a reason for rejecting the documents when, on their face, they supported his claim. The fact that the Inner House had formed its own view about the validity and authenticity of the documents affected the nature of the requirement imposed on the judge to give legally adequate reasons for his overall conclusion that the appellant was not entitled to international protection.

35. At paragraph 35, the Inner House nevertheless recognised that there may be cases where the concerns over the veracity of an account "may be so clear-cut that the decision-maker is driven to rejection of supporting documents, even though on their face they appear to be authentic". Although paragraph 35 goes on to say that, even then, one would expect some consideration to be given to easily available routes to check authenticity, it is apparent that that the Inner House was not expressing any disagreement with the limitations identified by Fulford LJ in PJ on the respondent's obligations in this area.

> 36. We have already observed how the Tribunal Tanveer Ahmed was at pains to avoid falling into the trap of assuming that, just because an official-looking document emanating from abroad may have been issued by the authority whose name appears on the document, the contents of the document must be reliable. This is of particular relevance in the case of FIRs, the purpose of which is to record an accusation made by an individual about another person or persons. Even if the compiler of the FIR has not been suborned, it can readily be seen that the fact the accusation has been made is in no sense probative of the fact that the relevant authority believes the accusation, let alone of its veracity.
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> 37. It is, we consider, possible to summarise the law on this issue as follows. The IAT's decision in Tanveer Ahmed remains good law. The overarching question for the judicial fact-finder will be whether the document in question can be regarded as reliable. An obligation on the respondent to take steps to verify the authenticity of the document will arise only exceptionally (in the sense of rarely). This will be where the document is central to the claim; can easily be authenticated; and where (as in Singh v Belgium) authentication is unlikely to leave any "live" issue as to the reliability of its contents. It is for the Tribunal to decide, in all the circumstances of the case, whether the obligation arises. If it does, the respondent cannot challenge the authenticity of the document in the proceedings; but that does not necessarily mean the respondent cannot question the reliability of what the document says. In all cases, it remains the task of the judicial fact-finder to assess the document's relevance to the claim in the light of, and by reference to, the rest of the evidence."

7. Applying the law as there set out to the facts of this case, it is clear that there is simply nothing in the grounds: this is not a case where there is any proper ground for suggesting that the Secretary of State had a duty to verify the summons. First, it is not central to the case. It is not central to the case, because on its face it demonstrates no relevance to the facts claimed by the appellant; and there is no suggestion in it that the appellant is at risk of any sort of ill-treatment if it transpires that the police have no proper reason to be interested in him. Secondly, the document cannot be easily authenticated. It is not like the documents in PJ, which purported to emanate from an international organisation. Investigations at the source of this document could not be easily made without disclosing information about the appellant to the very authority from which he claims a risk of persecution. The anecdotal reference to other documents in other cases is of no assistance.

8. Thirdly, even if the document were shown to be authentic, in the sense that it genuinely derive from the authority whose superscription it bears, that would not of itself close any issue as to the reliability of its content, or, indeed, provide any expansion of the reason why the document was issued.

9. The truth of the matter is that although this document, if genuine and reliable, is not inconsistent with the claim the appellant makes, it does not,

even on its face, advance that claim at all. There was no duty of verification; and the First-tier Tribunal Judge was amply entitled to deal with it in the way he did, and did not make any error of law in doing so.

10. For the foregoing reasons this appeal is dismissed.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 27 January 2021