



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/02844/2015

Appeal Number:

THE IMMIGRATION ACTS

**Heard at North Shields
On 26 September 2017
Prepared on 27 September
2017**

**Determination Promulgated
On 2 October 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**H. M.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Brakaj, Solicitor, Iris Law Firm
For the Respondent: Mr Duffy, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant claimed asylum on 23 July 2015, having entered the UK unlawfully the previous day. That application was refused on 6 November 2015.
2. The Appellant's appeal to the Tribunal was heard on 6 December 2016 and it was dismissed by decision of First

tier Tribunal Judge Head-Rapson promulgated on 29 December 2016.

3. The Appellant was granted permission to appeal to the Upper Tribunal on 15 March 2017 by Deputy Upper Tribunal Judge Doyle on the basis it was arguable that the decision was inadequately reasoned. The Respondent filed a Rule 24 notice on 27 April 2017 in response to that grant of permission, opposing it. Thus the matter comes before me.

Error of Law?

4. When the appeal was called on for hearing Ms Brakaj accepted that the grounds advanced two complaints. First that the Judge had failed to give examples of the vague and evasive answers the Appellant was thought to have given, and had failed to put such behaviour to him to allow him to answer that perception. Second that the Judge had given inadequate reasons for preferring to give weight to a report from Amnesty International over the content of a webpage taken from the Wikipedia site. As a result, it was argued, the decision was inadequately reasoned to the extent that the Appellant was unable to see why his appeal had been dismissed.
5. In my judgement these complaints are in reality no more than disagreements with the Judge's conclusions, and assessment of the weight that could be given to the evidence. The decision may be relatively brief, but it is quite clear to the reader why the Judge reached the conclusion that she did. The Judge had the benefit of seeing the Appellant give evidence, and she was plainly unimpressed not simply by his demeanour, but the content of the answers he gave to the questions he was asked. She was not obliged to set out each and every example that led her to that conclusion, it was sufficient to set out her conclusion to that effect. Nor was there any obligation upon her to formally put to the Appellant the proposition that he had given the impression of being vague and evasive and offer him the opportunity to answer that. Moreover there is no obvious reason why the Judge should have placed greater weight upon the content of a webpage said to have been taken from the Wikipedia site rather than a report prepared by AI. It was plainly open to her to make the assessment of weight of the documentary evidence placed before her that she did, and that assessment was adequately reasoned.
6. In the circumstances I am satisfied that notwithstanding the grant of permission the grounds identify no arguable

material error of law. The Judge's decision to dismiss the appeal must therefore stand.

DECISION

The Decision of the First Tier Tribunal which was promulgated on 29 December 2016 did not involve the making of an error of law in the decision to dismiss the appeal that requires that decision to be set aside and remade. That decision is accordingly confirmed.

Deputy Upper Tribunal Judge JM Holmes
Dated 27 September 2017

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Deputy Upper Tribunal Judge JM Holmes
Dated 27 September 2017